

**Town of Hinesburg
Development Review Board**

April 21, 2015

Approved 5/5/15

Board Members Present: Greg Waples, Dick Jordan, Dennis Place, John Lyman.

Board Members Absent: Andrea Bayer, Ted Bloomhardt, Zoe Wainer.

Representing Applications: Alan & Nancy Norris, David W. Burke, JH Stewart.

Public Present: Johanna White, Carrie Fenn, Peter Heil, Dale Wernhoff, Robert Milliken, R. Watts, Sylvia Geiger, Allison Cleary, Landon Dennison, Bob Thiefells. Also present: Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary).

Dennis P. chaired the meeting, which was called to order at 7:35pm. There were no agenda changes. There were no public comments for non-agenda items.

Dennis P. made a **motion to approve as amended the minutes of 4/7/15**. Dick J. **seconded the motion**. The Board voted **3-0**. Greg W. abstained.

Mackinnon: The applicants, requesting sketch plan review for a 2-Lot subdivision, were not ready and asked for the hearing to be rescheduled. The Board agreed to reschedule the hearing to a later date and staff agreed to notify abutters at that time.

Norris: (Ct'd from 3/17) The applicants are requesting final plat approval for a 24-Unit PUD.

The Applicant reviewed and addressed staff concerns as outlined in the submitted staff report. The applicant said they have met with the architect for this project and that the porches cannot be extended due to the roofline/pitch and the potential issues it would create with snow-shedding.

Regarding traffic generation/impact, the Applicant said they have a letter of intent from the state.

Regarding Rte. 116 sidewalk construction, the Applicant said they recalled from the 3/17 meeting that the Board had agreed to the off-site sidewalk construction trigger being set after construction of the 3rd building. The Applicant said they would like a timetable as recommended by staff, and they propose installing the off-site sidewalk no later than completion of the third building or three years from construction of the first building, whichever comes first. Greg W. said that seems like a long time to him.

Regarding the water supply, the Applicant said this project has allocation from the Town and is awaiting state approval.

Regarding landscaping, the Applicant said they feel this has been adequately worked out.

Regarding independent construction review, the Applicant said they would like this to be limited as the project is private with the exception of the off-site sidewalk. They have all the required certifications and feel that the 3rd party review is excessive and unnecessary. Greg W. said based on experiences on prior (other development) projects, the Board and Town have learned and are increasing the scrutiny of

private projects. He said this is not personal, but that as the DRB, they are the guardians for the Town. To verify certain key junctures, such as prior to pouring the foundation, etc. The Applicant said they would not have an issue with something like that. He said they stake their projects out anyway. The Applicant asked who hires the 3rd party. Alex W. said the Town hires, advises the developer who it is, and the developer pays the cost.

Regarding construction timing, the Applicant said this will definitely be a phased project. They reviewed with the Board the layout of the phasing as it relates to the multiple structures and roads in this project, noting that the road the unit being built on will be entirely built-out and all associated aspects of that section will be completed as a single phase. Community items, the Applicant suggested, will need to be in with the C.O of the 2nd building. This project, he said, is somewhat market dependent and therefore they will likely do the structures to the north first as they feel the back buildings have a higher market value. There will likely be 3 phases; Phase I will be the entrance/road and the 2nd & 3rd "leg" of road and Units 1-7. Phase II will be Units 19-24. The Applicant said they can agree to have the roadway and play area in Phase II.

Regarding the stream crossing conditional use review, the Applicant said staff indicates the issue is resolved and the Applicant has submitted a separate CU request for it.

Regarding project sign review, the Applicant said they were not proposing on any long-term signage, and will only need temporary marketing signs.

Regarding stormwater maintenance, the Applicant said they have a 5yr permit with annual inspections required to be reported back to the state. Sediment cleanout, he said, is rare, but if any is in the fore bay, it can be removed and taken off-site.

Regarding association language, the Applicant said the legal documents have just been revised and sent to staff and the issue is, they feel, resolved.

Regarding density bonuses from NGBS Green Home Certification, the Applicant said if the Planning Commission desires amending regulations in this regard, they should do so. As it stands, this project will have certified 3rd party review and several items in this project go above and beyond the requirements and this project has all required permits. He urged caution and suggested that national 3rd party review should not be the precedent for future projects going forward. Greg W. said this is an important project as it does set a precedent. He said if the Town feels the DRB's decision is wrong they can correct or amend that via planning standards. He said the decision on this project won't necessarily set indelibly a course going forward.

The Applicant provided the Board with documents which demonstrate the standards for the density bonuses and grouped them by code chapters. The Applicant said the Green Building Certification is about a whole host of issues beyond residential building energy standards. He highlighted 18 items which exceed the requirements. The Applicant said this project would have met the Bronze standard, but it also does meet the Silver standard. Dick J. said the projections are based on this projects' plans. Alex W. said that is correct. Greg W. asked about the applicants' assertion that the project meets the Silver standard by 36% and asked for clarification here. The Applicant said in a spreadsheet, the standards offer a point system which helps to determine what % of the project exceeds the threshold

for inclusion. Alex W. said it is important to note that some of the points achieved in this project are not as quantitative as the energy side i.e., Draft Project Mission Statement, etc.

Dennis P. opened discussion to the public.

Bob Thiefalls spoke from the audience. He referenced letters he submitted to the Board which he urges them to look at on behalf of himself and Chuck Reiss. He encouraged the Board to look at the spreadsheet/score sheet done with Lindsay Jones. He said the biggest issue is that good building practices are not always green and based on basic good building practices, projects can achieve Silver standards. The Applicant said while he respects the comments offered, he feels that they have demonstrated national 3rd party review as required. Bob T. gave examples of some of the points gained in this project such as 9 points for 15% grade of the site (proper sloping). He said he feels that most of the points gained in this project under 601.1→601.7 are simply good and economic development/building practices. He urged the Board to look at this seriously. He said many of these standards are already required by builders statewide. He feels that the project does not go above and beyond. Greg W. voiced his concern with Boards and Committees getting info to the Board so late. He said while the DRB needs the feedback to help guide their discussions, it is much more useful if received earlier. Bob T. clarified that he is not on any committee, he is simply here and submitting testimony as a resident. He feels this is a bit of a dilemma for the DRB, the Town, and the Norris project as this sets a precedent. He feels strongly that this should have been done at the sketch plan. The Applicant said he agrees with what Bob said but that 3rd party implementation is what is important if the intent is to execute projects right. Additionally, he said, it is not just the building materials to consider in terms of “green building” but the sourcing of project materials as well.

Carrie Fenn spoke from the audience, addressing Greg W.’s comment about committee submissions. She said the Energy Committee has only been together for about a year and a half, noting that this particular project precedes the committee. She said she feels that the Town should revisit the Green Building Standards.

Bob T. said based on 2012 standards, they are more stringent now. He said the new stretch code goes into effect at the end of 215, which will be even more stringent.

Dennis P. made a **motion to continue the public hearing to 5/5/15**. Dick J. **seconded the motion**. The Board **voted 4-0**. **This will also continue the application for Conditional Use for Development in a Stream Buffer Area which will address an access road stream crossing.**

Jenkins: Nancy Jenkins requests sketch plan review for a proposed 2-Lot subdivision for her property located at 249 Leavensworth Road. John Stewart, representing the Applicant, described the 10.1A lot which will be subdivided into Lot 1 (3.6A) to include all of the existing development and Lot 2 (6.5A) which includes a proposed single family home location in the middle of the lot. There are two existing driveways (house and barn) on Leavensworth Road. Lot 1 will continue to be accessed by one of the existing driveways and Lot 2 will be accessed via an extension to and right of way over the existing barn & silo driveway access.

Dennis P. asked the Applicant about staff comments regarding lot arrangement and use. The Applicant said they feel that the use of the property will appeal mostly to equine vs. other Ag operations.

Dennis P. opened the hearing to the public.

Robert M. spoke from the audience, voicing his concern with where the driveway might go. He urged consideration for visibility to the NE.

Allison Cleary spoke from the audience, saying that the proposed septic on Lot 2 has resulted in a berm being made on that site which has increased runoff onto her property which is currently imposing undue adverse conditions at the site of her chicken coop. The Applicant said that berm will be closed. Allison C. also voiced her concerns with lighting and its' potential impact on her and other neighboring property owners. Greg W. said all new development will be reviewed regarding lighting. Existing issues, he said, may be pre-ordinance.

Lanny D. spoke from the audience, saying he has concerns regarding the driveway as well. He said there is a spring located on Lot 2 which he has used since the 1970's and which he believes is noted in the deed. He asked that the Applicant be aware of this and also requested that they respect the required separation distance from the proposed septic to this spring.

Sylvia G. spoke from the audience, asking that the Applicant respect and preserve their view shed with the proposed house site on Lot 2. The Applicant said existing slopes do limit their options for house site location on Lot 2 somewhat. Alex W. explained some of the environmental impacts of slope development and why it is important to avoid building there if possible. The Applicant said they are willing to look at the proposed house site as it relates to existing neighboring view-sheds and said they may be able to move it to the east a bit. Greg W. said in regards to concerns voiced about slope development for the house on Lot 2, the Board can ensure erosion controls be implemented if necessary.

John L. said the Applicant should remain cognizant of required turning radii for emergency vehicles in the proposed driveway design as well. The Applicant said the proposed driveway design can be changed to a more accommodating form. The Applicant will also consider that the driveway road cut not be at a 90 degree angle. The Applicant said the land will be surveyed again to ensure accurate acreage.

Greg W. made a **motion to approve the request for Sketch Plan for a 2-Lot subdivision and directed staff to draft a decision.** Dennis P. **seconded the motion.** The Board **voted 4-0.**

Greg W. made a **motion to close the public hearing and go into deliberative session to discuss Hinesburg Center, LLC.** Dick J. **seconded the motion.** The Board **voted 4-0.** John L. abstained from the deliberative session. The Board went into deliberative session at 9:25pm.

The meeting adjourned at 10:00pm.

Respectfully submitted,

Freeda Powers, Recording Secretary