Town of Hinesburg
Development Review Board
Tuesday October 4, 2011

Approved October 18, 2011

Members Present: Kate Myhre, Dennis Place, Ted Bloomhardt, Tom McGlenn, Zoë Wainer, Dick Jordan, Sarah Murphy (only for Thibault application)

Members Absent: Greg Waples

Also Present: Alex Weinhagen (Planning/Zoning Director), Mary Seemann (Recording Secretary), Steve Rowell, Carmie Rowell, Gary Thibault, Mary Thibault, Jean Isham, Katherine Seidenberg, Margaret Seidenberg-Ellis, Ann Pearce, George Holoch

Tom M called the meeting to order @ 7:32pm

Thibault, Gary & Mary #09-01-53.000

2-lot subdivision of the Spillane/Thibault property located in the Village District on Route 116.

Alex W had drafted an approval decision for the Board. **Gary T** said he read it over and has no trouble with it. **Gary T** brought up a point of interest; he said he doesn't know if there is an egress to Lyman Meadows because a Right-of-Way isn't mentioned in the deed. He was asking if this would become a problem and how could he fix it if he needed to.

Zoë W asked the Board if they should have an Order in the Final Approval to be more specific on the Right-of-Way.

Dick J agreed saying "just to make sure one way or the other".

Alex W said they could be more specific on this if they wanted. If there is a Right-of-Way it has to be shown. **Alex W** said it would be up to the Thibault's surveyor to verify there is one and where it is located and this can be done through the Land Records. The surveyor shall demonstrate if a Right-of-Way does exist.

Tom M asked if there were any more thoughts, comments or questions from the Board. He then asked if anyone in the audience had any questions or comments. There was no reply. **Tom M** then made a motion to accept the modified decision and close the public hearing. **Dick J** seconded. 7-0. ***THE MOTION PASSED***.

Sarah Murphy left the meeting.

Green St. LLC #20-50-43.000

Approval for Revision to a Previously Approved Subdivision & PUD for property located in the Village District on/at the Charlotte Rd and Green St. intersection. (west of VT Route 116, south of Charlotte Rd, and east of the LaPlatte River).

Tom M explained to those in attendance that the Board did have a short site visit before the nights meeting and gave some observations. **Tom** M said the group went down Charlotte Rd and walked the sidewalk to the first building. The Board members saw a retaining wall, and they walked to the upper deck. **Tom** M said it was something to actually walk the sidewalk as the Board has only seen renderings of the project.

Dennis P said the Board saw some of the sidewalk and it looped back into the complex.

Zoë W said the Board also saw a stormwater pond.

Mac Rood said at its concept, this project was originally to be a townhouse/condo development and now Mac R and Rob B are requesting to have the homes be fee simple lots so each can have their own individual lots. Mac R said would make it easier for the owners to get loans. Mac R said that he would discuss all the issues one at a time.

Alex W said the last time the Board was okay with the changes Mac and Rob were asking for, this time the applicant is asking for height waiver.

Mac R said first is the height issues. He stressed they haven't changed the look of the project since first submitting an application. **Mac R** said he and **Rob B** have always been thinking of the town sidewalk as grade for the purpose of calculating building height. He showed a diagram of the house they had visited before the public hearing, and showed the different roof pitch they are asking a waiver for. **Mac R** said for them to be in compliance with the current height restriction they would have to use a flat or lower pitch roof but they would prefer not to do that. **Mac** R said the Fire Chief came out to the project to look at what was being requested and the Fire Chief said he was not concerned about the additional height. Per an earlier revision, the road profile is 4' lower than what was originally approved. **Mac** R said they are asking for a waiver to allow up to 40' of height instead of the 35' on some buildings as it is not necessary for all buildings to get the waiver. **Mac R** showed on the layout which homes would not need to have the waiver and then showed the buildings that he is specifically requesting the waiver for.

Max R said the second issue is the retaining wall. He showed where they were located and said he doesn't know if the wall will be needed for the entire project.

Alex W said the only concern the staff has is on the western side of the project, the side seen from Charlotte Rd. **Alex W** said the Board wasn't sure about adding a concrete block wall and then having a 35-40' structure on top of it. He said the Board doesn't usually require permits for retaining walls, but this seemed like a significant change to them.

Rob said the retaining wall would not change the height of the buildings.

Mac R said his last issue is regarding the area between the sidewalk and driveway. He said he doubts that the area would be an area where grass will grow, it will probably be just a mud patch.

Tom M asked what will differentiate the sidewalk from the road. **Rob B** said they looked at what would be practical, and having it painted seemed logical. With the area between the sidewalk and the road only being 10" to a foot wide, the idea was to have it painted because the paint will last a couple of years, and it will have to be maintained.

Zoë W asked about landscaping.

Tom M said the Board had a draft decision but he wanted to make sure the Board members have addressed all that is being requested.

Dick J is concerned about the height and he is curious about how the extra height will impact the surrounding properties.

Zoë W said she feels comfortable with granting the waiver and deal with the tower later.

Tom M asked if there was any more discussion.

Alex W suggested the Board close the public hearing, figure out what language they want in the approval and finalize it at next meeting.

Ted B made a motion to close the public hearing and the Board take this application up in deliberative session, **Zoë W** seconded the motion. A vote was taken. 6-0 *THE MOTION PASSED*.

Mobil/Jolley: #16-20-68.000

Sign approval

The applicant did not show.

Zoë W said she doesn't feel the Board has gotten a good idea on the proposal and thinks they should put off making any decisions.

The Board had a discussion on the brightness of the LED lights that Mobil wants to use but no decisions were made.

Tom M made a motion to move and continue this application to the Oct 18th meeting. **Dennis P** seconded. A vote was taken. 6-0 *THE MOTION PASSED* .

Rowell, Steve & Carmie: #04-01-20.000

Final Plan approval for a 2-lot subdivision on Weed Road.

Zoë W asked if Facts and Findings is #9 is accurate regarding density as it is focused solely on PUDs in the Agricultural zoning district rather than the history of all subdivisions in this district.

Ted B asked if what the Board decides on this subdivision does this establish a precedent for any future development in the Agricultural District. **Ted B** said he doesn't want to be creating a defacto density precedent in the Agricultural District.

Steve R said he could create an association and invite the neighbors to join. All the neighborhood shares in the upkeep of the road and with having an association would let any new residents know that they will be sharing in the upkeep. He could have them sign on for the maintenance.

Dick J said having an Association that would go with the property is a great idea.

Steve R said they have had only 1 issue over the last 25 years, and the neighbors do work together on snow removal and upkeep of Weed Rd.

Dennis P asked if there should be something added regarding the "pull offs" having to be maintained by the Association.

Steve R said he and Carmie walked the road today and thinks his neighbors will be happy to know there will be no need to remove any trees to maintain the pull offs and Weed Road can accommodate 5 pull offs.

Ted B said they should talk about the intersection of Weed Rd and Shelburne Falls Rd.

Steve R said if the Board wants an apron on the road, his son-in-law does paving and he can have him put the apron on, just tell him the dimensions they want. He asked if Weed Rd has been classified as a Class IV road.

Alex W said the town did talk to the town attorney and it sounds like the Selectboard is going to classify Weed Road as a Class 4 road.

Tom M asked if there were any neighbors present who would like to state their comments. There was no reply.

Steve R said the delineation was done by Dory yesterday.

Zoë W asked how it will affect the planned driveway.

Steve R said he would have to come in 50' from the boundary for the driveway. **Steve R** asked if he needed to have the mound system designed before an approval.

Alex W told Steve R he will need to have a Survey, a septic design, and intersection redesign for the next meeting as that would be his final.

Ted B moved to close the public hearing and direct staff to write an approval. **Dennis P** seconded. A vote was taken 6-0. ***THE MOTION PASSED***

Seidenberg, Ellis, & Pearce: # 11-01-21.000

3-lot subdivision for the three daughters of the Gwendolen Pearce property located in the Agricultural District on/at the west side of Silver St. opposite the Lewis Creek Road intersection.

Catherine Seidenberg introduced her sisters, Margaret Ellis and Ann Pearce. She said the subdivision is located on Silver St. and gave a breakdown of how they would like to divide the 20 acres. The first lot (4.2 acres +/-) would be the property with the brick house and barn on it now. She showed where the Lot #2 (6.7 acres +/-) would be divided. She showed where the new curb cut could be located, and said she met with Mike Anthony to discuss this possibility. She said this new curb cut would be and improvement as it has good vision in both directions. It is also not impinging on any wetland, or natural elements. **Catherine S** then showed where she had the driveway located. She showed where the house site could be placed on the lot saying the house would be buffered by trees.

Lot #3 (6.2 acres +/-) is within the wetlands and there is a Right-of-Way through lot #2. The proposed house site is good because it is not visible from the road, and there are some mature trees to protect it from road noise.

Tom M asked if the existing curb cut would be used for lot 2, and **Catherine S** said no as it is a bad location. She said the old curb cut is in a dangerous area with very poor visibility in either direction. The proposal is to continue to use the existing curb cut for the existing house only. However, she also showed where she thought an alternative driveway entrance could be located on lot 1, which would be to the north corner of the property.

Tom M asked if Mike had looked at other curb cuts locations and Catherine said yes. The other issue is the house site for #2.

Catherine showed that in certain areas a house on lot #2 would be too visible to traffic. She showed where she thought a house could be located showing a site area that would be on flat land and would be absorbed by the landscape. Plus it would have a beautiful view. By moving it there the house would line up with the house on Lot #3.

Tom M asked if the field was clay, and Catherine said it was which makes it a disadvantage.

Dick J asked what the buffer on the property is. **Alex W** showed a map showing the buffers on the properties and wetlands.

Zoë W said the Board should probably do a site visit to get acquainted with the layout of the land. She would feel better on making any decisions.

Tom M said besides her sister he asked if there were any neighbors who had comments.

George Holoch, a neighbor just north of the property said what he has seen it all looks good to him. He was worried at first that there was going to be a large development but once he saw the plans he feels better and the subdivision looks good to him.

Ted B said he didn't see any fatal flaws.

Zoë W said moving the current driveway from the house to the north corner of the existing property could be an important feature.

Catherine S said they were hoping not to have to do that themselves. The sisters' are selling that parcel and they figure the new owners might want to do something else with the land and driveway.

Tom M asked Margaret (who came up from Pennsylvania), if she had any questions for the Board. She asked if the Board is going to have a site visit and **Tom M** said yes but not at night perhaps on a Saturday.

It was discussed that October 15 would be a good day for the site visit as most board members could make it. They settled on 8am on October 15, meeting at the existing house. **Tom M** moved to continue this at the October 18th meeting. **Ted B** seconded, a vote was taken. 6-0 ***THE MOTION PASSED***.

Other Business:

Hannaford was scheduled to return to the DRB on October 18th but has asked to come back on Nov 15th.

Tom M closed the public meeting and the Board went into deliberative session at 10:14pm.

The Board came out of deliberative session and the meeting was adjourned @ 11:00pm

Respectively Submitted

Mary Seemann
Recording Secretary