

**HYDE PARK DEVELOPMENT REVIEW BOARD  
MEETING MINUTES  
October 6, 2015**

*All minutes are draft until approved; please check future minutes for approval of these minutes.*

Members Present: Malcolm Teale, Chair (MT); Craig Fowler, Vice-Chair; Melvin Harvey; Charlie Aronovici; Pete Sweeney; and Tom Wawrzeniak  
Members Absent: Gary Houston  
Staff: Ron Rodjenski, Zoning Administrator  
Guests: Lawrence Demar; Jason Zimmerman; Fred Prevost; Autumn Prevost; Mulligan; Avery Mulligan; Eric Williams

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MT called the meeting to order at 7:00 P.M.

1. Welcome, Modifications to Agenda and Public Comment. No changes to the agenda; no public comment.
2. #2015-054 submitted by **Larry Demar, Jr.** (Parcel 01-100-363, a&b) appealing a Notice of Violation issued August 24, 2015 regarding an auto repair business operating without required zoning permits at 5169 & 5187 VT 100. The request comes under Section VI, C, Appeals – Decisions of the Zoning Administrator in the 2009 Town Zoning Regulations. The activity is located on 0.8 acre & 0.2 acre parcels in the North Hyde Park / Garfield Zoning District.

MT reviewed the appeal process and asked Larry to clarify what his position is regarding the seven violations issued August 24, 2015.

- a. In regard to Violation #1; No Zoning Permit - Larry stated that he assumed he was grandfathered and bought the property in about 1992 and started doing auto repair work about the same time and had towed vehicles to the prior owner so he thought it was a good spot. Larry stated that he was operating from the property at the time he bought the property in 1992 and came to the 1994 DRB hearing with a tow truck so he thought it wasn't much of a secret. Larry noted that Alison prepared the written document submitted at the time of the appeal of the Notice of Violation. MT swore in Larry. The appellant provided the following testimony on each of the seven violations in the NOV after being sworn in by the DRB Chair.
- b. In regard to Violation #1; No Zoning Permit - Larry testified that he assumed he was grandfathered and bought the property in about 1992 and immediately started doing auto repair work about that same time. He testified that he had personally towed vehicles to 5187 VT 100 for the prior owner so he thought it was a good spot to locate a business. Larry stated that he came to the DRB in 1994 and received a setback waiver for a new garage. Larry stated that since he had traveled to that hearing in a tow truck, he thought it wasn't much of a secret to the town how the proposed garage would be used. Larry noted that his partner, Alison, had prepared and submitted the appeal document for this hearing, so he wasn't able to respond to statements in the written document but would respond to questions the best of his knowledge.
- c. In regard to Violation #2; Salvage Yard – Larry stated that he doesn't sell used parts but has acquired many used vehicles that he hopes to repair or sell. He stated that he feels he is not a salvage yard but needs parts to operate with some stored vehicles. Larry offered that he has no storage of excess vehicles any more as he has found an alternate off-site location for any overflow. Larry offered that the salvage yard has been rectified by his recent removal of excessive vehicles since receiving the Notice of Violation.
- d. In regard to Violation #3; Change of use – Appellant did not offer any information regarding what the level of pre-existing use was, however a sketch of what he was seeking to allow some use of the property was provided at the time of appeal.
- e. In regard to Violation #4; Wellhead Protection Area – Larry offered that he had not been provided with information on the protection area but state that any activity that might pose a risk to water supply has been cleaned up since the receipt of the Notice of Violation.
- f. In regard to Violation #5; junkyard – Larry stated he has cleaned up the property since the Notice of Violation so there are no more junk vehicles.

- g. In regard to Violation #6; flood hazard – Larry stated that he would hire a surveyor to map the boundary and determine if a LOMA can be issued for the use of the parcels for the commercial uses. Ron Rodjenski stated that the town had determined the parcel to be partially within the flood hazard area.
- h. In regard to Violation #7; junkyard in floodway fringe – Larry reaffirmed that the property was not now being operated as a junkyard. Larry stated that he felt his auto repair use is grandfathered due to the length of time he has operated the business, beginning in 1993.

MT asked if Mr. Demar had anything additional to provide to the DRB and Larry stated that he did not have any additional testimony or evidence. Motion by Melvin to close the hearing and move into deliberations. Seconded by Pete. Discussion: Pete asked if anyone present in the audience had any additional comments and no comments were received. Voting: 6 in favor, 0 against, motion passed.

- 3. #2015-058 submitted by **Frederick Prevost** (Parcel 04-035-001.002) for a conditional use and site plan review to convert a residential detached garage to an auto repair shop. The request comes under the 2009 Town Zoning Regulations, Section II, D, Conditional Uses #9, All other land uses. The property is located in the RR2 Zoning District at 37 Whitcomb Island. The application also seeks to create a vehicular easement to serve the property of William Ashline at 39 Whitcomb Island Road. The proposed easement crosses the Prevost parcel and a parcel owned by John Grogan and a third parcel owned by Nancy Pope. The easement request comes under the 2009 Town Zoning Regulations, Section IV-A, C, Frontage and Access and under the 2009 Town Subdivision Regulations under Section IV-A, A (3), Frontage.

MT swore in Fred Prevost. Fred provided an overview of the differences between the prior permit application which was denied by the DRB earlier this year and the currently proposed project. Fred advised that noise, traffic and stormwater issues have been addressed and Bill Ashline's driveway is proposed to be relocated to cross Nancy Pope's parcel. Fred advised that he has insulated the detached garage to help reduce noise and the air compressor is in its own room. Fred provided the DRB with a sketch of the parcel showing the new location of the Ashline driveway, parking for the business along a new 8' high fence along the Ashline/Prevost property line. Two culverts are proposed for the Ashline drive and one for the business parking area to the south of the repair garage. Bill stated that his biggest concern was that his own entrance is moved first, then a fence built and noise kept low, possibly with trees and showing respect for his need to sleep during the day due to him working a third shift. Fred stated that they would proceed with the survey and legal process to create a new easement if the DRB approves the project as presented. Motion by Melvin to close the hearing and move into deliberations. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

- 4. #2015-056 submitted by **Town of Hyde Park** (Parcel 08-015-149) for conditional use and site plan review of a proposed **trailhead facility** at 85 Depot Street Extension on land owned by the State of Vermont and adjacent to the Lamoille Valley Rail Trail. The facility consists of one 10' x 14' trailhead structure and parking area along the south side of Depot Street Extension. The request comes under Section II, D, Conditional Uses, Public and civic facilities, of the 2009 Town Zoning Regulations.

Roger Audet, Selectboard member representing the applicant, reviewed the proposed trailhead structure at 10 x 14 feet with a small parking area along Depot St Extension. Ron reviewed the environmental testing that is planned to be completed by the State before the town proceeds with construction. The DRB reviewed the plans submitted. Aaron Martin asked for clarification on the location and Ron explained that the parking & trailhead structure is on the west side of the cut-through road between Morey Road and Depot St Extension and a possible alternate location for a trailhead structure is on the east side of the cut-through road. Motion by Melvin to close the hearing and move into deliberations. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

5. #2015-057 submitted by the **Town of Hyde Park** (Parcel 21-002-015) for a **setback waiver** request on behalf of Jennifer and Aaron Martin at 13 Depot St Extension for a 10' x 20' shed. The request is part of a town stormwater improvement project. The request comes under Section IV-A, A(2), Setback Waivers, of the 2009 Town Zoning Regulations.

MT swore in Aaron Martin. Aaron reviewed the proposed shed location and design of the new shed to be along the west side of his driveway and 25 feet from the centerline of Depot St Extension. Aaron confirmed that he is seeking a zero setback for the front property line noting that all of the setbacks on his property restrict what he can do due to the small size of the parcel. Motion by Melvin to close the hearing and move into deliberations. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

6. Continuance - #2015-040 submitted by **Jason Zimmerman** (Parcel 21-015-040) requesting approval for "all other commercial uses" to allow a home industry with an outdoor display area near Route 15. The request comes under Section 223, k of the 2000 Village Zoning Regulations. The property is located at 261 VT Route 15 East in the Low Density Residential – Agricultural Zoning District.

Motion by Melvin to continue the public hearing to November 3 at 7:00 p.m. so the applicant may continue to work on his engineering information requested at the September DRB hearing. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

7. Continuance - **Sterling Meadows Farm, LLC** (Parcel 015-038-90.104) for a two-lot subdivision, one new 2-acre parcel off the Class 4 Town Highway, Webster Road, for a single-family home and the remaining lands of approximately 80 acres to remain undeveloped. The application requests a waiver of the sketch plan hearing requirement to make this the final hearing. The request comes under the 2009 Town Zoning Regulations and 2009 Town Subdivision Regulations. The property is located off Webster Road and is in the Rural Residential 2 Zoning District.

Motion by Melvin to continue the public hearing to November 3 at 7:00 p.m. so the applicant may continue to work on the access issues to the 2-acre lot with the Selectboard. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

8. **Deliberations** – Motion by Pete to move into deliberative session, inviting Roger Audet, on the applications tonight. Seconded by Craig. Voting: 6 in favor, 0 against, motion passed.

9. **Minutes** – Motion by Melvin to approve the September 2, 2015 minutes, as written. Seconded by Craig. So voted.

10. **Other Business** – None.

11. **Adjourn** – Motion by TW to adjourn, seconded by MH, adjourned at 8:50 p.m.

Respectfully Submitted, Ron Rodjenski