

Town of Hinesburg Development Review Board

June 4th, 2013

Approved 6/18/2013

Members Present: Dennis Place, Dick Jordan, Sarah Murphy, Greg Waples, Zoe Wainer. Ted Bloomhardt arrived at 7:38pm.

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

Representing Applications: Brett Grabowski.

Public present included: Greg Tomczyk, Dan Jacobs, Kyle Bostwick.

Zoe W. chaired the meeting, which started at 7:31 pm.

Minutes from May 21, 2013 meeting:

Zoe W. made a **Motion to table the minutes until the June 12th meeting.** Greg W. **seconded the motion. The motion passed 5-0.**

Hinesburg Center LLC: – Brett Grabowski represented this application, which seeks subdivision revision and site plan revision for the purpose of eliminating approximately 2500 sq. ft. of office space on the 2nd floor of the building (currently under construction) on Lot 47 of Hinesburg Center and changing this space to include 3 residential units. The applicant is also requesting an increase of the total number of residential units in Hinesburg Center to twenty-one (21). This property is located on the north side of Farmall Drive and the east side of Kaileys Way in the Village Zoning District.

Brett noted this is the second request for revision to Lot 47. He said density allows for the conversion being requested and he said he has worked out with staff the overall density of the project. With bonuses, he said, the maximum density is 18 units. One issue is the 20% inclusionary clause in Residential Housing. This project would require 1 “perpetually affordable unit”, which he intends to include as part of the last phase.

Greg W. asked if the existing build-out include that requirement. Brett said yes, in other words if that last phase were never to be built, he would have to make one of the existing units that affordable unit. He also noted that there are a number of ways to achieve bonuses, including green energy. He reminded the board, also, that he has to come for review for each new building.

Alex W. clarified that the applicant is not at this time asking for an increase in the number of units, only in the placement of the 18 he has already applied and been approved for.

Brett said the main reason for the request to change from commercial use to residential use is the increase in success on the rental side with the decrease of need for smaller commercial locations. He said the Bristol Bakery location has thus far been very successful; the mixed use there is working well, meeting the needs of the commercial uses and the Town Plan.

Greg W. asked if the residential units are required to be rentals vs. condos. Brett said no, but added that State ADA regulations now say that any commercial space over 1,000 sq. ft. (*per floor*) has to be 100% accessible. National ADA regulations only apply this to units larger than 3,000 sq. ft. Greg W. said then by state regs, none of these buildings could ever expect to have commercial uses on the 2nd floor. Brett concurred.

Peter E. (Zoning Administrator) voiced concerns regarding the density issue as it pertains to Zoning Regulation Section 5.21.1. He suggests the developer should build the affordable unit now. Brett G. agreed to do so if that is what the board wants. Alex W. said that is not really a board issue, and noted that the entire project triggered the inclusionary zoning provision at the onset.

Brett G. went on to discuss parking. He showed the board a Parking Matrix with parking analysis as prepared for part of the Bristol Bakery application in January, this year. This matrix showed Total Built Parking at 98; 18 Residential Units for 36 required spaces, Café 40 required spaces.

Greg W. said he feels the site is constrained, potentially compressing the community space and he cautions that increasing the residential spaces may create parking issues on the weekends. Brett G. referred to the parking matrix, and said residential use actually tends to help parking.

Dan Jacobs spoke from the audience. He is a resident of Creekside and said he has concerns with developers maximizing their benefits with bonuses etc. He does not see the benefit to the surrounding community. He does not personally like the idea of limiting office spaces; he said we need room for making jobs for people. He sees these as revisions to a selling ploy early on which suited the developers' desires. In addition, he said, he hears a lot about people who purchase rentals or homes who then have a difficult time getting satisfaction after the developer has moved on to their next project.

Greg Tomczyk spoke, also a Creekside resident. He said he is amazed that the parking is going to be enough to accommodate this project. Greg W. assured him that the board has studied this issue extensively on this project since its beginning and Staff also did an observation from June 11-18. During that observation time, there was an average of less than 20 vehicles using the available spaces. Ted B. noted this is for the short-term, as three buildings have not fully been approved yet. He expects that incremental phasing will demonstrate whether the parking is working or not.

Greg T. said he thought the Planning Commission wanted green spaces, he only sees parking. Kyle Bostwick spoke from the audience (also a Planning Commission member), he said in respect to density, he feels the town is missing an opportunity by foregoing the commercial use at the site. He said we are hoping to grow the village to see business during the week. He said he envisions the new buildings going in at Ballards Corners will be larger in scale and worries where these smaller office spaces will go. He went on to ask if we have given thought to mitigating in this project as it relates to future development plans towards the west.

Greg T. said there is only one existing culvert and due to elevation grading, bad ponding occurs. Kyle B. said this issue must be addressed. He concurred that the area behind the site is *very wet*, and asked if the applicant has taken this into consideration. Peter E. said the sketch plan approval is in for the remainder of the lot; to be reviewed this summer. Kyle B. suggested considering the domino

effect of development and mitigates the “new water”. Greg T. asked where *the runoff goes*. Brett G. said to the swale behind the Kinney’s store.

Greg W. said he sees this as an opportunity to deal with the issue in a broader context, which is great. And it sounds as if the applicant is sensitive to this.

Dick J. asked the applicant if the residential units will have access to the doors on the 1st floor. Brett G. said yes, similar to the bakery building. He said there will be a total of 5 access points to the building; 2 to the residential, 3 to the commercial.

Dick J. asked if handicapped parking is considered in the “shared parking” schematics. Brett G. said yes, it is, because either it will be a customer or a resident who is using them.

Zoe W. made a **motion to close the public hearing and continue discussions in a deliberative session**. Dick J. **seconded the motion**. All in favor, the board voted **6-0**.

Other Business:

George & Janis Bedard: Sketch Plan Approval Extension Request. Previous sketch plan approval has expired and recent approval (Dec-June) will expire soon. The Bedards are aware of the new proposed zoning regulations. Zoe W. made a **motion to approve the extension with a note that this is the final extension**. Dick J. **seconded the motion**. The board voted **5-1** with Greg W. voting against the extension.

Brian & Penny St. Cyr: Decision Deliberation (**Public Hearing Closed on 5/21**). Bill M. joined the board for this application. Dick J. said he sees this as a minor request with no obvious flaws. He said the applicant does have a lot of work ahead of him once he further decides what he will do with the existing garage. Peter E. said the applicant does have some flexibility, and may even decide to tear down the garage. Zoe W. didn’t participate in this decision deliberation as she was not present for the 5/21 meeting.

Bill M. asked if this gets approved, will the new lot line be final. Alex W. said yes. He added that the applicant will need to know where all of the ROW’s are and suggested the board can do a final site visit once a survey has been completed. Ted B. said staff could do the site visit, he does not think it is necessary for the entire board to do one also. Bill M. asked should they rely on the Staff or the Applicant. Alex W. said ultimately, they should rely on the surveyor.

Peter E. noted a Class II Wetland which is mapped by the state right up to the house. He suggests the applicant should delineate that area. Dennis P. asked why. Peter E. said they should be aware of it for future development plans (i.e., wastewater lines). Dick J. said it makes sense if he will need to move the septic to accommodate setbacks. Alex W. noted that the State would get involved if a wetland were impacted by septic systems. Sarah M. agreed, it would benefit the applicant to delineate the southern wetland boundary.

Peter E. said the road is the last issue; it needs to be 18’ to the first driveway (on Right) and 15’ from then on. It is less than 500’ so there is no real need for pull-offs. There is no formal Road Association required. Sarah M. made a **motion to pass with amendment**. Bill M. **seconded the motion**. The board voted **5-0** with Zoe W. abstaining.

Steve & Carmie Rowell: Sketch Plan Approval Extension Request. This application is on the schedule for July, so no action is required at this time.

The board discussed their upcoming schedules and Alex W. mentioned that Andrea Barre is the new alternate, appointed last night by the Select Board. At 8:55 Bill M. left the table.

The board resumed discussion for the **Hinesburg Center LLC** application heard at the start of the meeting. Sarah M. asked for clarification around the parking spaces. Alex W. said there are 98 in reality and 121 is the total that would be needed without the shared parking arrangement. He noted that all prior approvals said that parking is the biggest concern with this project. Sarah M. said the applicant should know that bonuses are *not* the biggest concern. Zoe W. said it appears to meet the regulations. At this point, she said, the applicant has shown that it *is* working and added that in some ways, the residential units may make daytime parking better. Alex W. said we will discuss these issues at the next application. The board wants the applicant to be clear about the constraints he is building into his plan with respect to density and parking. Dick J. suggested impartial post-construction traffic monitoring as is being required in the Hannaford application. Sarah M. voiced her concerns that this is hard to mitigate once the project is built out.

Zoe W. suggested requiring the applicant to submit a new matrix based on this site. She said this will help to inform his future development decisions as well. Zoe W. asked staff to draft approval for review.

Zoe W. **made a motion to adjourn.** Ted B. **seconded the motion.**

The meeting adjourned at 9:18 p.m.

Respectfully Submitted,
Freedra Powers – Recording Secretary