Town of Hinesburg
Development Review Board
April 1st, 2014
Approved 4/15/14

Members Present: Zoe Wainer, Dennis Place , Greg Waples, Sarah Murphy, Kate Myhre, Ted Bloomhardt. Dick Jordan arrived at 7:35pm.

Members Absent: None.

Also present: Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary). Representing Applications: Scott Jaunich, Stephanie Hainley, Paul O'Leary, George Bedard.

Public Present: Jim Dumont, Steve Giroux, Jean & John Kiedaisch, Bill Moller, Bob Thiefals, Sally M Reiss, Chuck Reiss, Gill Coates, Nancy Baker, Sara Vizvarie, Renee Lemay, Dorothy Pellett, Catherine Goldsmith, Darren Heath.

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

Minutes from 3/18/14:

Zoe W. **made a motion to approve as amended** the minutes from 3/18/14. Ted B. **seconded the motion.** Kate M. abstained as she was not present at the 3/18 meeting. The motion was approved **6-0.**

Brian & Penny St. Cyr: Two-Lot Subdivision Final Plat – The applicant is seeking Final Plat approval for a 2-Lot subdivision on a 9.85 acre parcel on the west side of Rte. 116 and the north side of Tyler Bridge Road. This property is located at 58 Tyler Bridge Road in the Agricultural Zoning District.

George Bedard represented this application on behalf of the St. Cyrs. He oriented the Board, showing a map of the parcel. The applicants are proposing creation of a 4th lot with access via Tyler Bridge Road. This request will subdivide their home lot into a 6.8A lot containing their existing home, and a 3A lot (the 4th lot) which contains their current garage.

The septic system serves the existing house on Lot #1. The easement describes primary and replacement septic areas on Lot #1 and the deed description gives rights to the pipeline easement.

Previously, the building envelope described around the existing garage raised concerns regarding the suitability of the site. The new proposal offers a new building envelope to the south of the easement area. A survey map was provided with construction setback easement areas noted. The Lot Line for Lot #1 goes through the septic replacement area; both Lot #3 and Lot #4 will refer to this in their final deed language. As Lot #1 will now be made smaller than 10A, the state will

require a replacement septic area. The original mound system to serve Lot #1 will now serve Lot #4 as well. Lot #3's septic will be built as part of the subdivision.

Zoe W. asked if the deed for Lot #1 needs to be revised to reflect the new lot numbers. Alex W. said the applicant will likely not revise Lot #1's deed but will need to be clear in Lot #4's deed language regarding the new lot numbers.

Ted B. asked about potential trouble with the lot line going through the sewer area. Alex W. said road access should not adversely impact the sewer line (i.e., through winter freeze cycle, etc.). George B. said they could dig and insulate the line if needed but said the pipe is 6' below ground and he does not foresee any issues.

The Board went on to review the applicant's feedback regarding the staff report. Peter Erb (Zoning Administrator) raised some concerns regarding easement issues (i.e., well, wetland delineation and classification). George B. said the intention is to T-into the existing well line which feeds the trailer on Lot #2 and serve the building site on Lot #4 and share in the cost of that line and pump. That well will now be serving 3 sites (Lots 1,2 &4). There will be an option for an additional well to serve Lots #2 & #4 if the future owners chose to do so. This will be reserved in the Lot #4 deed language.

Greg W. noted that the 2013 Sketch Plan Approval said before the Final Plat could be approved, the applicant would supply draft deed language. This approval was given last June, and he voiced some frustration as to why the applicant has been unable at this hearing to provide that. He said the order at that Sketch approval was clear.

Zoe W. suggested continuing the hearing to allow the applicant time to offer proposed deed language. The applicant was receptive to this option.

George B. said that in the past few years, there has been a change to the classification of the existing wetlands around the site. The state has changed the classification from Class 3 to Class 2. If the new well is drilled for Lots #2 & #4 in the future, it will need Conditional Use approval from the state and will incur a fee for the number of feet of disturbance (estimated cost of $3,000). He said he doubts this will be a practical alternative due to the sewer lines to the south.

Zoe W. said the new proposed building envelope seems more logical in her opinion. Ted B. agreed, and mentioned that the sketch approval also addressed constraints around the garage area and asked if that garage is staying. The applicant said yes. Dick J. asked how this relates to Previous/Existing Non-Complying Structures. Ted B. said the building envelope is not for any proposed new development at this time. Greg W. said this is not a non-complying structure. Dick J. said with no building envelope, does the applicant still retain the option to rebuild should the structure be compromised? Alex W. said this is something the Board should clarify in their final decision.

Zoe W. addressed the issues regarding road width. George B. said the existing road access will be widened per staff comments from the 2013 Sketch Approval. The road will be widened to 18' from Tyler Bridge Road to just past the driveway on Lot #2, then to 15' wide through Lot #4 and then to 12' wide to the residence on Lot #3. The required pull out will be constructed on the east side of

the driveway on Lot #4 and will add 10' to the road surface over a 50' length. This location is about half way up the driveway. George B. did say that though staff suggests widening the roadway at the access point to Lot #2, the applicants feel that the existing trailer is so close to the road that this would be unnecessary. He agreed to add this to the narrative should this application be continued.

Zoe W. opened the hearing to the public for comments. There were none.

Alex W. said the building envelope is not identified for the existing house on Lot #3.

George B. said the building envelope is in the buffer and easement for the Lot #1 sewer replacement area and the proposed mound system for Lot #3. He said he will show these at the next hearing. There is an opportunity to move that building envelope to the back of Lot #3 (the NW corner of the lot).

Zoe W. made a **motion to continue the hearing to 5/6/14.** Dennis P. **seconded the motion.** The Board voted **7-0.**

Mary McClements: **Subdivision Revision --** The applicants are requesting subdivision revision to move the original building envelope in order to accommodate an addition to the current dwelling. The proposed relocation would not increase the size of the building envelope. This property is located at 85 High Rock Road in the Rural Residential 1 Zoning District.

She purchased the property in 2006 and at that time the building envelope was already established. She would like to put an addition on the house and is now asking to change that building envelope. The revised envelope is actually smaller and avoids the 50' wetland buffer area. The addition will not be as large as is shown on the plans offered to the Board.

Zoe W. asked about the detached garage also shown on the plans before them. The applicant said they have no plans to construct the garage currently.

Zoe W. said the application seems straight-forward to her. She opened the hearing to the public for comments. There were none.

Staff has provided to the Board draft approval language, which the applicant said they were comfortable with. Ted B. made a **motion to close the public hearing and accept the draft approval language as written.** Greg W. **seconded the motion.** The Board voted **7-0.**

Hannaford:

1.) Hannaford, Giroux Family Trust: Subdivision Revision (boundary line revision, 0.32 acres) to Commerce Park and Giroux Subdivisions to make proposed Hannaford lot larger pursuant to

2012 Hannaford site plan approval. This property is located along Commerce Street & VT Route 116 in the Commercial & Village Zoning Districts.

2.) Hannaford, Giroux Family Trust: Subdivision Revision (boundary line revision, 0.13 acres) to Giroux subdivision in order to modify an internal lot (between Automotion and Giroux Body Shop storage yard). This property is located on the east side of VT Route 116 in the Village Zoning District.

3.) Hannaford, Aubuchon Realty Company: Site Plan Revision to Firehouse Plaza to relocate the Commerce Street access to the east, pursuant to 2012 Hannaford site plan approval. This property is located at 20 Commerce Street in the Commercial Zoning District.

4.) Hannaford, Giroux Family Trust: Site Plan Revision to the Automotion site in order to reconfigure parking areas given the related boundary line adjustment proposal. This property is located at 10390 VT Route 116 in the Village Zoning District.

Sarah M. recused herself from this application.

Stephanie Hainley represented the applications for Hannaford. She demonstrated to the Board the reorganization of the parking lot on the Firehouse Plaza site which increased the net parking spaces by 7. Other changes to the site included an increase in landscaping and relocation of an existing light pole. After speaking with the owners, the applicant has also agreed to widen the entrance to accommodate truck turning radii. These are the only proposed changes. There is no new impervious surface proposed.

Greg W. asked if trucks turning behind the hardware store site are anticipated. The applicant said yes, and that they currently do.

Zoe W. said the landscaping is wholly in the front of the lot and while there has been some effort to increase the proposed landscaping, it is not a lot and there is none proposed for the interior of the parking area. Stephanie replied that they did not want to break up the center bank of 19 parking spaces and added that for the traffic flow and snow plow access, it does not make sense to them to put interior landscaping in this lot. The landscaping has been proposed around the perimeter of the site to provide screening instead. Zoe W. suggested a center island with tree plantings. Stephanie H. said the site as it exists functions well and they prefer to allow that function to remain as it is.

Greg W. said the site is too constrained. Zoe W. questioned whether or not this proposal meets the regulations. Alex W. asked the applicant to review the landscaping plants. Stephanie H. said the proposed landscaping plans include shrubs, not trees, which were selected to achieve proper spacing and size so that they allow runoff to flow to the existing swale. Zoe W. said this is an opportunity to expand what is on site now. Stephanie H. said if the Board finds it appropriate, they would ask for an approval with Conditions.

Alex W. noted that the road standards for one-way roads require less width; while the proposed 20' width is appropriate for truck access, it also allows some room if the Board does require increased landscaping plans and also allows the applicant the option to decrease the number of parking spaces to accommodate landscaping islands, should the Board ask for them.

Zoe W. asked about staff concerns regarding the culvert under Commerce Street in the NE corner of the site. Alex W. said plans to improve the existing swale and replace the existing culvert under Commerce Street mean there is no need for a culvert under the service entrance. Paul O'Leary (of O'Leary & Burke) said that is a very small drainage area, which drains to the West so the lot experiences an impact from upstream sites. Zoe W. asked if once the proposed improvements are done to the existing culvert under Commerce Street, would the existing drainage issues be somewhat alleviated? Paul O. said yes, the drainage will be much improved once that culvert is replaced (new one going in will be 3" wider and 6" lower as well).

Dick J. asked why the applicant is reluctant to put in a culvert beneath the service entrance. Alex W. asked if the main reason for choosing not to install the culvert is because it will redirect the flow and will require amendments to existing state permits. Paul O. said the elevation of the road itself is an issue also and said he expects the improvements to the Commerce Street culvert will increase flow function adequately.

Ted B. said Hannaford testimony showed water will flow west at times, in larger storm events; in his opinion, it makes no sense to allow up to 18" of back up for the water to then flow over the service entrance and continue to flow to the west. Paul O. said that amount of back-up would only occur in the 50 yr or larger storm events. Ted B. said it makes sense to lower that water level at the Darkstar property.

Zoe W. voiced her desire to see the applicant address the storm water issues. Stephanie H. said they are comfortable with the plans as they stand and would like the Board to vote one way or the other on the plans as submitted.

Zoe W. opened the hearing to public comments or questions.

John Kiedaisch spoke from the audience, encouraging the Board to require larger interior landscaping islands and to pursue suggestions around tree plantings. He also strongly encouraged the applicant to reconsider their stance on the culvert installation under the service entrance, saying they should put one in and modify the state permits.

Chuck Reiss spoke from the audience, saying regarding elevation, the new entrance will be lower in elevation than the existing entrance. Dick J. said the elevation appears to be the same.

Sarah Murphy spoke as an audience member, saying this plan has a uniquely large problem with storm water treatment. She said the applicant is unwilling to revise the plans in a manner that adequately addresses concerns raised by the Board thus far. For these reasons, she encouraged the Board to deny the applications without conditions.

Catherine Goldsmith spoke from the audience, saying this is an important property. She said this is an opportunity to make the site better. In her opinion, it is inappropriate to add more parking spaces. She sees an opportunity for increased landscaping and storm water treatment.

Bill Moller spoke from the audience, saying there is a precedence of the DRB approving with conditions in the face of applicants unwilling to make revisions.

Regarding the Automotion Site, Zoe W. said the proposed landscaping does not suffice. It is inadequate in her estimation. The existing crab apple and cherry trees in the front could and

should be replaced with more traditional and healthy street trees. In addition, she said the number of parking spaces is not approvable in her opinion. Ted B. asked if there were any new changes to this proposal. Stephanie H. said no, there are no additional changes or revisions proposed. She said the owner of the business, Darren, can speak to the need for the requested parking spaces. Darren *** spoke from the audience, saying too much landscaping as screening will hide or block visibility to the business itself. If no cars are parked out front, he said, his business hurts. This request is an attempt to sustain a healthy business.

Zoe W. said there is an opportunity for parking on the side yard of the site. Darren said due to the orientation of the structure which has windows only on the front (facing Rte. 116) and the rear, none on the sides, he would be unable to view the cars or customers to the side.

Zoe W. asked Darren what percentage of the lot shares parking spaces with other businesses. Darren voiced his frustrations that even at their slowest time of the year, they are still out of compliance. He said cars are left at the site for less than 3 weeks at a time typically.

Dick J. said parking in the front of the lot remains an issue. Parking to the south on the site seems sufficient for the needs of the business. He added that in his opinion, the owners do not need to view the vehicles waiting for repairs (side yard) and the site would not require the screening if there were no cars parked in the front of the lot. He agreed, the proposed landscaping screening is insufficient.

The applicant spoke, telling the Board that they would like a vote either way on this proposal as it stands; there will be no more changes or revisions. If the Board sees fit, they ask for a Condition regarding augmented landscaping plans.

Ted B. voiced his concerns regarding the proposed elevation changes to the rear of the site (east) which will create a steep bank; how will this affect water flow? Dick J. said moving the parking from the front of the site to the side yard would also have the benefit of increasing the grassy area for runoff to go through for additional treatment as it flows to the swale.

Nancy Baker spoke from the audience, saying that front parking is a concern for her as well. She feels the need for some compromise with regard to the number of parking spaces being requested and the lack of proper screening.

Bob Thiefels spoke from the audience, saying he shares the concerns regarding parking in the front of the site. He said the real need for this number of parking spaces has not yet been demonstrated. He also questioned Darren's assertion that some vehicles remain on site for as much as 3 weeks, asking if this is a storage lot or a repair shop?

Sally Reiss spoke from the audience, saying she appreciates the owner's experience of running a business on Rte. 116. She suggested a pleasing frontage, landscaping and a business sign may equate to increased business just as much (if not more) than the cars parked out front. She said Darren's reputation is a good one, and that alone might enhance his business and keep customers returning, regardless of whether there are cars parked in the front of the yard or not.

John Kiedaisch spoke from the audience, saying he agrees with the issues raised around parking and also agreed that there are alternatives for the applicant to consider. He encouraged careful consideration of potential pollution from cars on site and agreed with Dick J's stance that moving

the parking spaces to the side yard may indeed help with the treatment of runoff. He suggested that the Board also ask for business records from Automotion to demonstrate the need for the proposed 60 parking spaces. He suggests the Board reject the proposal without conditions or request a reconfiguration of the parking and number of spaces.

Sarah M. said regarding storm water; where previously there would have been a swale for some runoff treatment, this proposal has that water running across a parking lot. She cited Dean Grover's previous testimony regarding sheeting and said the site will not adequately sheet the runoff as the area is so large that sheeting only takes place within a certain time/distance; which this site exceeds.

Ted B. said the site has elevation constraints as is.

Catherine G. said she agrees with Sarah's comments and she also recalls Dean Grover's testimony regarding sheeting. She said the group Responsible Growth Hinesburg states that the Hannaford project cannot be contained on Lot 15. She said this is being born out as evidenced by the Automotion and Giroux businesses. The Hannaford project, she said, is pushing other businesses; a symptom that it does not fit. She also cautioned about future impacts to the Mobil gas station site (and to the rear of that parcel). Our regulations are clear, she said, regarding parking in the front of a lot in the Village.

Zoe W. addressed the application dealing with the Boundary Line Adjustment. The applicant said this proposal does not include any requests for parking, it is all green space. Zoe W. recognized that the Board is in receipt of responses from three lawyers on the issue of split zoning as it pertains to this application. James Dumont spoke from the audience, saying the Hannaford project is asking other applicants to expand their uses against current regulations and is asking to alter grandfathered uses, which is not allowed. He supports concerns voiced by Catherine Goldsmith.

Catherine Goldsmith reminded those present that there is a model of the proposed Hannaford Project upstairs in the Planning & Zoning Office if anyone would like to view it for an idea of scale.

Zoe W. made a **motion to close the public hearing and go into deliberative session to discuss the Hannaford applications.** Dick J. **seconded the motion.** The Board voted **6-0.**

<u>Other Business:</u>
The applicants for the CVU Turf Fields project have asked for a 6 month extension of their application for Site Plan and Conditional Use. Zoe W. made a **motion to grant the 6 month extension to the Town of Hinesburg Recreation Fields/Subdivision.** Dick J. **seconded the motion.** The Board voted **6-0.**

The Board went into deliberative session at 9:42pm. The meeting adjourned at 10:30pm.
Respectfully Submitted, Freeda Powers---Recording Secretary