

Town of Hinesburg
Development Review Board
August 5th, 2014
Approved August 19th

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

Members Absent: None.

Also present: Alex Weinhagen (Director of Planning & Zoning), Freeda Powers (Recording Secretary). Representing applications: Chris Snyder, Andy Rowe, Dana Dunn, Rob Bast, Stuart Deliduka, Diem Cao, Dave & Maureen Blanck, Laura Carlsmith, Penny Sterns.

Public Present: George Dameron, Mike Bissonette, Tom Ayer.

Zoe W. chaired the meeting, which was called to order at 7:35 pm.

Minutes from 7/15/14: Zoe W. made a **motion to approve as amended** the minutes from July 15th. Greg W. **seconded** the motion. The Board **voted 7-0**.

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 dwelling units. Four previously approved single family units would remain on their own footprint lots. (Continued from 5/20)

Based on feedback and staff notes, the applicants presented revisions to their proposal including a new sidewalk location. The barn will remain in essentially its existing location, possibly to shift to the S.E. by 5-10' as the plans are to jack/lift and put a new foundation under it. September is the window to do the work on the barn restoration and the applicant asked that the Board take that into consideration. Zoe W. said while she empathizes with the position the applicants find themselves in with regards to the short time frame at hand, the Board can not rush this process. The Board was in consensus that the barn location is not an issue in this application.

The applicant said they heard the desire for a gathering space and in response have eliminated one unit to accommodate a community space. Total parking spaces have been increased to a total of 45 which is nearly 2 spaces/unit which the applicant feels is sufficient for the homes planned. Storm water plans have been designed and submitted to the state for permitting. The applicant said they have identified Lot 1 as Open Space in the western portion of the parcel. This area will be owned and controlled by the HOA. Zoe W. asked who will make up the HOA. The applicant said the HOA will be made up of the following entities: Commercial, the owner of Lot 4 (Champlain Housing Trust) and the owners of lots 6, 7, 8, 9 (4 homes). All parties will have an equal say. Zoe W. asked the applicant if they had previously mentioned that they were restricted from making any improvements to the wetland area due to the risk of losing funding for the project. The applicant said yes. Ted B. asked the applicant if this application is dependent upon CHT and grants. In

addition, he asked, will all units be rentals? Chris Snyder replied that they are simply modifying the previously approved permit. Snyder Homes is working with CHT and plans to sell Lot 4 after construction for rental units. However, Snyder Homes will still build the project even if CHT grant funding is/not secured. Alex W. reminded those present that there is no local prevue over apartments vs. condos (renting vs. ownership). Greg W. asked if inclusionary zoning requirements are being met here. Alex W. said yes.

Ted B. said the federal grant restrictions are a concern for him. The applicant said relocating the barn as previously proposed is what was strictly not permitted by the grants; all else is happening outside of the wetland buffer area. The applicant further clarified that the funding restricts only building of structures. Dick J. said this modification doesn't do anything in that area (buffer zone) so he wonders why the proposed gardens are being relocated. Alex W. said those uses are still allowed; only access to the open space is changing. Zoe W. asked about the relationship between the elevation and that access. The applicant demonstrated with elevation lines on the site plan that the difference in elevation from the homes to the access to the open space is about 2.5' and suggested they could eliminate a couple of boulders if necessary. Dick J. asked about the rear entrances to the buildings. The applicant said the basements will be mostly used for storage purposes and there will be one single entrance to the basements from the interior of the building, with no exterior entrances. Main access to the units will be from the front. Sarah M. inquired on the grade in relation to the back of the units, voicing her concern that taking any area out to accommodate that grade difference results in less usable space for the residents. The Board viewed the plans specifically looking at access and grades. Ted B. asked if the applicant proposed stairs to access the open space portion of the parcel. The applicant said no stairs are proposed for accessing the open space; there may be a grassy slope with a foot path. Sarah M. said the grade from the back of unit #22's deck to the fence around the storm water pond appears problematic to her. The applicant said there is about 8' between the deck posts and the fence and the deck is about 15' above the elevation of the storm water pond. Sarah M. asked with the sunken basements, what is the distance above the ground on the back decks? The applicant said approximately 5'. The applicant reminded the Board that they will be likely modifying the design and layouts of these buildings which may affect some design details. The project will respect minimum setback requirements but will have some variety.

Dick J. asked the applicant if rentals would still be an option if the deal does not go through with CHT, and might this potentially affect the layout. The applicant said this project is all one lot as a PUD so they do not think this will be an issue. Furthermore, they said they are very confident that CHT will proceed with the project.

Zoe W. wondered if the applicant had HOA documents available to review. Alex W. said no, and said that the applicant is happy to modify the existing HOA language and or have a permit condition to submit revised language based on any more substantive issues. Zoe W. asked staff to provide language and suggest changes based on the open space discussion. Alex W. said he feels it is reasonable to condition any changes to the language.

Zoe W. asked about the relocated sidewalk and addition of stairs to the proposal. The applicant said there is a sidewalk proposed along the edge of Green Street (2' from pavement with green strip between). Steps have been included in the relocated sidewalk due to the grade up to Rte. 116. The

applicant clarified that they are willing to own and maintain these sidewalks within the association requirements. Zoe W. asked if the sidewalk along Green Street will be concrete as in the previous proposal. The applicant said the sidewalk is shown on the plans as a paved route with wood plank rails but they are willing to modify that. Dick J. said safety is a concern and asked for more detail on the proposed rails. The applicant described them as 3" X 8" spruce rails on both sides of posts (26" to top of rail). Dick J. reminded the applicant to consider snow clearing also.

The applicant noted that the mailboxes will be relocated to a cluster style of boxes across the street; adequate room will be provided to allow vehicles to pull over so as not to impede the flow of traffic.

George Dameron spoke as a member of the trails committee and as a neighboring land owner. He said the trails committee has yet to meet for August but will be providing some written feedback on this application. Generally, he said, the committee is uncomfortable with the inclusion of stairs with the sidewalk proposal but agree that connectivity trumps those concerns.

Tom Ayer spoke from the audience, saying he has no issues with this project but has some apprehension with the purchase by CHT. He urged the Board to consider the financial impact.

Kent Frasier spoke from the audience as a resident of the Silver Street Town Homes. He wondered if there is a provision or planning for a barrier between the two properties. He suggested an aesthetically pleasing barrier, such as a cedar hedge row; something that will maintain access within the neighborhood. The applicant was amenable to this suggestion.

Multiple board members questioned the stairs in the proposed sidewalk to Rte. 116. Greg W. said conceptually he likes the project but parking remains a concern from his perspective.

Ted B. made a **motion to continue the public hearing to 8/19/14**. Dick J. **seconded the motion**. The Board **voted 7-0**.

Aubuchon Realty Company, Inc.: Site Plan Revision. Property Location: 22 Commerce St. in the Commercial Zoning District. The applicant is requesting Site Plan Revision to install an LP Gas filling facility for propane tanks in the outdoor area of the Aubuchon Hardware. Dana Dunn represented this application, explaining the plans to add a propane refill station in the existing garden center area to the west of the Aubuchon Hardware store. An addition of three (3) lights and a 6' fenced area are proposed to accommodate this filling station, which will be below the existing overhang. Greg W. asked why the additional lights are necessary. The applicant said for safety and for afternoons and evenings in the fall and winter when it gets dark out much earlier. Zoe W. said so long as those additional lights are downcast, shielded, turned off after store hours and are otherwise in compliance with regulations they should be fine.

Zoe W. acknowledged that there was a draft approval decision before them tonight and asked if there were any public comments or questions regarding the application. There were none. Dick J. asked if this filling station would be in addition to the hardware stores' individual tank sales. The applicant said yes, and that depending on demand this may change; they are likely to scale down to just a single "cage" of the individual tanks for sale. Dick J. asked if there were any pertinent regulations to consider regarding filling stations in proximity to public facilities (i.e., fire station

across the street). Alex W. said no, those specific regulations speak primarily to gas stations. In addition, Alex W. said, the fire chief has been made aware of this application and has no concerns.

Zoe W. noted there are no conclusions which address the additional lighting proposed. The Board agreed that Order #4 should also be clear regarding the expectations around lights (must be compliant and off after hours).

Zoe W. made a **motion to close the public hearing and to approve the draft decision as amended.** Greg W. **seconded the motion.** The Board **voted 7-0.**

Maureen & David Blanck: Conditional Use/Sign Review. Property Location: Located at 90 Mechanicsville Rd in the Commercial Zoning District. The applicants are requesting Conditional Use and Sign Review for proposed service establishment (Nail Salon) at the Hinesburg Village Center location on Mechanicsville Road. The applicants seek additional sign review for Unit #6 at the Mechanicsville Road establishment. This is a new use in a vacant space in an existing building. The applicants are proposing a 20sq.ft. sign which is below the allowed size of 36 sq.ft. allowed for this unit which is 1,700 sq.ft. The applicant would like to also have a smaller, LED (not neon) sign shining out from inside one of the front facing windows by the door. Alex W. reminded those present that the sign allotment should include building mounted signs as well as the smaller window sign. The Board agreed to allow the applicant a small window sign that will not exceed 8 sq. ft.

Alex W. encouraged the Board to consider a broader conditional use approval for three basic types of uses (service establishments, retail, and offices) for new businesses that may want to occupy space in this well-established commercial building. This would save time, work and expense for the applicants, the landowners, the Board and staff. Zoe W. questioned why, saying in her view, the regulations were written to allow review of new uses, adding that if the Board were to approve such an overall site use, the same logic would have to apply to other developments around Hinesburg, which is something she does not feel comfortable with. Compliance would also be a concern, she said. Alex W. said compliance would be handled by the Zoning Administrator, Peter Erb, and that changes of use would be reviewed with staff. Compliance with performance standards must also be met, he added. Greg W. said the idea sounds smart in his opinion and said he would like to see draft language from staff. Ted B. cautioned against unforeseen circumstances. He said he does not feel this move would be prudent.

The Board discussed the issue of existing lighting on this parcel, which is noncompliant and was addressed in an earlier site plan approval. The Board discussed the possibility of addressing the existing light poles and requiring the applicant to bring those lights into compliance with this application. Greg W. said he would like to see the issue resolved but does not feel it should be tied to this application. The applicant said they are in conversations with Green Mountain Power, the owners of the existing noncompliant light poles and they are willing to replace them with an alternative 20-25' poles with 40W downcast LEDs. Security of the site is a concern for the property owners, and they would like the area to remain adequately illuminated for safety. Mike Bissonette spoke from the audience, adding that the existing noncompliant lights also aid in lighting the street and crosswalk area.

Zoe W. made a motion to close the public hearing and approve the draft decision as amended. Dick J. seconded the motion. The Board voted 7-0. Zoe W. made a **motion to move the overarching Conditional Use discussion to 9/16/14**. Dick J. **seconded the motion**. The Board **voted 7-0**.

Christina & Garin Frost: Conditional Use/Sign Review. Property Location: Located at 171 Commerce Street in the Commercial Zoning District. The applicants are requesting Conditional Use approval to open a micro-brewery to occupy as a second use the space currently used by Minuteman Press. Penny Sterns represented this application on behalf of the Frosts who were unable to attend the meeting. The proposal includes some light manufacturing and a small tasting room. The Board viewed the existing site noting the existing sidewalk and placement of the door which is proposed to be relocated a few feet to the left.

Greg W. asked if there are any plans for wholesale distribution. The applicant's representative said not on a large scale; the Frosts anticipate operating at about 1/3 of capacity and will likely deliver 3-5 kegs per week which will be done with their own vehicle.

Dennis P. asked if water allocation is a concern. Alex W. said the state waste water and water permit for this site is adequate to accommodate the operation even beyond its' full capacity.

Zoe W. said the application seems straight forward, noting that should the business ever expand the owners will need to come for further DRB review. Alex W. noted that he has asked that the Board consider also approving seating at the location (6 seats).

There was some discussion as with the previous application regarding existing noncompliant, building mounted lighting and whether or not to address that with this application. The Board reviewed Section 5.6.4 of the regulations regarding lighting. Greg W. said it would be appropriate for the Planning Commission to revisit lighting requirements to allow lower wattage, decorative, aesthetically pleasing lights.

Dick J. inquired on plans for canning at the facility and wondered what the related impacts might be from such an operation. Alex W. said any impacts would likely be interior only as the operation is very small in scale.

Zoe W. made a motion to close the public hearing and approve as amended the draft decision. Greg W. seconded the motion. The Board voted 7-0.

Greg W. made a **motion to close the public portion of the meeting and go into deliberative session to take up the Carse decision**. Ted B. **seconded the motion**. The Board **voted 7-0**.

The meeting entered deliberative session at 10:10pm.

After the deliberative session, Greg W. **made a motion to approve the Carse 4-lot, 2-unit subdivision preliminary plat decision (approval) as amended**. Zoe W. **seconded** the motion. The motion **passed 5-0** – participating board members included: Zoe Wainer, Dennis Place, Greg Waples, Dick Jordan, Kate Myhre. The meeting adjourned at 10:30pm.

Respectfully Submitted, Freeda Powers---Recording Secretary