Development Review Board
Town of Hinesburg
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Meeting Minutes - June 17, 2014
- Approved 7/15/14 -

Members Present: Sarah Murphy, Ted Bloomhardt, Greg Waples, Kate Myhre, Zoe Wainer Dick Jordan, Andrea Bayer.
Members Absent: Dennis Place.
Also Present: Peter Erb (Zoning Administrator) and Freeda Powers (Recording Secretary).
Representing Applications: Ben Avery, Mike Buschard, Nancy Wright, Steve Lidle.
Public Present: Jeff French, Carrie Fenn, Lenore Budd.

Zoe W. chaired the meeting, which was called to order at 7:36 pm.

Minutes from 5/20/14 & 6/3/14:
Zoe W. made a **motion to approve as amended** the minutes of 5/20/14. Dick J. **seconded the motion.** The motion passed **7-0.** Minutes from the 6/3/14 meeting were submitted to the Board late and will be reviewed at the next meeting.

Haystack Crossing/Blackrock Construction: The applicants are requesting subdivision sketch plan approval for an 84-acre undeveloped parcel owned by Haystack Crossing LLC (Bissonette Family), and located on the west side of Route 116 between Kinney Drugs and Shelburne Falls Road. A portion of the property is located in the Village Northwest Zoning District, and a portion is located in the Agricultural Zoning District. The developer (Blackrock Construction, based in Colchester) is proposing a subdivision of 90+ lots, 225 dwelling units, 50,000+ square feet of commercial space, as well as open/green space. Review continued from 3/18, 6/3.

Jeff French, on behalf of the Village Steering Committee, presented a brief slide show to highlight issues the VSC feels are important as relates to design. Comparing the two designs presented thus far by the applicant, Jeff F. noted, the VSC's main focus for this discussion relates to the access lane being proposed in Design #1 being switched out to the parking lot (Design #2) in the southern portion of the parcel.

Jeff F. said as part of the mixed-use aspect of this project, it should strive to bring a vibrant look and feel to the community. As a resident, you want to be able to engage with that commercial space, something a large parking lot inhibits. He encouraged the Board to consider this perspective. Also, the inclusion of large parking lots eliminates flexibility to other future possibilities.
Ted B. asked what the width of the proposed access road is. The applicant said the proposed access road will be wide enough to accommodate angled parking (about 70').

Jeff F. continued, saying the VSC suggests engageable streetscapes and increased green space is part of smart growth. The parking lot design results in nothing going on for the streetscape, something they feel is not a good design. He suggests the applicant make room for cars and people both. Regarding staff concerns around parking in the front of the buildings, Jeff F. asked the Board to consider what constitutes the "front" of these buildings.

Peter E. said referring to the PUD aspect of this application, the DRB has the option of waiving any of the regulations if it improves the development, so if there is a consensus to change this aspect of the proposal, they have the discretion to do so. This may help address some of the concerns around design elements raised by the VSC regarding a pedestrian walkable area and maintaining access.

Zoe W. thanked Jeff French and the VSC for their input and presentation. She asked if the applicant had any response to the presentation. Ben A. said they are very open to that design component and are happy to do that redesign and when we move forward we can make that a condition, we are supportive of that. Zoe W. said the issue is not simply the parking on Rte. 116, but also that the buildings behind that have changed. Ben A. said they are willing to go back to the drawing board, change the flow of the two areas in question. Zoe W. said if something changes the lot layout, it needs to be dealt with at sketch review. Ben A. said they are willing to do a redesign and wish to move forward with the process having this noted as a condition. Zoe W. said in her view, the proposal is not what she would call "access" but rather that it is clearly parking in the front. She said in the end the Zoning Administrator determines where the front is. Peter E. responded, saying that the PUD aspect allows the Board some flexibility.

Dick J. said our Zoning clearly says no parking in the front along Rte. 116. He said he feels the Board is getting conflicting direction; most visible from passing through town on Rte. 116 vs. being inside the development and expecting the parking availability. Just because the front doors of the building are located on the interior of the development, does not make that the front of the building. Jeff F. said he understands what Dick J. is saying but he considers the project from the aspect of a resident on foot rather than a commuter passing through town. In his opinion, the access lane beats the alternative of a dead façade along Rte. 116 and increases walkability and access. Zoe W. said she agrees with the point Jeff makes, but that the regulations say something different. She noted the lack of access points from the sidewalk along Rte. 116 shown on the plans and asked if there are any proposed? Mike B. said we can make those accesses but said very few people will use them (citing Williston development patterns); the regulations disallowing parking in the front will force access to the interior. Ted B. asked can't you have an access road down the front with some but not all parking, additional parking on the interior? He said an internal street with parking along the Rte. 116 side is not a bad idea in his view. Mike B. said the Village Visualization Project looked at changes that could be made to the Zoning ordinance to foresee the visualization that was created. One thing that committee felt was that the access lane was a vital component to successfully extending the village in that direction and that perhaps that is a change that needs to be reflected on the Official Map. Dick J. said that will be a problem as it relates to the anticipated Riggs Road intersection; likely the Official Map won't allow an additional intersection that close. Mike B. suggested alternative solutions (i.e., right in/right out) to avoid queuing conflicts. He went on to say that the commercial aspect of this project would not be oriented strictly to the interior of the project, but rather oriented to Hinesburg as a whole; the density

numbers of this proposed neighborhood would not be sufficient to support the entirety of the commercial portion of the project.

Mike B. said the large building in the northern portion of this project will likely be a hub of activity as it is also the proposed site of the CCTA bus hub.

Peter E. cautioned the applicant that parking below structures raises its own perils (i.e., building heights and streetscape). Ben A. said it is too early in the process to address that now but they are mindful of such issues.

Sarah M. asked the applicant about the need for fill in portions of this site. Ben A. said they will need engineering to determine the need for fill. Zoe W. encouraged the applicant to keep this in mind regarding the overall project design as well. Mike B. said there is no flood plain development proposed in this project, adding that they are very mindful of the issue noting that it will make more sense financially for them to balance the site than to bring in fill or haul out excavated soil.

Ted B. asked the applicant if the CCTA bus stop proposed for the northern are of the project has been flushed out yet. Ben A. said they have met with CCTA. They feel the bus stop would improve traffic impacts by incorporating into the plans a pull out to accommodate the bus. There is the potential to have NRG put a bus stop in the existing gravel area across from the Busier lot. If that were to happen, the applicant said, they would be happy to put in a pedestrian crossing to the Haystack lot.

Zoe W. asked for Board feedback regarding the right in/right out proposal. Ben A. said for the record, VTrans is in favor of it and have stated that they feel it would be an improvement to the Ballards Corners traffic. He reiterated that having no Rte. 116 interaction will cripple the commercial aspect of this project.

Dick J. said the Riggs Road intersection needs to be there. Both accesses may be ok. A good point was raised at the last meeting by a member of the public who mentioned EMS/Fire and Ambulatory access as a concern with this development.

Kate M. asked the applicant why they don't commit to the Riggs Road intersection at this time. Ben A. said Brian Busier is not willing to accommodate that ROW at this time; the ROW agreement he has offered is only for when he (Brian B.) decides to develop his lot.

Greg W. said in his view, the right in/right out proposal couldn't be in more conflict with our regulations. While he recognizes that this may conflict with VTrans' interest in thru traffic on 116, he is beholden to the Zoning Regulations and will not approve this project with a right in/right out inclusion. Mike B. cited Ordinance, saying the conflict is only between Shelburne Falls Road and Patrick Brook. There is only one intersection shown on the Official Map in this area specifically between Shelburne Falls Road and Patrick Brook; the Riggs Road intersection. The intention is to retain the thru function and capacity of Rte. 116, which the right in/right out feature does; VTrans actually says it improves it. In addition, he said, he clearly heard through the Village Visualization Project that the Riggs Road intersection is not going to be sufficient for the interconnectivity to support the village commercial development in this area. He suggested that just because an alternate intersection is not on the Official Map, engineering may demonstrate a better site

location for one. Zoe W. asked the applicant if they can take it out of this proposal. Ben A. said it won't change the lot layouts but it would kill the commercial portion of the project.

Ted B. asked about the implications of crossing the Patrick Brook. Ben A. said the brook technically falls on the adjacent landowner's parcel (Brett Grabowski).

Zoe W. asked the applicant about proposed buildings E & F as shown on the latest design; are they dedicated as mixed-use? Ben A. said yes and clarified what portions of the project are dedicated to being mixed-use and those that are proposed as optional mixed use with the potential to fill a percentage with commercial and the remainder with residential. Zoe W. asked why the applicant is choosing not to include mixed use approximate to the green space around the internal streets. Ben A. said they tried to avoid large multiuse buildings abutting smaller residential buildings. Zoe W. said perhaps the applicant is confusing multiuse with large structures, proposing that multiuse buildings do not need to be so large. Ben A. said each aspect of the development has to meet an economic viability threshold, and therefore the mixed use and commercial units do tend to be larger scale. He said buildings "D", "E" & "F" in the second design proposal are examples of medium scaled mixed use/commercial units. Peter E. encouraged the applicant to consider also the village streetscape.

Zoe W. opened discussion to boards, committees and the public.

Lenore Budd spoke from the audience on behalf of the Trails Committee. She said she is trying to understand the role of the Official Map in the Board's deliberation. Peter E. replied that the Official Map must be accommodated. Lenore B. said if the intersection proposed doesn't meet the Official Map, then what? Ted B. clarified that this developer does not own the land where the intersection is located on the Official Map. Zoe W. explained also that this developer has worked to the extent possible with the neighboring land owner.

Chuck R. spoke from the audience on behalf of the Energy Committee. He said the Energy Committee is aware of the applicant's submission of a passive solar gain diagram. The Energy Committee is not ready at this time to make a comment on that submission and request they be allowed to enter comments at a later date.

Jeff French spoke from the audience. Regarding the parking lot design, he encouraged the applicant to consider the play-out possible with the Busier lot.

Dick J. asked about the passive solar gain diagram mentioned by Chuck R. Ben A. said that submission offers no changes to the layout; it was simply to demonstrate the solar orientation of the proposal and shows that 64% of SFA homes within the project achieve passive solar gain. The applicant reminded those present that the project meets the standards for a LEED Certified Neighborhood. The applicant feels the project more than exceeds the requirements in this area. Ben A. added that they are not required to show buildings at the sketch review. Zoe W. said with passive solar gain, it is hard to ascertain at sketch as models tend to shift and change. Ben A. said further questions will be answered farther along in the process with traffic studies and additional engineering. He said he is not hearing anything from the Board that would be a fatal flaw in the proposal. If there are additional concerns hanging out there from the Board, he suggested, they could put those concerns in the form of conditions for preliminary review to address. Peter E.

encouraged the Board to avoid putting the sketch approval with conditions through to preliminary review. If there are major issues of concern with this large project, he said, address them now rather than carrying them forward in conditions.

Ted B. said he feels that the Rte. 116 frontage should be reworked.

Sarah M. said she feels as the Village Steering Committee did that this is not the best design but she said she does not feel comfortable redesigning the proposal for the applicant through conditions.

The applicant stated their desire to see this project move forward, saying the original plans were submitted seven months ago. They feel that changes have been made to reflect the Board's feedback and voiced frustration at the continuing hearings and requests for alterations and details not yet solidified in the plan. Sarah M. said respectfully, she understands the applicant's desire to move forward but requested patience with the process as this is a very large scale project for our town and as a volunteer Board, they will not be rushed through their deliberations. Greg W. obliged the applicant, saying he is prepared to render a decision if that is what the applicant is asking for. The Board requested that the applicant provide an amended site plan for the southeastern portion of the project and agreed to hear from them again on July 1st if staff is able to receive and report on those amendments in time for that date; if staff is unable to get feedback to the Board that quickly, the revised site plan will be discussed at the following meeting (7/15).

Zoe W. made a **motion to continue the public hearing to July 1st, 2014.** Greg W. **seconded** the motion. The Board voted **7-0.**

Among The Trees, LLC: Conditional Use/Camp Conversion, Expansion of a Non-Complying Structure, Development on a Private Right Of Way, Development in FEH area, Expansion of a Non-Complying Structure. Property Location: 213 Wood Run in the Shoreline District. The applicant plans to deconstruct the existing structure and build a year-round residence. Review continued from 6/3. Andrea B. excused herself from this application.

Nancy Wright described the parcel for the Board, noting the existing stream, saying the parcel is abutting the private road Wood Run. The applicants purchased property to their south some time ago. This property won't accommodate a septic system without denuding it, so with an application to the state, they have approval to connect to the lot to the south. They will also tie to the water line to the property to the south. The footprint of the new structure will actually be smaller than the existing footprint. The existing structure is a camp, poorly insulated with old wiring throughout.

Ted B. asked if the new structure will be closer to the stream. The applicant said the existing structure is 17' from the stream at its' closest point; the new structure will not be closer than that 17' however there is some concern with further encroachment as a larger portion of the new structure will be at that 17' distance from the stream. Staff has been in contact with Rebecca Pfeiffer from the state regarding the setback issues from the stream. Peter E. clarified the FEH concern as it relates to an area prone to erosion, not just flooding.

Ted B. said he does not see that elevation is an issue here. The applicant said from the streambed to the base of the existing building is 9.5'.

The applicant said they would like to get the existing building torn down and get the water/sewer hook ups done and pour the slab this season if possible.

Dick J. asked if the deck counts as part of the structure. Peter E. said yes. Zoe W. said the building face is proposed to be further back than the existing structure. Greg W. said he can recall other applications when existing setbacks are met when noncomplying structures are rebuilt; these were not considered to be further noncomplying structures and he does not feel that this rebuild would be rendered further noncomplying. The Board was in agreement on this point.

The applicant said they have opted to turn the house to protect the trees on the property and say that the trees also act to protect the stream bank as well. In addition, turning the house allows more space to accommodate snow fall from the roof and storm water runoff (which runs to the creek). Dick J. said it seems prudent to discuss mitigation ideas to deal with snow fall from the roof. The applicant said they could install snow breaks along the roof line.

Ted B. made a **motion to close the public hearing and direct staff to draft conditions of approval.** Sarah M. **seconded the motion.** The Board voted **6-0**.

Enos: 3-Lot Subdivision/Sketch Plan Review. Property Located at the south termination of Enos Road in the Rural Residential 1 district. Proposal for a 3-Lot Subdivision with the existing house on one parcel, and two additional, developable parcels being created. The existing parcel is a total of 10.17 acres and the proposed subdivision would break that into Lot 1: 3.05 acres (with existing house), Lot 2:3.15 acres and Lot 3: 3.9 acres. **Site Visit @6pm**

Zoe W. began by detailing the Board's observations from the site visit. Present on the site visit were: Kate M., Dick J., Sarah M., Greg W., Zoe W., Peter E., Glenn Enos. The group met at the end of Enos Road at the Enos home. Flagging showed the property line between lots 1 & 3. To the right of the existing driveway, the proposed house envelope for lot 3 was shown. Flags in the woods showed lot 2 to the south of the existing barn. On lot 2 a house site was noted on a flat portion. Drainage ways were noted, which the applicant said have been improved and act as swales to take the storm water runoff from hills behind the home. The location for where the proposed driveway would go was viewed. The Board noted the approximate lot line between lots 3 & 2. The Board noted driveway and road observations of width and ability to pull off. Dick J. said the driveway appeared to be in very good shape, but noted two areas along the driveway where large trees on both sides may make widening problematic. Peter E. said he feels the driveway meets the 18' width requirements.

Zoe W. noted the configuration of lot 3 regarding dimensional requirements and asked for clarification from staff on this item. Greg W. cited regulations Section 2.5.7. He said he does not feel the proposal interferes with the proposed use of any of these 3 lots, and therefore the Board has the discretion to approve this proposal. Zoe W. asked if the width measurement includes the Right Of Way. Peter E. said yes.

Ted B. asked if there is a house site for lot 3. The applicant said that area is very wet but the house site is located to the front of the lot. Zoe W. asked for clarification; the lot line cannot be moved to

the left due to the barn setbacks? Peter E. said yes. The applicant said the ROW goes to the edge of the south lot property. The Board had some discussion around the definition of a road vs. a driveway as it relates to setback requirements and determined that the shared road would be as far as the turnaround area by the barn; from there it would be driveway.

Zoe W. made a **motion to close the public hearing and direct staff to draft conditions of approval.** Greg W. **Seconded the motion**. The Board voted **6-0.**

The Board discussed the Haystack application again. Sarah M. asked about phasing and wondered what is the number that the Chittenden Supervisory Union would not be okay with; what number would "tip the scales" of what is manageable by the schools and what would not be. Peter E. said that can be further addressed in preliminary review. Kate M. said if we approve the sketch plan are we okay with the maximum number of homes proposed? Dick J. said at this point it seems the project is doable. Further impact studies can address specific concerns later. Peter E. suggested the Board make it clear if they move on to preliminary review what their concerns/issues are.

Sarah M. noted the proposal includes some three-story buildings which raise the concern on her part for fire access. The Board discussed height limits as far as residential vs. nonresidential and mixed-use. The height limits are variable depending on the type of use and available bonuses.

Greg W. said the zoning regulations are exceedingly clear regarding parking. He said while a right in/right out is likely to alleviate Ballard's Corners traffic that is not an important factor for this Board. Because of the gateway concerns, we shouldn't be creating new orifices to Rte. 116. If the plan is inconsistent with the legislative order from the Planning Commission, then the plan should change.

Sarah M. agreed with the Village Steering Committee comments regarding the set up for access, etc.

Zoe W. said she is also still struggling with the multi-use aspect of the project as it relates to streetscapes. She does not feel that this project results in a village feel. She said preliminary review will also expect to see the sidewalk access and interface along Rte 116.

Ben A. said, specifically discussing parking, they do not want to make changes that put the project in conflict with the regulations. Zoe W. suggested to the applicant that they request a waiver. Dick J. opposed this idea, saying they need to invite access but he is not in favor of the access zone for parking.

The Board asked that the applicant return with revisions to the Rte. 116 access. Zoe W. made a **motion to go into deliberative session to discuss the Farley and Hinesburg Center, LLC decisions.** Dick J. **seconded the motion**. The Board entered deliberative session at 10:34pm.

The meeting adjourned at 11:20pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary