

Town of Hinesburg
Development Review Board
February 19th, 2013
Approved 3/5/2013

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

Absent: Kate Myhre.

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

Representing Applications: Larry Caron. George Bedard

Public present included: Margery Sharp, Jim Howard, Steve Leary, Aaron Miller, Geoff Miller.

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

Minutes from February 5th, 2012 meeting:

Zoe W. **MOVED to approve as amended.** Dick J. **Seconded the motion.** The motion **PASSED 5-0.** Bill M. and Ted B. abstained, as they were not present for the 2/5 meeting.

Chris Tebbetts: (Revision to Final Plat) Cont'd from 1/29 – The applicant is requesting a revision to the final plat for reconfiguration of the building envelope. This property is located at 662 Buck Hill Rd W. in the RR 1 Zoning District.

The applicant was not present. This application was continued solely due to a failure to notify via the Free Press in a timely manner. The board has been provided with draft approval by staff with input from the applicant. Bill M. made a **motion to close the public hearing and approve approval as drafted.** Zoe W. **seconded the motion.** Tim M. abstained; the board voted **6-0.**

Lawrence & Cynthia Caron: Subdivision Sketch Plan Review- (Cont'd from 12/18 & 1/29)— Applicants are requesting sketch plan review for a 3-lot subdivision in order to create two new building lots. This property is located at 274 Richmond Rd in the RR 1 Zoning District.

The applicant came before the board with a revised PUD application to address concerns raised regarding access to Lots 2 & 3 via Partridge Hill Rd. The applicant now presents plans showing access via Richmond Rd. The applicant assured the board they want to comply fully with the PUD guidelines.

The board was provided staff comments addressing concerns with the shared road right of way (ROW) on the Eastern boundary of the lot, which creates some setback issues for the abutting Kinney property. The creation of a new road from Richmond Rd to serve lots 2&3 will create a corner lot not only with regard to Lot 1 (existing Caron house), but also with regard to the Kinney lot. It won't create a front yard setback compliance concern with the existing Kinney house, but it will impact the ability to do additions or place accessory structures on the west side of the Kinney property.

Ted B. said he does not see that as a corner lot creation. Alex W. said staff had looked at the regulations and that is the determination they came to. Ted B. said not when it's an access road, not a town road. Alex W. said while that while it will be a private road, the regulations (Section 2.6) say it will still need to meet the setbacks and that it *is* creating a new corner lot.

George Bedard said the 50' ROW can be amended to 40' leaving a 10' wooded "buffer" zone. Ted B. said the 10' buffer would be appropriate and would also maintain established growth. The applicant also reminded the board that in discussions with the town Road Foreman, Mike Anthony, it has been made clear that there is no option to have that access road moved any further West on the property. In addition, the applicant agreed to maintain that 40' ROW and apply it to the other ROW's in lots 2&3.

Alex W. said PUD is a great option due to it's flexibility, and asked the board to consider, *does this application qualify?* Greg W. said it is not obvious to him how this is an innovative proposal to development. The applicant said they are working in an area where the town has said they *want* development to occur. He feels they are working within the rules and pointed out that the lots are all basically the same in shape, allowing for similar house size/site to occur. He noted the open space requirements being met in the NW area of the parcel, which will serve multiple purposes including protection of fragile features and a site for possible future storm water control for Richmond Rd runoff. In all, the applicant said, he feels the project does qualify.

Bill M. asked about the requirement for a Central Organizing Feature. Alex W. said that only applies to development in the Village Growth Area, and this application is in the RR1 district. Ted B. said he had some concerns with this proposal at the onset, but he is pleased with the water treatment space offered in the NW area; it's the only reason the application works as a PUD for him. Peter Erb said he would like to look further into some of the technicalities raised regarding the corner lot, set-backs, and ROW's. He would also like to talk to Rocky Martin (Facilities Director) about a possible sidewalk along Richmond Road and that ROW to the north.

Tom M. said he feels PUD will give the most flexibility to solving the concerns raised in this application. Zoe W. said while it is a less innovative PUD design, she agrees that the flexibility of PUD allows the best use of the property, and she feels they should approve the PUD application.

Ted B. made a **motion to close the public hearing and directed staff to draft approval.** Dennis P. **Seconded the motion.** Greg W. **voted No.** The board voted **6-1.**

Other Business: The board discussed the Bristol Bakery & Café LLC/Hinesburg Center LLC: decision & the FAHC decision regarding Stream Buffer Encroachment (**public hearing closed on February 5, 2013 for both**) Greg W. and Bill M. left at this time (8:13pm). Ted B. said he agreed with the draft decision on FAHC. Ted B. **made a motion to approve the draft approval.** Tom M. **seconded the motion.** Zoe W. abstained from this vote. The board voted **4-0.**

Discussion came up regarding the Bristol Bakery's proposal for a patio on a portion of their lot. The board wants to know if the patio counts towards the total lot coverage. Alex W. said according to the definitions, no, it does not count towards lot coverage. Peter E. noted that if it required a railing or were raised off the ground, it would count as a deck. Ted B. suggested that if the project approaches the limit, they could request a waiver to the lot coverage limit, or specifically note that the project *shall not create lot coverage over 75% without further review.* It was noted that at 62%, this project does not yet reach the limit of 75% total lot coverage maximum as set in the Village area. The board agreed there needs to be more (less formal) consultation between the Zoning Administrator, Facilities Director and Road Foreman (Peter, Rocky & Mike) regarding this proposed patio and retaining wall. It was agreed that an addition to Order #1 be made; *to be approved by staff, with DRB review as alternative.* Alex W. summarized by saying the applicant should submit a new application for site plan for the proposed patio and will revise the decision to reflect this. Dick

J. asked if Conditional Use review is required for the patio. Alex W. said no, as it will be the same use as the café inside, this will purely be a site plan issue. Tom M. made a **motion to approve as amended**. Dennis P. **seconded the motion**. The board voted all in favor, **5-0**.

Ted B. made a **motion to adjourn**. Dennis P. **seconded the motion**. The meeting adjourned at 8:50pm.

Respectfully Submitted,
Freedra Powers – Recording Secretary