Town of Hinesburg
Development Review Board
October 16, 2012
Approved November 6, 2012

Members Present: Zoë Wainer, Tom McGlenn, Dennis Place, Dick Jordan, Ted Bloomhardt, Greg Waples and Kate Myhre arrived late and sat in the audience until the Hannaford deliberations. Sarah Murphy sat in on the Back to Basics, Thibault Farms & the Norris applications. Bill Moller sat in on the Norris application only.

Also Present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning), Renae Marshall (Recording Secretary) .
Public present included: Dorothy Pellet, Gill Coates, Margery Sharp, Dale Wernhoff, Sheila Jacobs, Jody Ciano, Keith Roberts, Carolyn Fenn, Frank Twarog, Chuck Reiss, John Roos.
Representing Applications: Bob Provost, Steve Carlson, Will Patten, Mary & Gary Thibault, David Burke

Tom McGlenn chaired the meeting, which started at 7:32 pm.

Minutes from September 18, 2012 meeting:
Greg W. **MOVED to approve as written**. Zoe W. seconded the motion. The motion **PASSED 5-0**.

Carlson/Provost: Cont'd from October 10th—Subdivision Revision—Applicant is requesting a revision to the subdivision approval that was granted on 8/5/2005 and subsequently revised on 1/3/2006 and 5/1/2007. The original engineering plans had a condition which stipulated that Upper Access Road be improved to 18 ft. in width. The applicant is requesting that this condition be removed. This property is located in the Rural Residential 1 Zoning District.

Zoe W. stated they held a site visit this past Saturday at 9:00 am. Zoe W., Dick J., Dennis P., Ted B. and Peter Erb attended the site visit with Bob Provost. Bob P. guided them on a walk of the entire length of Upper Access Rd. Bob had placed stakes 15 ft. apart on each side of the road to get a sense of what the width currently is in relation to 15 feet. They noted that pull-off #1 was much closer than 500ft; pull-off #2 was very wet. Bob P. indicated an alternative location below that, closer to Pond Brook Rd, for this pull-off. For pull-off #3, Bob P. had done some work clearing and removing trees prior to the site visit. They were able to see where the Carlson's house, and then near their second driveway, he had set the stakes 14 feet apart where there was rocks and ledge that Bob P. had referenced in the last meeting as the most restricted part of the road. We continued on to the point of where the driveway is for the lot in question. The purpose of this site visit was to essentially gauge what the road looked like in terms of width, pull-offs, etc.

Dennis P. added that Bob P. showed them where he would widen the road and put new gravel down. Bob P stated that prior to the site visit he had spent time clearing the shoulders. He was able to clear 3-4 ft. on each side of the traveled road.

Bob P. commented that the passing ability appeared sufficient in terms of meeting oncoming cars with the exception of a portion of the road near the Carlson's driveway where there are cedars. Bob P. felt those could be trimmed back for improved site distance. Bob P. described

the work that he has done to date as well as the work he still intends to complete to meet the desired road width and pull-off specifications. Tom M. asked if pull off #2 was referred to as a separate easement. Bob P. replied that he doesn't think it is a separate easement but rather a requirement of a designated pull-off within the easement. Peter E. believes the easement was created prior to the formation of this subdivision.

Ted B. asked for clarity on the proposal with the exception of the 14 ft. easement beyond the Carlson's driveway. His understanding is the proposal is for a minimum of a 16-foot cleared roadway with a 15 foot traveled portion at this point. Bob P. stated that he had simply staked out 15 feet of travel to give a reference for what 15 feet looks like. He added that some places were 15 ft. and some portions of the travel area were less and some were more. Dick J. noted that from the site visit the slopes didn't seem to be of significance at all to impact the ability to push back snow banks in the winter. Dick J. also noted that the turn by pullout #3 needs more gravel on the inside shoulder.

Tom M. asked if there was currently a homeowner's association. Bob P. replied that yes, there are currently 4 members and this would be the 5th. Peter E. stated there are actually two homeowner's associations. Jody Ciano replied that it is an agreement between the neighbors. The year-round residents share the costs equally and the part-time residents pay half that amount.

Tom M. made a **Motion to close the public hearing and finalize the decision in deliberative session.** Dick J. **seconded the motion.** The motion **PASSED 7-0.**

Back to Basics Vermont, LLC: Sign Review---The applicant is requesting an externally illuminated sign of over 16 sq. ft. on an existing structure located on the north east corner of the Redstone Complex, on the west side of Route 116. This property is located in the Village Zoning District.

Zoe W. recused herself as her husband had done some logo design work for the applicant. Sarah Murphy sat in on this application as well.

Will Patten stated that he felt the application was clear. He said the sign would be mounted on the Route 116 side of the building with 2 gooseneck light fixtures and would be well within the sq. footage allowance. He stated the sign would be externally lit and turned off when the restaurant is closed. Wood & Wood in Waitsfield designed the sign.

Peter E. noted that one change in the Order would be made—only one wall-mounted sign.

Greg W. **moved to approve.** Tom M. **Seconded the Motion. The motion PASSED 6-0.**

Thibault Farms/Spillane: Subdivision Final Plat—Applicant is requesting final plat approval for a 2-lot subdivision located on the north side of Route 116 at the southern end of the village area. The purpose for this subdivision is to create two separate lots—one for the existing condos and one for the existing apartments. This property is located in the Village Zoning District.

Sarah Murphy sat in on this application as well in Kate Myhre's absence.

Gary Thibault felt they had addressed all of the issues on this application. He discussed the additional landscaping they plan to do. He stated that there would be trees that will be planted

at the end of the driveway. He also noted that they may replace the lilacs mentioned in the site plan with something that will adapt better to wet conditions. Gary also stated that they will be need to make some changes to some of the existing parking and they plan to put a catch basin at the top to attempt to catch water running down driveway.

Zoe asked if he could explain the need for four additional parking spaces on the Spillane property. Gary T. replied that they actually don't need them but they incorporated 2 parking spaces per unit as required by Town zoning regulations. Alex stated that the sketch plan review showed a total of 12 parking spaces. George's plan is more realistic and it shows 9 spaces and would add more along the right-of-way.

Alex stated that forcing the extra parking spaces would impact the trees (kill trees). Gary T. stated that we haven't needed these spaces since he had purchased the property. Gary T. feels that the 9 spaces in addition to the two additional spaces is sufficient. Gary T. asked the Board to consider amending the parking requirement for this.

Alex commented that the additional grass and along with the few lilac shrubs or an additional tree would look great and achieve the purpose of reducing the curb cut. On site plan there are 3 existing trees, plan shows 2 additional lilacs will be planted. As Gary T. stated before, the lilacs may be replaced with something that will grow better in wet conditions.

Gary Thibault stated that Geoge Bedard feels that the catch basin will be sufficient in terms of taking care of the water. Gary plans to start work on that as so as soon as this approval takes place. The discharge area is very large. Dick J. questioned if the catch basin will have something for silt. Gary T. replied that yes, there would be. He also stated that by placing the catch basin at the top, they are hoping to slow the water down to prevent erosion.

Zoe asked about #5—Alex replied that legally it is not clear between the two lot owners. From an enforcement angle, it seems to make sense to have it all on that lot.

Ted B. wondered if we should include 2 parallel parking spaces rather than the 4 spaces that are included on the site plan.

Tom M. stated that they have a Draft Decision in front of us that can be adjusted in deliberative session. Tom M. made a **Motion to close the public hearing and take the decision up in deliberative session.** Dick **seconded;** the **motion PASSED 7-0.**

Norris: Sketch Plan Review—Applicant is requesting sketch plan review for a 25-unit Planned Residential Subdivision. The 25 units will be comprised of two 8-unit and one 9-unit multi-family dwellings. The proposed development is on a 23.96 acre parcel split between the Rural Residential 2 and Agricultural Zoning Districts located on the west side of Route 116, opposite Buck Hill Rd.

Zoe W. will have to miss 3 or 4 upcoming meetings in November and December so it was decided that Bill M. would sit in for this application.

David Burke from O'Leary & Burke presented the application to the Board. He stated that the property in question was a 24-acre parcel located on the west side of Rte. 116. A little over 8 acres of this is in the Rural Residential 2 District. The remainder of the property is located in the

Agricultural District. This will be a 25 unit PUD (Planned Unit Development) in 3 separate buildings. David B. noted that the parcel was relatively flat with the exception of a drop of 4-5 feet from the edge of the road down to the parcel along a portion of the property. David stated that they had received the staff notes regarding this project and they felt they were very thorough for being at sketch level.

David B. went through the staff report to note the following specific items:

- *The two streams that were referenced with the 75' setbacks on both sides;* David B. stated that one of these was actually a farmer's ditch. He stated the access road will cross this one but the other stream is well beyond the 75' from the proposed buildings.
- *Southern gateway to village:* We wanted the buildings to be parallel and close to Rte 116 for traffic calming. This also provides a visual cue for people to slow down. David B. felt that by having the first building set back further from Route 116 and then the second building placed closer to Route 116, it will help with the gradual slowing of traffic into the village. David Burke stated that they plan to connect to the sidewalk at Papa Nick's. This entails about 1000 feet of sidewalk, which is a significant investment—roughly around $50,000.
- Current proposal is a cluster-style PUD on a single lot, with 25 dwelling units in 3 buildings. The entire 24-acre property (developed area, road & sidewalks, open space) would be owned and managed by a homeowner's association. An interior cinder path will connect the northern most parking lot to the Route 116 frontage at the northern tip of the parcel, in order to connect to any future public sidewalk along Route 116. This path will be built up to 6 + inches over the existing grade. It is also important to have a roadway fabric beneath it (not a landscape fabric), 10-12 inches of gravel and then a couple inches of surepack on the top.

Major Issues

- *Minimum 200 ft. offset requirement*—Currently the entrance was located 180 ft. so at a minimum, they would increase that to the requirement of 200 ft. David B. felt at 200 ft. there would be enough separation of the proposed entrance that there wasn't a conflict with Buck Hill Rd. or South Farm Rd. However, he would like additional feedback on the location for the entrance. He stated that it would not be cost prohibitive to be across from Buck Hill Road.
- Sidewalk Connectivity—David B. feels the requirement of construction regulations is quite strong. Most towns do a cost sharing for projects this extensive that involve connectivity.
- *Central Organizing Feature*—agrees this needs work and they would be working with a landscape architect and Alex Weinhagen to develop a central organizing feature.
- *Building Orientation & Solar Gain*—Regulations state the buildings should be oriented toward Route 116. David B. felt that Alex's suggestion to split the back building into 2 and turn it to a more south-facing direction was very good. This would also provide more green space by setting the buildings back a bit.
- *Open Space*—David B. stated that the 94% was just a computer generated number. When we actually did the calculations on our own, we came up with 80% of green space which is still an overabundance of open space on this parcel.

- *Compatibility with Surrounding Neighborhood*—David B. stated that they agree that a landscape architect will be involved. He noted there should be a streetscape to aid in traffic calming. There is a need for significant landscape as you come into town to soften the appearance. David said they will work in harmony with the landscape architect and Alex with regard to the configuration of the units.
- *Shared Infrastructure & Legal Language*—David B. noted that they will include a homeowner's association and will include the appropriate legal language to detail the intended uses of the open space and the maintenance, repair, snow plowing, etc.

Tom M. stated that there are several new DRB members on the board since the applicant had submitted a previous proposal regarding this parcel and therefore they would need to do a site visit to the property. After some discussion, they set the site visit for Saturday, October 27th at 9:00 a.m.

Dick J. expressed concerns with it starting out as one lot. He noted that based on past subdivisions, each one that began as one lot came back to the DRB to create separate lots around each building. David B. replied that from a zoning standpoint, it is a one lot 25 unit project. He will encourage Mr. Norris to not have it as a zoning lot but as a footprint lot. Ownership then would just be on the footprint, the land that the building sits on, and the other land would be owned by the Homeowner's Association. It is easier to get a mortgage with a footprint lot.

Allan Norris clarified that his development on Silver Street was done the same way as this proposal. The residents own the inside but not the outside. Individual units can be sold individually. Peter E. questioned if this meant that it is actually a 26-lot subdivision. Alex replied that for the purpose of sketch plan review, it isn't necessary figure this out at this stage but it would be addressed at the preliminary step.

After continued discussion regarding the foot print, David B. stated that many towns incorporate it into their zoning regulations and do not call it a lot for zoning purposes. This is done for the purpose of not having units stuck in rental mode.

Ted questioned where the State comes down on creating common intersections vs. individual intersections. He also commented that pedestrian connectivity is absolutely important for this scale of development. Internal pedestrian connectivity is important and not just using a driveway as that. Buildings need to relate to the common unifying piece. Ted B. would like to do the site visit and see how this proposal works with the surrounding neighborhood.

Frank Twarog stated that when he makes a right hand turn out of Buck Hill Rd. it is not uncommon to see people passing in his lane as they come out of the village due to the change in speed limit sign from 30 mph to 40 mph at that point.

Keith Robert said that he read Phil Pouech's comments with regard to the location of the road cut. He emphasized that many of us concur with the road cut comments that were made. Significant safety issues with vehicles passing in the northbound lane and the location of the speed limit signs are a problem with that location. Keith R. also added that it would be nice to have that portion of the sidewalk connected with the village.

Peter E. commented that in Lyman Meadow the sidewalks are next to the parking area and in front of most buildings. He really feels they enjoy the benefit of having all the sidewalks connect and having areas of green space that are enjoyed along the path.

Carrie Fenn agreed with the previous concerns. She added that she lives on South Farm Rd. and when people come around the curve they are already accelerating. She also noted that they are interested in solar. We would like the buildings oriented more to the south, by turning the 2 southern buildings more to the south, you can achieve this.

Chuck Reiss agrees with Frank T. and Keith R. about the entrance to Buck Hill. He feels it would be much safer if the proposed road cut was located directly across from Buck Hill Road. He also agrees that the buildings should be rotated more to the south. Maximizing solar gain should be the first step and is more in the spirit of what we are trying to do in our regulations.

John Roos lives off of Buck Hill Road. He feels the intersection at Buck Hill Rd. would be better as a 4 way intersection. The trees along Rt. 116 can block views when you are attempting to pull out from the proposed curb cut. He also noted that the land drops off significantly from Route 116. He questioned how the water run-off would be addressed and what the maintenance plan would be for that ditch. He stated that he would expect to see significant sediment build-up. David B. felt that with the 90 degree contours, he doesn't expect to find a lot of build-up. He feels there enough flow due to the reasonable slope that silt would mostly go beyond it and it wouldn't fill in.

Peter E. stated that it was his understanding that once the property is developed, whatever has been done to the ditch or stream, can't happen anymore and you would need to allow it to naturalize. He simply wanted the applicant to take that into consideration as the level may not end up being what it is today due to potential sediment build-up.

David Burke stated that he has heard comments this evening that concern him regarding traffic coming around the corner of Route 116. He will give VTRANS the input he has received tonight in terms of safety concerns and would recommend the access be opposite Buck Hill Road. He stated that in past projects, he has requested that speed limits be lowered and he could possibly convince them to move the speed limit sign as well.

Sarah M. stated that the applicant is getting feedback from the Board that the project currently doesn't have a central organizing feature. She wondered if they would be doing more work on this prior to the next meeting and mark out the corners of the buildings, etc. at the site visit. David B. said that they would work on that in preparation for the site visit.

Tom M. made a **Motion to continue the sketch plan hearing to our November 20th meeting and conduct a site visit on October 27th at 9:00 am.** Ted B**. seconded the motion; all in favor.** Greg W. did state that he was in favor of continuing the sketch plan hearing but was opposed to the applicant providing such an incomplete application.

Other Business:

Alex stated that there are a couple of public meetings coming up related to the public safety facility. Tomorrow (October 17th) there will be a meeting here at the Town Hall to discuss what

to do with the green space near those buildings. On November 5th there will be a larger public meeting to discuss the overall plan of the public safety facility.

Alex also informed the DRB that an architect came into the Planning & Zoning office today in regard to a potential expansion of Kelley's Field. We expect to see an application soon to expand Kelley's Field which is a 24-unit elderly and disabled housing development. The proposed expansion has the possibility of more than doubling the current units. This housing has subsidies available to make it more affordable to elderly folks in town.

Peter stated that the Hinesburg Village Center will be at the November 20th meeting requesting site plan approval and conditional use for a new tenant that will occupy over 1000 sq. ft. for office space. Peter also stated that Steve Rowell's sketch plan has expired and he will be returning with a new sketch plan.

Alex stated that the Planning Commission is still working on Rural Area Zoning. He said that he passed along that the DRB would like to see a more defined and objective formula for density.

Peter said that Steve Rowell's (Weed Rd.) sketch plan has expired. He is coming back with a new sketch plan, slightly different, as the wastewater design has caused them to move the house site and lot line slightly.

Tom M. **Moved that we go into deliberative session to discuss Carlson, Thibault/Spillane, Hinesburg Community Police and Hannaford.** Zoe W. **seconded the motion.** All in favor.

Bill Moller left when they went into deliberative session. Sarah Murphy stayed for everything except Hannaford. Kate Myhre arrived late in the meeting and sat in the audience. She joined the Board for the deliberative session.

In deliberative session the following decisions were approved as amended:

Ed Waite/Hinesburg Police: Tom **Moved to approve the decision as amended.** Greg **seconded the motion.** The motion **PASSED 7-0.** (Just the regular 7 DRB members voted on this decision)

Thibault Farms/Spillane: Tom **Moved to approve the decision as amended.** Greg **seconded the motion.** The motion **PASSED 7-0.** (Sarah M. replaced Kate M. for this vote)

The meeting adjourned at 10:30 pm.

Respectfully Submitted,
Renae Marshall--Recording Secretary