

Town of Hinesburg
Development Review Board
April 19th, 2016
Approved 5/3/16

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

Representing Applications: Jason Barnard

Public Present: Cheryl Park Kupersmith, Michael Kupersmith, Lars Cartwright, John Niles, Charlie Niles, Elizabeth Niles, Joe Donegan, Tom Brennan.

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 agenda changes. There were no public comments for non-agenda items.

Minutes: Dennis P. made a **motion to approve as amended the minutes of 4/5/16**. Greg W. **seconded the motion**. The Board voted **5-0**.

Estate of Arlene O'Neil: Jason Barnard presented this application to the Board for Final Plat Review for a 2-lot subdivision of a 58.35 acre property located at 588 O'Neil Road on the northwest corner of the intersection with Leavensworth Road in the Ag District. Lot 1 would be 27.39A and include the existing house. Lot 2 would be 31.08A and would include a proposed house site for a four-bedroom single family home.

Revised building envelope details were provided (all structures to be within building envelope) for Lot 1. The building envelope for Lot 2 has been moved per staff comments to reduce the slope area within the building envelope.

The Applicant said they have received their state waste water permit. The wetland permit is currently under review. They have contracted with Dave Whitney for erosion and storm water control. Details of this plan were briefly described, to include grassy swales along the drive. Annie G. asked about ditching on the upper slope side of the driveway. The Applicant said there are no plans for ditching on that side per the engineering plans, but he assured the Board that due to the sheet flow of the driveway runoff, there will not be negative impacts. Dick J. confirmed and agreed with Annie's concerns and clarified with the Applicant that they must be cognizant of this concern in regards to the road elevation. He also reminded the Applicant that if we find that ditching or other mitigation is required post development, they will be required to come back before the Board and address the issue. Wetland impacts and buffer areas were noted on site maps.

Lot 1 & Lot 2 will both qualify for the states' Current Use program.

Dick J. asked about potential further development potential. The Applicant said due to topography (limited somewhat by wetlands) the likely areas for development would be the ridgeline or out towards the road. Annie G. reminded the Applicant to consider potential implications to the lands enrolled in Current Use if subdivided.

Dennis P. opened discussion to the public. There were no public comments or questions.

Ted B. made a motion to close the public hearing and take up in deliberative session. Dick J. seconded the motion. The Board voted 5-0.

Estate of Arlene O'Neil: Preliminary & Final Plat Review for a 3-lot subdivision of a 235 acre parcel located on the west side of Leavensworth Road and the south side of O'Neil Road in the Ag District. Lot 3 would be 6.75A and include a proposed house-site for a four-bedroom single family residence. Lot 4 would be 13.11A and include a proposed house site for a four-bedroom single family residence. Lot 5 would be 215A and would continue being used for Ag purposes.

The main parcel map was viewed. The Applicant noted a 50' North & South boundary line adjustment agreement with adjoining landowners (to be reflected in deed language).

As requested, the Applicant said, they have moved the building envelope for Lot 3 back into the sumac to get it out of the field a bit. They have submitted the road cut permit application and are awaiting approval.

The building envelope for Lot 4 will be to the east side of the ridge due to topography issues (ledge). There are no wetland concerns on this lot. Per staff comments on impervious surface area, an engineer has looked at the proposal and running the same calculations as the state does, the impervious surface created in this project will not exceed any triggers as the lots are not hydrologically connected. Annie G. clarified that though that calculation may apply to state standards, the Town standards do have a lower threshold (10,000 sq. ft.) and that our storm water regs are not based on if the lots are hydrologically connected or not and this project would still need to meet the new regs and address soil maps, LID maintenance plans and other concerns. The Applicant said he feels that the project meets all LID standards, etc. Annie G. said it would be good to have info to support Section 6.6 per the new regs.

There was some discussion about where the turnaround will be located on Levensworth Road. The Applicant is awaiting further feedback from the Town Road Foreman, Mike Anthony, on this issue.

Dick J. noted a boundary line change. The Applicant confirmed, saying in order to get the driveway moved, the boundary line has been moved south.

Dennis P. opened the discussion to the public.

Cheryl Park Kupersmith spoke from the audience, as an adjoining landowner, she had concerns regarding the road past the driveway and clarified plans to keep the end of the Class 3 road as it is to maintain the character of the area. Annie G. said ultimately, that discussion is up to the Town.

The Board recalled from a previous site visit that there is an existing bank of about 3-4' high to cut through. There is a culvert shown on the plans in this area. Regarding a ditch along the Class 4 portion of road, the Applicant said he would not mind seeing a swale there to take the road runoff. Cheryl Park

Kupersmith said she wants assurance of no negative impacts to her well. The Applicant and Board assured her that the plans meet all state septic setback and well-shield requirements.

Tom Brennan spoke from the audience, the property owner across from Lot 3, he asked why the road cut for the driveway to Lot 4 has been changed. The Applicant said based on feedback from the site visit, it was agreed that this change would lessen the driveway (and associated impacts) and increase the privacy for the lot.

Lot 3 & Lot 4 currently have no further development potential, per regs. The Applicant said they are no longer attempting development for Lot 6 at this time.

The Board agreed they would like follow up info regarding: Storm water, Road Cut/Improvements. They were ok with the requested waiver to make this a 2-step process.

Ted B. **made a motion to continue the public hearing to 5/3/16.** Greg W. **seconded the motion.** The Board **voted 5-0.**

Other Business:

- Annie G. announced that the Hannaford decision has been handed down from the environmental court. The details of the decision are posted on the town website and are available directly from Town Hall as well. The courts upheld the main site plan decision. Greg W. voiced concern with appeals on big project decisions and he strongly recommends that the town consider adopting On the Record Review as he feels we as a Board are getting no deference. If the town does decide to go in that direction, it was noted, the Board cannot pick and choose applications to do in this fashion, and it is either applied across the board or not at all.
- The Goodrich's have appealed their recent DRB decision. Abutting land owners have counter-appealed.

Greg W. made a **motion to close the public hearing and go into deliberative session to discuss the Dziurzynski, Galiga/Janda and NRG decisions.** Dennis P. **seconded the motion.** The Board **voted 5-0 and entered deliberative session at 8:39pm.**

The Board came out of deliberative session and adjourned at 9:02pm. The Board approved the following decisions:

Dziurzynski: Transfer of land to an adjoiner (memo to Zoning Administrator that the transfer is not a subdivision) - Approved 5-0

Subdivision for development on land being transferred - Approved 5-0

Conditional use for expansion of a non-complying structure - Approved 5-0

Galiga-Janda: Final Plat - Approved 4-0 (Ted B. abstained)

Wind NRG Partners, LLC: Conditional Use - Approved 5-0

Respectfully submitted,

Freeda Powers, Recording Secretary