

Town of Hinesburg
Development Review Board
January 5th, 2016
Approved 1/19/16

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

Representing Applications:

Public Present: Joe Gannon, Rodney & Donna Rivers, Denise & Raymond Bouchard, Henry Benis, Sheryl White, James L. Gibbons, Terry & Janet Francis, Pricilla Riedinger, Robert Mello, Kevin Cheney.

Also present: Freeda Powers (Recording Secretary) and Annie Geratowski (DRB Coordinator).

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

Agenda Changes: There were no changes to the agenda. There were no non-agenda items to discuss.

Minutes: Ted B. made a **motion to approve as amended the minutes of 12/1/15**. Dick J. **seconded the motion**. Dennis P. abstained. The Board voted **6-0**.

Nancy Ruben & Tracey Maurer: Revision of a previously approved Development on a private right of way (ROW), which provided access to the Applicants' properties located at 460 and 464 Burrirt Road in the Ag District. This proposal would relocate the ROW that leads to the Maurer property and create a shared driveway that would fork to access both residences. The previous approval has expired.

The Applicant said they can resubmit a plan when ready to move forward, regarding new stipulations in storm water erosion control standards. Annie G. explained that the Applicant may get a condition of approval and may not need to get a zoning permit. The Applicant said they are very happy to comply should they get approval. Greg W. recalled the previous decisions, and wondered why the Applicant had not yet completed what had been approved. The Applicant said money was the answer. Greg W. said as part of the Board in the previous decisions, he recalls concerns regarding animals, small kids, etc. The Applicant said they think it is likely that when first being developed, the driveway was to be in a different location—the barn is 25' too close to the road and it does create safety concerns.

The existing driveway area is to be reclaimed regarded and reseeded.

James G., an adjoining land owner, clarified that the driveway would be on the western side of the lot. The Applicant said yes. James G. asked about blasting. The Applicant said there are no changes to their plans regarding blasting.

Greg W. **made a motion to close the public hearing and direct staff to draft conditions of approval**. Dennis P. **seconded the motion**. The Board **voted 7-0**.

James & Carol Robinson: Revision of a Final Plat to add a septic easement to benefit Lot C of a previously approved subdivision on the west side of Magee Hill Road in the RR1 District. The property is located on the east side of Magee Hill Road. Annie G. explained to the Board that the original approval in 2005 for a 3-Lot Subdivision with a septic on each lot and a back-up septic area located on Lot B. This revision seeks to put the easement from Lot C to Lot B to access that septic area. There are no changes to the capacity requirements.

Cheryl W. spoke from the audience as an adjoining land owner, she said her spring is located on that land. The Board viewed a plat of the area. The application meets the 500' isolation zone from septic areas to springs per the state.

Dennis P. **made a motion to approve the final plat revision.** Andrea B. **seconded the motion.** The Board **voted 7-0.**

R.B & R.H Goodrich: Sketch Plan Review of a 9-Lot subdivision of a 63.1 acre property located on Observatory Road & North Road in the RR1 Zoning District. Lots 1-8 would be 3-acre lots for single family homes. Lot 9 would be approximately 39 acres. Ct'd from 12/1/15.

The Board participated in a site visit on 12/5/15. Dick J. submitted a written summary of that site visit. On the site visit were: Dick J., Sarah M., Ted B., Greg W., Andrea B., John L. and staff Annie G. Also present were: Steve Pcolar, Henry Benis, Janet Francis, Bob Mello, Priscilla Riedinger, Andrea Morgante, Jack St. Louis, Erin Mahony.

The Board used Plan #2 as reference.

The Applicant said regarding drainage, the town put in a culvert at North and Observatory Roads which is very small in size and is close to the surface. Water does collect here. Lot 5 should be accessed from Lot 6, that's ok, the Applicant said.

Regarding habitat, the Applicant said, the town maps show corridors leading to non-habitat area. The Board viewed Maps 14 from the Town Plan of the area. The Applicant begs this point and questions the towns' mapping of a corridor across North Road and over non-habitat land. Dick J. said he recalls from the site visit that the area across North Road is very wooded. Annie G. said the Town Plan Map comes from local data, not the state. The Applicant said he believes the state uses some guidelines for defining habitat, etc. He believes the definition for habitat is something like no homes within 100 yards or some measure close to this. Ted B. said the Applicants' point and concern with the map should be brought to the Planning Commission, but be assured it was not created haphazardly. Andrea B. said she absolutely agrees with Teds' statement.

The Applicant went on to say he had test pits dug on 12/15/15 and all lots will have their own septic systems.

Greg W. asked to clarify with the Applicant directly; what is his preference regarding this proposal? The Applicant said he prefers Option #1 and reiterated that he is trying to not negatively affect the neighbors as much as he can.

Sarah M. voiced her concern in not knowing what the plans are for the remaining 38 acres of land. The Applicant said he has no plans for development on those acres currently. He said he just went with what the bylaws allowed here. He is not submitting a Master Plan for Lot 9 and also wants to find out more about the Core Wildlife Habitat and Wildlife Corridor issues as he sees them with the town maps. He said he actually has a 3rd option now, which is the result of potential land offers to two of the adjoining land owners and which now revises the number of lots to 6.

Regarding wells, the Applicant said, he spoke with Rob Frost and anticipates no problems. Geothermal wells, he said, are secure within 25'. Greg W. said we as a Board understand it is upon the concerned neighboring land owners to show evidence that there is a potential impact to their wells and thus far that evidence has not been heard. He added that while he is sensitive to the neighbors' concerns, he simply has not seen persuasive evidence.

The Applicant asked what the road setback in the subdivision regulations is. Annie G. said there is none in the subdivision regs. She also reminded the Board that the regulations say the Applicant must minimize impacts to Core Wildlife Habitat, just to be clear, so it is at the Boards' discretion to rule out Option #1 entirely. There was some discussion with the Board and the Applicants regarding Lots 1-6 and Lot #7 and the impact and interplay between them.

Henry Bennis spoke from the audience, saying the habitat on North Road is plentiful. He himself has lived in that area for several decades and while the house built years ago by the Cardinals did impact the deer run, there are still plenty of fox, deer, moose, turkey, bear, herons, owls, chipmunks, squirrels etc. He feels that this development project will severely affect the animal/wildlife here and the best place for the houses would be further back by the old dump.

Ray Bouchard spoke from the audience, as an adjoining landowner, he presented the Board with a letter regarding his concerns on potential impacts to local drinking water in the area. He described how the deep wells hit porous limestone so it in fact is interconnected. It is important as it is close to the old dump. The existing ridgeline increases storm water runoff as well. The landfill is a concern, he said, as it should have been clay capped and kept tree-cleared for proper infiltration and lessened run off. Sampling done there may not represent flow. We still need to stabilize the landfill and divert storm water runoff, he said. These are real and significant impacts here which we all need to be seriously considered. There are challenges regarding the strata and water flow. He cautioned against over generalizations. Drinking wells, he said, are different than geothermal wells.

Rod Rivers spoke from the audience. He said he has a spring on his land and asks the Applicant to respect his distance.

Bob Mello and Terry Francis, both adjoining landowners, submitted letters.

The Applicant said given the rural character of the area, he feels these lots meet the regulations.

Terry F. said it would be helpful for the Applicant to flesh out the remaining land and suggested that a greater plan would give the Applicant opportunity to gain approval and work with the concerned adjoining landowners on what is a pretty unique piece of property.

Dennis P. **made a motion to continue the hearing to 2/2/16.** Ted B. **seconded the motion.** The Board **voted 7-0.**

Other Business: The meeting on 2/16/16 will be a training on the new rural and ag zoning and will start at 6:30pm with a meal. The Public meeting begins at 7pm.

Sarah M. made a **motion to go into closed deliberative session.** Ted B. **seconded the motion.** The Board went into closed deliberative session at 8:58pm.

The meeting adjourned at 9:10pm.

Respectfully submitted,

Freeda Powers, Recording Secretary