Town of Hinesburg
Development Review Board
March 19th, 2013
Approved 4/2/2013

Members Present: Tom McGlenn, Zoë Wainer, Dick Jordan, Ted Bloomhardt, Dennis Place, Greg Waples, Sarah Murphy. Kate Myhre did not participate in any application this evening as she will be away on an extended maternity leave following this meeting.
Absent: None
Also Present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) Renae Marshall (Recording Secretary)
Representing Applications: Joe Colangelo (Town Administrator), Art & Claire Weiss, Dennis Place, Audrey Horton
Public present included: Margery Sharp, Joe Bissonette, Roberta Soll, Bill Moller, Jennifer McCuin, Suzanne Kneller, Josh Patrick, Tom Ayer, Chris McClain, Russ Robinson, Deb Robinson

Tom M. chaired the meeting, which started at 7:35 pm.

Minutes from March 5th, 2013 meeting:
Tom M. made a **Motion to approve as drafted.** Greg W. **seconded the motion.** The motion **PASSED 5-0.** Zoe W. and Ted B. abstained as they were not present for that meeting.

Aubuchon Realty Company, Inc.: (Site Plan Review) Cont'd from 2/5 & 2/19 & 3/5 – **This application is being continued to 4/2 due to scheduling issues** – 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.

Tom M. made a **Motion to continue the Aubuchon application to the April 2nd meeting.** Dennis P. **Seconded the motion.** The motion **PASSED 7-0**.

Town of Hinesburg/Haystack Crossing LLC: (2-lot subdivision & Planned Unit Development (PUD) Preliminary Plat – The Town of Hinesburg and Haystack Crossing LLC are requesting preliminary plat approval for a 2-lot subdivision and Planned Unit Development (PUD) for the purpose of creating a lot to be transferred to the Town, for new recreation fields. This property is located on the west side of Route 116 and the south side of Shelburne Falls Road (Lot 4 from the 2011 Bissonette Subdivision) in the Agricultural Zoning District.

Kate M. will not be participating in this application.

Joe Colangelo (Town Administrator) presented this application to the DRB. He stated that they last came before the DRB in November of 2012 for Sketch Plan Review but now have returned for the preliminary plat review phase.

Joe C. stated that the only adjustment to the plat that has been made since that time was increasing the width of the strip of land from the northern portion of Lot 5 from 75 feet to 100 feet with the survey that was done. He also stated that since that time, a curb cut has been approved for *Haystack Road* for the FAHC – Hinesburg Family Health Center. Joe further stated that the Town is looking to do this project with 100% of non-property tax money, through fundraising efforts. Currently, there is $117,000 targeted for this project to date. $92,000 comes from the Eddy Trust which was specifically to be used for rec. fields. Tom Ayer is heading up the fundraising efforts and has secured the additional $25,000 through various fundraising to date.

Joe addressed the comments in the staff report:

1.) The Zoning Administrator pointed out a potential issue with a channelized stream that flows on the north and west portions of the future rec fields. He reported that during an extreme event, this stream could jump its current channel and come across the rec fields resulting in damage to those fields. Joe C. stated that engineering would look at mitigating serious flood issues in an extreme event. The Town will take the necessary steps from an engineering perspective to address this issue. This may involve berming to contain the water inside its channel.

2.) The Zoning Administrator also addressed issues with the transfer of density as part of the PUD application. He pointed out that the application narrative states that the density transfer for development will "likely" occur in the area of the master plan that is proposed for development, the general and design standards required in the PUD review process clearly indicate that it *should only* occur there, and not in the western portion of the property. He noted that that any DRB approval of this application as a PUD should confine future development to this portion of the Agricultural District. Joe C. stated that is a conversation that needs to take place with the Bissonette family as it doesn't have an impact on the Town.

3.) The Zoning Administrator also addressed issues with access to other portion (western) of Lot 4 due to the stream buffer. Joe stated that access to the other portion of Lot 4 will cross the stream as well as any future road.

Tom M. asked if the DRB had any questions or comments for Joe C. regarding this application.

Greg W. asked if there is any concern on the northern end by increasing the width of the strip of land from the northern portion of Lot 5 from 75 feet to 100 feet. He wondered if that will negatively impact the fields by not allowing useful separation between the two fields.

Joe C. replied that we feel it will be fine as there was actually more room than necessary between the fields previously. Alex W. added that we verified that with our engineer, Doug Henson of Lamoureux & Dickinson and he felt it would be sufficient separation.

Ted B. asked what the details are on the road that will be on the right of way of Haystack Road. Joe C. replied that Fletcher Allen would be paving the first 200 feet of Haystack Road which goes as far as the access point of their parking lot. The applicant would continue from that point with a small section of Haystack Road that would be built up to current road standards with gravel so those materials can be utilized as part of the future road when paving occurs. However, the access to the

fields will branch off of that point and will provide temporary access to the fields until full build out of Haystack Crossing occurs. Alex W. noted that based on a conversation with the engineer, most of what the applicant puts down will have to be taken back out when permanent roads are put in.

Ted B. questioned if a culvert would be installed in the stream bed or is there one already. Peter E. stated there is a culvert there currently however, it was never reviewed by us and will need to be looked at again to ensure it is sufficient. Alex W. clarified that the stream buffer would be addressed at final as well as the culverts.

Sarah M. asked who would be responsible for paving the remainder of the road. She expressed concerns with piecemealing of this road. Alex W. replied that the DRB allowed FAHC to install a 24 foot wide road rather than the full width that was outlined in the master plan.

Ted B. questioned if the road can be installed in such a way to ensure the materials can be utilized for the permanent road. Ted would like to see a condition in the final report that an engineer assess this issue and present a report as to what the possibilities are. Ted also asked if utilities will be addressed at final.

Joe C. replied that in Phase 1 the Town is only focusing on the construction of the fields. Tom Ayer stated that if we don't have power, we would install port-o-lets near the fields. Zoe W. asked if they had considered lights for the parking lot for those people leaving at dusk after games. Joe replied that they haven't looked into the lighting at this point. It was suggested that they look into the possibility of solar lighting for this purpose and Joe stated they would be exploring that as an option.

Alex W. stated that during final, we (The Town) will also be submitting an application for site plan approval and conditional use approval to cross the stream. (Stream Buffer Encroachment). Alex stated that in response to the utility question, what he included in his narrative explains that the FAHC project will bring 3-phase power to the south side of Shelburne Falls Road, and the Town plans to install the maximum size underground conduit recommended by Green Mountain Power from that vault south along the access road to just beyond the proposed FAHC driveway. This will ensure easy access to underground full capacity 3-phase power for future build out of the recreation fields and Haystack Crossing property. Any electrical service to the recreation fields will be underground and will follow the existing water/sewer lines as well as future roads. This would be very expensive to run these utilities in the initial phase. Conversations are still ongoing with the landowner and will be addressed in the final review process.

Tom M. questioned how many parking spaces there would be. Joe C. and Alex W. confirmed that they have not determined that at this point. Tom M. stated that he brought this up due to the shortage of parking available near the CVU fields. Alex W. confirmed that this would be addressed in the site plan application that will be submitted along with the final plat review process.

Peter E. reiterated that this is in the Rural Agricultural District. If the Town comes back in for a lighting request in this district, it could present an issue related to the purpose of this district.

Sarah M. asked Alex to show on a Google map how far the road goes from the south up. She wondered how access would be gained to the fields from various directions. Alex stated that in the short term, pedestrians coming from the south will have to walk along a short segment of Route 116 north of Kinney Drugs to the trail head. However, once this trail connection is established, it should trigger a requirement from a previous DRB approval that a sidewalk shall be installed along this section of Route 116 by Hinesburg Center LLC (Brett Grabowski of Milot Real Estate) – i.e., the developer of the Kinney Drugs property.

Tom M. opened the floor up to the audience for questions and/or comments.

Marge Sharp cautioned the Town/DRB to not forget to install a backboard between the fields and the parking lot in an attempt to prevent balls from hitting windshields.

As there were no further questions or comments from the audience, conversation returned to the DRB. Ted B. noted that this application is a 2-lot subdivision and a PUD. He questioned what the purpose was for the PUD application. Alex W. replied that the only reason it is going in as a PUD was for the transfer of density from the Rec. fields to the remaining portion of Lot 4 in the Agricultural Zoning District. Ted noted that it looks as if there will be a lot of details to address at the final phase.

Ted B. made a **motion to close the public hearing and direct staff to draft conditions of approval for the preliminary plat.** Dennis P. **seconded the motion.** The motion **PASSED 7-0.** Kate Myhre did not participate in this application.

Artie & Claire Weis: (Sketch Plan Review for a 2-lot Subdivision) – The applicants are requesting sketch plan approval for a 2-lot subdivision for the purpose of creating an additional building lot for their son. This property is a 10.1 acre parcel located at 139 Raven Hill Road in the Agricultural Zoning District.

Artie Weis introduced the application. He described their location off of Raven Hill Road which is a private road off of Silver Street. Originally this road served 4 lots; however, currently it serves 3 lots and the 4th lot accesses directly off of Silver Street.

Suzanne Kneller, a neighbor that lives on the 10.2 acre lot on Raven Hill Road noted that when this development was originally created, that 4th lot had access directly off of Silver Street that was deemed temporarily unusable so they were granted a temporary easement to our road (Raven Hill Road). When that 10.1 acre lot was sold, the easement went away.

Greg W. asked the applicant if the parcel was 10.1 acres when he originally purchased the property or if previous subdivision had occurred. Artie W. verified that it was indeed 10.1 acres when he purchased the property. Tom M. asked what density Peter was referring to in his report. Artie W. replied that the proposed density would be similar to Mead Farm Road which includes smaller sized lots.

Roberta Soll introduced herself as another neighbor that owns the 5.2 acre lot across from the Weis property. Roberta S. replied that the lots are smaller on Mead Farm Road due to the 30 acres of common land that are part of that development.

Tom M. asked staff if there were any major issues that they saw with this application. Peter E. replied that the density is certainly something that should be addressed. He suggested the DRB hold a site visit as this road is narrower than previous roads the DRB has approved. Peter added that it isn't up to the standards that the DRB has required in previous subdivisions. The DRB should address the location of the lot, location of the building envelope, road access and road standards.

Alex W. suggested conducting a site visit on April 16th prior to the meeting. He added that it might be helpful for the DRB members to take a drive down Silver Street, Mead Farm Road, & Raven Hill Road prior to the site visit.

Dick asked for clarification regarding the proposed lot that is being subdivided. His understanding was that this lot would not have direct access to Silver Street but would utilize a right-of-way off of Raven Hill Road. He questioned if this would be part of an existing Road Association, and if not, who initiates Road Associations? Ted B. clarified that anyone on a right-of-way has the right to create a Road Association but we can't force them to join.

The DRB asked who owns the land where the right-of-way is located. Suzanne Kneller replied that this has always been a mystery since the beginning. She believes it is her land but feels that this should be surveyed as part of this process.

Artie Weis stated that they had Ronald LaRose, the original surveyor of this subdivision, come out recently. Ronald LaRose walked the property with the applicants and felt that the right-of-way was in close proximity to where it should be. Claire Weis added that they were able to find most of the pins with the help of neighbors and it appears to be within several feet of the proper location. Obviously, an official survey will still need to be done.

Roberta Soll questioned if there could be a possible alternative building site located, as the proposed site is in her direct line of sight from her house. Claire Weis stated that the intention of setting that building envelope was to preserve the view shed for the Patrick/Kneller property and be as far away from the corner of the Solls property, as well as provide screening. She stated that an alternative site would be near the Lawson property which contains lots of ledge. This would be at the western end where it is denser and the driveway would be too near to their home. Artie Weis added that the 7.1 acre lot (Lot 1) was the other lot that we explored. Dick J. noted that the building envelope is relatively flat based on the contours.

Suzanne Kneller referenced the mapped stream indicated on the plan. She noted that there is a second stream right now that is running but is not mapped. Suzanne K. pointed out on the map that this stream is running away from the Weis property and through the Kneller/Patrick property. She questioned how a stream is mapped. Peter E. stated that the Zoning Regulations define it as anything that leaves a permanent mark. However, he noted that this is really unenforceable but they (DRB) can certainly apply the same restrictions around this stream as well if they feel it is

needed. Artie Weis commented that the building envelope is the necessary 75 feet away from the mapped stream as well as the unmapped stream.

Dick J. asked the applicant what kind of water pressure the wells in the area were getting. Artie replied that all wells in the area were getting between 75-110 gallons per minute (gpm). Claire Weis stated there is an enormous underground water source in this area.

Tom M. made a **motion to continue to the April 16th meeting with a site visit at 6:00 p.m. at the Weis property.** Dennis **seconded the motion. All in favor.** Greg noted that he would not be available for the site visit or at the meeting.

Zoe W. asked the applicant if they would flag out the building envelope, corners, right-of-way, etc. Artie W. confirmed that they would do that prior to the site visit. Claire W. added that they would point out the natural features as well.

Dennis Place/Dan Coolbeth: (Sketch Plan Review for a 2-lot Subdivision) – The applicants are requesting sketch plan approval for a 2-lot subdivision on a 47.6 acre parcel located on the north side of Place Road East in the Rural Residential 1 Zoning District.

Dennis recused himself from the Board.

Tom M. stated they conducted a site visit at 6:00 p.m., prior to the meeting. The DRB members and staff present for the site visit were as follows: Zoë W., Sarah M., Dick J., Tom M., Kate M., as well as Alex W.. Audrey Horton and her son Chris, as well as neighbors, Russ & Deb Robinson and Steve Gladstone attended as well.

They began the site visit off of Place Road East. They walked up the Robinson driveway to the right-of-way and saw the cleared field. They also saw a geological feature known as the Hinesburg Thrust Fault, location of the stream, logging roads on the eastern side of the right-of-way as well as the location of the log landing.

Zoë W. noted that no new development was proposed on Lot 2 at this time. However, at some point down the road, 3 lots would be created. Dennis showed the location of where those lots would be. Two of the lots would be in the open meadow and the third lot would be located in the woods over to the stream. Tractors access the fields for haying at the bottom corner near the Class 4 section of the road. Place Road East turns from a Class 3 road to a Class 4 road at the Gladstone driveway. We saw the culverts on the road as well as overhead lines going up to the Robinson house that cross over the driveway at one point. The road begins to get steeper as you enter the woods. The right-of-way is quite long up to the Robinson home.

Tom M. asked if any of the neighbors had any questions or comments. As there were no questions or comments at this time, Tom M. turned the floor over to Dennis P. to present the application. Dennis P. stated that Audrey Horton owns roughly 47 acres. Dennis P. plans to purchase 12+/- acres and subdivide it. Audrey H. will retain the remaining 35-acre lot and tear down the existing house and build a new one. Dennis P. commented that he is not proposing any new development at this time but it is planned for the future.

Tom M. asked if there is anything that would impact further development on the Robinson property. Greg W questioned if there are any restrictions in the deed of the Robinson property that came about when the right-of-way was granted for the Robinson lot? Dennis P. replied that there was not. Dick J. observed that the Robinson property contains approximately 10 acres and is located in the Rural Residential 1 District. Alex W. stated that while development could still be possible on a lot this size, he was unsure what limitations might exist due to the steep slopes and other natural features.

Alex reviewed the maps that were contained in the packet and displayed them on the projector. Map 3 (Steep Slopes) shows a lot of steep land on the upper portion of the property on either side of the mapped stream. As a result, this stream has a beautiful, gorge-like appearance. The stream has the required 75 foot setback. Dennis P. stated that the goal is to keep all of the woods, agricultural soils, etc. intact. Christmas trees were removed in 2012.

Dennis stated that in the Lot 2 master plan, he will create 3-acre lots. Dennis commented that in talking with Russell Robinson, the property lines may be slightly off (possibly 2 acres less) but would still fall within the 3-acre zoning. Alex added that Russ R. pointed out in the site visit that their boundary line may not be accurate on the tax map. This will need to be officially determined when the survey is done.

Russ Robinson, who owns the parcel to the north of the proposed subdivision, voiced his concern that the property line falls along the stream rather than the line indicated on the tax map. He also shared concern with the narrowness of Place Road East. He stated that there are trees on each side of the road and a good sized drainage ditch. He commented that when 2 cars meet, one car has to back up into the nearest driveway as there is not adequate space for two cars to pass each other. Currently, 4 houses use this narrow portion of the road. In this proposal, 4 more houses (3 + Audrey's) would be accessing this narrow section of the road.

Ted B. stated that road improvements may need to be made but it sounds like they may be difficult due to the narrowness of the road. Russ Robinson replied that in order to widen that section of the road, trees would have to be cut and he is unsure how difficult that would be. Steve Gladstone added that he has talked with the plow drivers regarding how difficult it is to maneuver on this portion of the road.

Alex W. clarified that this application is not proposing any development currently. Dennis is looking for feedback at this point regarding next steps. Place Road East is a Town road and the Town has responsibility for its plowing and maintenance. Ted B. pointed out that on Buck Hill Road, Sam Evanson had to make improvements to the Class 3 section as a condition of his subdivision approval.

Steve Gladstone encouraged the DRB to check in with the Town plow guys as they have asked permission in the past to cut trees in order to plow the road. Alex suggested talking with the Road Foreman.

Ted B. questioned if the acreage size on the master plan might be affected if it was determined the property line on the tax map was incorrect. Alex W. replied that if the size of Lot 2 shrinks as a result of the property line issue, this might impact how future subdivision lot lines can be drawn to meet the minimum lot size requirements. Alex W. stated that Lots 2a & Lot 2b are 3 acres each, the house sites are rather straightforward as they are relatively flat and have views of the Adirondacks; but as Zoë W. pointed out, Lot 2c, which contains 6 acres, is mostly wooded and much steeper.

Peter E. encouraged the Board to consider the density of the surrounding neighborhood. Alex tried to address this in his staff report. The density is very low (large lots) in development to the north due to the wooded landscape, steep slopes, etc., but it is heavily developed to the south.

Greg W. expressed that he has no problems with what is proposed at this time and he has no problem with the 3 lots that are slated to be created in the future. The Board discussed surrounding development such as Aube Ridge Road, which is located up the hill on Pond Road. Aube Ridge Road contains mostly 3-5 acre lots.

Steve Gladstone reiterated that his concerns are with the road and the rural aspect of this area as well as the compatibility with the surrounding neighborhood.

Tom M. clarified that this would be a 2-step review process. It would go from sketch to final.

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

Other Business:
Dennis P. rejoined the Board. Sarah M. left and Bill M. joined the Board.
Lawrence & Cynthia Caron: Decision Deliberation (Public Hearing Closed on 2/19)

Ted B. questioned if they would need to grant the Town an easement for storm water drainage. Alex replied that they should take that up in the preliminary phase as this would be a 3-step process. The Board discussed the wording they wanted in the 2nd sentence of 4 C with Alex. Alex will add "the applicant shall explore a potential irrevocable offer with the Town". Zoë W. suggested requesting a storm water plan at preliminary.

Zoë W. made a **motion to approve as amended.** Dick J. **seconded the motion.** The motion **PASSED 4-1.** Ted B., Dennis P., Zoë W., Bill M. voted yes and Greg W. voted no.

Election of Officers:
All seven DRB members joined the table for this order of business. Bill M. and Sarah M. sat in the audience.
Tom M. **nominated Zoë W. to be Chair**. Ted B. **seconded the motion.** All in favor.

Greg W. **nominated Dennis P. to be Vice Chair**. Dick J. **seconded the motion.** All in favor.

Ted B. **nominated Kate M. for Clerk.** Dick J. **seconded the motion.** All in favor.

Tom McGlenn is officially resigning from the DRB after tonight's meeting. He has served on the Zoning Board of Adjustment and Development Review Board consecutively for 32 + years. He has served as Chair for 31 of those years. His fellow DRB members and staff thanked Tom for his service. They valued his calm demeanor, ability to remember names and good sense of humor. Tom M. shared his most bizarre memory during his 32+ years of service. Tom stated that during a Zoning Board of Adjustment meeting, the Town Hall was locked and we weren't able to get in for the meeting. We ended up holding the meeting inside Paul Casey's Cadillac.

Tom M. stated that before we had staff, we had to come up with everything at the meeting. We are very fortunate to now have excellent staff. It has made the process much more thorough. Tom M. felt the Town of Hinesburg has grown really well over the past 32 years and he feels fortunate to have been a part of that process.

The Board members discussed filling the open seat. Applications are due March 29th. The Selectboard will begin interviewing applicants after that date.

Peter stated that they still needed to discuss some issues related to Haystack Crossing before he can begin drafting the conditions of approval.

Kate M. recused herself for this discussion.

Haystack Crossing Decision Deliberation:
Peter E. asked the Board how they want to address the PUD in Haystack Crossing regarding the transfer of density from the Recreation Fields. Do you want to say development density is moving east and cancel any development potential west of the fields? Ted B. asked about the issues of western portion of Lot 4. Peter E. replied that it was comprised of clay plain forest that needs to be protected. Peter stated that a clay plain forest means it is comprised of clay, white oaks (or other trees that like a damp environment), and flat.

Ted B. stated that he had a hard time putting restrictions on land to the west until all of those issues are in front of us. Ted B. doesn't feel this restriction should be part of this PUD. Peter E. feels that the purpose of the PUD needs to be addressed rather than just to transfer density. Dick J. felt that it was already determined that the other portion of Lot 4 was undevelopable due to the flood plain & stream buffer. Alex W. stated that the portion of Lot 4, to the east, already has a master plan. This master plan doesn't indicate would happen to the west. Alex W. suggested you could ask the landowner to develop a conceptual level master plan for this portion.

Zoë W. referenced Alex's memo regarding open space. He stated that the recreation fields didn't meet the full requirement so a portion of Lot 4 to the west would be used for this purpose. Alex added that the Board can determine how much open space they would require. Staff will be looking for direction from the DRB as to where & how much open space should be set aside in this preliminary approval. Ted B. felt that the clay plain forest would be an obvious choice for the additional open space. Zoë W. stated that essentially the applicant/landowner will need to discuss this space for final. Zoë W. asked, couldn't we request that they show what they want to do with the western portion of Lot 4? We could request that they show what they want to delineate as open

space and also request that they state what they want to do with the remaining land. Peter E. agreed that would be a good step.

Peter E. really tried to impress upon the Board to encourage the applicant and landowner to create a well thought out plan. He added that the cluster sign was not thought of in master plan and now can't be included unless they go back to Tony Cairns and ask for land back for that purpose.

Dick J. questioned if there was any opportunity for the western portion of Lot 4 to be accessed from the north? Alex W. replied the only potential way would be through the VELCO Right-of-Way and Alex confirmed that driveway access wouldn't be allowed or through landowners that have no reason to offer that. Any access to the western portion of this property has to cross a flood hazard area.

Ted B. made a **motion to close the public hearing.** Tom M. **seconded the motion.** The motion **PASSED 6-0.** The meeting adjourned at 10:10 p.m.

Respectfully Submitted,
Renae Marshall – Recording Secretary