

Town of Hinesburg
Development Review Board
May 19th, 2015
Approved 6/2/15

Board Members Present: Zoe Wainer, Greg Waples, Dick Jordan, Dennis Place, Andrea Bayer, Ted Bloomhardt. Sarah Murphy arrived at 7:55pm.

Representing Applications: Jack Milbank, David W. Burke, John & Charlie Niles, Lars Cartwright and Jason Barnard.

Public Present: Henry Ralph Carse, Kevin Cheney, Diane Telford, Lynne Jaunich, Thomas Brennan, Ed Sengle, Cheryl Park Kupersmith, Michael Kupersmith, Andrea Morgante, Johanna White, Kim Hazelrigg, Joe Donegan.

Also present: Alex Weinhagen (Director of Planning & Zoning), Peter Erb (Zoning Administrator) and Freeda Powers (Recording Secretary).

Zoe W. chaired the meeting, which was called to order at 7:30pm. 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 5/5/15**. Greg W. **seconded the motion**. The Board voted **5-0**. Zoe W. abstained.

Milbank: Jack & Sandra Milbank are requesting a revision to an approved subdivision to expand the building envelope from the undeveloped lot. Jack M. explained that the revisions to the previously approved building envelope as submitted will actually lessen the visual impact by moving the house site to the south. This, he said, will also lessen earthwork, shorten the drive and increase the passive solar potential. The proposed building envelope is 1A. The Board viewed location maps to orient themselves to the surrounding area. Ted B. asked about the elevation from the cemetery to the proposed building envelope. Jack M. said about 20' perhaps. He noted there are no changes to the proposed driveway.

Zoe W. opened the hearing to public comments and questions.

Johanna White spoke from the audience, asking about the proposed house elevation. Zoe W. said that is unknown at this time but noted that our regulations set the height at 35' maximum. Peter E. said the previous approval had noted the highest point should be taken from the lowest point in the footprint.

Andrea Morgante spoke from the audience, saying the existing views from the cemetery to the west should be considered. The Applicant said the existing tree-line will be maintained and noted that low bushes and brush do allow a view of the hollow and reiterating that the proposed revisions take the house site out of the view shed, behind the tree-line. The new site, he notes, is also more flat location.

Ted B. said why not move the entire previously proposed envelope 100' to the south? Jack M. pointed out existing ledge to the south. Dick J. said he is agreeable to moving the envelope to the south but has reservations on doubling the envelope size. Greg W. suggested the applicant eliminate the western

triangle portion and make the envelope parallel to the existing building envelope. Jack M. said the triangle area is running the new envelope parallel to contours.

Sarah M. asked what's the distance that the applicant is requesting the envelope be moved to the south. Jack M. said 80' takes the envelope to the existing ledge to the south and he is okay with the suggestion that he simply take that frontage off the north end. Peter E. noted a larger building envelope than normal, adding that the Board should be cognizant of tightening that to foster clustering of buildings. He also asked the Board to consider a condition of tree plantings between the house site and the cemetery to effect a less harsh imposition if the home is 2-story. Zoe W. said that will be reviewed with the proposed changes.

Zoe W. made a **motion to close the public hearings, to take up in deliberative session.** Ted B. **seconded the motion.** The Board **voted 7-0.**

Balchiunas: The Applicant has submitted a final plat application for a 2-Lot subdivision of a 22.5A parcel on Butternut Lane in the RR2 Zoning District. Alex W. acknowledged and distributed a written submission from Judy Norton Pickett. David Burke represented this application which would create Lot 1 8.4A which contains the applicant's home and on-site wastewater disposal sites and well and Lot 2 14.1A as a new building lot.

David B. said most of the items of concern in the sketch review process have been addressed. This is a minor subdivision on a private road. The Applicant has worked with the other homeowners on the road and a road agreement has been made with everyone's signature for this application.

David B. described the parcel and noted that a drilled well is existing and one is proposed for Lot 2. An existing septic and replacement mound were noted for Lot 1 and a mound system was noted for Lot 2. The proposed building envelope for Lot 2 is 100' X 135' or the equivalent to 4% of the total lot size. The Applicant feels that this will minimize disturbance and tree cuts.

Regarding Board concerns about limited clearing, David B. said the Applicant is not pursuing this. Some widening of the shared portion of Autumn Hill Road was shown. Based on a previous site visit, a culvert is proposed at the low spot of the driveway to Lot 1. Another culvert is proposed near the lot line between Lot 1/Lot 2. With .28A of proposed impervious surface area, the Applicant feels that they have provided a project with a level that is acceptable for the Boards' approval.

Dick J. asked where the storm water runoff exits to. David B. said it will discharge into three areas and a level spreader will increase the sheet-flow and added that the State doesn't require a change in direction of flow (downhill). The proposed conditions require annual sediment clean-out of storm outfall if necessary.

Energy conservation was discussed in detail previously. Proposed changes based on that feedback are reflected in the Lot 2 deed language which will require the future home to be Green Home Certified or utilize Geothermal. A Road Maintenance Agreement document was provided in lieu of HOA language, which the Applicant feels carries weight and has the requisite components.

There will be 250' between the homes on Lots 1 & 2 and proposed clearing is limited to only accommodate septic. The project meets the regulations as they pertain to development on a ridgeline, which is above the house site.

Dick J. asked about any existing mature trees along the old logging road. The Applicant said yes, there are many along the 8' logging road, known as Woods Road. Many trees there are above 30' high and the Applicant noted a proposed silt fence installation to protect the existing tree line.

Zoe W. asked about the distance between the proposed mound system and building envelope. The Applicant the proposal meets the state requirements of 10' (proposed 25'). Zoe W. said the prior discussion had resulted in an increase in the buffer on the west side which a mound system on the Lot 2 makes difficult. The Applicant said they thought that clearing concerns were regarding the sightline which there is none. Peter E. said Wood Road trees will be impacted. He suggests requiring planting trees between the proposed mound system and the building envelope. Zoe W. agreed that may be a possibility. Ted B. said he is not sure what this discussion is trying to accomplish and said it amounts to conditioning the applicant to plant trees in the forest.

Zoe W. said infiltration is a concern. The Applicant said after the level spreader, to disturb the top 2' of soil would only act to lessen the effective infiltration. Greg W. said it is the interruption of the sheet flow that creates a concern. Concentrating the runoff to two points is a potential issue. He urges independent hydrology review of this project to ascertain the potential impact to downstream neighbors. Dick J. agreed saying that approach seems prudent in his view as well. Zoe W. asked the applicant if they have looked beyond the 25 year storm event for this proposal. The Applicant said no and said they feel that the project presents such a small percentage of impervious surface that it is in fact not well suited to modeling. It was suggested that the Applicant revise the impact area to provide this info to the Board.

Regarding energy standards, Alex W. reminded the Board that the project should maximize solar gain if possible and noted some of the topographical site constraints (the site faces west and is heavily forested) which make this difficult. Peter E. asked about the building envelope size. The Applicant said it is 100' wide. Peter E. said this lot could have the potential for solar trackers.

Zoe W. acknowledged the Road Maintenance Agreement offered by the Applicant. This is a 20yr long road agreement. Ted B. reminded the Applicant that you cannot compel anyone else to join a HOA, the first two on the agreement would be Balchiunas and the new owners. He stated the importance of being consistent with regulations.

Zoe W. opened discussion to the public.

Diane Telford spoke from the audience. Her home is 350' away. She voiced her concerns about the potential impact of runoff hitting her well should the septic for this project ever fail. She requests condition language which assures that her water remain potable and that the homeowner of the new lot be responsible if that should ever become an issue. Also, clearing and impervious surface area will impact the existing underground streams in the area and she would like a guarantee that the proposal

will not result in water in her house and for a remedy to be made available if so. The Applicant said the regulations and the state regulations are the guarantee. The proposal is being reviewed under those requirements and it meets all the standards. The Applicant asks that the Board read the road maintenance document provided.

Nathanial Norton spoke from the audience. He lives to the south of this lot. He said Woods Road is more like a trail than a logging road. He wondered if this proposal will anticipate requiring any blasting. The Applicant said they are not proposing any and there is no ledge evident. There are some large boulders but they do not anticipate blasting. There are no changes to the land towards the Norton property.

Zoe W. made a **motion to continue the public hearing to 6/2**. Greg W. **seconded the motion**. The Board **voted 7-0**.

Estate of O'Neil: The Applicants have submitted a sketch plan application for a 5-Lot subdivision located in the area of O'Neil and Leavensworth Roads. The applicants own an approximate 57A parcel and an approximate 239A parcel located at the intersection of O'Neil & Leavensworth Road in the Ag District.

Jason Barnard (surveyor/engineer) and John Niles (landowner) represented this application. The Applicants would like to subdivide the 57+/- Acre parcel and property. The new 29+/- acre parcel will be sold and improved with a 4 bedroom single family home that will be served by an onsite mount system and provided water by an onsite drilled well. The remaining land (Lot 1) will be 27+/-acres and will contain the existing farmhouse. The 239+/- acre parcel will be subdivided to create a new 5+/-acre parcel (Lot 3) and a 10+/-acre parcel (Lot 4).

The Applicants have submitted a request for approval for access to Lot 2 off O'Neil Road to the Select Board. The proposed house site for Lot 2 will be located so that it is visible when travelling east on O'Neil Road and the two houses proposed for Lots 3 &4 will not be highly visible from O'Neil Road. The existing old dairy barn on O'Neil Road will likely need to be torn down in the future.

The Applicants said they may need to make improvements to about a 150' section of Class 4 road on Leavensworth Road.

Greg W. asked about Lot 3 &4 building envelopes as they relate to natural features of the site. The Applicant said existing vegetation and trees/brush provide some natural screening. Lot 3 features a ridge. Alex W. showed natural features maps and over-lay mapped primary and secondary resources for the entire parcel. Zoe W. noted prime ag soils on Lots 3&4 and said they should be left open if possible. The Applicant said they were purposely proposing the building sites on the edge of the ag soils for that reason.

Alex W. noted the proposed building envelope and said ultimately the size of it is more important than the placement to lessen impacts.

Zoe W. suggested a site visit. Dick J., Greg W. and Andrea B. agreed. Zoe W. opened the discussion to the public.

Ed Sengle spoke from the audience. He owns a parcel of land to the east. He asked for clarification; will Lot 3 will be providing wastewater service to the 42A parcel. The Applicant said yes, noting that the 42A parcel has the potential for a single family home but with no wastewater disposal site. Dick J. asked if there are any issues with the ROW to cross the town road. Alex W. said no, and said that would go underground. The Applicant said there is also the possibility that nothing will be developed on that 42A lot. Ed S. inquired on the remaining property as it relates to future development plans. The Applicant said they have no plans for further development on the remaining land.

Cheryl Kupersmith spoke from the audience, saying there was a lot of tears in the kitchen when she received her parcel of land from Mrs. O'Neil many years ago. She would like more of a buffer from her parcel and the proposed house sites. Greg W. encouraged her to consider and seek a Transfer of Land to Adjoining Land Owner request to achieve the desired buffer she is looking for. This is an easy process. She said she also has concerns about the visual impact of the proposed homes especially the one to the north of her land.

Henry R. Carse spoke from the audience. He owns a 17A parcel on the south edge of this land. He feels encouraged by this proposal. He specifically noted interest in the second paragraph in the staff report which mentions the Land Trust Agreement and what we can know about Lot 5's development potential. Zoe W. explained the development potential as it relates to road access and buildable land. There was some discussion about lot sizes and resource protection/impacts. Ed S. asked about the future potential lots with density numbers. The Applicant said they have no plans at this time but also do not want to restrict the future. Zoe W. said any future development would require DRB review regardless.

For a site visit, the Board would like to see the center point of the house sites and the corner of the proposed lots noted.

Peter E. reminded the Applicant that subdivisions do not preclude trails easements and asked that they be cognizant of this. He also noted that the northern portion is very close to the Current Use Program value and the Applicant should consider this option as well.

The Board scheduled a site visit for 6/2/15 at 6:00pm.

Zoe W. made a **motion to continue the public hearing to 6/2/15**. Greg W. **seconded the motion**. The Board **voted 7-0**.

Zoe W. acknowledged received correspondence from Robert Hedden.

Other Business:

Zoe W. **made a motion to close the public meeting and to go into deliberative session to discuss the Bedard, Norris, NRG & Milbank application decisions.** Ted B. **seconded the motion.** The Board **voted 7-0.** The Board went into deliberative session at 10pm.

Respectfully submitted,

Freeda Powers, Recording Secretary