

**Town of Hinesburg**  
**Development Review Board**  
**August 20, 2013**  
*Approved Sept 3rd*

Members Present: Dennis Place, Andrea Bayer, Dick Jordan, Ted Bloomhardt, Sarah Murphy, Bill Moller, Greg Waples.

Members Absent: Zoe Wainer.

Also present: Peter Erb (Zoning Administrator) Alex Weinhagen (Planning Administrator) and Freeda Powers (Recording Secretary). Representing Applications: Steve & Lisa Carlson, Sara Blanchard (FAHC's Sign Co. rep), Ashley Bond (FAHC rep), Larry Williams, Kevin Brzys, Brett Grabowski (Developer), Kathy Beyer (Housing VT).

Public Included: Dorothy Pellett, Greg Tomczak, John Lyman, Andrea Morgante, Kyle Bostwick, Jen Hunter, Dan Jacobs, Lenore Budd.

Dennis P. chaired the meeting, which was called to order at 7:36pm.

**Minutes from 7/30/13:**

Ted B. **made a motion to approve as amended** the minutes from 7/30/13. Dick J. **seconded the motion**. The board voted **5-0**. Greg W. abstained as he was not present at the 7/30 meeting.

**Thibodeau/Palmer:** (Site Plan Review) Cont'd from 5/21, 6/18 & 7/2 – 62 Charlotte Road - The applicant is requesting this be continued to a later date. Ted B. made a **motion to approve the request; per board discussion, the application was continued to Oct.17<sup>th</sup>**. Dick J. **Seconded the motion**. All in favor, the board voted **6-0**.

**Steve & Lisa Carlson:** (2-lot Subdivision Final Plat) *Cont'd from 7/30* – The applicants are requesting final plat review for a 2-lot subdivision in order to place an existing house and an existing camp on separate lots. This property is located at 85 Upper Access Road in the Rural Residential 1 Zoning District.

Greg W. abstained from this application discussion; Bill M. joined the board for this application discussion.

The applicants have worked with the State to design a suitable replacement septic area on the lot containing the main house. Per state requirements, they have sent via certified mail, to adjacent landowners, letters along with maps with descriptions for the well-shields in relation to neighboring properties. Peter Erb, Zoning Administrator, said he has viewed the proposal and confirms that the design suffices at this time. Staff provided the board with draft approval language.

Ted B. said he feels the applicants have adequately addressed issues/concerns raised by the board and staff at the 7/30 meeting. The board agreed. Andrea B. provided staff with some grammatical corrections to draft language. Ted B. made a **motion to close the public hearing and approve draft approval language as written**. Andrea B. **seconded the motion**. All in favor, the board voted **6-0**.

**Catamount/Malone-Hinesburg LLC (Redstone, The Cheese Plant):** (Subdivision Revision) – The applicant is requesting an extension of the submittal deadline for a revised parking plan per the Decision dated July 5, 2012. This property is located at 10516 VT Route 116 in the Village Zoning District.

Greg W. rejoined the board for this application discussion.

The applicant explained to the board that while future uses may eventually require additional parking spaces, at this time they do not know who those potential tenants will be and therefore it is difficult to ascertain what those parking needs will be. There could be a huge variance depending on the tenants. The applicant said he has been in recent talks with the current tenant, Will Patten, of the Hinesburgh Public House, and said they are currently experiencing no problems with parking availability. Peter Erb confirmed that his office in the Zoning Department at Town Hall has received no complaints or remarks regarding traffic problems to date.

The applicant told the board he is reluctant to stripe the lot as, again, parking needs may change in the final layout of tenants. Greg W. asked if the applicant will need to come before the board again with each new tenant. Alex W. said yes, any non-residential use will require site plan approval *regardless* of who the next tenant is. Bill M. asked if there is a limit to the number of extensions the applicant can receive. Alex W. said no, and reminded the board that they can revise an application as they see fit. He also mentioned that in the Town Map, the area is denoted for possible usage as a side-road; therefore it actually behooves the board to grant this extension.

Ted B. suggested an extension of 12 months *or* until a new tenant is identified. Peter Erb said it would be good to have the parking lot comply with our regulations sooner rather than later, in his opinion.

Dennis P. asked if there were any questions from the public regarding this application. John Lyman spoke from the audience. He is a neighboring landowner and voiced his concerns regarding the available parking onsite in the front of the building, on Rte. 116. He said this parking creates a serious safety concern as it entirely blocks the view of oncoming traffic when exiting from his driveway. He urged the board to consider more broadly these types of concerns when approving requests regarding parking allowances.

Sarah M. noted that actual work won't be beginning in the 12month period; that is simply the time frame for plans to be submitted. Alex W. said that is correct, and something the board should keep in mind when deciding on that time period. Dick J. and Dennis P. both said they feel comfortable with the 12 months being discussed. Ted B. **made a motion to approve the request for extension of the submittal deadline for a revised parking plan per the decision dated 7/5/13 to be due within a timeframe not to exceed 12 months or as a new tenant is identified**. Bill M. **seconded the motion**. All in favor, the board voted **7-0**.

**FAHC-Hinesburg Family Practice: (Sign Review)** – The applicant is requesting sign review for the installation of an entry sign for the FAHC-Hinesburg Family Practice. This property is located at 37 Haystack Road (off Shelburne Falls Road) in the Village NW District.

Dennis P. asked about lighting for the sign. The applicant explained that per the uniformity of all FAHC Family Practice sites, they would prefer to keep the proposed sign as is; with lighting on both sides from ground posts about 1’ high, 18W LED bulbs, set 10’ from sidewalk per local lighting regulations.

Dick J. asked if they plan to have plantings around the base of the sign. The applicant said yes. Greg W. asked about the hours the lights will be on. The applicant said the hours of operation for the office are 8am-6pm and that they would like to request an extension of an hour prior to opening and after closing to ensure safety for early arriving staff or late-pick up of patients. The board was amenable to this request, and agreed to allow hours of lighting from 7am-7pm.

Ted B. told the applicant that to better conform with the village and surrounding businesses, it would be better if they could implement an alternative method of lighting; perhaps goose-neck or LED strip along the top. He feels that using the ground lighting does not allow the applicant to fully comply with regs as they will likely be visible from the sidewalk and street. Alex W. noted where lighting is addressed in Sections 5.4.5 #1 & #2 as well as in 5.6.4 (i).

The applicant assured the board that should the ground lighting *not* fully comply once installed, they would be happy to change the design but said based on their experience with this fixture, no spillage occurs and the light is equivalent to a 70W standard bulb. The applicant also said other lighting methods would not be uniform with other FAHC Family Health sites and voiced their concerns that goose-necked lighting may be prone to vandalism and that the suggested LED stripping would cost significantly more than the sign itself.

Bill M. said in his opinion, the plan as submitted does not comply with regulations. Greg W. made a motion to **close the public hearing and take up the discussion in deliberative session**. Ted B. **seconded the motion**. All in favor, the board voted **7-0**.

**Hinesburg Center LLC: (Conditional Use-Fill in a Flood Plain & Subdivision Sketch Plan Review)** – The applicant is seeking both sketch plan approval and conditional use approval for phase 2 of the Hinesburg Center project. The conditional use approval is for development in a flood hazard area - approximately 55,000 cubic yards of fill of which 17,000 cubic yards will be in the Patrick Brook flood plain. This development proposal includes completing most of the infrastructure (roads, sidewalks, storm water treatment) involved in the 46-acre Lyman property master plan as well as 21 units of affordable rental housing, 17 single family house lots and placeholders for 7 buildings (mixed use in nature) that may include retail/commercial, one and two bedroom apartments and congregate housing. This property is located on the west side of Route 116 and the north side of Farmall Drive in the Village Zoning District.

Bill M. left the board for this application discussion. Brett Grabowski (developer) represented the application, which he described to the board. The general road infrastructure layout has been approved; the applicant presents to the board changes to the composition to the north side of the project.

Greg W. noted the plan’s proposal for several buildings marked as Commercial/Retail; he asked the applicant if due to state ADA regulation requirements for accessing second story Commercial use

space and its inherent costs, would that regulate those buildings to Commercial/Retail on the 1<sup>st</sup> floor only. The applicant said that yes, likely that would be the case, suggesting that perhaps the buildings could be built as single story if that were to be decided in advance and if no waiver is granted by the state. Brett G. also said that the biggest issue for such a large project is that so much of development is contingent upon demand; these plans will likely change as the process is a multi-year one.

Greg W. asked the applicant if he already has the residential portion of this development planned. Brett G. said yes. Alex W. added that staff is currently awaiting feedback from the state in regards to this project as it relates to development in the floodway. Dennis P. asked if that feedback from the state could potentially change things within this application. Alex W. said yes. Brett G. said this project also has an application in with the state, so their response will be clear either way.

Ted B. noted that the main entrance to this phase is through Kailey's Way. Brett G. said yes. He said the only change is the 21 Housing VT units and the configuration with the other 3-4 buildings.

Ted B. asked about the elevation of the green space at Farmall Drive (within the Creekside Neighborhood Development). Brett G. said it does drop. Kyle B. spoke from the audience, as a resident of Creekside, he said there is a significant elevation drop there; about 8' from his estimation. This spurred some discussion and clarification regarding the open space requirements in PUD development in relation to different phases of development in this area. Alex W. encouraged the board to consider their open space requirements for *this* phase of development.

Ted B. asked if the proposal is to connect Farmall Drive to the future placement of Westside Road. Alex W. said yes. Dennis P. noted that the proposed lots along Westside Road technically are in what is denoted as "Future Community Rec Facility" on the Official Map. Brett G. said the Official Map is not an exact representation. Ted B. said he does not feel that the board has preapproved the road configurations as stated by the applicant, and feels the board needs to view the Official Map in relation to this application. Alex W. agreed; showing the Official Map via projector screen and noting that this probably does warrant some modification to the Official Map. He asked the board, do they feel that the Sketch Plan should go forward?

Ted B. said staff report does raise some concerns, including elevation/fill, which he feels should be adequately addressed by the applicant. Brett G. said the site has been designed to tie into the existing water/sewer lines already in place from Ballard's Corner. He said the entire Creek Side development was raised to make the water/sewer lines function. As it exists, he said, storm water runs off into the field. He said they can raise the entire site of this phase or provide drainage via retention ponds.

Peter E. suggested the applicant be mindful of maintaining the streetscape as development transitions to the south, specifically noting the steep bank there.

Sarah M. asked what the lot sizes as proposed for the residential portion are. The applicant said they are slightly smaller than those at Creek Side. Sarah M. said to her, the lots feel tight and small. She also noted that the Creek Side homes back up to green space, whereas these back up to parking and larger commercial oriented development. Brett G. said the goal of this project is to have the increased density here in the village. Ted B. said it does feel like there should be more community green space here. Brett G. said the proposal is actually below the potential maximum density. Ted B. said in that case, allowable density may need to be further discussed. He said in his view, the

green space proposed *does* seem small in comparison to the footprint of the units. Alex W. said while zoning does encourage dense development here for many reasons, Sections 3.1 & 3.5 of the regulations in regard to the Village Growth Area, do mention green space requirements. The aim, he said, should be to achieve a balance between that development and green space.

Greg W. suggested the applicant consider removing the proposed 'Building C' and creating that area as green space. Brett G. reiterated his desire to mitigate where staff and the board have indicated they want development to occur and be avoided. Alex W. said he would like to see the plan integrate the open space with the development.

Greg W. said this is a rather large project in the heart of the village, and he is surprised that there are not more people in attendance from the public. He said he feels the board would profit from continuing the application without any decisions or recommendations being made at this hearing.

Dennis P. asked for public comments or questions from those who did attend.

The board viewed several photos submitted by residents from Creek Side to demonstrate local issues with flooding, storm water runoff and elevation related concerns.

Kyle Bostwick spoke, a resident of the Creek Side neighborhood; he said his major concern is with elevation. He said he has experienced first-hand the results of what he called "elevation miscalculations" on the part of this developer in his own home at Creek Side. He said these types of "miscalculations" directly impact homeowners and strongly encouraged the board to look at this issue thoroughly. Kyle also voiced his concerns regarding traffic impacts on the Creek Side neighborhood. He said the streets there are simply not designed to accommodate increased traffic in speed nor volume. He feels the plans are unclear and cautioned the board to *ask questions, be clear!*

Andrea Morgante said this is a subdivision approval—we know this land is unsuitable for development (accept maybe 5A) due to flooding. She questions the logic of allowing development within the flood plain, explaining that in the long-run, this will cost tax payers. She urged the board to remember that "just because we *can*, doesn't mean we *should*."

Jen Hunter spoke, as a resident of Creek Side as well; she said she agrees with what Kyle B. said. She said flooding this year shows us that the environment is changing. She shares the concern others have voiced regarding elevation at the site. She said she does like the road as proposed, rather than a straight-shot through. She suggested the applicant consider alternative parking methods to increase green space in the plan.

Dan Jacobs spoke, also a resident of Creek Side. He asked about impact fees, and how they relate to this project which he sees will be increasing demand on the town's already strained water supply. He said in his opinion, development should not have an increased impact on the town like that. Ted B. said the Select Board considers impact fees. Alex W. said that is correct. Greg W. said he would like to get some additional testimony on this issue as it is the first time he has heard of the town water supply being strained.

Dan J. said in his opinion, this plan is too dense and lacks adequate green space. He asked the board to visualize this development and understand its limited space.

Lenore Budd asked the applicant what the "Pedestrian Streets" were as noted in the plans. Brett G. described them as wide enough to allow emergency access (fire, etc.) but not intended for vehicular

traffic. Lenore B. also asked the applicant and the board to consider how the project can integrate pedestrian access to the future Bissonette playing fields to the north.

Greg W. made a motion to **continue the meeting to Sept. 3<sup>rd</sup>**. Dennis P. **seconded the motion**. All in favor, the board voted **6-0**.

**Other Business:** None.

**The Board went into deliberative session to further discuss the FAHC application at 10:03pm.**

Respectfully Submitted,  
Freedra Powers – Recording Secretary