Town of Hinesburg
Development Review Board
December 17th, 2013
Approved 1/7/14

Members Present: Zoe Wainer, Dennis Place , Kate Myhre, Greg Waples, Ted Bloomhardt, Sarah Murphy, Dick Jordan arrived at 7:33pm.

Also present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary). Representing Applications: Alan Norris, Brett Grabowski (developer), David Burke (engineer).

Public Present: Dorothy Pellett, Alyssa Lasher, Brian ***, Joe Bissonette, Catharine Goldsmith, Kyle Bostwick, Norman Smith, Alison Lesure, Lara Atkins, Susan Johnson, Jen Hunter, Dan Jacobs, Rolf Kielman.

Zoe W. chaired the meeting, which was called to order at 7:32pm.

Minutes from 12/3/13:

Zoe W. **made a motion to approve as amended** the minutes from 12/3/13. Ted B. **seconded the motion.** Dennis P. abstained as he was not present at the 12/3 meeting. The motion was approved **6-0.**

Alan & Nancy Norris: (Preliminary Plat Review for a 24-unit Planned Unit Development) Cont'd from 11/5, 11/19 & 12/3 – The 24 units will be in five multi-family dwellings. The proposed development is on a 23.96 acre parcel, located at the southern edge of the village area on the west side of VT Route 116, across from New South Farm Road and Buck Hill Road West in the Residential 2 and Agricultural Zoning Districts.

Zoe W. explained that this hearing was an opportunity to hear the applicant's response to two previous Board discussions regarding the proposal. The applicant provided the Board with revised landscaping plans and sectional views of elevations and street scape. The Board viewed the revised plans via projector.

The applicant demonstrated the revisions of the proposed landscaping along Rte. 116 with the standard 40' tree spacing of White Oaks, a revision the applicant said is more a reflection of the Boards' feedback regarding species preference. Interior landscaping plans were also revised, although the changes were not noted on the newly provided plans. The applicant explained those changes as such: Replacement of the earlier proposed Lilac & Crab Apple trees with Red Maple & River Birch. The applicant said they would like to keep the earlier proposed Pear and Service Berry trees. Greg W. asked if the applicant is proposing plantings within the small "finger" like protrusions at the front of each unit. The applicant said yes, and noted that the Pear and Service Berry trees grow to an average of 20-25' in height.

The applicant said they have attempted to address to the Board's satisfaction the interior landscaping plans and also address how the buildings themselves interact with the streetscape. The applicant said in relation to travel on Rte. 116, they feel the project meets our Regulations

(Section 5.22 #7 & #3). The project does have some on-street parking but no parallel parking is proposed. The applicant reiterated his intention to agree to the floating easement, noting pedestrian safety is evident in the plans including the provision of sidewalks throughout the project. The applicant said they feel the traffic calming is adequate with the design and smaller interior roads. Per the projects' architect, Michelle D, the applicant feels the project achieves Section 5.22.3 in our regulations with clearly defined entrances, porches, and steps. The applicant also noted that units 15-24 are not in the foreground from Rte. 116, and are between 250-350' from the main roadway. Zoe W. asked for clarification. The applicant said that measurement is taken from the interior road to Rte. 116.

Sara M. noted the plans do not show any plantings across from units 1-7. The applicant explained that is due to existing wetlands and buffer areas and added that the project is already well over the landscaping budget and that area is not considered significant as it relates to the overall project. Based on previous Board feedback, the applicant said, it was focused more heavily on the landscaping around the interior intersection as it becomes a sort of Central Organizing Feature of the project with a proposed gazebo and tree planting.

Elevations showing the highest & lowest scenarios as they relate to the grade on site between Rte. 116 and the roadside units were looked at as well. These elevations also showed there would be roughly a 1' differential between the existing swale area, and the footprint of the structures. The applicant said this would keep runoff from Rte. 116 and the existing steep slope from there down to the project from flooding the first floor of the units. Units 1-7 have been shifted 3' to allow regarding of the existing slope.

Greg W. asked about the area between units 1-7 & Rte. 116, will that space be owned by an HOA? The applicant said everything outside of the immediate units will be common land, with some limited common elements for individual unit owners. Greg W. asked if that space would be vegetated. The applicant said yes, it will be grassed and maintained. Greg W. inquired on drainage between units. The applicant said there will be a low spot between units to take water south. Dick J. asked about increased water velocity heading into the swale. He asked if the intent is to mow entirely up to Rte. 116, suggesting perhaps leaving a portion of that grass longer would help increase infiltration and slow that velocity down. The applicant said there will be no mowing or maintenance within the Rte. 116. VTrans right of way (roughly 54'); 30-40' will be actively maintained. He added that he does not have any concern with velocity.

Dick J. asked if the roof runoff will end up in the detention ponds. The applicant said the runoff from the back side of the units does not get to the storm water pond. Sara M. asked about gutters. The applicant said they do not know about that detail at this time, and went on to say that runoff from the back of the units will shed off the roofs and run through grass channels.

Ted B. noted the applicant has chosen not to move or combine the garages. The applicant said that is a function of the proposal, the units are the same as they were at the time of sketch review. Ted B. clarified that the Board was not reviewing design at the sketch approval. The applicant replied that they feel that "massing" is the wrong direction to go; that the proposal would not be as pedestrian and street scape friendly and that to put the garages under the units would result in reduced size or number of units. The applicant said that they feel that per our regulation specifications, this is the best plan option. The applicant said they feel that putting garages side to side would not be ideal for future owners. The applicant also said that per regulation Section 5.22.2 #7, the language is more applicable to well-traveled or main streets than to the interior, minor streets.

Zoe W. asked if there were any public comments or questions regarding this application.

Chuck R. spoke from the audience saying that while unprepared to offer feedback at this time, the Energy Committee will likely have some suggestions in regards to the project's orientation and solar gain. He would like an opportunity to get that feedback to the DRB. He said he personally takes exception to a portion of the applicant's memo stating that the project takes full advantage of solar gain. He disagrees and said he would like to see more renewables as part of the project. Zoe W. replied that in a PUD project, that is one option to applicants seeking the additional Density Bonuses. However, she noted, in this project, the proposal for a connecting sidewalk to the existing village area (by the elementary school) may be counted to achieve those density bonuses, therefore the applicant may not be required to achieve Green Certification for the project. Chuck R. asked for clarification, don't our regulations talk specifically about orientation and green building standards? Alex W. said yes, in regards to building orientation, but not to the green certification standard.

Greg W. asked Chuck R. how long the Energy Committee has been in effect. Chuck R. said it is relatively newly formed, having had only one meeting thus far. The applicant said he feels they have orientated units 1-14 to be parallel with Rte. 116 and voiced his frustration at what seem to be competing priorities. He said it feels borderline inappropriate to be getting suggestions from a newly formed committee.

Dick J. inquired on the proposed layouts of the units. The applicant said the units are planned with living space on the first floor, bedrooms on the second floor.

Rolf K. spoke from the audience, as a member of the Village Steering Committee, inquiring on the proposed sidewalks with the project. The applicant said the sidewalk from Unit #1 to the existing Mead house will be a required part of the project. The Board also viewed interior sidewalk plans within the development. The Board noted there are no sidewalks beyond unit 18's driveway.

Dick J. inquired on school bus access. The applicant said the intention will be for Rte. 116 pick-up but that will need to be further discussed with the school. If the school bus does go into the development, the applicant said, they may need to look at widening the interior intersections' radii. There is no proposal for any bus stop structure.

Greg W. asked if the Fire Dept. is aware of the project proposal and if they have any concerns. Peter E. said there have been no concerns raised.

Catharine Goldsmith spoke from the audience, as a member of the Village Steering Committee, she wanted to know what was the main reason for proposing the sidewalk along Rte. 116 on the East side rather than the West. Zoe W. said there were some topographical problems with regard to the steep slope off Rte. 116 to the West. Also, she noted, the old red barn which sits right on the edge of Rte. 116 would preclude any sidewalk construction on that side. Also, she noted, the existing sidewalk and Lyman Meadows connection. Alex W. said this speaks to an overall safe crossing issue along Rte. 116.

Zoe W. said she would like to continue this application to await further input and review. She would also like to further address the garages in the project. The applicant suggested the Board close the public hearing and put any requirements in their Conditions of preliminary approval. He said he appreciates the input thus far but feels that he has adequately addressed the Board's concerns. He would like a vote on this project, either way. He said the continuances are costing him money as he has the engineer attend the meetings, and revisions to architectural and landscaping plans are depleting funds.

Zoe W. made a **motion to close the public hearing and take up further discussions in deliberative session.** Peter E. reminded the Board that the Village Steering Committee has input pending on this project. Zoe W. said she feels the 4 meetings held on this project have provided all interested parties and committees adequate time to offer feedback. Dennis P. **seconded the motion.** The Board voted **7-0.**

Hinesburg Center LLC: (Phase 1 Revisions) - **Please note the DRB has decided to reopen this hearing. This application was originally reviewed by the DRB at the 11/5 & 11/19 meetings and was closed on 11/19. During deliberations, the DRB came upon problematic issues that require further testimony.** Revisions to the Hinesburg Center subdivision to account for differences between actual constructions versus approved plans. This represents an after-the-fact application as the buildings in question have already been built. The subdivision was originally approved on 9/7/2010, and was last revised on 6/18/2013. The Hinesburg Center subdivision includes 9 lots and 9 buildings (6 of which have been built) including commercial (e.g., Kinney Drugs), mixed-use (e.g., Bristol Bakery and apartments), and residential buildings. The developed portion is located on approximately 4 acres at the intersection of VT Route 116 and Farmall Drive in the Village Zoning District.

Zoe W. said upon further reflection of the applicant's indication that additional sidewalk/ramp installation was in part an effort to comply with ADA access regulations, the Board noted that all entrances at the site are ramped which caused them to question the truth behind the reasoning. Peter E. said the reasoning was valid, and the change was necessary to meet ADA access requirements. Zoe W. said okay, they are willing to grant that change. However, she said, the three additional internal sidewalks were not necessary for ADA and are not considered by the Board to be an acceptable change without review or approval. She went on to note that the displacement of the planned bike rack needs to be addressed. Lights installed along Farmall Drive do appear to be in proper placement as proposed. The Board would like a resolution to the impact of all changes as they relate to the size of the "pocket park" and constraint within buildings. Zoe W. went on to say that the Landscaping Plans have been totally revised as a result of the changes made onsite and the Board would like to see the revised plans submitted. She voiced the Boards' frustration and disappointment in the resulting impact on the Central Organizing Feature (the pocket park)that they were in favor of at the onset of the project.

Brett G. noted a memo sent from T.J. Boyle's office (Landscape Architect) signed by Michael Buscher, which is in favor of the addition of sidewalks to the project. He said the additional sidewalks were an attempt to create a more community feel to the project. In fact, he said, the sidewalks built are smaller (4' vs. 8') than originally proposed. The net add is only equivalent to one additional sidewalk. Kate M. retorted that they are not in the right/same placement. Brett G. said that is not so; they are in the correct places as approved. He added that he feels the Board should take into consideration the improved residential feeling the individual sidewalks to units offers. Kate M. said she wished the applicant had proposed them that way at the beginning. Brett G. apologized and assured the Board that the lesson learned for him is to communicate ideas before changes are taking place. He concedes that he should have had more conversations with staff. In regards to the concern with the overhangs as brought up in the staff comments, they were approved by the Board in prior elevations. Alex W. agreed that was true.

Brett G. addressed the building constraint concerns, saying the 5' spacing was on the plans as approved and insisted there was no gain in the errors onsite. He qualified these errors as confusion

between submissions. Zoe W. reminded the applicant that we are not here to discuss "why" but rather to address the net results.

Brett G. addressed the concern with the installation of the transformer pad, which he said is determined by Green Mountain Power (GMP) and is influenced to a large extent by the usage of the Bristol Bakery (Lot 41). He asked the Board to keep in mind that he spent money to remove the existing overhead utility lines and transformer by Rte. 116. He said he is open to screening via landscaping for the large transformer pad installed. Dick J. said this is a lesson learned for the Board; consideration of all aspects of a project's impact when changes are made from residential to commercial use.

Zoe W. said the Board is wrestling with the question of what to do to address the loss of green space in the project. She said the Board wants a plan from the developer for mitigation. Brett G. said the landscaping plans are in as approved with the exception of two oak trees which were to be planted near where the transformer pad went in. Alex W. said that is correct, the landscaping is accurate as planned. Regarding the Pocket Park space, Alex W. noted the overall space is approximately 10' smaller than proposed. Brett G. said the total loss of space is equivalent to roughly 200 sq. ft. from proposal. Alex W. replied that the issue is more subjective than that; the Board is seeking the applicant's proposal. Brett G. showed the Board Sheet L1 and a memo to staff which demonstrate his proposal in modifications to plans for Phase III of the area to the West. In his memo, Brett G. lays out his proposal to eliminate buildings 42 & 43 and modify the size and location of building 48, with the result of a more open and functional green space. The modified plans will include a Central Organizing Feature of a fountain with benches and landscaping. The modification will also result in a reduction of roughly 1,000 sq. ft. of commercial space. Alex W. clarified the projects density potential; 15 residential units already exist in the buildings along Farmall Drive with 3 residential units of development potential remaining. Those 3 remaining units the applicant is proposing to place above the commercial use in building 48.

Zoe W. inquired on parking. Brett G. said he is confident parking is adequate for the overall site. Peter E. said this represents more of a reconfiguration of open space rather than an increase. Brett G. said that open space will be better utilized by the overall development in the revised version.

Greg W. said the size of the proposed mixed-use building is concerning to him, and appears to be larger than the existing structures with close proximity to residential units. Brett G. said the footprint is not indicative of the overall building. Greg W. said scale is an issue in his opinion, in regards to how the building fits the space and relates to the surrounding residential neighborhood. Brett G. said there are architectural ways to address that concern (i.e., bring down the roofline, etc.). Greg W. said the concern is to the people who reside there (or potential future residents). Brett G. said the project itself is within scale.

Ted B. addressed the setback issues brought up in a staff memo sent to the applicant and the Board. In that memo, staff noted the 5" setbacks of the two corner structures from the association land that is between them and the center lot (where sidewalks are) means that the gable overhangs (and open doors) actually cross the property line. Brett G. said those areas of concern are actually commonly owned by the HOA members, so this should not be a problem.

Zoe W. opened the discussion for public comments and questions.

Kyle Bostwick spoke from the audience, asking the developer who is responsible for the common areas. Brett G. said the common areas will be maintained at all times (re; snow removal etc.)

Laura Atkins spoke from the audience, saying the new proposed building seems significantly larger to her as well, and scale is an issue of concern. Ted B. clarified to those present that tonights' review is not to approve the building itself.

Bill M. spoke from the audience, asking the Board if two separate parks can count as a Central Organizing Feature. He also mentioned that the light poles along Farmall Drive are not in the locations as proposed. Brett G. replied that the lights are in fact as approved and are compliant. Alex W. reiterated that they are indeed, noting that the Zoning Administrator has made the determination via the lighting plans that they are compliant. Bill M. also addressed the location changes of the structures themselves. Alex W. agreed that the measurements just do not add up. Bill M. questioned how that can be, suggesting perhaps the building footprints have actually changed, and if that is the case, so did the square footage of those buildings. Peter E. said he does not believe that the footprint of the structures is different than proposed. Dick J. said the numbers must add up and asked if there can be a survey done of the location. He feels that we should be able to determine hard numbers.

Dick J. also asked about runoff from the buildings and parking along Farmall Drive as it relates to an increase of storm water to the basins for the Creekside neighborhood. Brett G. said the overall increase in impervious surface is not significant enough to increase that storm water runoff to the point of being a concern for the basins.

Jen Hunter spoke from the audience, voicing her concerns with the developers' motivations. She also questions the deterrent to future development plans going "off track". Zoe W. assured her that the Board is well aware of the issues at hand and is dedicated to avoiding future repeats of these.

Norman Smith spoke from the audience, asking if the parking numbers have been checked on this project. Zoe W. said yes, at each stage of approval and revision, the Board has looked at parking as it relates to the overall project.

Laura Atkins spoke from the audience, suggesting a Foreman should be present during construction to avoid such obvious errors in building and ensure zoning compliance.

Dick J. asked the applicant if the Board were to decide that the additional sidewalks should be removed, would he revert back to the approved larger size of 8' and if so, why? Brett G. said yes, as the single sidewalk would be accessing all units, thus increasing the pedestrian traffic on that sidewalk. Dick J. clarified, there is no state requirement for this, is it just the developers' personal judgment and design preference? Brett G. said there are no state requirements that he is aware of.

Ted B. suggested the applicant give a time frame for the new building. Brett G. said construction of that building could potentially begin as early as Spring 2014. Dennis P. said if the pocket park is part of the concession, he agrees with Ted B. that it should have a time frame tied to it.

Peter E. said there should be a new site plan and landscaping plan submitted if the Board sees fit. Zoe W. agreed.

Zoe W. asked the applicant about railing installation on the units along Farmall Drive. Brett G. said they have not been installed yet but will be.

Dick J. asked about the movement of the proposed bike rack. Brett G. said it is now proposed to be installed at the NW corner of the Bakery building. Dick J. said that new location is not serving the intended purpose (Bakery customers coming from the South) and also is not needed there as the

Kinney Drug building already features a bike rack in that area. Zoe W. agreed. Brett G. concurred and agreed it can be placed near the originally proposed location to the South of the Bakery, between the sidewalk and the building.

Alyssa Lasher spoke from the audience, voicing her concern with the "compensation" offer from the applicant, which to her seems like a package deal. She also feels there should be a time frame as suggested by some Board members. She urged the Board to use caution when reviewing applications from this developer.

Chuck Reiss spoke from the audience, saying it is not unreasonable to ask the applicant for new landscaping plans for along Farmall Drive as well in regards to further compensation measures.

Zoe W. made a **motion to close the public hearing and take up further discussion in deliberative session.** 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, 10/15 & 11/19 – 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.

The applicant said he agrees with the Zoning Administrator's approval. Zoe W. asked if the Board had any questions or comments in regards to Conditional Use-Fill in the Flood Plain. Ted B. said he agrees with the report and staff conclusion that there will be no significant impact based on the models and feedback offered by the State. Sarah M. agreed that there may not be adverse impacts but said she is not confident that this development demonstrates a good reason to do so and the preference is not to. Peter E. agreed, saying that approval is contingent on the decision that the plan makes sense for the area.

The Board reviewed Article 6 Section 6.5.1 as the 2nd finding in the Staff Report. Alex W. said both the applicant and Sarah M. are right; the area is zoned with the understanding that there will be some impact on the flood plain, but also addressing the desire to see mitigation in that regard. Brian Cyk*** (engineer) said the average depth (.3-.4") in Phase 1 is similar in Phase 2.

Zoe W. said the goal should be to lessen that impact and mitigate the potential impact down the line. That does not appear to be the case. Brett G. said the area is zoned for the Village; for increased density.

Kyle B. spoke from the audience, asking if the flood maps being looked at and used for this proposal have been revised to demonstrate the build-up of the Kinney Drug lot. Brian C. said no, the maps have not been revised since that development happened. Kyle B. said the Board should consider the impact as it relates to storm water runoff. Ted B. said he is of the impression that the impact

would be very localized. Greg W. noted impact projections of 6" (max) onsite in a 500yr event with no impacts offsite. Kyle B. suggested the Board consider the impact from fill. Zoe W. said they will and assured those present that the Board recognizes the need to tie this project in with the surrounding area.

*** asked if the zoning of this area for higher density was done with the knowledge of these flood maps and delineations therein. Alex W. said yes. *** asked if there was consideration to the fall out? Alex W. said according to the results of the study, there is none.

Bill M. said in Findings Of Facts #10, his name is mentioned, but should be removed as he was not part of the discussion.

Zoe W. suggested referencing the specific yardage proposed as fill in the flood plain. Alex W. agreed, proposing language that specifies "shall not exceed *** amount". Greg W. suggested clarification in language (Condition #4) describing the detention pond as it relates to the buildings in Phase 1. Sarah M. suggested additional language in regard to mitigation. Dick J. felt it was not appropriate to put conditions on potential future applications. Zoe W. pointed out that it is noted in the decision but not in the conclusion. Zoe W., Sarah M., Ted B., and Kate M. agreed to the addition to conclusion language. The Board voted **7-0** to **approve the draft approval language as amended.**

Other Business:

David Carse: Decision Deliberation **(Public Hearing Closed on 12/3/13):** Zoe W. made some editorial changes, and suggested Finding of Facts #3a could be revised and added that 3c should be added to demonstrate the total of 17 Units as the development potential.

The Board had some discussion regarding the best method to track development potential within a subdivision.

Zoe W. made a **motion to approve as amended the draft approval**. Greg W. **seconded the motion.** The Board voted **7-0.**

Zoë W. **made a motion to go into deliberative session to discuss the Hinesburg Center LLC (Phase One Revisions) Decision.** Greg W. **seconded the motion.** The Board voted **7-0** and entered deliberative session at 10:29pm**.**

The meeting adjourned at 10:29 pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary