Town of Hinesburg
Development Review Board
May 20, 2014
Approved

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

Also present: Alex Weinhagen (Director of Planning & Zoning), Peter Erb (Zoning Administrator) and Freeda Powers (Recording Secretary). Representing Applications: Chris Snyder, Matt Moore, Andy Rowe, Amy Demetrowitz, Rob Bast, Laura Carlsmith, Art & Claire Weis.

Public Present: Bill Moller, Elaine & Roger Lawson, Suzanne Kneller, Dorothy Pellett, Renee Lemay, Rob Ricketson, Tom & Marie Ayer, Aaron Kimball.

Zoe W. chaired the meeting, which was called to order at 7:38 pm.

Minutes from 5/6/14:

Zoe W. **made a motion to approve as amended** the minutes from 5/6/14. Dennis P. **seconded the motion.** The motion was approved **5-0.** Greg W. abstained as he was not present at the 4/15 meeting.

Champlain Valley Union High School (CVUHS): RE: Site Plan/Conditional Use
Property Location: 369 CVU Road in the RR 1 Zoning District. This property is located at 369 CVU Road in the Rural Residential 1 Zoning District *The applicant is requesting a continuance to later in 2014.

Zoe W. made a motion to continue the application to 9/16. Greg W. seconded the motion. The Board voted 7-0.

Haystack Crossing/Blackrock Construction: Subdivision Sketch Plan for an 84-acre undeveloped parcel owned by Haystack Crossing LLC (Bissonette Family), located on the west side of Rte. 116; partially located in the Village NW District & the Agricultural District. Proposed is a subdivision of 90+ lots, 225 dwelling units, 50,000+ sq. ft. of commercial space, open/green space. Review continued from 3/18. *The applicant is requesting a continuance to 6/03/14.

Zoe W. made a motion to continue the application to 6/3/14. Ted B. seconded the motion. The Board voted 7-0.

Artie & Claire Weis: Final Plat. Property located at 139 Raven Hill Road in the Agricultural Zoning District. The applicants are requesting Final Plat approval for a 2-Lot subdivision of their property. The subject parcel is approximately 10.1 acres, accessed by Raven Hill Road, which is on the eastern side of Silver Street. Sketch plan approval was granted on May 7th, 2013.

Sarah M. recused herself from this application.

The applicant began by acknowledging that the lower portion of the site has been deemed too wet and unacceptable for the house site, which is now shown on the survey to be located in the NW corner of the building envelope. The applicant described the parcel while demonstrating important items on the survey, including the proposed septic and back-up septic areas, the house site, the proposed well site and an existing utility transformer which the applicants feel will be able to bring power to the site.

Zoe W. asked the applicant to discuss the potential of the lot as it relates to the possibility of future subdivision. The applicant said this is a non-issue in their mind as the Lawsons have no plans for subdivision.

Dick J. noted that the applicant could move the road/driveway to the west to avoid potential future issues as raised in the staff report regarding meeting setbacks. The applicants feel that there is no reason to do so adding that there are complexities to the topography of the site which make that a less desirable option. They prefer to leave the road/driveway as proposed and address the issue should it come up in the future between the land owners. Andy Weis spoke, saying there is a 50' right of way with a 25' setback if subdivision does not happen. If it does, that ROW goes to 60' and the road/driveway will get relocated to the west. Alex W. clarified the suggestion in the staff report, saying the applicant could widen the ROW rather than move the road/driveway (suggesting a ROW of 85' or so) and to avoid potential setback issues in the future.

Dick J. said it is important to remember that Lot-2 ownership may change and the parcel may then be subdivided; this seems to him a significant burden to place on that lot. Greg W. cautioned that the DRB should not give too much consideration to their final decision based on the potential future development of a parcel. Peter E. noted that even to widen the ROW would require the applicant to make that amendment of the ROW on the final plat, which would require further DRB review as well. The applicant reiterated their feeling that this issue should remain between the landowners.

The applicant noted that the existing wooded area on the site has been and will continue to be maintained responsibly. Alex W. reminded the applicants that if they have to move the road/driveway at some time in the future, they will do so at the expense of tree cuts to some degree or another. If they chose to increase the ROW instead, they would never need to relocate the driveway, and thus would preserve further the existing trees on the site.

Claire Weiss noted that Lot 2's subdivision potential will end when the provision runs out on the previous zoning regs for the RR1 area.

It was noted that the building envelope is rather large, and appears to include non-buildable land, including the septic areas. The applicant said they are encouraged to make the building envelope as large as possible. Alex W. said there is no consistent track record on that but that typically primary and secondary resource areas are avoided within the building envelope. Alex W. also added that with increased "elbow room" within the building envelope, the applicant has more flexibility with placement of outbuildings.

Dick J. said the well shield is not shown on the survey, and asked is it outside of the septic area? The applicant said yes.

Zoe W. said the Board has a draft decision before them and asked if there were any further questions or comments on this application. The applicant asked if the Board wanted to see the plans for underground utility in writing. Zoe W. and Alex W. both agreed that this needs to be shown on the Final Plat. The applicant agreed, adding that the location is yet to be determined with Green Mountain Power but that they have received assurances that it is doable even if some ledge area is encountered.

Ted B. noted that the proposed replacement septic area for Lot 2 should not be within the easement area for Lot 1. Zoe W. asked what does Ted B. propose? Ted B. said he would suggest cutting that proposed replacement septic area out of the easement. Zoe W. said they can make that part of the Order.

Dick J. asked about the reference to blasting in the Order, suggesting notice to neighbors be more definitive. Alex W. said that is the language in the regulations, but added the Board can deliberate on that issue if they chose.

Zoe W. said as one Board member, she is ok with accepting the road/driveway as proposed by the applicants. Claire W. asked if they can make the road placement choice temporary with the option to change to a wider ROW at a later time, perhaps after the sunset provision ends on the old regulations? Dick J. said this is deed based and therefore no, temporary language cannot be used. Greg W. offered the applicant the option to have the public hearing continued to allow them more time to decide on the access as it relates to the potential for future subdivision. The applicant said they would prefer a ruling with language to allow for the relocation of the road until the option to subdivide passes. Peter E. said they are unable to do that without an amendment to the plat and further DRB review.

Ted B. voiced his concerns that the ROW isn't large enough to accommodate a road. He said he is not comfortable with putting the modification of the ROW burden on future landowners. He encouraged the applicants to widen the ROW as suggested by staff rather than relocating the road. The applicant agreed, asking what if they want to move the driveway regardless of the subdivision option. The Board reminded the applicant that any future road must remain within the ROW or require a new DRB review. The applicants were amenable to staff suggestions to widen the ROW.

Zoe W. made a **motion to close the public hearing and take up the decision discussion in deliberative session.** Dick J. **seconded the motion.** The Board voted **6-0.** Sarah M. did not participate in this application.

Green Street, LLC.: Subdivision Revision/Final Plat Review. Property Located off of Charlotte Rd in the Village Zoning District. The applicants are requesting to revise the 12.3 acre Green Street subdivision. 17 previously approved single family residences and a condo containing 5 units would be

replaced by one lot containing 7 structures containing 23 single family units. Four previously approved single family units would remain on their own footprint lots.

There was a site visit prior to the meeting. Present for the site visit were: Zoe W., Ted B., Dennis P., Chris Snyder, Andy Rowe, Rob Bast, Matt Moore, Rob Ricketson, George Dameron, Alex Weinhagen, Peter Erb. Zoe W. reviewed the Board's findings from the site visit. The Board observed the existing single family homes. They observed the narrow sidewalk and the public sidewalk which currently dead-ends. They walked down Green Street and observed the proposed building flagging. They noted the existing barn and the new location for the proposed sidewalk. They observed the space between homes. The group then went back to Rob Basts' home and returned back to Town Hall.

Alex W. noted the grade around the barn and to the rear of the property (near the Ricketson property). Zoe W. said likely a retaining wall will be needed at the steep grade area noted.

The applicant thanked the Board for doing the site visit and thanked staff for their collaboration. The aim with this proposal is to create a plan that is within the town guidelines and incorporates ideas they, the applicants, are interested in pursuing. The applicant explained that they are in the business of building single family and multifamily homes which are high quality and which meet Green Certification standards. They have been given the opportunity to purchase a portion of this property. Through an agreement between the Champlain Housing Trust & Champlain Housing VT, they plan to have a turn-key project to turn over to CHVT. The Selectboard did sign a letter of support for funding.

The proposal is an existing permitted neighborhood with a roadway which essentially has homes on either side. Some changes include larger footprints which result in a slightly narrower road. The intent is to keep the road in essentially the same place as in the previous proposal. The homes will be two story along the road frontage (vs. previous application which proposed three story frontages). The new proposal no longer includes individual building envelope lots but rather one lot line around the entire town house project.

The proposal includes a total of 23 town homes (four 1bdrm, fifteen 2bdrm, four 3bdrm). The streetscape includes plans for front porches on all units except #23 & #19 which are proposed to be ADA accessible units with side entrances. Units #16-22 will also have rear decks (grade 8-9' below decks). The applicant said while there are some engineering issues to address, they are looking for feedback. They are confident in what they feel is a workable sketch.

The existing barn on the edge of the property is proposed to be relocated, but the applicant is looking for feedback from the Board on this as well; would replacement be a more viable option than relocating the existing barn which is in deteriorating condition. Zoe W. and Alex W. both acknowledged that the existing barn is considered an historic structure and would therefore require Conditional Use review by the DRB for deconstruction or relocation (off site). Greg W. asked what would be the purpose of moving the barn rather than rebuilding it. The applicant said they are open to discuss options with the Board and would like to get the Board's feedback on how they should deal with the barn. Ted B. asked why the applicant feels the need to move the barn. The applicant said its location as it relates to proposed unit #9 creates noncompliant setback issues. Ted B. asked about the PUD criteria of a central organizing feature, asking if the barn could constitute as such. Greg W. mentioned the prior proposal which also

included a clock tower as part of the central organizing feature of this project. Alex W. said the new Village Design Standards would apply to this review as the central organizing feature has been eliminated as part of the PUD requirements.

The Board viewed proposed building elevations provided by the applicant. Dick J. inquired on the sewer lines to the east side of the houses. The applicant acknowledged the sewer easement and also pointed out the gas line easement area. Alex W. said he could check with Rocky Martin and Mike Anthony but he believes it is possible to build sidewalks over sewer lines. Zoe W. wondered if placement of the proposed sidewalk could run between units 6/7. The applicant said he is willing to consider options. The Board viewed elevations of units 20-23 which have the proposed storm water pond immediately behind.

Greg W. asked if the Hacket property has recently been sold. Rob Ricketson said yes, he purchased the home in November through a foreclosure. Greg W. asked Rob R. if at the time of purchase he had been made aware of and had considered the future proposed Rte. 116 sidewalk project. Rob R. said yes, he had been told some time in February or March about plans for the sidewalk. He has submitted a written statement that he is not in favor of the project's location as it relates to his property which he feels will be unfairly impacted. Zoe W. said that the currently approved location is likely a better choice. She said central access is important in regards to that sidewalk location. Greg W. said in his view, the internal connection to Rte. 116 was vital to the original approval and is still critical.

Greg W. also noted that the project is being referred to as affordable housing , but he suggests the one bedroom units may be well suited as elderly housing; the grade to Rte. 116 may be an issue, and may in fact require stairs. Rob B. said they are cognizant of the issue of grade. Raised floor lot in the original proposal attempted to address this. Greg W. said adjacent property owner's expectations discourage him from moving the location of the sidewalk.

Dick J. voiced his concerns with the two ADA accessible units, one of which he noted to be on the opposite end of the parking area. The applicant said they could change the final layout of where those two ADA accessible units go. Dick J. said the front elevations of the town homes looks like a large home, rather than several units put together. He said this is nice for a streetscape and makes for a good scale project.

Zoe W. suggested increasing the on-street parking for town homes 1-3 by use of diagonal parking spaces. The applicant said they could do that, but they would have to push the units back some and there is no room to do so due to grades and easements.

Zoe W. noted there are no proposed garages. The applicant said that is correct. Greg W. asked if the project is meeting the parking standards. The applicant said while it is not required that a project provide 2 parking spaces per unit, this project proposes a total of 42 spaces for 23 housing units (1.8/unit). Greg W. said proximity to the units is something to consider as well. Peter E. suggested the applicant consider some dual parking agreement with the existing commercial lot on Charlotte Road. Alex W. said that is a possibility.

Sarah M. said while she understands that the original plan was approved, there is not a lot of usable green space in this project due to the steep topography. The applicant noted the Class III wetlands on site but also noted that the area is previously converted prime ag soil so it can be manipulated. The area is not too wet to use, and the intent is to keep it as an open space. He said they could locate some smaller spaces for use as picnic, garden or other use areas but pointed out that the site is also limited by the storm water treatment area. Dick J. said the original plan provided access points to the open space, but this proposal shows retaining walls blocking access. The applicant pointed out that the sewer and gas line easement areas area also limiting factors to the actual use of the proposed green space.

Zoe W. said she has concerns with the amount of proposed parking for the project. She asked the applicant if they would be willing to consider removing a building to address this concern. The applicant said no, in order to create a financially viable and dense village location where the housing should be. The applicant went on to say they have tried to respect the restrictions of the site but want to keep the proposed 23 units. As the storm water treatment area gets defined, there will be the potential to add some components that the board is looking for. Also, he noted, some units are only one bedroom and reminded the Board that not all homes have two vehicles. Other neighborhoods (as example given by Sarah H. of the Norris project proposal) have surplus parking; the applicant here wants to provide adequate parking but does not want to add copious amounts of impervious surface to the site.

Dennis P. said he personally liked the original proposal which had the barn and community gardens as a central organizing feature of the project. The applicant said they have since received feedback that they can no longer go forward with plans to put the barn and gardens in as it would eliminate the projects' federal funding dollars because it would be in the floodplain.

Kate M. said it sounds like over all, the Board has concerns with parking as proposed. Alex W. said a legal, binding agreement with the existing commercial lot would solve this problem. The applicant said they are willing to consider this option.

Zoe W. opened the hearing to the public.

Rob Ricketson spoke from the audience, as the new owner of the Hacket house on Silver Street. He expressed his concerns regarding the proposed sidewalk placement as it relates to his home. His concerns also address the grade of the site, as he pointed out that no engineering or feasibility studies have yet been done. He is concerned about potential damage to the tree line as well. In addition, he noted that the proposed sidewalk location will be adding another component to an already troublesome intersection (Silver St./Rte. 116). Beyond this, he said, his concern is also on the potential impact to his property value and sense of privacy, loss of views and increased noise impacts.

Rob B. said the sidewalk has always been problematic. He said Rob R.s concerns are reasonable and understandable. He assured those present that the steep bank area to the rear of the property will be cleaned up and improved.

Zoe W. asked about the timeline of the project. The applicant said the storm water treatment layout needs to be determined. He suggested 30 days to revise the plans and return to the Board.

Dick J. asked if the intent is that no independent sales of single lots. The applicant concurred. Dick J. said he does not see any fatal flaws with the proposal. Peter E. suggested the applicant be prepared to provide the legal language for all association matters.

The applicant assured the Board that the sidewalks will be looked at throughout the project. He agrees that they need to be accessible and usable by the entirety of the project.

Greg W. said he sees no fatal flaws but did voice concern regarding the grade to the sidewalk and what he feels is likely inadequate parking. The applicant asked if they could get the parking for the project up to 2spaces/unit would the Board find that to be adequate. Kate M. said she would like to see adequate parking with overflow options. Greg W. said he does not just want to see more pavement, but more flexibility.

Kate M. said the sidewalk is critical.

Sarah M. voiced her concerns with density of the overall parcel, which she described as having lots of houses with lots of steep grades and inadequate usable space. She asked about walk-outs in the rear of units 16-19 & 20-23. The applicant said they are unsure at this time if those units will have rear access. Also, the applicant responded that the regulations and town plan indicate the desire for density to be in the village, which they feel this project achieves.

Zoe W. asked about the water supply to this project as it relates to the town's ongoing water source concerns. The applicant said this project has received previous approval with the state. They cannot occupy the units until the town supply is established and sustainable.

Zoe W. made a **motion to continue the hearing to 8/5/14.** Greg W. **seconded the motion.** The Board voted **7-0** and went into deliberative session at 9:40pm.

Zoe W. made a motion **to go into deliberative session to take up the St. Cyr and Caron decisions.** Greg W. **seconded the motion**. The motion passed **7-0**.
The Board entered deliberative session at 9:40pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary