

Town of Hinesburg
Development Review Board
August 19th, 2014

-Approved Sept. 2, 2014 -

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

Members Absent: Zoe Wainer.

Also present: Alex Weinhalten (Director of Planning & Zoning), Peter Erb (Zoning Administrator), Freeda Powers (Recording Secretary). Representing applications: Jerry & Davey DeGraff, Dean & Pat LaForce, Chris Snyder, Rob Bast & Laura Carlsmith, Andrew Rowe, Brett Grabowski (developer) and Greg Rabideau (architect).

Public Present: Layna & Rick Lagasse, Dan Jacobs, Doug Harper, Kevin Harper, Andrea Morgante, Aaron Kimball.

Dennis P. chaired the meeting, which was called to order at 7:33 pm.

Minutes from 8/5/14: Ted B. made a **motion to approve as amended** the minutes from August 5th. Ted B. **seconded** the motion. Kate M. abstained. The Board **voted 6-0**.

LaForce: The applicants propose a land transfer to an adjoining neighbor. The property is located at 109 Lavigne Hill Road in the Rural Residential 1 Zoning District. Patricia LaForce presented this application to the Board. The Board viewed a parcel map which showed three existing lots: D, B and a lot consisting of A, E, C. The Transfer proposal aims to add area A and C to existing lot B, making it larger and the larger lot (AEC) smaller. Lot E would remain. Lot D will remain a separate developed lot. Lot B does have the right to have development on it without DRB approval. The new lot, composed of ABC would still retain that right within portion B but development within portions A & C would require DRB approval. Lot E would retain the right for a residence without DRB approval. The end result of this process would be three lots: D, ABC and E.

Ted B. acknowledged a memo from the Zoning Administrator that this transfer will not will not constitute subdivision per Section 2.2 of the Subdivision Regulations.

Ted B. made a **motion to close the public hearing and approve the memo from the Zoning Administrator and allow the chairperson to sign it**. Dennis P. **seconded the motion**. The Board voted **7-0**.

Degraff: Conditional Use/Expansion of an Existing Non-Complying Structure. The applicant is requesting conditional use approval to raise the roof on an existing structure by no more than 5'. No other expansion of the existing footprint is proposed. The property is located at 233 SW Shore Road in the Shoreline Zoning District.

Davey DeGraff described this application to the Board. Dick J. asked if the new roof ridge will be higher than the others. The applicant said yes, the new roof ridge will be slightly higher than the existing structure's roof ridge, however it will not impede any views. Dick J. said his concern would be more about any changes to storm water run-off. The applicant said that is not anticipated.

Ted B. asked about Order #5 which addresses the use of the proposed new space. Peter E. said the language used in Order #5 is an attempt to ensure that the space will not be used as a bedroom per state waste water regulations. If the space were to be converted to or used as a bedroom, that would require a local permit and impact fees would apply. The language, he said, is not absolutely necessary but he does suggest it be included. Dick J. and Dennis P. both felt that the last sentence could and should remain in the Order: *The use of this space for another bedroom might be possible in the future if all local and state permits were issued.* The Board agreed. Conclusion #5 & Finding of Fact #9 should also be edited to reflect this change.

Ted B. made a **motion to close the public hearing and approve the draft as amended.** Sarah M. **seconded the motion.** The Board voted **7-0.**

Hinesburg Center, LLC: Site Plan/Subdivision Revision to combine Lots 42, 43 & 48 into a single Lot 48. The applicant is seeking Site Plan & Subdivision Revisions which remove lot lines and create a single lot west of the Kinney building. **Additionally, from Hinesburg Center, LLC:** Subdivision Revision for reconsideration of Condition #5 and Order #4 of the January 28, 2014 approval. The applicant is requesting the Board reconsider their decision from 1/28 in regards to Condition #5 to remove unauthorized sidewalks to 22 & 42 Farmall Drive and Order #4 to establish an escrow agreement for the second pocket park with a completion deadline of June 30th, 2015.

The applicant said the unauthorized sidewalks will be removed from in front of 22 & 42 Farmall Drive.

The applicant showed the Board revised plans which show combined open space which he said will be open to the public and a single building with commercial on the 1st floor and residential on the 2nd. Greg W. asked the applicant for dimensions of the proposed structure. Brett G. said the building will be approximately 3,500 sq. ft. on the 1st floor. Greg W. said his concerns are with the mass of the structure. Brett G. said he understands that concern and that the rooflines have been lowered in the elevations shown in response to those concerns.

Greg Rabideau (architect) said this structure will have a strong relationship to the open space with porches and entrances. There will be two doors to access the 1st floor commercial space. Another two doors will access both the commercial space and residential on the second floor. All porches and entrances will be ADA compliant. The structure itself will be significantly smaller than the existing Kinney building. Greg W. asked about the height of the proposed rooflines. The applicant said the previously proposed rooflines were approximately 35', these revised rooflines are 33'11" from floor to ridge (+/- 6-8").

The Board received revised second story residential floor plans.

Dennis P. asked if all existing structures are currently occupied. The applicant said the commercial portion (1st floor) of building #47 is still vacant, the remainder are occupied. Dennis P. asked how do we know the parking for this overall site works if not all units are occupied. The applicant said the parking matrix used for this project is based upon full build-out. Alex W. said there are a total of 98 parking spaces for this site; 64 on-street and 34 off-street. The site uses 89 spaces at peak according to the matrix. Greg W. asked if there has been negative feedback in the community regarding how that existing parking works—or doesn't. Alex W. said he has heard feedback which indicates it is sometimes difficult to find a space near the use you want. Some feel that the parking lot is tight when backing up/turning. The overall concern seems to be that the parking is insufficient. He reminded the Board that there are 15 parking spaces available on Kailey's Way so there is more capacity there which is not being used now. The applicant added that this parking configuration was by design; it was what the Board and the Town Plan called for—internal parking, shared parking, walkability, low impact visually on the project. Peter Erb told the Board to be aware that parking spaces along Rte. 116, Farmall Drive and Kailey's Way are not owned by the developer, and at some point there will likely be competition for those spaces that is not directly tied to this development. He added that this developer received density bonuses in part due to the parking spaces along Rte. 116 & Kailey's Way.

Dick J. said when the commercial use comes into the site (either in #47 or the new building) would they need to come before the Board again for Conditional Use review? Alex W. said yes.

Regarding the existing mounds of dirt/rocks in the area to the west of Kailey's Way, the applicant said the soil will likely be utilized for landscape work around buildings #42 & #47 when the retaining walls go in along Farmall Drive. The area will then be flattened and reseeded. The gross infrastructure is already done and the new structure on Lot 48 will require a simple slab installation. Peter E. encouraged the Board to hold the applicant to his word regarding cleaning up the existing site. Alex W. also encouraged the Board to consider the grade at the site. Greg W. said he would be okay with an interim grade to address the existing mounds as soon as possible but said that a final grade could wait until there is further development to the west.

Sarah M. asked about connectivity on and around the proposed structure. The Board viewed the proposed sidewalks, walkways and porches. They noted the existing utility pads (2) on the site, which the applicant said will be screened. Kate M. noted the porches, asking the applicant if they are in the park itself. The applicant said they are facing and engaging the park but are not actually a part of it, they will be part of the commercial portion of the building. The Board felt that this might be an issue; how to separate the public use from the commercial use of those porch areas. There was some discussion with the applicant, who ultimately agreed that relocating the building to the north by about 8' and/or narrow the proposed sidewalk in the front of the building to 5' (vs. 8'). Sarah M. said this makes sense as the green space to the north of the building is basically unusable as proposed.

Regarding staff comments, the Board agreed that further professional oversight is in order to avoid inaccurate and conflicting plans and construction. Ted B., Sarah M. and Greg W. felt that it was not

necessary to have further professional review of the plans, but agreed oversight and review should be in place during the construction process.

Per staff comments regarding erosion control at the site, the Board agreed the applicant must comply with state regulations and silt fencing should be used during construction (additional measures should be taken if necessary). Peter E. said there should be documentation in regards to site inspections.

Addressing staff concerns regarding snow shedding onto sidewalks; the Board viewed proposed building materials and noted that asphalt shingles are proposed for the main roofs and metal roofing is proposed for the porches. The Board felt it would be prudent for the applicant to install snow guards/brakes along those metal porch roofs. The applicant was amenable to installation of snow catches along the east/west elevations and suggested leaving an adequate green belt between the porches and sidewalks on the south side to accommodate snow shed.

The applicant's landscape architect was unable to be present for tonight's meeting. The new landscaping plans are intended to supersede the previous plans. East elevations show the proposed building with long windows which the applicant is not in favor of obstructing. Greg W. recommended low planters.

Sarah M. said the north side of the building should have some landscaping plans, regardless of the anticipated use or lack of pedestrian use. Regarding the screening of the existing utility pads, the applicant prefers landscaping with plants only as trellises etc. tend to be a maintenance headache. The Board acknowledged this and requested adequate screening which considers winter weather also.

The proposal includes plans for a fountain in the park area. This fountain will be recirculating water and would be drained for the fall/winter months.

The applicant said the deadline of September 1st, 2014 for all landscaping, retaining wall installation and sidewalk removal as ordered in the January decision is not feasible. He is asking for an extension of that deadline to October 1st, 2014. Additionally, he asks that the Board reconsider their requirement for an escrow agreement with regards to the "pocket park" on Lot 48. He would like to offer an interim plan until construction of the building takes place and have the complete pocket park constructed at that time. Sarah M. voiced her concern with this request, saying the original deadline was due to the Board's concern that usable open space was not being provided. Ted B. agreed, saying there needs to be a date certain for the park construction. Greg W. said he would be happy to consider a phasing plan from the applicant.

Doug Harper (part owner of Bristol Bakery) from the Bristol Bakery spoke from the audience, regarding lighting, he asks that the applicant consider safety and security for the back area of the parking lot by the dumpsters. Brett G. said all proposed lighting is already installed per the plans. Doug H. said regarding parking; is there a parking remedy proposal in place yet as noted in the Orders of approval? Greg W. said no, as an issue doesn't exist yet. Ted B. said any further Conditional Use review for new commercial entities would consider parking in that review process.

Kevin Harper (part owner of Bristol Bakery) spoke from the audience, saying in his view, parking is already an issue. Between 11am-2pm the Bakery is already exceeding their use and overall, they are trending above the matrix. This concerns the owners as it may potentially affect their growth of the business. The potential use of the space could be impacted by inadequate or ineffective parking. He said he feels the Board is being short-sighted in terms of parking.

Andrea Morgante spoke from the audience, saying she concurs that the plans for Lot 48 need increased landscaping as it is a very large building being proposed. Parking is a Planning Commission/Town issue to address and she feels we are doing the right thing with shared parking but conditions of approval need to address the potential for parking issues at this site. She said the Freeman Maple noted on the landscaping plans is a fast growing but weak-wooded tree and she recommends use of an alternate street tree instead.

Dan Jacobs spoke from the audience, as a resident of the Creekside neighborhood. He said there are issues along Farmall Drive with storm water gutters. Brett G. said he will the remaining gutter on the corner building (lot 47).

Ted B. made a **motion to continue the public hearing to September 16th**. 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. (Ctd from 5/20, 8/5).

The applicant showed the Board revisions to the plans and provided the HOA document language as well. Regarding inclusion of stairs in the sidewalk area, the applicant feels strongly that this is a good option given the elevation and grade issues of the site. Sarah M. asked if there will be grass right up to the stairs/sidewalk up to Rte. 116. The applicant said yes, indicating there will be some small stopper between the grass and the cement to prevent dirt spillage/erosion along the sidewalk. Kate M. said she feels ok with the stairs and encouraged the applicant to be in conversations with the Silver Street Townhome Association to consider school access.

The applicant noted that along Green Street, there is a proposed sidewalk with a 2' green belt between the sidewalk and the roadway and a wood rail with posts for pedestrian safety. Dick J. and Kate M. both voiced their approval with this portion of the proposal.

Written testimony was submitted from Chairperson Zoe W. who was unable to attend tonight's meeting, regarding remaining issues from her perspective.

The proposal includes 43 parking spaces which the applicant feels is adequate for the residents and their guests. Dennis P. asked if the applicant has considered further the option of shared or overflow parking with the commercial space. The applicant suggested this could be a condition of

approval if the Board sees fit. Additionally, he said, there is an open lot across the street at the Town lot and the Park & Ride area. Sarah M. suggested the applicant consider on-street parking along Green Street. Alex W. said a shared use agreement is an option for the applicant. Also, he noted, there is an existing graveled area on Lot 3 which could accommodate a handful of additional parking spaces. The Board felt that parking is a concern that can be dealt with in conditions.

Regarding snow removal, the applicant said they are prepared to do that as needed and assured the Board that parking spaces will remain cleared at all times.

Regarding lighting, a pole light near Unit #12 will need to be shielded or relocated to prevent light spillage onto an adjoining lot. Lighting of the stairs along the sidewalk will be accomplished using bollard lights. The applicant is not in favor of lighting the entire sidewalk. This was a concern for staff. The Board was okay with conditions to address this.

There are no significant changes proposed to the landscaping plans. Tree species and 18 cedar shrubs have been added to the plans in two locations; on the Rickertson property and behind Units 1-6. The retaining wall is anticipated to be 10' high at its highest point behind Unit #10.

Addressing concerns raised with the proposed landscaping in that area, the applicant said the area is limited for traditional street trees. Alex W. noted the previous proposal called for Oak trees and he feels that the area could use larger traditional street trees as was previously proposed. The applicant said that is the Board's preference to state. Sarah M. asked if there will be individual plantings proposed for each unit. The applicant said yes, noting they are shown on Sheet 4. Sarah M. noted that nothing is proposed in the landscaping plans by the retaining wall behind units 9, 10 & 11. The applicant said that is correct, but they are amenable to additional plantings if the Board would like to see that. Peter E. encouraged clarity with the landscaping plans regarding existing trees as well—be clear if they are part of this plan or not and if they are required to be replaced or not. The applicant responded by saying that new and existing trees along Green Street remain as part of the permitting process and would be replaced should the need arise.

Regarding utilities, a 3' X 3' utility pad will be screened. Regarding energy conservation, NAHB and Energy Code Plus standards will be met in this project. Regarding Fire Safety, the Chief has recommended sprinklers be installed in this project which the applicant feels is unnecessary and is very cost prohibitive. Sprinklers are not required. The structures will be built to fire code. Kate M. asked why the Fire Chief had made such a recommendation. Alex W. said likely due to the multi-family dwellings in the project and insurance costs. If access were an issue, he said, he would agree that sprinklers should be considered.

Regarding PUD waiver requests, Peter E. wondered if waiver J is necessary. Dick J. suggested side yard setbacks should specify lots.

Aaron Kimball spoke from the audience, as a resident of the Silver Street Townhomes. He said he appreciates the attention given to lighting in this project. He said that regarding the boundary between Unit #12 and the Silver Street Townhomes, he would advocate for better screening and said he is in favor of an informal passage between these properties.

Ted B. made a **motion to close the public hearing and go into deliberative session to take up this and the Blackrock decision.** Dick J. **seconded the motion.** The Board **voted 7-0.**

The meeting entered deliberative session at 11:11pm.

Respectfully Submitted, Freeda Powers---Recording Secretary

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