Town of Hinesburg
Development Review Board
July 5th, 2012
Approved July 17th, 2012

Members Present: Zoë Wainer, Tom McGlenn, Dennis Place, Greg Waples, Dick Jordan
Members Absent: Bill Moller, Sarah Murphy, Kate Myhre, Ted Bloomhardt .

Also Present: Peter Erb (Zoning Administrator), Freeda Powers (Recording Secretary), Renae Marshall (doing ghost minutes) Alex Weinhagen (Director of Planning & Zoning).
Representing Applications: Will & Kathleen Patten, Doug Nedde, Mac Rood, Luke Willey, Cliff Collins, Chris & Mark Burnette.
Public present included: John Roos, Margery Sharp, Dorothy Pellett, Thomas Dodge, Ken Brown, Frank Koss, Martha Keenan, Joe & Anne Iadanza.

Tom McGlenn chaired the meeting, which started at 7:30pm.

Redstone: Tax Map #20-50-66.000.—CT'D The board picked up on this application for Conditional Use/Site Plan for a proposal to convert the empty free-standing building located at the Old Cheese Factory property (#10516 Rte. 116) to a full service restaurant & tavern.

Will P said he received 130 suggestions for names for the new restaurant and decided on Hinesburg Public House. The board looked at two draft approvals provided by staff; one addressing the Stream Buffer Zone, the other to address the Site Plan & Conditional Use. The applicant offered revised plans based on concerns raised at the last meeting (hours of operation, etc.) Included in the approval request is the addition of an engineering firm called Senix. No changes are required to the site plan for this additional use. Senix is a light manufacturing company out of Bristol with 10 employees and flexible business hours. They make measuring devices using electronic sensors. They manufacture and take orders onsite.

Dick J asked if the approval provided is for that specific use. Alex W noted that it is a Permitted Use, and therefore only needs to fit into the proposed site plan.

Tom M asked about the existing tiled area outside and asked if the applicant plans to use that space for parking. The applicant said no, for now it will be left as an open space. Zoe W said she sees parking as the main site plan concern. While it seems adequate now, she would like to see a parking plan that anticipates the full use of the entire building.

The applicant noted Order #2 in the Site Plan; saying a Farmers' Market or Physical Therapy tenant is possible for the remaining space, but whatever ends up there will help to determine the definite Green Space Plans and ultimately the final parking layout as well. The applicant would like to wait to address that until the existing space is leased.

Tom M asked the applicant to define the remaining unleased space they are referring to. Doug Nedde noted the 3 large overhead door area. Tom M suggests mentioning the specific space in the Order.

Zoe W asked how much space is remaining unused. Doug N said about 7,000sf. Zoe W asked if they anticipate a use that would further burden the parking now available. Doug N said he feels they have adequate parking onsite, saying they need 40 spaces and have 71 available.

Tom M asked about 2nd/3rd shift workers. Doug N said he does not anticipate those shifts, saying perhaps VT Smoke & Cure might have 2nd shift workers at times. Tom M cautioned that those hours could potentially conflict with the late closing hours of the restaurant.

Dick J cautioned that other approved uses could come to the site and if that were to happen, the board would not have an opportunity to address the increased parking need. Alex W said that is a valid concern, but assured the board that such uses would still be required to go through the zoning administrator. Alex W noted VT Smoke & Cure and the VT Organic Creamery, two new tenants on the same site; the intention for those businesses is that the owner would come back each time for revised approvals based on changes in parking needs/limits. He suggested the board could stipulate something similar in this approval if they would like.

Dick J said it sounds to him like there is a concern around parking and Green Space already. Peter E said another issue with parking is that the landscaping and line striping need to be addressed as well. Doug N again suggested they be allowed to address those concerns further when the remaining space is leased. He restated that there is additional parking available in the future should the need arise.

Alex W suggested the board address these concerns in Order #2 and add a Condition to require the applicant to return with each new tenant to address traffic and landscaping. He recommends the board speak specifically in their Decision. Zoe W said the applicant would have to come back as a change to Site Plan if they decided to build more parking any way. Tom M also suggested they put a time frame on this. Greg W asked if the applicant had any idea how soon they might have a new tenant. Doug N said he would like to have 12 months. Greg W suggested the end of Summer 2013. The board agreed.

Dick J voiced his concerns about the late closing hours on Friday and Saturday (12 midnight). He wondered why this applicant was being considered for such late closing hours when most other businesses in town close by 10pm. Greg W said bars & restaurants are allowed to stay open later.

Greg W said his concern is the proposed music onsite; live or not it can not be disruptive for people 150' away. Will Patten said there will not be live music, no dance floor, this is a dinning establishment. In regards to the closing time, Will P said they do not want to have to throw patrons out if they are having a good time, and he does not foresee any problems with the closing hour. Dick J said his concern would be in people leaving the area so late; would that be disruptive to the neighbors. Tom M said technically, the state law allows bars to stay open until 2am.

Alex W said while 10pm is the norm for Hinesburg, he wondered if they could compromise, closing at 11pm. Doug N resisted, saying he would hate to see this project be so restricted as it is a tough business already. Tom M said he personally has no problem with the project. Will P said his restaurant will be a community restaurant, not a college hang out.

Kathleen Patton reminded the board that once the kitchen closes at 10pm, there remains a great deal of clean-up work to do, and in that regard, 12pm is reasonable in her opinion. Dick J said he understands that, but says to him it is different to have employees remain there until midnight rather than patrons.

Tom M asked if the applicant had addressed concerns around the front façade of the building. Doug N said yes, they increased the number and scale of the windows, enhanced the entrance and included a

sign. They have decided to keep the entrance canopy flat rather than gabled as had been suggested, as they see it as less "residential" in appearance.

The board viewed recent photos of the building as it exists currently.

Will P noted where the proposed porch with a wooden railing, a ramp for handicap access, a canopy, and sign will be. He said he doubts the existing trees can be salvaged. Greg W mentioned that a neighbor to the North of the project has voiced concerns regarding noise/privacy. He wondered what room is the new proposed window on the North elevation viewing? Will P said that room will be the Function Room and will be used for private parties. He also said he has spoken with that concerned neighbor and feels they are on good terms regarding the project.

Zoe W said she has walked by the site and found that there is a sheer drop down, she wondered how the applicant proposes to deal with this in reference to screening. Doug N said he is clear on the Official Map vision for public access and said he too noted the steep bank drop (about 10-12'). He said it is unclear how to address these concerns without being in conflict with the Stream Buffers. He said as of now, they have no solution to that. Zoe W asked if the current plans comply with the Official Map. Alex W said yes.

John Roos spoke from the audience, saying he likes the design changes and also would like to see some plans that address the canal side. He said a trail does not have to go *to* someplace; it might just be a nice place people want to visit and relax.

Frank Koss spoke from the audience, saying in regards to the hours, he suggests the board grant the applicant approval to remain open until midnight, saying time will tell if it is a problem but that he does not see it as a public safety concern.

Martha Keenan spoke from the audience, saying she would like to see the applicant allowed to remain open until midnight, she feels it would be a great addition to the town.

Zoe W asked to discuss Storm Water plans. Doug N explained to the board that a connection between two existing manholes onsite has collapsed and is in need of repair. Currently, they are using an electric pump to get the water to the stream. They would like to make a connection between the existing manhole and the stream; they will protect sensitive areas and will not increase water volume.

Dick J asked if that connection would be superseding any existing treatment. Doug N said no. Tom M clarified that there is *no* treatment going on to the storm water onsite. Doug N clarified, saying there are baffles in each manhole (installed within the last 12 months) which are inspected annually. Alex W also noted there is very little available space onsite for actual treatment to take place. While there are few options for treatment at that site, he noted the Master Plan #3 &#5 address this.

Tom M made a **Motion to Approve Both** draft decisions as amended. Dennis P **Seconded** the motion. All were in favor, the board voted **5-0.**

Hinesburg Center, LLC: Tax Map#: 08-01-06.322—CT'D The board continued this application from June 19th as well. Brett Grabowski, representing this application for Conditional Use for the recently constructed building next to Kinney Drugs(corner of Farmall Dr and Rte. 116) was unable to be at tonight's meeting.

Alex W presented the board with draft approval language based on the hearing held 6/19, noting the Condition referencing the construction of a sidewalk prior to a CO being granted. The applicant did want the board to note an existing utility pole at the corner of Farmall Dr & Rte. 116 which will be removed (wires being laid underground). That will be addressed in a coming hearing on August 7th, but Alex W told the board, the applicant wants to be able to occupy the newly constructed building before this work happens. For that reason, they are requesting an 18 month extention to complete that sidewalk while allowing them to receive their CO in the interim. There are 3 entry ways to the proposed Bakery/Café area, all of which are currently available for use.

Zoe W asked if the applicant had interim plans for that space. Alex W said that is a good question, one which has not yet been discussed with Brett Grabowski (developer). Alex W suggested the board could wrap that into their decision; requiring stabalizaiton of the bank with seed planting or some other form of erosion mitigation. It stands to reason the complete landscaping plan for the site will also be put on hold.

Dick J said the main concern would be safety, the area should remain safe for the time while the applicant awaits further completion of the project. Greg W said the portion of the project being referred to is not an entrance/exit point, therefore he has no problem with the request. Dick J said it is not an access point until it is finished, but at that time it will be. Alex W suggested they can address that in the Conditions as well, but ultimately he does agree the area should be graded/stabilized. Dick J said the West side should be considered for safety also, as it too will be unaccesable. Tom M said he would like to hear from Brett G on this. Dick J suggested language to read *"all access points shall be made accessable in the interim"* with a time frame attached. Peter E suggested the applicant use back fill for the time being. Greg W suggested Conclusion #4 in the Order to be dead lined at the end of the next building season. The board agreed.

Martha Keenan spoke from the audience, saying she believes the Public Safety offices won't give the applicant a CO without safe egress.

John Roos spoke from the audience, asking about walkability; he would like to see a crosswalk on the North side of Farmall Drive in order to make crossing over to Commerce Street safer. Dick J reminded him that the State makes that call, not the Town.

Zoe W made a **Motion to Approve** as amended and to close the public hearing. Dennis P **Seconded** the motion. All in favor, the board voted **5-0.**

Jolley Associates: Tax Map #: 16-20-68.000—CT'D The board took up this application, also continued from the June 19th meeting. Mac Rood (architect), represented this proposal to expand the existing structure at the intersection of VT Rte. 116/Commerce Street (Mobil Station).

Mac R began by saying he had reviewed the proposed approval language provided by staff and felt he was in agreement with it. Tom M asked if he was agreeable with Order #1, which mentions the construction of a walking path within a year. Peter E noted that should specify

sidewalk rather than *path*. Mac R asked if the path was to be asphalt. Tom M said he believed they had discussed and agreed upon concrete, in order to "match" the opposite side. Alex W spoke, saying he recalled the discussion being that the path be 6' wide and made of asphalt to Riggs Road in order to maintain consistency with that rec path. Alex W said asphalt is more affordable and easier to maintain.

Mac R said Jolley is open to being flexible about the location and ultimately assured the board the path will be determined in consultation with the town. He said in his opinion, the area is not conducive to a traditional concrete sidewalk.

Peter E suggested the board stipulate the width at 6' and adding language such as *per engineering standards* for installation. Martha Keenan spoke from the audience, saying typically, concrete sidewalks are a standard 5' wide; so she discouraged the board from stipulating 6' width if they also require concrete construction. Peter E clarified, he intended the language to specify *6' width& asphalt* construction.

Greg W said his main concern is that the decision fails to mention moving the air pumps/vacuum hose and also fails to describe plans to install painting to facilitate traffic flow on the East side. Mac R said his civil engineer, Chris Galipeau, was of the opinion that the site works as is; and that if the loading area becomes too congested it would be feasible to relocate it to the North side.

Zoe W was of the opinion that the decision to relocate those items (loading area *and* air pumps) had been made at the previous hearing (June 19th). Peter E suggested adding language to read something to the effect of *"if traffic concerns arise…"* in order to trigger enforcement of further mitigating options. Mac R was ok with that suggestion. Tom M wanted to know what would be the trigger for that enforcement. Peter E said he would need evidence that can be corroborated (photos/police/patrons reports). Greg W said he feels the board clearly raised traffic as a concern in the June 19th hearing and that the applicant is not addressing that. He wants the plans improved.

Dick J said to him it looks potentially unsafe. He feels the loading area should be moved to the North side of the building. Mac R agreed to that modification. Tom M said he feels the air pump/vacuum hose should also be relocated, suggesting the NW corner of the lot. Mac R said they would rather avoid the costs of moving the air pump if they can.

Zoe W suggested adding a Condition to move the loading area to the North. Peter E suggested moving the air pump to the East of the existing pole. The board agreed. Mac R again noted the desire to avoid extra costs of relocating the air pumps and asked if the board would be agreeable to a trigger as in Order #2.

Joe I spoke from the audience, saying for safety alone, they should relocate the air pumps/vacuum hose to the NW corner of the lot. Martha Keenan spoke, saying she, too thought the decision had been made at June 19th to make these changes.

Zoe W suggested leaving the final decision open, and asked for a revision of the draft. Mac R said he would rather have a decision made tonight, and asked again that the board approve the project with Conditions.

John Roos spoke, asking about the placement of the proposed sidewalk in relation to the existing ditch along Rte. 116. Martha K said there is a moving easement and said there is room for the path.

John R asked about large fuel trucks, wondering if anyone had done measurments to assure their ability to maneuver. Mac R said all plans are shown to scale and suggested there is adequate room for trucks.

Tom M made a **Motion to Close the Public Hearing** and take up concerns in a closed deliberative session. Zoe W **Seconded** the motion. All approved, the board voted **5-0.**

Burnett Scrap Metal: Tax Map #04-01-31.000 Conditional Use/Site Plan; Proposal to build a 13,000 sq. ft. structure on existing parcel for improved efficiency and consolidation of operations. Property located at 8855 Rte. 116 in the Rural Residential 1 District. Luke Willey, Chris Collins and Mark & Chris Burnett represented this application.

Luke Willey described the proposal and said there are no plans to increase in volume, scale or size of operations; simply trying to consolidate operations to clean up the yard and improve working conditions for employees as well as to maintain secure holding area for high value metals. He noted that some outdoor storage will remain onsite. Landscaping will include removal and replacement of several existing and failing Pines as well as additional plantings of new trees. Plans also include removal of existing fence facing Rte. 116.

Zoe W asked how does one judge the square footage being occupied currently by outdoor operations. Peter E said it is hard to be certain regarding the expansion (in terms of size, volume) of the business and suggests areas being cleared remain clear, to ensure there is not expansion taking place. Luke W said what you see in the yard is not indicative of expansion or consolidation; the amount of material fluxuates throughout the season, throughout the years. Greg W asked the applicant to reference or acknowledge a ledger of the # of tonnage processed by the business per year. The applicant said they do not see the question as being relevant. Greg W clarified, saying it speaks to the possible expansion of the business.
John Roos spoke from the audience, saying he thought the definition of a Junk Yard was that materials should be stored outdoors. He feels the proposed building won't be enough space to cover what they have on site. Tom M clarified the proposed building is 13,000sf and should be adequate for consolidation of operations as intended. Peter E read the definition of a Junk Yard, noting the project here is grandfathered in. Chris Collins also spoke, saying a *portion* of operations should be outdoors, not *entirely*.

Joe Iadanza spoke from the audience; he is an abutting landowner. He voiced concerns around lighting, building height, sound and traffic generation.

The applicant said they have not yet decided on a color for the building, but that it will be constructed of metal with a concrete floor. Floor drains are not allowed by the state unless they are tied to the municipal line, so for now there are none proposed. The lights proposed will be over the entrances and will most likely be shut off at closing time (5pm) and will all be downcast. The height for the building was designed to accommodate trucks, so the most they can change would be to lower the peak. The existing berm will remain for noise protection. The applicant will be getting one additional indoor fork lift.

Zoe W requested a site visit. Greg W, Ted B and Dick J have already been to the site previously in 2008, but it was agreed that another site visit would be helpful. The public is welcome, and will be at 6pm prior to the DRB meeting on August 7th. Tom M made a **Motion to Continue Public Hearing and do Site Visit on August 7th.** Zoe W **Seconded** the motion. All in favor, the board voted **5-0.** Peter E suggested the applicants mark the proposed building location as well as existing outdoor piles/areas that are intended to be moved indoors.

Minutes from June 19th, 2012 Meeting:
Zoe W ***MOVED to approve as amended***. Greg W **seconded** the motion. The motion ***PASSED*** **5-0**.

Other Business: None.

Tom M made a **motion to go into closed deliberative session.** Zoe W **seconded** the motion. The meeting **adjourned at 10:15pm**.

Respectfully Submitted,
Freeda Powers--Recording Secretary