

Town of Hinesburg
Development Review Board
February 5th, 2013
Approved 2/19/13

Members Present: Tom McGlenn, Dick Jordan, Dennis Place, Ted Bloomhardt, Zoë Wainer, Kate Myhre.

Absent: Greg Waples.

Also Present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning), Freeda Powers (Recording Secretary).

Representing Applications: Bill Nedde, Tyler Scott, Dave Keelty, JT Burke, Kevin Parker, Brett Grabowski.

Public present included: Margery Sharp, John & Jean Kiedaisch, Tamara Orlow, Mary Crane.

Tom M. chaired the meeting, which started at 7:33 pm.

Minutes from January 29th, 2012 meeting:

Zoe W. **MOVED to approve as amended.** Dennis P. **Seconded the motion.** The motion **PASSED 4-0.** Dick J. and Tom M. abstained, as they were not present for the 1/29 meeting.

Fletcher Allen Health Care: Conditional Use & Site Plan Review – (Cont'd from 12/4 & 1/15) and a *new Conditional Use application for Stream Buffer Encroachment* to install storm water treatment within a stream buffer area—The applicant is requesting conditional use and site plan review for the construction of a new facility to house the Hinesburg Family Health outpatient practice that is currently located on Commerce St. Pursuant to subdivision approval of April 5, 2011, this project will also be reviewed under the subdivision regulations. The proposed facility would be built on a 2.28 acre parcel known as Lot #1 of the Bissonette Subdivision on Shelburne Falls Rd in the Village NW District. *Kate M and Zoe W were not part of the FAHC discussion*

Dave Keelty (FAHC rep) told the board he has meet with staff and worked to incorporate changes to the proposal that will alleviate concerns that have been raised regarding infrastructure and storm water treatment. There are no changes to the proposed floor plans. Tyler Scott (Architect) showed the board revised plans which show the entrance from the West more clearly defined, with an overhang that will be 7' high and 6' out from the building. Bill Nedde (Engineer) discussed changes to the storm water treatment plans, now relocating discharge to the east side of the large Cottonwood tree. They discussed changes to the landscaping plans, which included a change of shade trees.

The applicant said the biggest change before the board is this; FAHC has agreed to build the "Westside Road" to town standards per the board's request (24' width, gravel sub-base, radii increased to 30'). They said the eastern side of Westside Rd will be curb-finished. They explained that they will not do the same with the western side of that road, as future development plans will eventually include turning lanes from the west (Shelburne Falls Rd) to accommodate a much larger traffic flow in the future. Alex W. said the board could see a similar example in the development of the Kinney's lot/Farmall Drive.

The applicant further agreed to complete the sidewalk and street trees along the west side of the project. The applicant said they are willing to maintain anything within their easement, and will share in the cost of any community that will exist in the area in the future (at this point, they are the

only “members” of the Haystack Crossing Community). Ted B. said it should be clear in the Order that the applicant is agreeing to sidewalks and street tree plantings to the southern boundary of the lot.

Bill N. said they do not foresee any problems with parking or traffic. Lighting will be set by timer to shut off 30 minutes after closing (hours proposed at M-F 8-6 with allowance for emergency off hour visits). They see no problems with the storm water plans. Peter E. asked about the proposed safety fencing around the stormwater ponds. Bill N. said they continue to study their options and would like to revisit that detail at a later time.

Bill N. addressed the hours of construction, requesting hours of 8-5 or 8-6 on Saturdays in order to accelerate the completion of the project. He does not anticipate the need for pilings, so has no concern with Order #10 regarding blasting hours.

The applicant said they would like to see their current plans specifically referenced in the Order, so as to be clear that they are not referencing the larger subdivision plans already in place.

Ted B. said he feels it would be appropriate to make changes in Orders #2b & #3c, to reflect the applicant’s plans for the Westside Road (i.e., “partially complete”, “initiate”). Alex W. said they can note in the Order that plans are *consistent with but only part of the original subdivision* and then simply reference the applicant’s plans for clarification. He also suggested moving Order #2b (iii) to #3. Peter E. agreed with this.

Dick J. noted in Finding of Facts #23; the facility projects to serve approximately 12,000 patient *visits* per year, not patients. Bill N. noted that the facility has a potential capacity for up to 16,500 patient visits per year.

Tom M. asked if there were any public comments or questions. Mary Crane spoke from the audience, asking if there has been any discussion about shared parking for this area (as she sees with the Kinney lot development). Tom M. noted that the Westside Road will be a common roadway. Ted B. said the approved subdivision plans are preconceived and approved with the roadways intersecting. Dick J. also noted that the parking at this lot is located further back in the “envelope”. Zoe W. also said the Master Plan will better explain the layout and flow of the proposed roads.

Mary C. asked about the color of the proposed building. The applicant said they are open to suggestions. Mary C. asked if the board would be open to future suggestions regarding landscaping and was told by Tom M. that the board would prefer to receive comments and suggestions tonight at the public hearing. Mary C. asked what is happening with the “back” of Lot 1. Peter E. explained that is the 75’ stream buffer zone, which will eventually naturalize.

Tamara Orlow asked what is the height of the proposed building? The applicant said about 37’ or 38’.

Ted B. made a **motion to close the public hearing and have a closed deliberative session.** Dick J. **Seconded the motion.** All in favor, the board voted **6-0.**

Bristol Bakery & Café LLC/Hinesburg Center LLC: (Sign Review & Conditional Use Revision) – The applicants are requesting sign review and revisions to the conditional use approval (such as increasing the number of seating to 60, increasing hours of operation, slight increase to number of employees, and request for an outdoor patio or deck with an additional outdoor seating of 24) granted on July 5th, 2012, for the purpose of opening a restaurant/café on Lot 41 on the 1st floor of the new building next to Kinney Drugs.

Brett Grabowski (Developer) presented this application to the board, requesting a few changes to the approval on Lot 1 specifically the 1st floor. He said he feels the requests before the board are not outside of the regulations and feels staff is supportive.

Tom M. asked about the request for later hours of operation for special events. He said that is hard to approve without a definition of “special events”. Kevin Parker (Bristol Bakery rep) explained that might include such things as rehearsal dinners or live, local music events to be held inside. He said they would be held only once in a while not on a regular basis. He said they really want to provide what the community wants, so he is willing to be flexible on this request depending on what demand shows appropriate.

Dick J. voiced his concerns around the request for later hours, as the original agreement had specifically noted the bakery’s early morning operating hours and how that works with the shared parking arrangement for the rest of the developed area. Alex W. said with Kinney’s hours and office hours cut off by 7pm, there still appears to be ample parking available. Dick J. asked about outdoor seating. The applicant said they would like to utilize the SW corner of the lot (around 460 sq ft.) by putting in a short retaining wall by the sidewalk along Farmall Dr. and will also probably put up an awning to protect from the strong southern exposure. Dick J. cautioned about reaching the maximum hardscape allowance on the project. Alex W. said that is a good point, and agreed to check if patio stones count against that allowance (sidewalks do not). Dick J. asked the applicant about reducing the patio hours in the evening so as not to disturb residential neighbors. Kevin P. reiterated that they are a café, and that they do not intend to be a loud, ruckus place.

Peter E. told the applicant if they plan on having an awning, it will need to be self-supporting. He also suggested they discuss plans for the retaining wall with Rocky Martin to be sure it will not be hit by the town snow plow. The applicant said they would like to get Stony Mason, a local stonewall builder, to do the stone work.

Tom M. asked about the proposed signage. Alex W. said the board has no flexibility on this issue, regulations say the “B” in the applicant’s proposal is too large (max of 20”). Alex W. also noted that given the frontage, the proposed signage is relatively modest. He said the applicant is proposing exterior illumination via three traditional goose-necked angled lights with 8 Watt LED bulbs (equivalent to three 40 Watt traditional bulbs). The applicant agreed to adjust the size of the lettering to conform with regulations.

Tom M. asked if the public had any questions or comments. Marge Sharpe asked about the doors to the proposed patio (will they be left open? Opening out or in?) The applicant noted that the doors are already in place as the building is complete; they open out. The doors will not be left open as they plan on having air conditioning running in the summer months.

Regarding parking, Kevin P. said in his opinion, one seat does not equal one parking space used. He said it should be more like for every table, expect one parking spot used. Zoe W. asked how many tables (or equivalent seating) are proposed. Kevin P. figured around 20 tables worth of seating total.

John Kiedaisch asked the board how they can approve a patio area and/or a retaining wall without seeing any detailed plans for them. Ted B. noted that the board can Condition those, and conceptually, they have no problem with them. John K. said he feels this is getting into a public safety concern. Peter E. said if the patio is high enough to require use of a railing of some sort, that might trigger closer review. Brett G. noted any construction will first have to get permit approval any way.

Ted B. said his only concern really is with the late hours request; he feels 11pm is too late, and that 10pm seems more appropriate. Zoe W. said her concern with that is the vagueness of frequency, and feels they should specify a number of times per year that a "special event" might take place. Brett G. suggested they try the 10pm hour, and see what demand from the community shows. Kevin P. agreed to once a month for "special events" to take place.

Aubuchon Realty Company, Inc.: (Site Plan Review) – Aubuchon Realty Company, Inc.: (Site Plan Review) – The applicant is requesting proposed changes (including reconfiguration of the parking lot, a proposed 500 gallon propane filling station, a proposed location for two dumpsters and two storage containers, as well as landscaping and screening, etc.) to the existing site plan. This site plan approval was last amended on February 7, 2001. This property is located at 22 Commerce Street in the Commercial Zoning District.

The applicant was unable to attend the meeting due to illness. Tom M. made a **motion to continue the public hearing till March 5th**. Dennis P. **Seconded the motion**. All in favor, the board voted **6-0**.

Ted B. made a **motion to close the public hearing and approve draft approval as amended**. Dick J. **seconded the motion**. All in favor, the board voted **6-0**.

Other Business: None.

Tom M. made a **motion to go into deliberative session for decision deliberation on the FAHC and Bristol Bakery applications**. Ted B. **Seconded the motion**. The Board entered into deliberative session at 9:20 p.m. The board **came out of deliberative session at *****. Ted B. moved to **approve draft approval as amended for the FAHC application**. **Tom M. seconded the motion. The board voted 4-0**. Members voting included Ted B, Tom M, Dennis P and Dick J. The board did not come to a final decision regarding the Bristol Bakery application at this time.

Respectfully Submitted,
Freedra Powers – Recording Secretary