

Town of Hinesburg
Development Review Board
February 2nd, 2016
Approved 2/16/16

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

Representing Applications: Steve Pcolar, Will MacKinnon.

Public Present: Maggie Gordon, Kyle Bostwick, Rod Rivers, John & Sally Mead, Paul Lasher, Henry Benis, Terry & Janet Frances, Andrea Morgante.

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

Dennis P. chaired the meeting, which was called to order at 7:31pm.

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

Minutes: Greg W. made a **motion to approve as written the minutes of 1/19/15**. Andrea B. **seconded the motion**. Sarah M abstained. The Board voted **5-0**.

Will & Colleen MacKinnon: Sketch Plan Review of a 2-Lot subdivision of their 11 acre property located at 99 Black Dog Lane in the Ag district. Lot 1 would be 6a and include the existing house and Lot 2 would be 5a and include a proposed house site.

The Board viewed parcel maps. The Applicants have no plans now, but are troubled by the option being phased out. They understand the Towns' desire with the new regulations but they thought they would always have the option to subdivide and now they are doing it to meet the time window allowed for them to do so. Dennis P. mentioned the staff report, asking if the Applicants have read through it. The Applicant said yes, they have read it and are okay with the comments regarding the driveway. They might check with the neighbors to examine other options. They have not yet done any engineering. Black Dog Lane serves their house, and the Armstrong home. The Emerson home comes off the front end of the road. The Board noted that Red Truck Lane actually goes through to Charlotte.

Dick J. said option B looks good for a proposed house site on lot 2 and suggested the Applicant could look at using Red Truck Lane as the access. The Applicant said there are some areas of clay/wet areas of the parcel; they're not quite sure yet and just want the option open.

Dennis P. opened discussion to the public. There were no comments or questions. Dennis P. said he sees no fatal flaws with this application.

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

Hinesburg Center, LLC/David Lyman Phase II: Preliminary plat review (ctd from 10/6). The Applicant requested via email to staff that this be continued to the end of April. The Board agreed and reiterated the necessity for the Applicant to maintain contact with Staff or they reserve the right to deny the application. The Board agreed to continue the hearing to 5/3/16. Dick J. noted that the conditional use approval for fill in the flood hazard area expired on 12-17-2015. Ted B. made a **motion to continue the hearing to 5/3/16**. Greg W. **seconded the motion**. The Board **voted 6-0**.

R.B. & R.H. Goodrich: Sketch Plan Review (ct'd from 1/5) for a 9-Lot Subdivision of a 63.1a property, located west of North Road and north of Observatory Road in the RR1 District. Lots 1-8 would be 3 acre lots with single family dwellings on them. Lot 9 would be approximately 39 acres with no planned development at this time.

The Applicant said that since the last meeting, he has come up with another rendition for the Board to consider; a mix, he said, of options #1 & #3. In this new option, which is the version he wishes the Board to consider and vote on, has moved the road over by the Mello lot. The plan leaves Lot #1 & Lot #8 where they were in Option 1 (though they have changed size some). The house sites here have been moved out of the wildlife corridor to minimize impact. There is room between the homes to allow movement of wildlife.

Annie G. clarified that the regulations call for minimizing impacts, which does not just mean get the houses out of it. The Applicant continued, back to the Site Plan, showing that the lots now are 3 acres each (lots #1 & #8). Lot #2 goes around the corner a bit, he said, but the regulations allow this so long as there is restricted access to that area. The area by Lot #7 (by the Mellos) he has not yet decided what to do with; the Mellos have shown interest in purchasing a 3 acre lot as a buffer to their home and land.

The Applicant said Lots #1, 8, & 9 will be accessed via a 50' right-of-way (ROW). Lot #2 will have its own driveway. The building envelopes, he said, are 150' away from the road (except for Lot #5). There will be deed restrictions to keep the back portion open (he is also open to a conservation easement). He said he would like to be allowed to clear about 150' around each house.

The Applicant said test pits have not been done on Lot #8 yet.

The Board recollected the area from their site visit. They viewed parcel maps with slopes and elevations shown. The Applicant said the maps are not always accurate to the site.

Dennis P. asked if the area by Lot #7 will be a separate building lot, not just an extension. This led to some discussion about changes to Lot #7 and the potential impact on the Boards' review of this application. Sarah M. asked how the Applicant feels he is minimizing his impact on the wildlife corridor by moving the house lots. The Applicant said spacing between houses, the buffer to the road, etc. He feels that this is adequately preserving the habitat area and reiterated his stance in disagreement with the Town Map. Dick J. said it is likely that the Board will require smaller building envelopes to protect the core wildlife habitat and corridor areas.

Dennis P. opened discussion to the public.

Bob Mello spoke from the audience. He said in this new version that the Board is to consider, Lot #7 actually overlaps their property so to speak. Also, they strongly object to the road going along

(westerly) in such a way that it acts to “sandwich” all the existing homes between two roads. If he and his wife do buy 3 acres from the Applicant, this could also be done as a boundary line adjustment; we’re not wed to it being a developable lot (subdivision). Also, he voiced concern with potential impacts to their water source/well. They are also concerned with a potential house being in their back yard and how that may impact the rural character of the area.

Henry Bennis spoke from the audience, saying he has lived in the area for many years and can attest to the deer and wildlife in that area. He voiced his concern with the impact of development on the animals and their movements. There is also a vernal pool in the area as well, he noted.

Terry Frances spoke from the audience; an abutter to the south, he acknowledges that this application won’t impact him immediately and he supports the Mellos’ option to buy land from the Applicant to suit their needs. In such a case, he said, he would further support that action being taken as a boundary line adjustment as suggested by the Mellos. He went on to say that he feels the Applicant has done a pretty good job. He looks forward to possibly also adjusting property lines to protect his house.

Rod Rivers spoke from the audience, noting his sugar house is nearby and he doesn’t want to be told by some future owners to shut down his vacuum pump due to noise. Also, he pointed out, he has a spring there which must be protected 500’ uphill & 150’ downhill and asked the Applicant and the Board to be aware of contours and water flow.

Andrea Morgante spoke from the audience. She called for the Board to review the staff report carefully and address all issues of the regulations and Town Plan. This is a very challenging site here and they need to look at the piece of land itself. It appears to her that the Applicant is avoiding Act 250 review and said the Subdivision regulations DO say the Board can require an access plan to see how all the roads will work together. She feels that the Board should review this as an entire plan. She cited Section 5.1.1 & 5.1.2 Suitability of Development. She said the Applicant has demonstrated an understanding of slopes and she said there will likely be septic issues here. She encouraged the Applicant to use the Regulations & Standards to create a more responsible plan. She referenced Section 6.10.4 which also addresses lot layout and topography.

Maggie G. said she is curious as to why a PUD was not considered to enable and encourage clustering of houses which would result in increased green space and lessen impacts on wildlife habitat. She underlined the importance of Map 14 as it relates to the Wildlife Corridor. She agrees with what Henry has said. She said the Board and Applicant should consider the entire parcel to allow flexibility of design.

In response to public comments, the Applicant said he has put hours into this plan. There is not a PUD application here as there is not a PUD in the area—there is nothing in the area with dense clusters. He contests that the house sites are on steep slopes. The Habitat in the middle is left open, he points out. There are no current plans for Lot #9; maybe a PUD there in the future he suggested. He does not have to do a PUD application, he said. He assured Mr. Rivers that he will not infringe on his well and water supply.

John L. asked for clarification regarding the Wildlife Corridor. Is this a measurement, a distance, what? Annie G. said no, it is not a measurement or distance; it is just a requirement to minimize impacts.

Dennis P. **made a motion to close the public hearing and take up the application in deliberative session.** Greg W. **seconded the motion.** The Board **voted 7-0.**

The Board went into closed deliberative session at 8:58pm.

The meeting adjourned at 8:50pm.

Other Business: Election of Officers: Greg W. **made a motion to continue with officers as they are.** Ted B. **seconded the motion.** The board **voted 7-0.**

Ted B. excused himself from the discussion of his application. Greg W. noted in Finding of Facts #4 should read "Silver Street". Dick J. noted in Finding of Facts & Conclusion there should be an addition of mention to "Hydric soils" based on ANR maps as well as some reference to the General Slopes & Wetland mapping as discussed. Dick J. **made a motion to approve the draft approval as amended.** Greg W. **seconded the motion.** The Board **voted 6-0.**

Respectfully submitted,

Freeda Powers, Recording Secretary