

Town of Hinesburg Development Review Board

April 15, 2014

Approved 5/6/14

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

Members Absent: Greg Waples.

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

Public Present: Larry Telford, Diane Telford, John Dunshee.

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

Minutes from 4/1/14:

Zoe W. **made a motion to approve as amended** the minutes from 4/1/14. Dennis P. **seconded the motion**. The motion was approved **6-0**.

Akiko Balchiunas: 2-lot Subdivision Sketch Plan – The applicant is requesting sketch plan approval for a 2-lot subdivision located on a 22.5 acre parcel at 401 Butternut Lane in the Rural Residential 2 Zoning District. There was a site visit prior to the meeting at 6:00pm. Continued from March 4th.

The following board members were present for the site visit: Zoe W., Ted B., Dick J., Sarah M., Dennis P. Zoe W. began by noting Board observations from the site visit; The Board viewed the house site on Lot 1 and its' driveway, the proposed new driveway to Lot 2, and the current septic system (below Woods Run road cut). They noted where the power box comes up (Lot 2 utility source) to the west of Woods Run road, and where the proposed driveway would be to the proposed building envelope A. The proposed building envelope B was also noted. Previous staff suggestions for the driveway to Lot 2 were taken into consideration by the applicant and that route was flagged and walked by the group (to the east, cutting above proposed replacement Waste Water for Lot 1 & Waste Water for Lot 2). Blue flagging indicated the Lot 1 Waste Water replacement system area. The primary Waste Water system for Lot 2 was also noted. The group noted the property line between Lot 1 & 2. The group got to see drainage areas active with spring rains and snow melt.

Zoe W. said they had observed what Sarah M. asked about regarding wash-out from the drainage of a neighboring parcel and house site. Also, Sarah M. noted that the building envelope A ended before the terrain became very steep.

David Burke said the group got to see the site at its' worst in regards to drainage and runoff which is not a bad thing. He said based on regulations, observations and staff feedback, they are no longer including building envelope B in their proposal. He added that there are obvious benefits of eliminating the proposed building envelope B (i.e., contiguous habitat). The building envelope A

measures 100' X 150' (just over 1/3A). The driveway from below would work if the applicant moved both mound systems to keep the 50' buffers from drainage ways. Therefore, the proposed driveway will be as the group saw flagged at the site visit, per staff suggestions. Envelope A, he said, is on an average slope of 20%.

Ted B. noted that the applicant is referring to that as a moderate slope, but that the east side of the building envelope A is quite steep. He asked what the estimated grade of the hill the proposed drive will cut across is. David B. said he is unsure but said it is below the requirement and guessed it to be 12%. He agreed to look at a slight shift of the mound areas. Due to state regulations, he said, there will be a replacement waste water area designated for Lot 1 and a primary waste water area designed for Lot 2.

Peter E. asked if the existing logging road could remain. David B. said there are no plans to remove or alter it.

Dick J. asked if the applicants are doing away with proposed building envelope B, which leaves Lot 2 at 14A, would that be further sub-dividable. Zoe W. said no, because this is occurring after the regulation change.

Ted B. asked about proposed driveway improvements. David B. said in the staff report, it is noted that the road standards do not apply, but that the Board needs to either make suggestions for improvements or be comfortable with the access as is. Suggestions from the report are agreeable, including adjusted width starting at or just beyond the Francis's' driveway (up-slope side), ditch work on the up-slope side. In addition, David said, there is a need for a culvert at the property line by the Woods Run Road and the Akikos' lot. This will need to be discussed further with the neighbors, the Francis's as it is actually on their land. They will add a pull-out as well but first need to determine the best location for that.

Dick J. asked if there were concerns regarding the current depth of the sewer lines. David B. said they are likely 5' deep or so. The plan is to excavate, check them and put deeper if necessary to prevent potential frost damage. Proposed building envelope A will have a sleeve at the proper depth if and when it should be needed.

Zoe W. addressed energy regulations which are explicit in regards to orientation to achieve maximum solar gain. The west-facing slope is an area of concern for her. Any approval will require a condition to achieve active solar gain or green home certification. David B. noted the regulations section and noted these requirements will be part of the final submittal. He said the applicant does not want to cut trees in order to get solar gain.

Zoe W. opened the discussion to the public for comments or questions.

Larry Telford spoke from the audience, saying today's rain is not "average" and also noted that typically the parcel experiences predominant flow from snow melt in higher elevations. He also noted lawn damage on his parcel from water coming up from underneath. Ted B. concurred that during the site visit, they did observe a tremendous amount of water coming off the hill which caused him some concern with plans to divert storm water run-off. David B. clarified that the run-

off typical of the site is likely to dissipate as it is not a true water course. He still concedes that there is a need for installation of a culvert to improve the water flow. He also assured the Telfords that the proposed access road will benefit their lot slightly by pushing some run-off from the hill to the east.

Peter E. asked if installation of a culvert would also lead to the need for a detention pond of some sort. David B. said no, as the water is likely to continue to disperse which will be improved as well with some level-spreading (design a small sump area surrounded by 10'-15' sloped area of stone to get the channelized water to sheet flow).

John Dunshee spoke from the audience, voicing his concern with development on ridgelines. Alex W. said development on ridgelines was originally considered by the Planning Commission back in 2001 but that it was not pursued as regulation. The issue was revisited in discussions this past autumn, but again was not inserted into the new regulations. There is a provision to restrict development on a ridgeline as it pertains to visual impact. Ted B. said this parcel does not count as being on a ridgeline. Zoe W. said this parcel does impact steep slopes, which are a primary/secondary resource, though. In that respect, she said, the Board needs to be assured those impacts are minimized.

Ted B. made a **motion to close the public hearing and direct staff to draft approval language.** Dennis P. **seconded the motion.** The Board voted **6-0.**

Hinesburg Center, LLC: Site Plan Revision. The applicant is requesting site plan revision to show what has been approved to date as well as any proposed revisions to address site plan discrepancies noted in the Findings of Fact #2 and Conclusion #6 and to ensure that all discrepancies have been addressed so there is a definitive and accurate site plan approved and on record.

The applicant was late arriving to the hearing, so the Board began discussions in his absence. Peter E. said that Mike Weisel, Andrea Morgante and himself used the 2008 Site Plan as their comparison for a walk-through of the site. They observed that the landscaping at the Kinney Drug location is not in compliance as it does not reflect the site plans. The runoff seems to be working well with the exception of one gutter on the southwest corner of the far southwest building (#47). This gutter is causing bank erosion and is causing runoff to go across the existing sidewalk. In addition, the fill around building 47 is somewhat settled, showing about 2' of foundation. Incorrect street trees were planted as well.

Zoe W. noted the applicant's submitted testimony that the additional sidewalks installed on the Farmall Drive frontage should be allowed to remain.

Ted B. said the remaining issues appear to him to be technical details that the applicant could work out with staff. He suggested these problems be fixed before the Board reviews the final site plans again.

Alex W. noted that all three plans submitted to date fail to show storm water plans, and that needs to be submitted by the applicant as well.

Ted B. suggested continuing the hearing to a later date. Zoe W. agreed, the remaining issues of the proposed plans including installation of railings to the Farmall Drive elevations, removal of the additional sidewalks and complete and proper landscaping, should all be addressed by the applicant.

Peter E. noted that proposed plans included lights in the rail posts which the applicant is requesting be eliminated as he feels there is adequate existing light sources including from the street light by Farmall Drive & Kailey's Way. In addition, feedback from the fire chief, Al Barbor, indicates the applicant will need to put in retaining walls along Farmall Drive to allow fire access to the third story of the approved building on Lot 45. This will be about 1' below the 1st floor windows and its' location is yet to be determined. There is some flexibility in the design and shape of those buttresses.

The applicant arrived at 8:30pm.

Regarding Mike Weisel's memo about landscaping, Brett G. said he has no problem with additional screening to address the showing foundation around building 47.

Mike W.'s concern with the failing roof drain from building 47 can be addressed, Brett G. said, but he feels the suggested remedy of underground piping or to tie to the existing under drain will be too invasive. Instead, he suggests simply turning the downspout to the east to bring water to the existing stone on the drip edge. Peter E. said there may be a condition in the final approval to address this if the problem continues and icing occurs on the sidewalk as a result.

Brett G. said a pear tree was planted on the corner where landscaping plans depicted a crabapple. He is willing to swap that out to correct the error if the Board finds it necessary. Alex W. noted that previous plans indicated Oak trees were to be planted, later plans submitted failed to label the tree species at all. Ted B. reminded the applicant that the landscaping is not random and needs to follow the plans. Brett G. handed what he said was accurate (as is) landscaping plans to Peter E. at this time.

It was noted that on the 2008 Site Plan, existing street trees (planted as part of the Creekside development) would be replaced if damaged during construction. Zoe W. voiced her frustration, saying the planting schedule needs to be accurate. Peter E. said feedback from Andrea Morgante indicates that pear trees do not qualify as street trees, as they will not provide the same canopy street trees achieve. In addition, Peter E. said, the plans show tree lilacs to be planted by the Kinney Drug location but instead bush varieties were planted. He suggested the applicant replace those to adhere to the submitted plans. Zoe W. addressed screening of the large utility box between the Bakery and Kinney Drugs. Brett G. agreed to do some screening of the utility box but said those plantings will need to be salt tolerant as they will be in close proximity to the sidewalks and parking area. Sarah M. suggested the applicant consider a trellis with vines to aid in the screening of the utility box. Brett G. said likely Green Mountain Power would not allow this. Alex W. said screening

of the utility box specifically from the pocket park area is important. Brett G. said he is certainly willing to look at different options.

Zoe W. said the applicant should remove the additional sidewalks installed along the Farmall Drive frontage. Brett G. stated the reasons he feels the sidewalks should remain, including emergency access, privacy and appearance. He reminded the Board that such design is not uncommon in places like Burlington. Kate M. told the applicant that if he felt strongly about wanting the additional sidewalks, he should have come before the Board to ask for them before installation. Sarah M. said the buildings are so close, so tight, it makes the entire area seem too dense. Brett G. suggested taking the money it will cost to remove the sidewalks and offering it to the Town in some other way. Zoe W. cautioned the applicant that the proposal borders on bribery and declined, saying the applicant will need to remove the non-complying sidewalks.

Zoe W. said part of the mitigation of the building locations was the increase in landscaping. She told the applicant to be prepared to submit to the Board truly representative plans, including landscaping and screening and details as to how he plans to integrate the retaining walls required for building 45. Brett G. said in regards to landscaping, he has already invested approximately \$8,000 to R2 and R3. He said now that staff has in its' possession the complete landscaping list, it can be added to the plans. He asked if the Board wants to see specific locations of each planting. Zoe W. said we need to know what the complete plan is so that it can be properly maintained into the future.

Regarding lighting plans for C3, Dick J. said it seems additional lighting directly on the stairs would be required. Brett G. said he was amenable to this.

Zoe W. made a **motion to continue the application to June 3rd**. Dick J. **seconded the motion**. The Board voted **6-0**.

Other Business:

None.

Zoe W. made a **motion to adjourn**. Ted B. **seconded the motion**. The Board voted **6-0**. The meeting adjourned at 9:25pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary