Town of Hinesburg
Development Review Board
May 21, 2013
Approved 6/18/2013

Members Present: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Bill Moller. Greg Waples arrived at 8:07pm. Bill M. left at 9:23pm.
Absent: Zoe Wainer, Kate Myhre.
Also Present: Peter, Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) Freeda Powers (Recording Secretary).
Representing Applications*:* Brian St. Cyr, Valerie Thibodeau and ***Ruben.
Public present included: Margery Sharp, Monte Stokes and Gloria ***.

Dennis P. chaired the meeting, which started at 7:30 pm.

Minutes from May 7, 2013 meeting:
Ted B. made a **Motion to approve as amended.** Dick J. **seconded the motion.** The motion **PASSED 5-0.**

Rob Bast & Laura Carlsmith: (Land Transfer) – The applicants were not present for this application, which requests a land transfer for the purpose of making a boundary line adjustment for two adjoining properties. Both properties are owned by the applicants and consist of two 10 +/- acre lots. They are proposing to adjust the boundary lines of those lots to create a 13-acre lot and a 7-acre lot. The applicants' current house is on the proposed 7-acre lot and there is no development proposed at this time for the 13-acre lot. These two lots are located off of Windrow Lane in the Agricultural Zoning District.

Peter E. explained that the process to Transfer Land to an Adjoiner requires the DRB to make a determination that said transfer does not constitute a subdivision based on a set of criteria which this proposal must meet. The new dividing line should be located such that it "results in a non-conforming parcel." He went on to explain that the new dividing line will have to be located so that it is at the end of the existing approved ROW (which is possible). As well, he noted, it will have to conform to the required setbacks from an existing accessory structure (also possible). Peter E. provided the board with a memo for review. The Board's approval of the memo will allow him to issue a Zoning Permit for the Transfer of Land to an Adjoiner.

Bill M. asked if this is a required process for all boundary line adjustments. Alex W. said no, only in cases where the transferred lot meets or exceeds the Minimum Lot Size for that district (in this case 3A).

Neighboring land owner, Monty Stokes, spoke from the audience, asking what the purpose of doing this adjustment is. Alex W. said it is in anticipation of the proposed Planning Commission Rural Area Zoning Regulations which some landowners fear may restrict their future ability for

subdivision. He told the board to expect to see more applications in the future that are motivated by the same concern.

Gloria ** voiced her concerns for the potential development in that area, saying they do not want increased traffic impacts on their rural dirt road (Mallard Pond Rd). Alex W. said the potential development under the new proposed regulations would be a maximum of three homes (including the existing home). He explained that under current regulations, the landowners still retain the option to subdivide and noted that their current development potential is uncapped and at the discretion of the DRB review process. He also noted that access points to the parcels cannot be determined at this time as no house site is yet established.

Sarah M. assured the concerned parties present that any future applications for subdivision or development would be fairly warned in advance and no decisions would be made without proper public notice and hearings.

Ted B. said we are not dealing with those concerns at this review; this is only a request for a boundary adjustment, not a request for subdivision or development.

Dick J. asked if the deeded ROW would go with the 13A lot. Ted B. said yes. Monty S. asked what criteria the board is using to approve or deny this request. Dick J. said the request is not changing anything, only moving a property line. He feels there is no valid reason to deny the request. Alex W. said the proposed zoning changes aim to reduce exactly what they are concerned about—over development. Peter E. concurred. Ted B. made a **motion to confirm the memo which finds the transfer of land is not a subdivision.** Dick J. **seconded the motion.** All approved, the board voted **5-0.**

Brian & Penny St. Cyr: (Sketch Plan Review) –Brian St. Cyr presented this application, which seeks sketch plan approval for a 2-lot subdivision on a 9.8 acre lot on the west side of Route 116 and the north side of Tyler Bridge Road in the Agricultural Zoning District. The St. Cyr's originally owned a 14.6A parcel and this will be the fourth lot created from it. He said this application is also driven by the new proposed Rural Area Zoning Regulations being considered.

Staff concerns with the project included that the proposed new property boundary passes directly through a designated replacement area for Lot #1. A property line cannot be within 25' of a disposal system. Therefore, either the boundary has to be redrawn or the Waste Water Permit will have to be modified to accommodate this situation. The applicant addressed this concern by saying the area has very good gravel and if necessary, he is willing to have an engineer come in to make changes. He said he also still owns the water rights to Lot #1.

Ted B. asked about density context for the area. Peter E. said the division on the remaining 9.8A lot would create an average density of slightly less than five acres. If all the lots created from the original parcel are considered for the density factor, it would then be 3.6 acres if this subdivision is approved.

Ted B. asked about lot sizes of the area. Dennis P. noted from the staff memo on the application that lots in the neighborhood range in the area from 1.7-4.6A in size, averaging 2.7A.

Dick J. asked which lot is the well on. The applicant said Lot #4 serves his home and the mobile home lot. He said Lot #1 has an 18G well which he retains rights to as well.

Dennis P. asked about driveway maintenance. The applicant said currently that responsibility falls on him. In the future, should a lot sell, that expense/responsibility would be shared.

Peter E. proposed the board could do a site visit if they thought it might be helpful. Dennis and Ted both said they are familiar with the area. Dick J. said he did not see the benefit of a site visit on this application.

Dick J. asked if the applicant plans to demolish the existing garage and rebuild. The applicant said that depends on the work and costs involved. He needs to speak with a carpenter to determine costs and options. Alex W. cautioned the applicant to be cognizant of setback requirements should they decide to rebuild or change the existing footprint of that structure.

Dick J. asked if the existing garage is connected to the waterline. The applicant said no. Dick J. asked if the applicant has a septic system or plans to have a shared system. The applicant said he could do either, adding that the system on Lot #2 is designed for a 3bdrm home.

Ted B. made a **motion to close the public hearing and approve Draft Decision as amended to address concerns raised.** Dick J. **seconded the motion**. The motion **PASSED 5-0**. Greg W. abstained from this vote.

Thibodeau/Palmer: (Site Plan Review) –Valerie Thibodeau represented this application, which seeks site plan approval in order to construct a (2-unit) multi-family dwelling on their 0.75 acre lot with their existing house. This property is located at 62 Charlotte Road in the Village Zoning District. The applicant said they feel the property is currently underutilized and aim to present something that would fit in nicely with the area which is centrally located to the village area. The project aims to achieve Green Certification as well.

Addressing concerns raised in the staff report, the applicant said they are open to considering changes to the plan to include the option of shared driveways. Dennis P. asked about concerns raised in the staff report about drainage issues on the site. The applicant said this is currently being worked on.

Greg W. asked what the applicant might consider to enhance the space of the site. The applicant said if they reoriented the entire structure, it may help with the tight space of the site. She also offered increased landscaping. Greg W. asked if the applicant is committed to the garages as proposed. The applicant said yes, they would prefer to have them as they believe they will be desirable for renters with families.

Bill M. asked if additional impervious surface area will impact the site's stormwater runoff. Alex W. said shared access would help to minimize that. He went on to say that while there are no current issues in this area, there is also no existing treatment beyond the existing ditching. Sarah M. said she would like to see the applicant maintain the current driveway and incorporate some green space. The applicant said they would prefer to showcase the home, rather than the driveway, on

Charlotte Road. Ted B. said he feels fewer curb-cuts are better. Alex W. reminded the applicant that they should not be backing out onto Charlotte Road and asked the Board; if redesigned with shared access, would they feel there is adequate space on the site? Dennis P. and Dick J. both said yes. The applicant said they back out onto Charlotte Road all the time. Alex W. said the redesign will need to accommodate a turn-around to address this.

Sarah M. suggested the applicant consider development on the other side of the existing house. The applicant said there *is* a drainage issue there.

Ted B. voiced his dislike of the proposed fencing in the application, saying the space already feels dense, and the fencing only increases that. The applicant asked if the board would be more comfortable with bushes rather than fencing. Sarah M. said she thinks it is the breaking up of the open space that is the concern. Ted B. said he is concerned that the increased density can't help but impact the existing house. He told the applicant, you can't have everything. He said he does think landscaping would be better than fencing.

Greg W. asked if the applicant has considered affordable housing for this project. The applicant said she did not know much about that process, but that because the units will be relatively small, they will also be less costly.

The applicant pointed out to staff that both the Agenda and the Tax Map both show incorrect acreage; the lot is actually .48 acres.

Peter Erb cautioned about plantings on the sewer ROW. Alex W. said Rocky didn't mention this as a concern, but the applicant will need to work closely with his department as this property line is very tight to the sewer line. Ted B. said he is interested to see what all the bonuses will result in.

Greg W. told the applicant he is impressed with their thoughtfulness and flexibility on this project. Ted B. made a **motion to continue the application to 6/18.** Dennis P. **seconded the motion**. All in favor, the board voted **6-0.**

Other Business:

Ruben/Morehouse: Request for Extension of Development on a Private ROW: Nancy Ruben and Tracey Morehouse have requested an extension of the approval they received on May 4th, 2010. That approval allowed them to relocate their common driveway to a new location on the western side of their property so that it didn't pass between the Ruben house and barn anymore. Greg W. **made a motion to grant the 1yr extension.** Bill M. **seconded the motion.** All in favor, the board voted **6-0.**

Matt Giroux: Sketch Plan Approval Extension Request: The expiration date on this sketch plan was May 5th, 2013. Due to a staff error, this date has passed. Staff is requesting on behalf of the applicant that the board grant an extension, using a Waiver from Section 7.4 of the Subdivision Regulations. Bill M. **made a motion to grant the extension.** Dennis P. **seconded the motion.** All in favor, the board voted **6-0**.

Norris: Sketch Plan Approval Extension Request: The application, dated December 4th, 2012, will expire on June 4th, 2013. Applicant is requesting an extension. Bill M. made a **motion to grant the extension.** Greg W. **Seconded the motion.** All in favor, the board voted **6-0**.

Jolley Mobil: Decision Deliberation (**Public Hearing Closed on 4/16**): Staff provided the Board with draft approval for this application, with special note to changes in Orders #2 & #3. Ted B. **made a motion to approve** the draft approval with changes. Dennis P. **seconded the motion.** All in favor, the board voted **5-0.** (Dick J., Ted B., Dennis P., Greg W. & Sarah M.)

Ted B. **made a motion to adjourn.** Sarah M. **seconded the motion.**
The meeting adjourned at 9:27 p.m.

Respectfully Submitted,
Freeda Powers – Recording Secretary