Town of Hinesburg
Development Review Board
November 20th, 2012
Approved 12/04/2012

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

Also Present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning), Renae Marshall (Recording Secretary).
Representing Applications: David Burke (O'Leary & Burke), Alan Norris, David & Maureen Blanck, Akiko Balchiunas, Joe Colangelo (Town Administrator)
Public present included: Margery Sharp, Dale Wernhoff, Larry Telford, Diane Telford, Andrea Morgante, Tom Giroux, John Roos, Dawn Francis, Zachary Morton, Rocky Martin, Jen McCuin

Tom McGlenn chaired the meeting, which started at 7:31 pm.

Minutes from November 6, 2012 meeting:
Ted B. **MOVED to approve as amended**. Dick J. seconded the motion. The motion **PASSED 7-0**.

Norris: Sketch Plan Review—Cont'd from 10/16—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.

Kate Myhre will not be participating in this application, as she was not present during the review of this application at the 10/16 meeting.

Tom M. stated they conducted a site visit on October 20th. Dennis P. stated that the DRB members present for the site visit were Ted, Dennis, Dick, Sarah, and Bill. Neighbors that attended were Carrie & Dave Fenn and Beverly Knight.

Dennis P. said that Alan Norris showed them the location of the access road. He had staked the corners of the building and marked the centerline of the road. He also led them on a walk to show the location of where the road would cross the stream, the wetlands, community garden, corners of the building, etc. Alan also had noted to them that they were considering moving the community garden further back and placing a gazebo & playground in the current location.

One question that came up during the visit was regarding how much fill would be brought in. Alan N. replied that he didn't think much if any additional fill would be necessary. Mostly they would be moving the existing fill around the property as needed. Possibly they would need additional for building up the road to the necessary height above the stream.

Ted B. added they were able to look at the modified entrance directly across Buck Hill Road. He said that the units to the south had been reoriented & staked out as shown in the revised sketch plan.

David Burke (O'Leary & Burke) stated they originally came to the DRB for sketch on October 16th. Since that hearing, they have made several revisions to the plan. Currently, the only building that has stayed the same is the 8-plex. The biggest issue was the proposed location of the road, which they have since changed as a result of the feedback they received. Also the front building has decreased by one unit at the time of the site visit and as a result the front building has become a 4-plex. We also now show a play area with a gazebo in the center and have placed the community garden in the back with a connector path. The reason for placing the community garden further back was because we considered that a garden doesn't have aesthetic value during all times of the year and so we felt that moving it back further might be a better choice. We still have included a connector path from the central location so that it can be easily accessed from all units.

David B. assured the DRB that they are continuing to work on the Central Organizing Feature. He noted that the Hinesburg regulations don't define Central Organizing Feature so it is left up to interpretation.

David B. also noted that while they can't change the 24' width on all portions of the interior roads, but they could center stripe the interior roads for 10' travel lanes and add side stripes for a 4' pedestrian lane.

Dick J. asked if there is any future possibility that the interior road would connect to Friendship Lane at some point. David B. replied that the proposal doesn't include this as these are private roads and there are wetlands that would impact this. Also, this project doesn't trigger this need for a second access. Alex stated that this property has many physical constraints and there would be legal hurdles that would need to take place for that to ever be a consideration.

Ted B. had questions related to the Central Organizing Feature. He questioned if it is the community garden or is it the gazebo & play structure? David B. replied that the central location would be where the gazebo & play structure are shown and that area would have extensive landscaping & plantings. The community gardens would be set further back but would still be accessible from each unit.

Dick J. wanted clarification regarding the driveways and parking spaces. David B. stated that each unit has one space in driveway and one space in garage. Dick also stated that during the site visit a question came up regarding if the community gardens would be allowed within the stream buffer. Alex replied that no, the community gardens would not be allowed but trails would be as they would allow the vegetation to return to its natural state.

Alex stated that in order to move forward, the DRB needs to be in consensus that there is potential for a Central Organizing Feature and then let the landscape architect continue to work on that further.

Tom M. asked the public if there were any questions or comments.

Andrea Morgante stated that the dominating feature of the site plan is the buildings. The stream could be used as the Central Organizing Feature to help minimize the buildings presence by

utilizing this natural feature. She also cautioned that the stream buffer is there because the stream may move. She encouraged the DRB to ensure the culvert is sized appropriately and be at least as big as the culvert across Route 116.. She also commented that it is too bad that the buildings can't be moved more to the south.

John Roos had a question regarding the plan showing a community garden area on the left. David B. stated that was incorrectly labeled as the Community Garden was not that far out. He also commented that he felt it was important to provide connectivity to the village. He also stated that he liked Andrea's idea regarding the stream being the Central Organizing Feature and also felt that southern orientation is important.

Ted B. added that from the site visit it was noted that this stream only holds water in the spring. It was ditched and the fill was placed on each side. Andrea replied that it was ditched because it was very wet there. It does dry out in the summer but it will eventually fill in. It is a channelized stream that at one time was curvier.

Greg Waples noted that he didn't see any information regarding sidewalks. David B. replied that Alan N. would have to wait until the Town comes up with funding for this project. The staff notes sent out prior to the October 16th meeting stated that it would not be appropriate for the applicant to fund the entire project for connecting to the existing sidewalk. David B. stated that the plan currently shows only internal sidewalks up to the north end.

Greg W. agreed that it wouldn't be fair to ask the applicant to fund the entire sidewalk project but wondered if the sidewalk could be placed along Route 116. David B. replied that if the Board felt this was important then they would certainly look into that possibility. Bill Moller noted that he attended the site visit and the slope down to Route 116 was rather steep. He questioned if a sidewalk would be possible at that location. David B. replied that yes, it would be possible. However the sidewalk would be lower than Route 116. He did note that behind the buildings it might be a concern. He suggested it might be possible to get an easement to set the sidewalk further back from the road.

Dick J. questioned what challenges would there be for building a sidewalk along a stream buffer. David B. stated that this would require approval from the state and the Army Corps of Engineers. Peter E. questioned if it would be possible for the sidewalk to connect to the school playground (HCS), etc.

David B. wanted to get consensus from the Board as a whole as to what is most important to them—an internal sidewalk to the north or placing the sidewalk along Route 116. Tom M. replied that he agreed with staff that they need to connect to existing sidewalk. Alan N. questioned where in Town have you required this. He stated that he hasn't seen other projects that are required to build 1000 feet of sidewalk. Some discussion followed and it was noted that there are developments which adhere to this requirement; examples of Creekside and Greenstreet included.

David B. suggested that they incorporate the internal sidewalks and try to get an easement so people outside of this development can utilize it.

Tom M. made a motion to close the public hearing and take the Decision up in deliberative session. Dick J. seconded the motion. The motion **PASSED 6-0**.

Hinesburg Village Center, LLC—Conditional Use/Site Plan Review—The applicant is requesting a conditional use permit as required for an office space exceeding 1000 sq. ft. and an updated site plan review. This property is located at 90 Mechanicsville Road in the Village District.

Kate Myhre has rejoined the DRB for this application.

Tom M. stated that they have received staff notes regarding this application. Ted B. clarified that the office space is located on the west end of the building. Peter also noted that the site plan is not an issue based on this conditional use. He stated that he has not found any issues with regard to the conditional use. The Board felt satisfied that all requirements were met with regard to the conditional use. They moved on to the site plan with discussion of the modifications that the Blancks have made since purchasing the property.

David Blanck (applicant/landowner) stated that when they purchased the property 1 ½ years ago, honey locust trees in front of the building were causing issues/damage to the building and so he felt it was necessary to remove them. He showed pictures of the building before the improvements as well as after. He also showed pictures of the lilac bushes, shrubs, etc. that were overgrown. He also showed pictures he had taken of the roots to demonstrate how they had grown into the building and water & wastewater lines, etc.

David B. also stated that they replaced the roof and the new roof helps with the snow issue off of the back of the building over the sidewalk. They also added dormers for safety & aesthetics. Adding the dormers, allows for safer ingress and egress to/from the building in terms of the snow coming off of the roof. David B. also stated that they have added stones & planting in front of the building to enhance the landscaping. He noted that the maple trees out front help break up the appearance of the building.

David B. also showed a site plan from 1984. He noted that in 1986, a revision to the site plan (3/8/84) was made to show the landscaping was guaranteed for 3 years. David B. stated that since three years has long since passed, he interpreted that to mean that the site plan was no longer valid. Ted B. replied that site plans aren't only guaranteed for three years—they are in effect until they are revised by the DRB.

Peter Erb referenced the lighting and stated that there seems to be a difference of opinion with regard to the lighting. David B. stated that the only thing they have done in terms of lighting is replaced all of the lighting on building with L.E.D. down cast lighting. David noted that the pole lights are an issue for Andrea Morgante's house. These lights provide lighting for the sidewalk & crosswalk coming from the Post Office yet we pay for this electricity. Bill Moller noted that though the lights have not changed, the new plans are governed by current regulations. David B. suggested a possible solution would be to place a shield on the lights so they don't pose a negative impact on Andrea's house but still illuminate the parking lot. He noted these pole lights have been there for 26 years and were there back in the 1984 site plan.

Alex noted that the ambient light does illuminate the sidewalk but its primary purpose was to light up the building & parking lot. David B. stated the poles are about 20 ft. high. These lights actually point in at the project and they are at an angle, which is why they illuminate the parking lot so well.

David again reiterated that he would suggest adding a shield to the existing pole light to help direct the light down. He noted that to purchase new lights similar to these today would be approximately $1000/each and would probably necessitate the need for more than 2 as the new lights wouldn't provide the same amount of lighting to the area. He also added that they could have them timed so they would shut off at night. The power company would control this but we could certainly request to limit the hours that they are on.

Tom M. asked for staff suggestions with regard to the lighting. Ted B. felt if shielding works then that should be sufficient and noted that it would be desirable to limit the hours that the lights are on. Tom M. added that he would like to see the site map done to scale.

Tom M. asked for any additional comments or questions. Andrea M. thanked the Board for considering the lighting issue. She noted that she was on the Planning Commission during the time this site plan was approved and the lighting was discussed. At that time, a hedge was put in to shield the homes across the street from car headlights in the parking lot area. Andrea stated that the work that the Blancks have done has been great but the scrub brush being cut back between the trees has caused issues with the lighting, etc. She also commented that if the lights could be turned off after business hours or by 10:00 that would be desirable.

Tom made a **motion to close the public hearing and come up with conditions of approval for the conditional use and site plan addressing the lighting in the site plan and having the site plan to scale**. Ted **seconded the motion**; all in favor.

Akiko Balchiunas—3-lot Subdivision Sketch Plan Review—The applicant is requesting a subdivision sketch plan review to subdivide her 22.3 acre parcel into three residential lots. Her property is located at 401 Butternut in the Rural Residential 2 District.

Akiko introduced the application and stated that she is applying for sketch plan review for a 3-lot subdivision on Butternut Lane, which is located off of Magee Hill Road. She said Alex had stated that she needed to come before the DRB for sketch plan review and to hear the concerns of her neighbors. She has hired a consulting company that has walked through the property with her and stated that the project would be doable. She added that this property is located at approximately a 1100 feet elevation. Butternut Lane currently serves 3 homes.

Greg W. stated that it is clear that a site visit would be needed and wondered how accessible this property is. Akiko replied that there is a logging road that runs down the western side. This lot is 2300 feet deep. Akiko stated that she would like to talk with her engineer prior to a site visit because of issues with a deeryard, steep slopes, etc. She would like to continue in order for her engineer to better define the project. Alex clarified that the purpose of sketch is to ensure the concept makes sense before you invest a lot of money. He doesn't want the applicant to spend a lot of money at sketch for engineering prior to doing a site visit.

Greg W. questioned how this lot came to be formed as such a long and narrow lot. Alex stated that this lot was created prior to the requirement that all new lots go through subdivision approval. People were allowed to divide up to three new lots through development of a private right of way approval.

Tom M. asked for questions and comments from the public.

Larry Telford stated that he and his wife's primary concern is the storm water run-off from these higher elevations. They have owned their house for 8 years and are concerned with whatever goes on above them for this reason. Larry T. stated they have done quite a bit of work to divert water around their house and the gardens. He noted that they get both surface water and subsurface water on their property.

Dawn Francis abuts Lot #1 and has no objections to the proposal. However, she would like condition to be included regarding the sharing of the maintenance of the road with the rest of the landowners of Butternut Lane. Butternut Lane currently has deed language that stipulates the sharing of costs of maintaining the road. Dawn F. also stated that she wouldn't want the road to be widened as they have a lot of kids on the road and widening the road would increase the speeds and create safety issues. Zach Morton also lives on Butternut Lane. His primary concern is also the subsurface and surface waters that come off the ridge above. He is also for preserving the current state of the road.

Peter Erb feels this will have to have a state storm water permit, as it would be disturbing over an acre of land. He encouraged the Board to consider the more extreme events and how to address the storm water in these instances. He feels it will take a lot of engineering to handle the storm water issues. Akiko B. wanted clarification in regard to what steps need to be taken and when. Peter E. stated that this engineering doesn't need to take place at sketch.

The Board encouraged Akiko B. to allow them to do the site visit sooner. They informed her that sketch doesn't require a lot of work from engineering. Akiko reiterated that she would like her engineer to do more work prior to a site visit.

Tom M. made a **Motion to continue the public hearing to the December 4th meeting.** Ted **seconded the motion;** all in favor.

Town of Hinesburg/Bissonette: Subdivison Sketch Plan Review—The applicants are requesting subdivision sketch plan review for the purpose of creating a 2-lot subdivision in order to create a lot to be donated to the Town for future recreation facilities. This property is located on the west side of Route 116 and the south side of Shelburne Falls Road in the Agricultural and Village NW Districts.

Kate Myhre recused herself from this application.

Joe Colangelo (Town Administrator) represented the Town for this application. He stated the Town has been offered a gift of land of approximately 11 acres for the purpose of building Recreational fields. The Town hired the engineering firm of Lamoureux & Dickinson for determining the feasibility of the project. Their report confirmed the project is feasible. The plan details build-out of 2 full-sized soccer fields, a little league baseball field, bathroom facilities, parking area, access road, etc. An amount of $34,000 was included in the current FY for final engineering costs. Joe C. noted that there has been a lot of support to date for this project. The project adheres to the Master Plan for the Bissonette property and it fulfills a public need. Hinesburg currently doesn't have a recreational facility that has public restrooms. CVU has the only regulation-sized fields in town and they are primarily only allowing use for school activities.

Greg W. had questions with regard to the access road. Joe responded that this is a temporary access and as the property is built out, a portion of the access road could change.

Ted asked if they anticipated the need for much fill to be brought in. Alex stated that the project engineer didn't anticipate much in the way of additional fill being brought into the site. Most likely fill will be moved around within the site for the fields. Joe stated that the proposed access could change as the developer builds out the lots. Alex noted that these roads would eventually become public roads once full build-out occurs. Joe added that the restroom facility could be in a later phase of the project once permanent access is determined. Joe stated that the Town's preference is to privately fundraise for this project.

Ted B. wanted clarification regarding the access strip to Lot 5. Alex stated that the strip of land was left to allow the Bissonette's access to the wooded area on the other part of Lot 4. Ted B. wondered if they could just extend lot 5 to the property line and create 3 lots instead of 2. Alex showed Map 4 (Hydrology Map) on the projector. The Hydrology map was created to keep the fields outside of the stream buffers as well as keep the access road outside of sensitive areas without boxing in Lot 4 with no access. Alex noted that the site plan would need to be adjusted slightly to the south to allow the Bissonette family access to Lot 4 and avoid the stream buffer areas.

Ted B. had questions regarding the storm water treatment area. Alex stated the either the Town would provide the Bissonette's with an easement to this area or they would need to move this site further east slightly.

Tom M. asked Joe C. for clarification on the purpose of the fields. Joe C. stated that the soccer fields could be utilized as soccer fields as well as football & Lacrosse fields, etc.

Peter E. recalled that when Alex & Wayne Bissonette had met some time ago, Wayne expressed that he wanted the ability to have the density that would have been available from this lot be applied elsewhere on their property. In order to do this, it would have to be designed as a PUD (Planned Unit Development). Alex stated that part of Lot 4 (near Route 116) has higher development potential because it is within the Village NW District and has access to the Town water & sewer. Lot 5 and the other part of Lot 4 is in the Agricultural District and therefore has very low development potential.

Alex stated that a PUD (Planned Unit Development) requires a master plan and designation of open space. Alex said that a PUD should be a 3-step process. Alex noted that this property already has a master plan and the recreational fields would qualify as the open space. Alex encouraged the Board to treat the Town as any other applicant and utilize the full 3 steps to set an example and not to show preference to the Town.

Dick J. stated that before we close the public hearing, we would have to see a modified property line by either extending the lot or making it a 3-lot subdivision. Alex replied that hopefully it was noted when reviewing the engineering report that a lot of issues were addressed in siting the fields. The actual lot lines have not been defined or surveyed at this point and can be adjusted as needed by working with the Bissonette Family.

Tom M. made a **Motion to close the public hearing and direct staff to come up with conditions of approval.** Ted B. **seconded the motion.** The **motion PASSED 6-0**.

Other Business:

Kate M. rejoined the Board.

Greg W. submitted a short outline pointing out his agreement and disagreement in terms of the Hannaford Decision. Greg's outline is attached to these minutes. Ted B. stated that he voted against it because of the Official Map and the maximum compatibility with the surrounding neighborhood issues.

Tom M. made a **motion to go into deliberative session to discuss the Giroux, Norris, Hinesburg Village Center and Town of Hinesburg/Bissonette Decisions**. Greg W. **seconded the Motion**. All in favor. The Board entered into deliberative session at 10:15 p.m.

The Board came out of deliberative session to vote on the Giroux 2-lot subdivision. Ted B. **Moved to approve the decision (approval) as amended**. Greg W. **seconded the motion.** The **motion PASSED 6-0** with Dennis P. not participating.

The meeting adjourned.

Respectfully Submitted,
Renae Marshall--Recording Secretary

Greg Waples voted to deny Hannaford's site plan application, for the following reasons:

Findings of Fact
I agree with all the findings of fact in the Board's written decision. In addition, I would find:

1. The Hannaford's lot (lot 15) was created as part of the Commerce Park subdivision approved by the Hinesburg Planning Commission in 1986. Condition 8 of the approval stated:

Potential purchasers are notified that the Commission will carefully review the site plans and proposed uses, and that those lots on the exterior of the development will receive particularly close attention for aesthetically pleasing construction.

2. The Commerce Park subdivision required Act 250 approval from the District Environmental Commission. In granting Act 250 approval in 1987, the Commission observed:

The subdivision is designed as a "Commercial Industrial Park" intended for primarily local small scale and start-up businesses which are appropriate to the local scale of development. Certain lots will be designated for uses appropriate to their location on the site. Lot sizes range from 1 to 3 acres though it is expected that in some cases more than one lot may be combined. Businesses expected to locate in the project might range from "High-Tech" research and development firms supporting other Chittenden County industries to retail outlets for local agricultural or manufactured products.

Conclusions
1**.** I disagree with conclusions 1-3 of the Board's decision. Hannaford's has not shown that the operation of an on-site farmer's market on a limited basis "accommodate[s]" a "mapped public facility" within the meaning of 24 Vt. Stat. Ann. § 4421. Ownership of the land where the farmer's market is to operate remains with Hannaford's. Use of the proposed public facility is limited to that of a farmer's market. Control of the farmer's market is governed by an easement deed which restricts its operations to approximately 85 hours over 17 weeks of the year. Hannaford's retains the right to terminate the easement if the farmer's market is not used for a five-year period, or if Hannaford's unilaterally determines the farmer's market presents an "unreasonable risk to the health, safety and general welfare" of Hannaford's, its employees or customers. Under these circumstances, the farmer's market is not a true "public facility" which has been "accommodated" for purposes of the Official Map.

2. I disagree with conclusion 9 that the project has been designed with "regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood." A 36,000 square foot grocery store, erected in very close proximity to numerous homes, will dwarf those houses and most near-by commercial properties. A few commercial properties in central Hinesburg have exterior dimensions comparable to those of Hannaford's. However, the architectural renderings for the rear, left and right building elevations – some of which will be highly visible – depict large expanses of high, blank walls that are only occasionally broken by small window openings. This project falls far short of achieving "maximum" compatibility with surrounding properties and the neighborhood.

3. Assessing the consistency of the Hannaford's proposal with the 2005 Town Plan is inherently subjective, but the Zoning Regulations require the Board to undertake this task. The decision of the Board majority sets forth reasons (Conclusion 12) why the proposal is consistent with the Town Plan. Without disagreeing with many of the specifics of that analysis, I believe that the proposal conflicts with a number of key components of the Plan. Important among these are:

a) Building a 36,000 square foot supermarket on lot 15 does not "maintain and enhance the rural small town character and environment of Hinesburg". Town Plan §§ 1.5, 3.3. The structure is too big for the site and is not consistent with the downtown area of a small rural community. As set forth in the Board's findings, the store will generate high volumes of traffic, much of it non-local. This new traffic will significantly degrade peak-hour vehicle movements in a village where rush-hour traffic is already at-odds with its small-town character.

b) The Hannaford's proposal is inconsistent with the Town Plan's vision of creating a "sizable green or common" in the village core. Town Plan §§ 3.2, 3.2.8. Lot 15 appears to be the most suitable and appropriate site for a village green, and the relatively small size of the lot means the Hannaford's proposal cannot co-exist with a green or common.