

Town of Hinesburg
Development Review Board
December 16, 2014
Approved January 6, 2015

Members Present: Zoe Wainer, Dennis Place, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer.

Alternate Members Present: John Lyman (participated, except for Hinesburg Center LLC application)

Members Absent: Ted Bloomhardt.

Staff present: Peter Erb (Zoning Administrator) Alex Weinhagen (Director of Planning & Zoning).

Representing Applications: Bill MaClay, Megan Nedzinski, Peter Lazorchak, George Bedard, Andrew Mills, Brett Grabowski, Michael Buscher.

Public Present: Karl Novak, Bill Moller, Butch Holcomb, Andrea Morgante, Kyle Bostwick, Dan Jacobs, Mary Beth Bowman, Johanna White, Sam Lurie, Bob Thiefels, Catherine Goldsmith, Chuck Reiss.

Zoe W. called the meeting to order at 7:35pm.

Agenda Changes: None.

Minutes from 12/2/14: Zoe W. **made a motion to approve** the minutes from 12/2/14 as amended. Greg W. **seconded the motion.** The Board voted **6-0** with Dennis P. abstaining.

Dam Subdivision Revision – Final Plat Review

Continued from 10/21/14 meeting

Zoe W. indicated that this this review began on October 21, 2014, and that a site visit had been conducted in the interim on November 8. Those present at the site visit included: Zoe W., Ted B., Greg W., Andrea B., John L., Peter Erb, Bill MaClay, Meg Nedzinski, George Bedard, Peter Lazorchak, John Pacht, Butch Holcomb. Zoe W. then described observations made from the site visit for the record:

- Began site visit at the entry to the project. Looked at the existing stormwater pond and area around that, including the area proposed to become a meadow.
- Noted existing home and proposed stone entry features.
- Noted first proposed street light location and utility transformer.
- Noted proposed tree planting area and future orchard area along the access road.
- Noted proposed second street light location, and then another street light location where the access road enters the development area.
- Noted an existing meadow area to the east, which the applicant pointed to as an example of the type of meadow they are seeking to emulate.
- Noted some existing soil stockpile areas.
- Noted the area west of the access road that is currently wooded and is proposed to become meadow.
- Noted the location of lot 1, its building envelope, and the proposed hedgerow.

- Noted lot 5 and the location of another street light near the property corner.
- Noted a culvert under the first section of the road.
- Noted the area east of the driveway between two building sites that has been brush hogged as an example of the proposed meadows.
- Was able to see the view across North Road and the view to the south.
- Continued on the access road to the next street light location.
- Noted the edge of the lot 2 building envelope, and the pine trees behind that envelope.
- Noted lot 4 and its building envelope.
- Continued into the wooded area on lot 6 (common land).
- Noted stormwater pond on lot 3.
- Looked at the proposed development area from the western side of the property and from the stormwater pond area. Noted that the Holcomb residence could be seen through the trees in these locations.
- Noted the lower/western property and building envelope corners.
- Noted a culvert outlet that discharges water toward the Holcomb property.
- Viewed the drainage ditch near the neighboring properties as well as the locations of the neighboring springs and wells and the various buffer areas.

Dick J. commented that he wasn't at the site visit but did visit the property the following weekend. He noted that areas to the west of North Road would have a good view of the proposed development area on the subdivision.

Bill MaClay, project architect, presented on behalf of the landowners – ABIMA LLC and Anup & Meena Dam. The applicant is seeking approval to revise a 7-lot, 6-unit subdivision approved on March 3, 2009 on the east side of North Road, just north of the Route 116 intersection. Bill MaClay referred the Board to the written response that he had submitted in advance to respond to items raised in the staff report that was discussed at the last meeting. He showed an aerial photo of the property from approximately 1990. He reviewed the various changes that have been made to the plan since the last meeting including modifications to the tree buffer areas, and a phased clearing area where trees would not be removed for 10 years in order to let the densely planted buffer area to the west grow and fill in.

Greg W. noted that the original 100' wide vegetation buffer on the west side of the project is being reduced to 25' wide. Bill MaClay explained the proposal to make the remaining buffer more dense with additional plantings. Zoe W. asked why a wider buffer was not possible, and whether there was a middle ground regarding the proposed clearing to better reflect the original subdivision approval. Bill MaClay said some clearing was important to create a sense of an agricultural landscape and to open up some views for the proposed house lots.

Greg W. suggested hiring an outside expert at the applicant's expense to give an opinion on how the proposed revision addresses the original subdivision plans, original decision, and the applicant's desires. Alex W. said that an outside expert can't interpret the DRB's original decision any better than the DRB. He said that a landscape architect could render an opinion on various design options. He said an engineer would be a better choice if the Board wants to assess potential impacts of clearing on neighboring wells and springs.

Peter E. asked for clarification on the areas proposed to be cleared. Dick J. asked for clarification on the purpose/use of the proposed meadows. He wondered if these areas would have grazing animals (which could negatively impact stormwater issues) or if these areas would simply be a hayfield.

Butch Holcomb said he is concerned about runoff from the project on to his property, as well as the creation of walking areas near his property. He is concerned about inviting people to walk near the property line for its impact on his privacy. He is also concerned about the impact of the revised project on his spring water source.

Andrea Morgante said she is concerned about the proposed street light. She feels approving this would set a bad precedent for rural area development, and she is concerned about impact to the observatory to the north on Observatory Road. She said that a consulting forester could be queried for input on how the proposed planting works for screening. She said that planting the proposed cedars and shrubs spaced at 12 feet on center does not constitute a dense planting or screen.

Zoe W. said she might be willing to allow some clearing for solar gain. Sarah M. said she is concerned about the proposed phased buffer area because 10 years of growth may not be enough, and any other subjective decision point on when to allow the proposed clearing would be hard to measure and enforce. John L. asked who is requesting the clearing, and whether the purpose is simply to impart character. Bill MaClay responded that the applicant is requesting the clearing, and that the purpose is both to improve the agricultural character of the subdivision and to create better views for the proposed homes. Dick J. said he is concerned about the impact of the proposed street lighting, even if the lights are downcasting and shielded – e.g., night glow caused by reflected light, especially on foggy nights. He said he is also concerned about creating large meadow areas for no real use or purpose – i.e., just for show. Sarah M. asked if the purpose of the meadows was to improve aesthetics or open up for views. Bill MaClay said it was for both reasons, along with the applicant's desire to improve the land and make it more usable to the residents in the subdivision. Peter Lazorchak said that stormwater runoff coefficients aren't much different between woodland and pasture/grazing land cover. George Bedard said that the purpose of lot 6 was to serve as common land for the benefit of the people living in the development.

Peter E. encouraged the Board not to close the hearing because enforcing all the various proposed provisions will be hard, and will need deed and other legal language to clarify. Zoe W. suggested the applicant go back and propose more revisions to address the concerns raised tonight. Greg W. reiterated his desire to have an independent expert comment on the adequacy of the plan in terms of accomplishing the goals of the original subdivision. Zoe W. **made a motion to continue the hearing to February 3, 2015.** Greg W. **seconded the motion.** The Board voted **7-0.**

Catamount-Malone/Hinesburg LLC – Cheese Plant – Conditional Use, Stream Buffer Impacts

Andrew Mills from Trudell Consulting Engineers was present to represent the landowner/applicant (Catamount-Malone/Hinesburg LLC) for a conditional use application to do work within a stream buffer area related to previously approved site plan revisions to the Cheese Plant property in the Industrial 3 zoning district on the west side of Route 116. The aforementioned site plan revisions to reestablish an old parking lot and make other site improvements were approved by the DRB on October 7, 2014. He clarified that the corner of the parking area has been moved so as to be outside of the stream buffer area. Therefore, the request is for approval to: 1) install a pedestrian bridge over the stream to provide access from the parking lot to the main building; 2) reset a heaved culvert along the access drive that

the stream passes through. Greg W. **moved to close the hearing and approve the decision (approval) as drafted by staff.** Dennis P. **seconded the motion.** The Board voted **7-0.**

Hinesburg Center LLC – Hinesburg Center Phase Two – Subdivision Sketch Plan Review

John Lyman recused himself from the Board for the review of this application, since the landowner is his father (David Lyman).

Mike Buscher of T.J. Boyle Associates presented the project on behalf of the applicant – Hinesburg Center LLC. Brett Grabowski of Hinesburg Center LLC was also in attendance. The Applicant is requesting sketch plan approval for Phase II of the Hinesburg Center project, located in the Village (VG) district, parcel # 08-01-06.320 directly to the west of Kaileys Way. The subject parcel is approximately 46.2 acres, and is owned by David Lyman. The eastern portion (approximately 9.7 acres) is located in the Village zoning district. The western portion (approximately 36.5 acres) is located in the Agricultural zoning district. It is lot 32, the remaining land from several earlier subdivisions of the original Lyman property done by the Applicant (e.g., Hinesburg Center Phase 1 project, Creekside project). This project is an expansion of the existing Hinesburg Center Phase I project, and is bounded by Patrick Brook and the LaPlatte River, and their associated stream buffers to the north and west, the Creekside neighborhood to the South, and Hinesburg Center I to the east. The project is proposed to consist of 74 residential units ranging from single 3-4 bedroom homes on .15 acre lots to multi-family units. Approximately 9,400 square feet of commercial space is proposed divided among three buildings with two “pocket park” areas and a small community garden area. Parking will be a combination of on street and off street parking areas. Plans include a road extension connecting to the proposed Haystack Crossing (Black Rock Construction) development to the north. Until that connection is complete this area will be served solely via Farmall Drive to Route 116.

Mike Buscher reviewed the issues raised in the staff report. He disagreed with the staff recommendation for reduced residential density. He said the project’s proposed lot coverage is compliant with the regulations and is actually below what the regulations allow. He said that between what exists in Hinesburg Center Phase 1 and what is proposed in Phase 2, there will be 143 off-street parking spaces. He described various green spaces available to the project. He said these provide ample green space for the project, and that the yard space issue cited in the staff report refer to vague references in the regulations. He said that staff recommendations for an industrial use in place of a proposed six unit residential building are not compatible with the residential portions of the project. He said the project would seek density bonuses based on providing: 1) small size dwelling units; 2) utilizing renewable energy technology (possibly via a solar array to the west of the developed area); 3) help provide an important public space by building a part of the Town Green on nearby land owned by the Town. He said that phasing of the project should be assumed, but that this needs to be discussed at a later stage of the review process, and that providing 3-D renderings of project phases during sketch plan review is not realistic. He said that the proposed stormwater pond location will be revised to ensure access to the western agricultural lands.

Brett Grabowski said that lot 30 from the earlier and adjacent Creekside development is still under his control, and that the greenspace use will remain the same as today. Zoe W. asked if residents of phase two would be able to use this greenspace area. Mike Buscher said it would be, and that this private community park would see filling and drainage improvements plus new street trees along with an eight foot wide recreation path. He said it would be open to the entire neighborhood.

With regard to the proposed alleyway shown on the plan, Mike Buscher said he feels this is a private drive and not really a street. He also described the proposed site grading in general terms – sloping down from phase one back to the lower grades of the western section of Farmall Drive and the Creekside neighborhood. He described the grade differential being partially accommodated in the corner building lot across from the lot owned by Lasher (at the corner of Farmall Drive and Kaileys Way), as well as in the 24-unit building to the north.

Mike Buscher then showed an alternate sketch plan created for this evening in response to some of the staff report issues. This plan showed the elimination of single-family home lots 10-13 to allow for an additional green space area along with revised spacing of units to the south along the “alleyway” for more yard space and a new off-street parking area.

Zoe W. said that she is still thinking about the potential issue of locating stormwater infrastructure in the Agricultural district portion of the property – i.e., outside of the village growth area boundary. She then opened the hearing up for public comments.

Dan Jacobs lives on Farmall Drive and is president of the Creekside Community Association. He stressed the importance of the “community park” (lot 30) shown on the plans for neighborhood recreational use. He said the Board should carefully consider drainage, screening, and continued use of this area. Sarah M. asked the applicant if the new east/west road along the north side of the community park will be at the same elevation as Fredric Way. Brett Grabowski said the community park will be engineered properly to be dry and usable, but that it may need a lower spot in the middle to accomplish the necessary drainage. He said the grade of the road will tie into the existing grade at the terminus of Farmall Drive.

Kyle Bostwick made the following comments:

- Construction staging during the applicant’s previous projects was problematic. Fill, vehicles, and dumpsters were left in place that made travel difficult and that negatively impacted aesthetics.
- Existing trees north of his property may need to be destroyed as part of the project, and he finds this unfortunate. He is not sure if this can be addressed.
- He feels the community park will see more use, which is fine, but more trees should be planted to help screen existing properties.
- Flooding of the community park is problematic today, and he is concerned about simple assurances and promises from the applicant. He feels if the improvements aren’t done right, future drainage and flooding issues could result in real property damage.
- He would like clarity on how much greenspace and parking from different phases of the project are being counted toward the phase two proposal.
- He would like to know who is going to maintain the community park in the future – e.g., mowing, tree health, etc. Currently, the Creekside Community Association is taking care of this.
- He feels the project must comply with the vision for the area laid out in the regulations, which is more than simply residential uses. He said that if the developer can’t rent commercial spaces currently, then the developer should simply leave such lots unbuilt until the market demand develops.
- He is concerned about creating views to the west of the project that might be occupied by solar panels.
- In general, he is concerned that the applicant is providing too many “maybe” and “probably” answers.

Andrea Morgante asked if the applicant or staff has addressed recent VT Agency of Natural Resources, Department of Environmental Conservation guidance on how DEC will deal with development in flood hazard areas. She said it is poor public policy to allow building in a floodplain, and she suggested that the Town look at the new DEC protection guidance. She is concerned about putting development infrastructure in the Agricultural district portion of the property. She feels the stormwater pond and the solar panels should be located in the Village district portion of the property. She is also concerned that the project doesn't include enough greenspace for people. She noted that the greenspace along the Patrick Brook stream buffer area is there to help protect water quality and riparian health, and is not going to serve the recreational or yard space needs of the residents.

Chuck Reiss agreed with Andrea's point that project infrastructure should not be allowed in the Agricultural district, outside the village growth area boundary.

Bob Thiefels said he wants clarity on how proposed roof lines and houses will be positioned to take advantage of passive solar. He said passive and active solar must be integrated into the buildings, and that the proposed sketch plan is more of the same old development style on this front, and is not looking to the future. He also expressed concern about potential traffic impacts this project may have at the Route 116 intersection.

Peter E. reiterated one staff report issue about the importance of mixed uses, and the need for more non-residential uses than simply office and retail.

Mike Buscher said the applicant would provide new/revised plans showing the overall parking between both phase one (existing) and phase two (proposed) as well as the overall greenspace, and the alternate sketch plan presented tonight.

Greg W. said the alternate sketch plan looks like a minor change, and if that is all the applicant is willing to revise, then the project would be heading for a denial – at least from him as one Board member. He doesn't feel this sketch plan even begins to work, and recommended the applicant make more significant changes. Mike Buscher and Brett Grabowski asked for additional clarity. Dennis P. asked why the plan was so different from the 2010 master plan. Brett Grabowski said the earlier master plan was conceptual, and that this new plan is a revision to formalize it. Alex W. said that the applicant had met with staff prior to submitting the application to get feedback. Dick J. said the community park needs to be included on the plan revisions the applicant will be submitting. He said if it is part of the development, it can't simply be a blank space on the map like other abutting properties. He also said that neither the greenspace nor the parking in phase one of the Hinesburg Center project should be counted toward what is needed or part of this phase two proposal.

Zoe W. **made a motion to continue the review to the January 20 meeting**, and instructed staff to get a legal opinion on the propriety of placing development infrastructure in the Agricultural district. Greg W. **seconded the motion**. The Board voted **6-0**.

Other Business:

Zoe W. **made a motion to grant a six-month extension for the Enos 3-lot subdivision sketch plan approval** at the end of Enos Road. Greg W. **seconded the motion**. The Board voted **6-0**.

Zoe W. acknowledged receipt of correspondence from Karl Novak with feedback on several general items (water supply, sustainable development, etc.) that are not specific to any particular development application.

The meeting adjourned at 10:14pm.

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning