

Town of Hinesburg
Development Review Board
October 15, 2013
Approved 11/5

Members Present: Zoe Wainer, Dennis Place, Kate Myhre, Bill Moller, Andrea Bayer, Dick Jordan, Sarah Murphy.

Members Absent: Greg Waples, Ted Bloomhardt.

Also present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary). Representing Applications: George Bedard.

Zoe W. chaired the meeting, which was called to order at 7:30pm.

Minutes from 10/1/13:

Zoe W. **made a motion to approve as amended** the minutes from 10/1/13. Dennis P. **seconded the motion**. Andrea B. and Bill M. abstained as they were not present at the 10/01 meeting. The motion was approved **5-0**.

Thibodeau/Palmer: (Site Plan Review) Cont'd from 5/21, 6/18, 7/2 & 8/20 – 62 Charlotte Road - The applicant is requesting this be continued to November 19th. Zoe W. made a **motion to continue** the application to the November 19th meeting. Dennis P. **seconded the motion**. The board voted **7-0**.

Hinesburg Center LLC: (Conditional Use-Fill in a Flood Plain & Subdivision Sketch Plan Review) Cont'd from 8/20 & 9/3 – This property is located on the west side of Route 116 and the north side of Farmall Drive in the Village Zoning District. The applicant is requesting this be continued to November 19th. Bill M. was not part of this discussion. Zoe W. clarified that the hold up on this application is that the applicant has submitted their revised flood study and all parties are awaiting feedback from the state on that revised study. Zoe W. then made a **motion to continue** the application to the November 19th meeting. Dennis P. **seconded the motion**. The board voted **7-0**.

Barrie & Earl Anderson: (Transfer of Land to an Adjoiner) – The applicants are requesting a transfer of land to an adjoiner approval for the purpose of transferring approximately 93.3 acres of their land to their southerly neighbors, Stephen & Robyn Leffler. The applicants will have the remaining 24.2 acres surveyed with new lot lines to include the house and all of the outbuildings currently on the property. This property is located on a 117.5 acre parcel on the northeast side of Lincoln Hill Road in the Agricultural Zoning District. Bill M. rejoined the board for this discussion.

George Bedard (surveyor) represented this application on behalf of the Andersons. He provided staff with a sketch showing the 117A parcel which the applicants would like to transfer a portion of. The transfer will create a 24.2A lot on which the Andersons home is located. There will be a recorded survey of the 24.4A lot and the transfer of the remaining 93.3A will stipulate no further subdivision without proper review. There will be a merger statement in the deed as well.

Dick J. inquired on the Right of Way shown through the 24.4A lot. George B. said that ROW will remain in the deed for both parties to use for logging access, which both the Andersons and the

Lefflers agree will be mutually beneficial. Peter E. (Zoning Administrator) added that as set up, this is a “win-win” for both property owners. He added that the ROW is not part of this application, and that both parties want it to remain. Peter E. also noted that the remaining 24.4A lot *will* remain sub dividable through the DRB process.

Zoe W. said she does not find that this application constitutes a subdivision, and therefore made a **motion to deem this transfer is not a subdivision.** Dennis P. **seconded the motion.** The board voted **7-0.**

Federal Home Loan Mortgage Corporation: Decision Deliberation (**Public Hearing Closed on 10/1/2013**) (Conditional Use Review – Removal of a barn built before 1940) The applicants are requesting retroactive conditional use approval for the removal of a barn that was built prior to 1940. Conditional use review/approval for removal of such structures is required by section 5.22.3 #1 of the Zoning Regulations. The property is located at 32 Silver Street, tax map number 20-50-42.000.

Bill M. abstained from this discussion as he was not present at the original hearing on 10/01/13. Dick J. made an editorial change to the draft language provided by staff and asked if the potential new barn can be built with the same violations, will that decision take into consideration concerns from neighbors. Peter E. explained that as a non-complying structure, they have the right to rebuild it exactly as it was *within one year.* Alex W. said it is important to remember that the structure was not in violation, it was a preexisting, nonconforming structure as it was built prior to zoning. That is different than a case of a builder being in active violation. He went on to concur with what the Zoning Administrator had stated, that the condition does require them to come back to the DRB and Conditional Use does address impacting views, etc. which may be a concern to neighbors. Peter E. said he believes if they challenge that decision, likely we can *not* take that right away from them to rebuild as the structure was.

Sarah M. advised putting the *one year* term in the Order. Alex W. agreed to add it to the Conditions. The Board agreed to this. Zoe W. made a **motion to approve the draft approval as amended.** Dennis P. **seconded the motion.** The Board voted **6-0.**

Other Business:

Artie & Claire Weis: The applicants are requesting Sketch Plan Approval Extension for their proposed subdivision. Zoe W. made a **motion to grant the extension.** Dennis P. **seconded the motion.** The board voted **7-0.**

At 7:52pm, Zoe W. made a motion to go into closed deliberative session to discuss the Laberge appeal. Dick J. seconded the motion. Dennis P., Andrea M, Bill M., and Peter Erb all recused themselves from the discussion, and left the meeting. The motion passed 4-0.

The meeting adjourned at 8:20 pm.

Respectfully Submitted,
Freedra Powers---Recording Secretary