Town of Hinesburg
Development Review Board
February 4th, 2014
Approved 2/18

Members Present: Zoe Wainer, Dennis Place , Kate Myhre, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer, Ted Bloomhardt.

Members Absent:

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

Public Present: Gill Coates, Kim Coates, Ernie Murray, Renate Parker, Wayne Schwab, Jason Friedman, Elly Coates, Bruce Cunningham, Donna Cunningham, Frank Koss, Kevin ***, Cheryl Pileggi, Stan Christman.

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

Minutes from 1/21/14:

Greg W. **made a motion to approve as amended** the minutes from 1/21/14. Zoe W. **seconded the motion.** Ted B. abstained as he was not present at the 1/21 meeting. The motion was approved **6-0.**

Daryl Miller: Subdivision Revision - The applicant is requesting subdivision revision in order to make a boundary line adjustment between a lot where his residence is located and an adjoining lot that he owns that is undeveloped. The applicant would like to create a 5-acre house site for his current residence and transfer the remaining 8.86 acres of land to his adjoining property (currently 105.51-acres). This property is located at 492 Hayden Hill Road East in the Rural Residential 2 Zoning District.

The applicant described his proposal to divide his lot, leaving the existing house on a 5A lot and putting the rest with the remaining land. He said there is no new development planned on the larger lot. The Board viewed maps of the parcel. The applicant explained that the newly formed 5A lot would then need a waste water permit with the state; that process has been started. George B. will be doing the survey. Zoe W. asked if that new boundary is arbitrary or if it follows some specific geographic contours. The applicant said it would go from the existing survey pin by the Kelly property and then would basically be arbitrary.

Ted B. asked the applicant about the history of the land. The applicant expressed that the land was originally his Grandfathers' and over the years, has been subdivided by the family and homes have been built. He ended up getting the 13.86A lot which was becoming a burden to his mother. He is now coming to the difficult decision to subdivide it as he finds it a lot to maintain while also being a single father. His aim is to make the lot more manageable while still keeping the land. Alex W. also noted that the smaller 5A lot would lose any further subdivision potential, but the remaining larger lot also gains the potential for one additional unit.

Ted B. said the application sounds straight forward to him. Alex W. said staff has no concerns and have provided the Board with a draft approval. Zoe W. made a **motion to close the public hearing and approve as drafted.** Kate M. **seconded the motion.** The Board voted **7-0.**

Champlain Valley Union High School (CVUHS): Site Plan/Conditional Use in order to replace existing natural turf fields with artificial turf fields, improve vehicular access and provide ADA parking near fields, install a bleacher system at one of the fields, install protective fencing around fields, and plan for a future concession stand and bathrooms near the fields. This property is located at 369 CVU Road in the Rural Residential 1 Zoning District.

Greg W. recused himself from this application.

Bob Mason, Kevin *** and Kurt Brew represented this application. Bob M. explained to the Board why the application was before them, even though the bond was voted down. He said there remain plans to do something with the fields in the future even without a favorable bond vote. Kevin * said the fields were built around 10 years ago. The soils there are very dense and have become unusable during certain parts of the year. The proposed plan is to address fields A & B by installing artificial turf. This process will include installation of a series of under-drains and sand beneath the artificial turf itself. This will allow more use and longer seasons. In the same location, the proposal includes installation of a set of bleachers to seat 1,000 people. The bleachers would be positioned between the fields on the existing slope and would be ADA accessible. This would also require approximately 10 parking spaces to be made ADA accessible from the lower parking area. Plans also include a slight widening of the existing gravel drive by the lower parking areas and walking access via sidewalks. Paving by the existing track area is also proposed (in the staging area for emergency vehicles during events). Plans shown to the Board also demonstrate a future structure (no current plans proposed) which may be used to house concessions and bathroom facilities. Also in the proposal are conduits for 4 light posts for the fields. Existing shot-put and discus cages will be moved to the gravel area and a wetland area will be used for a storm water treatment system.

The Board viewed maps of the property and noted an existing swale which the applicants said will be replaced in part by a culvert. The culvert will meet all ANR permit requirements. Ultimately, discharge goes south to Patrick Brook and North through an existing detention pond. There will be no resulting increase in flow, according to the applicant. Ted B. asked about drainage and runoff from the artificial turf. The applicant said that currently the soil is not good for infiltration and therefore there will be no real increase or decrease in the anticipated runoff. If anything, the applicant said, runoff velocity will be lowered as a result of the additional sand and under-drains. Dick J. asked if the existing poor soils were replaced, would grass do better. The applicant said the existing soils were not always this poor; in the first couple of years, they were relatively good grass playing fields. The problem is that they become less usable with weather and use. Ultimately, the applicant feels, replacing soil and grass would be a short term solution.

The Board noted a memo submitted by Sue Conley, which alerts the Board to concerns with the impact of this proposed project as they relate to storm water runoff onto adjoining, neighboring or down-stream properties (specifically noted is her property behind the Jiffy Mart). Staff has met at that location to assess the capacity issues at the existing culvert. There are plans to increase the size of the culvert at that location. The applicant replied that this project does not result in an increase in impervious surface area.

Dick J. asked about the problematic issue an increase in use at the fields along Pond Road may cause with regard to people parking on the roadway (illegally). The applicant assured the Board

that there is adequate parking available and voiced frustration at the reality that people are inclined to park where they should not regardless of the method used to deter them.

Greg W. spoke as a member of the public, saying it appears to him that the school is actually moving the existing football field (currently in the center of the track). The applicant said yes, that is the case. In regards to concerns about parking availability, there are approximately 600 parking spaces currently. If anything, moving the football to the other fields will move the center of density closer to existing parking. Ted B. asked if those parking lots are currently full during peak use. The applicant said there are usually spaces available/open and they anticipate roughly the same size crowds as they currently see. Dick J. asked about the field's potential ability to draw in larger crowds when hosting larger events. The applicant said that numbers wise, they have not modeled this but noted that scheduled events to take place at those fields will also likely be held on weekends and will therefore have the spaces typically used by students and faculty Mon-Fri open and available.

Kate M. asked the applicant about the parking along Pond Road concern, which has been an ongoing issue for the school and the town. Bruce M. said they propose to collaborate with the town on this issue, and proposed a committee comprised of parties from the school and from the town. He said they would like to develop solutions to the Pond Road issue, but would like that to also be a collaborative effort. The applicant does not feel that this proposal makes the existing issue worse. Zoe W. said in respect to an increase in events, it very well may contribute to the problem. Ted B. proposed a 1-lane road which may alleviate the problem. The applicant said that is a possibility. Ted B. said that parking is not the towns' problem, it is the schools' problem; the town is not the entity creating the hazard- that is a result of the schools' activities and is ultimately CVUs' responsibility. He proposed that as part of the Conditions of approval, a solution to that parking along Pond Road issue be presented.

Zoe W. asked about hours of operation. Bruce M. said games typically start around 6pm and go for a couple of hours. He agreed to email the Board the game schedule if they find that useful. Zoe W. asked that the applicant specify that in the proposal.

Dick J. asked about the proposed lights going in; will they result in later games or use of the fields after dark? The applicant said that regulations stipulate that the lights not be reviewed until they are in.

Renate Park and Wayne Schwab spoke together from the audience; residents of the property adjacent to the CVU playing fields. Renate P. said they are not really bothered by the current use on the fields, games, spirit week, etc. but they are not looking forward to any increase in traffic, lights or noise. They said they want to be good neighbors but would also like the Board to recognize that a residence is there, in very close proximity, and also asked the Board to consider impacts on their future property value. They said in their opinion, parking is a problem along Pond Road. Also, there is quite a lot of runoff. The existing swale helps but drainage is very poor in this area. They do have some concerns with regard to drainage. Weekend and night activities will impact their quality of life, they said. They asked the Board to be sure that the proposed lights are installed properly and in accordance with zoning regulations so as to minimize the impact. They voiced concerns with the proposed 1,000 people seating at the bleachers and said that will surely have a correlating parking impact. They also encouraged the Board to be cautious when approving sidewalks proposed, as they really need to be spaced from the road way to allow proper snow removal and maintenance.

Ted B. asked about loudspeaker use. Peter E. (Zoning Administrator) said there are existing loudspeakers which were never approved but nevertheless are used. He said they should be reviewed. The applicant agreed to add that to items to come back to.

Zoe W. asked the applicant about the expected time frame for this application. Bruce M. said within the next 3 months or so. The Board agreed to continue the application to the May 20th meeting to allow the applicant time to address traffic, parking, cross walks, sound system use and increase of frequency vs. current us, plans for external use and landscaping. Ted B. made a **motion to continue the application to 5/20.** Sarah M. **seconded the motion**. The Board voted **6-0.**

Rob Farley: Conditional Use for a Home Occupation & Accessory Structure – The applicant is requesting a conditional use permit for a dog sled tour business to be operated from his property. This property is located at 1088 Texas Hill Road in the Rural Residential 2 Zoning District.

Greg W. rejoined the Board for this application.

The applicant expressed to the Board that he was a bit confused about why he was asked by the Town to get a permit for his dog sledding use at his property. He is not certain that according to our town regulations (specifically the recently passed revisions to the RR2 district) he is required to have a permit. He said this is a hobby that has become a job. He is not doing anything different than what he has been doing. He does have a kennel on his property, currently housing 18 dogs. He runs and trains his dogs on the dirt road. He is licensed to run the dogs and their sleds in the Little River State Park and in one other location in Stowe. Occasionally, he takes the dogs and sled to schools to visit and educate the kids. He said the town does have a history of allowing dog kennels and said it is not new to Hinesburg to have landowners with multiple dogs. He also said he feels that his use of the land is not much different than horse owners' use.

Peter E. said in his opinion, there is no question that this is a Home Occupation.

Zoe W. opened the discussion to the public. Memos in favor of Mr. Farley and in support of his dogs and sledding activities were submitted by neighboring and/or adjoining property owners to include: Steve Van Dusen, Debra L. Howard, Leanne Klyza Linck, The Christman Family.

Ernie M. spoke from the audience, saying he has lived on Seneca Creek Road for 25 years. He does not feel that the noise created from the dogs is unreasonable; perhaps a couple of minutes at feeding time. Greg W. said that Bruce Cunningham has reported a different experience, saying that the dogs bark excessively and in the middle of the night. Ernie M. replied that in his opinion, the town plow truck is noisier than the Farley's dogs. Bruce Cunningham spoke, saying he and his wife have a direct line of site from their bedroom windows to the Farley property and dog kennels. He said that most nights between Midnight and 6am, they are awakened by the barking of the Farleys' dogs. Their concern is with noise as it relates to and impacts their comfort within their own home. Mr. Cunningham said he has spoken with Mr. Farley several times but that the number of dogs has increased as has the noise level. He said he and his wife are suffering sleep deprivation as a result of the dogs.

Greg W. asked Mr. Cunningham if he has considered the possibility that wild Coyotes are activating or aggravating the Farleys' dogs in the night. Mr. Cunningham conceded that yes, there are Coyotes out there. However, he said he and his wife truly feel that because their home is situated at 300' elevation above the Farleys' property, they find themselves in a special situation. He suggested that

Mr. Farley install sound absorbing material along the chain link fence around the kennel. Ultimately, Mr. Cunningham said, his hope is for conformance with the Animal Control Ordinances.

Jason Friedman spoke from the audience, saying he and his wife love the Farleys' dogs and they do not hear the dogs barking excessively.

Mr. Farley spoke, saying he has had conversations with Mr. Cunningham before about this, and he has made efforts to quiet the dogs and address Mr. Cunninghams' concerns. He said he feels this is offensive and sees a bit of hypocrisy here, which is very upsetting.

Zoe W. asked about the possibility of a site visit. The applicant said the chief of police has already been to the site. Personally, he said, he is not opposed to the Board doing a site visit. Bruce C. said he is skeptical of a site visit because a majority of the noise is occurring at night but ultimately he has no objection to it.

Zoe W. made a **motion to continue the application to 3/18**.

Frank Koss (police chief) spoke from the audience, saying that the process with the DRB is a better resolution to this ongoing issue as a permit can take noise levels and impacts into consideration. The alternative, he said, is that the issue is up to the Animal Control Officer.

Cheryl P. spoke from the audience, saying as a neighbor up the road, she only occasionally hears the Farleys' dogs and she enjoys watching them train. She said in addition, the Farleys are helpful members of the community.

Zoe W. asked the applicant if they intend to have tours or sled runs from their property. The applicant said he does not wish to do that, but also added that if he is obligated to be permitted for a Home Occupation then yes, he would expect to have that flexibility.

The applicant asked for clarification of the Recreational Outdoor Use allowance. Zoe W. said the need for a Home Occupation permit is not related to the structure (kennel) itself but rather the business. The applicant asked again, what is specifically exempt? How is what he does with his sled dogs different from Sleigh Rides, which are clearly stated as an exempted use? Alex W. said the use definition does not exempt residential properties with accessory uses. In this case, the use has become a home occupation. The principal use of the property is not an outdoor recreational activity. The applicant said he feels the town is asking him to permit his lifestyle.

Zoe W. asked Staff if there are any other examples of off-site home occupations. Alex W. said yes, Contractors Yards. Peter E. said there are many home office uses. The applicant asked if employees are a trigger point and if there are none, is the permit still required. Peter E. said yes, that is still considered a home occupation.

Zoe W. made a **motion to continue the application to 3/18** with a site visit at 6:00pm prior to that meeting. Dick J. **seconded the motion**. The Board voted **7-0.**

Other Business:

The Board discussed a letter from the Select board regarding project oversight.

Greg W. made a **motion to adjourn.** Zoe W. **seconded the motion.** The meeting adjourned at 10:00pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary