

# Town of Hinesburg Development Review Board

April 16, 2013

Approved 5/07/13

**Members Present:** Zoë Wainer, Dennis Place, Greg Waples, Dick Jordan, Sarah Murphy, Ted Bloomhardt

**Absent:** Bill Moller, Kate Myhre

**Also Present:** Peter, Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) Renae Marshall (Recording Secretary)

*Representing Applications:* Artie & Claire Weis, Brent Boise (representing Jolley Mobil)

*Public present included:* Andy Weis, Cristin O'Neil, Suzanne Kneller, Josh Patrick, John Roos

Zoë Wainer chaired the meeting, which started at 7:34 pm.

## **Minutes from April 2, 2013 meeting:**

Zoë W. made a **Motion to approve as written**. Dennis P. **seconded the motion**. The motion **PASSED 5-0**. Ted B. abstained as he was not present for that meeting.

**Artie & Claire Weis:** (Sketch Plan Review for 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. **Site Visit: 4/16 at 6:00 p.m. (prior to meeting) at Weis property**

Zoë W. stated that a site visit for this application took place prior to the meeting. Those who attended the site visit were as follows: Sarah M., Dennis P. and Zoë W., Artie Weis, Claire Weis, Andy Weis, Cristin O'Neil, and Suzanne Kneller (neighbor).

Zoë W. said the site visit began at the home of Artie & Claire Weis (center of lot) and they walked back down the driveway and saw the location of proposed driveway for option 1 at a clearing alongside the Weis driveway. They continued on to the end of the Weis driveway and headed up to the south and west of the driveway near the Lawson's property. The 1.2 acres west of the Lawson driveway is part of option 2. They saw the location of the proposed house site and building envelope of option 2. They noted the flagging that was done to show the lot lines. They proceeded to walk across the field and around the perimeter of the Weis property. They noted the property boundaries and locations of neighboring homes. They were able to see the building envelope of Lot 1 and noted it was the necessary 75 feet from the mapped stream. They also were able to see the corner of the property lines.

Zoë W also stated that Suzanne Kneller had pointed out the stream (seep) that is not mapped but is wet and stays wet year round. Zoë W commented that Raven Hill Road appears more like a driveway off of Silver Street rather than a road.

Ted B. asked for clarification regarding if they (DRB) are now being asked to approve two potential lots at sketch plan. Greg W. questioned why the second option is being presented. Artie W. stated

that Roberta Soll had asked at the last meeting if other options could be considered. Claire W. stated the reasoning for developing a second option was to be more sensitive to their neighbors' concerns. Greg W. asked the applicants if they had a preference for either option. Claire W. stated that their preference would be toward option 1 due to a discovery today, while working with the Zoning Administrator, regarding the dividing road (driveway) necessitating a 2-acre sub parcel. Alex W. also informed the DRB that the subdivision regulations (Section 3.1.6) state that multiple sketch plans can be submitted and reviewed.

Sarah M. noted that option 2 appeared to have more screening than option 1. Claire W. stated that we (applicants) would be proposing screening in option 1 as well. Artie W. noted that he had emailed the Lawson's today regarding option 2, as they are currently in Florida. Ted B. stated that he didn't see a problem with exploring both options at sketch. Alex agreed that it appears that zoning regulations allow multiple sketch plans to be presented and/or approved.

Zoë W. asked if there were any questions or comments from the public. Josh Patrick (neighbor) stated that the Lawson's, Patrick's, and Soll's are all south facing and with option 1, all three homes would be looking directly at the proposed house site but that would not be the case with option 2. Josh P. asked if an engineering study would be done for both. Zoë W. replied that an engineering study wouldn't be necessary at this stage. Alex W. clarified that at final there would be septic design but typically that would be the only engineering necessary.

Josh P. asked if it would be possible to put in the deed that only children of Artie & Claire Weis could live on this proposed lot. Ted B. stated that the DRB can't state who is allowed to live there; they (DRB) can only approve it as a lot. Artie W. commented that they may consider adding that language in their deed anyway.

Dick J. questioned if you create a lot as shown for option 2, wouldn't the driveway to the existing house be a dividing line as well. Peter Erb (Zoning Administrator) stated that it would not as it only serves one residence.

Artie Weis asked the DRB if they had questions about option 1. Claire W. stated that they would tuck the house as close as possible to the northern lot line and they would make the driveway hug the tree line as much as possible. Zoë W., Dennis P. and Ted B. stated they felt both options seem to meet the regulations and one doesn't appear better than the other option at this point. Dick J. questioned if there is room for septic in option 2 based on where the house site is. Alex W. stated that the required separation distance of a well from septic system would be 200 feet down slope or 100 feet up slope. Artie verified that the well is down slope. Claire W. stated that it is possible the septic could be located on our lot, if necessary; but that will depend on the location of the Lawson's well.

Ted B. made a **motion to close the public hearing and direct staff to draft conditions of approval, leaving options open for both option 1 and 2.** He noted that this would be a 2-step subdivision and sketch approval would last for six months. Dennis P. **seconded the motion.** The motion **PASSED 6-0.**

**Jolley Mobil:** (Sign Review) – The applicant is requesting sign review for the replacement of the existing gas sign at their Mobil location with an LED sign of equivalent size. This property is located at 21 Commerce Street in the Commercial Zoning District.

Brent Boise (representing Jolley Mobil) introduced the application. Brent B. stated that they will be using the existing frame of the current gas pricing sign but the Speedpass panel will be replaced with a new panel that has red LED pricing. He stated that this is more efficient technology so employees don't have to come out to change the price each time. Fluorescent tubes will still be behind Jolley (mid-section) and Deli (bottom section) but LED will be behind the price. Brent B. stated that the LED will be brighter during the day but will dim at night. Greg W. asked how the brightness at night will compare to the lighting at the Jiffy Mart (Citgo). Brent B. stated that they are two different sign companies. The Citgo (Jiffy Mart) sign is smaller and the letters are smaller.

Greg W. noted that in Peter's staff report he commented on the fact that the current zoning doesn't address the new technology that exists today such as LED lighting for use in signs. Greg W. stated that since we aren't on the cutting edge for sign regulations, he would suggest that the DRB Chairperson should encourage the Planning Commission to address this issue. Alex W. noted that he works with the PC and he will pass Greg W's request on to them.

Brent B. stated that the sign doesn't flash (it is fixed). He also noted that there is a module that can be purchased to adjust the lighting level. However, the current sign is \$4,000 to replace. Brent B. stated that he is here to present what is on the table as the proposal states. He noted that if a lot of negative comments are received regarding the brightness of the sign, we (Jolley Mobil) would certainly address it at that time.

Ted B. asked Peter E. (Zoning Administrator) if the zoning regulations address having dark lettering on a light background. Peter replied that the zoning regulations state that illuminated signs with dark lettering on light background are not preferred but may be permitted at the discretion of the DRB.

Dick J. questioned if the LED's would be utilizing a 7 segment display rather than dots. Peter showed a picture of a similar sign at the corner of Hinesburg Road and Williston Road. He noted that they would be individual dots but they would be denser and therefore would have the appearance of segments. Dick J. asked if there would be a glass plate over the sign. Brent B. stated it would have a clear plastic shield that covers the entire sign.

Ted B. made a **motion to close the public hearing and direct staff to draft conditions of approval.** Dennis P. **seconded the motion.** The motion **PASSED 6-0.** Ted stated that the draft approval should include wording that states that they (DRB) won't know the true level of brightness until they see the actual sign. The applicant will need to come back to the DRB if the illumination is found to be too bright.

## **Other Business:**

### **Haystack Crossing: Decision Deliberation:**

Zoë W. asked for clarification regarding when the hearing closed for the Haystack Crossing preliminary plat application. Alex W. replied that the meeting closed on March 19<sup>th</sup> and the Decision would need to be amended to reflect that information.

Peter E. supplied the Board with a slightly revised DRAFT approval. The Board spent time looking over the DRAFT approval. Greg W. and Ted B. felt Peter E.'s (Zoning Administrator) edits were very good. Greg W. appreciated Peter's comments regarding preserving our (DRB) discretion related to future development.

Zoë W. asked for clarification of Conclusion 5 - Peter E. stated that his hope was to get open space located in land to the west in a place that has the best natural attributes and reasons that can be stated. Peter E. stated that the applicant should have a purpose of the western portion of the open space. Peter suggested language such as, "You should *consider* protecting natural attributes such as clay plain forest, wetlands, etc.

Alex W. stated that when open space is proposed for development, open space is delineated and the purpose of the open space is identified. Therefore, some sort of purpose for the western portion of the open space should be provided at the next step.

Zoë W. recapped what needs to be amended in the Decision as of now:

- 1.) Need to add a closing date of the public hearing (March 19, 2013) to the DRAFT Decision
- 2.) Ensure driveway details state that it should be built in such a way that allows it to be reusable when final road is constructed. Construct the driveway to the end of Lot 3 where the culvert is.

Alex W. clarified that the Town (applicant) proposed an 18 ft. wide gravel road with fabric underneath. He asked if the DRB is now requesting that the base portion be built out to 24 or 32 feet. Sarah M. stated that 18 feet may be too narrow if we are considering using it as pedestrian access as well, and parking may be limited so people may begin parking alongside this narrow road. Dennis P. questioned if the location of the road could be moved so it could go behind the fields. This would allow for the road to remain in its initial location and could also provide access to the land to the west for the Bissonette's for forestry work, etc.

Alex W. reiterated that Fletcher Allen Health Care (FAHC) will be responsible for a 24-foot wide paved section to the access point of their driveway. The Town has proposed an additional 8 feet of widening to allow for future turn lanes.

Dick J. felt that the Town should continue that 24 foot wide road to the portion that will be a permanent road (at least to the point where the stream crosses under the road via the culvert) and build the base to the Town standards so it doesn't have to be ripped up. Alex W. clarified that what he was hearing is that the Board wants to include language in the conclusion stating that they (DRB) feel it is counterproductive to have the section of the road in a fixed location, torn up and

rebuilt at a later date. Alex W. showed a map that indicates where Haystack Road will be. He reiterated that the initial 200 feet would be built by FAHC. The total distance to the stream/culvert would be 500 feet; therefore, the Town would now be responsible for 300 feet of constructing the road to Town standards and widening it to 24 feet.

Peter E. stated that sub drains and different gravel would have to be installed as well, if the plan is to now have the Town build this road to Town standards. Sarah M. questioned if there is a sewer plan or swales on the master plan. Alex replied that at the time of the original subdivision; no development was proposed so it didn't include a storm water plan. As each new lot is developed, a storm water/sewer plan will be drawn up at that time. Alex W. stated that the Town isn't planning to install a storm water treatment facility of any sort. The engineer working on this project, plans to install grass swales on the sides of roads that are not curbed.

Zoë W. stated that what the DRB is requesting is engineering plans for the driveway and associated infrastructure. Ted B. said what he is simply looking for with regard to the road construction is something that doesn't require being torn up at a later date. He is not suggesting curbing, catch basins, drains, and pavement. Alex W. suggested that Peter (Zoning Administrator) could add the following to the Order: Engineering plans pursuant to the Conclusion or, to reflect why it *shouldn't* be done.

Peter E. commented that parking would be addressed at the site plan review. This will need to be addressed according to the parking needs. Dick J. felt that the parking should be located on the lot with the Rec. fields. He noted that the fields have been packed in this lot; he wondered if perhaps we should decrease the number of fields to allow for additional parking spaces. Alex W. felt that it would be premature to decrease field space to allow more parking. The intent of this project was to create a substantial recreation space. Alex W. agreed with Peter that this should be addressed at site plan. Alex W. stated that the Bissonette Family has been flexible with the movement of the lot lines (how they are drawn) and easement areas, as necessary, to make this work.

Alex clarified that the following reviews would be done at final:

- 1.) couple of conditional use reviews
- 2.) site plan
- 3.) final plat review

Ted B. made a **motion to approve the DRAFT Decision as amended**. Zoë W. **seconded the motion**. The motion **PASSED 6-0**. Zoë W., Ted B., Dennis P., Greg W., Dick J. and Sarah M. participated in this Decision.

Greg W. brought up a couple of enforcement issues. He stated that the bollard lights from the parking lot to the front of the Hinesburgh Public House are on when he has driven by between 3:00 a.m. and 4:00 a.m. on many occasions. Peter E. stated that he will look into it and see if the Decision made any reference to specific times that the lights can be on.

Greg W. also noted that the trees and shrubs have died that surround the Champlain Valley Telecom box at the corner of Drinkwater Road and Baldwin Road. He stated that this landscaping around the

box was a requirement of its original DRB approval. Peter E. replied that he is aware of the issue and Champlain Valley Telecom will be replacing them this spring.

Zoë W. made a **motion to adjourn**. Greg W. **seconded the motion**. The motion **PASSED 6-0**. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,  
Renaë Marshall – Recording Secretary