

Town of Hinesburg
Development Review Board
August 16, 2016
Approved September 6, 2016

Members Present: John Lyman, Ted Bloomhardt, Dennis Place, Dick Jordan, Sarah Murphy, Rolf Kielman, Greg Waples departed at 8:01 pm

Members Absent: None

Representing Applications: Melanie Ryan (on behalf of Craig Martin)

Public Present: Larry Michaels

Also Present: Dawn Morgan (Recording Secretary) and Alex Weinhagen (Director of Planning & Zoning).

Dennis P. chaired the meeting, which was called to order at 7:32 pm.

Agenda Changes: None.

Public Comments for Non-Agenda Items: None.

Minutes of 07/19/16: Dennis P. made a **motion to approve the 07/19/16 minutes as amended.** Dick J. **seconded the motion.** The Board voted **5-0.** Greg Waples abstained, Rolf Kielman abstained.

Craig & Melissa Martin: Conditional use review for demolition of a barn built before 1940, and site plan approval for revised parking for an existing multi-family dwelling on a 0.49-acre property located at 10750 Route 116 in the Village Zoning District. The applicants are seeking renewal of an expired permit granted on November 18, 2014.

Dennis P. inquired as to if anything had changed with the application. Alex W. said that there had been some discussion of a revision to include the removal of a slab, but the Applicant has since decided to keep the slab intact. Therefore, there are no changes to the permit application.

Ted B. asked if the first application included mention of a stockade fence on the bank side of the slab. Alex W. said that although he had edited the Draft, the inclusion of the fence should be the same as in the previous Draft. After reviewing it further he confirmed that it indeed is included in Finding 7.

Dick J. noted that Conclusion 6 of the Draft, which speaks to possible erosion consequences if the slab is removed in the future, should remain in the application for future reference. Alex W. agreed.

Greg W. inquired as to why the application was continued, and the Applicant responded that project funding had been an issue. The Applicant added that their insurance policy will not be renewed unless they complete the project within this period. Rolf K. asked how long the Martin's have owned the property, and the Applicant responded that she believes it has been about 20 years.

John L. noted Conclusion 8 which speaks to the possible existence of asbestos, and the Applicant responded that she is aware that asbestos may be found and is in possession of the associated required State paperwork.

Rolf K. raised a question regarding the responsibility of owners to maintain properties as they degrade over time. He expressed concern about maintaining the overall character of the village area. There was general discussion regarding the topic and the circumstances under which it may, or may not, fall under the Board's authority.

There were no public comments. Dennis P. made a **motion to approve the written draft as amended**. Ted B. **seconded the motion**. The Board **voted 7-0**.

Other Business:

Alex W. reported that the search for Annie G.'s replacement as DRB Coordinator is ongoing.

Alex W. also reported that the Town's water system is ready to begin adding additional customers. He said that the new system has been online for weeks and is just waiting on permit approval from the State, which he believes should happen in the next few days. He noted that this will only affect a few customers and that there is still not enough capacity for the larger development projects that are waiting to be added to the water system.

Alex W. told the Board that BlackRock Construction is actively working with the Town to locate and drill new wells. He mentioned that 3 of the potential sites identified by the Town are located on the Haystack Crossing Project property, which is part of why they are interested in being involved. Greg W. asked if that was a private or Town-partnered endeavor. Alex W. confirmed that although BlackRock is privately funding the exploration process, there will likely be some negotiation regarding water rights for the Town.

Dick J. asked if they would be able to connect successful wells into the existing system, and Alex W. confirmed that is the goal. He further noted that other developers have also been involved in conversations about well exploration, but to date no others are actively working on location.

There was general discussion regarding waste water capacity. Alex W. mentioned that the Board may be seeing application extension requests from developers as they are being held up by the lack of water permitting.

Alex W. notified the Board that all three appealing parties involved in the Hannaford case are appealing the judge's decision to the VT Supreme Court. Greg W. broached the subject of an On the Record Review and expressed an interest in information regarding the procedure for that.

There was general discussion about the differences between an "On the Record Review" and a "De Novo Hearing". Alex W. suggested that it might be worth inviting someone from the VT League of Cities and Towns to come to a meeting and speak about the Municipal Administrative Procedures Act (MAPA). He further explained that if the Town's Select Board adopted MAPA, the Development Review Board would first need to modify its procedures slightly. Cases that are then appealed in court would be "On the Record Reviews" rather than "De Novo Hearings".

There was some discussion as to what the overall effect could be on future court hearings, should the Select Board decide to adopt MAPA. There was also discussion about inquiring to other towns who have participated in the process to see if they felt it had resulted in a positive impact on their communities. Alex W. said that he would put together a packet of information and the Board can then determine next steps.

John L. inquired as to why the Martin application needed to come before the Board for an extension. Alex W. said that the Applicant had forgotten to file for an extension and the opportunity expired. He said that Staff are clearly noting expiration dates on Board Decisions and have also implemented a reminder notification process for expiring applications.

- John & Julie Eastman: Sketch Plan Decision Deliberation for a 2 - lot subdivision at 324 Sherman Hollow Road – hearing closed on July 19, 2016. Dennis P. **made a motion to approve the sketch plan approval draft as written.** Dick J. **seconded the motion.** The Board **voted 5-0.** Rolf K. abstained.
- Anne & Rob Frost: Site Plan Decision Deliberation for a business to be located at 14337 Rte 116 – hearing closed on July 19, 2016. There was discussion regarding the description of landscaping, with no objections from Board members. Ted B. made grammar suggestions to Finding 6 and Conclusion 5. He also requested "to be paved" to be added to the last sentence regarding the access drive. Ted B. requested a change in the wording in Conclusion 1 to read "pavement and parking lots". There was discussion about the wording of Order 2(b), but no amendments were made. Ted B. noted that Order 5 should refer to Condition 2(b), not 2(c) as indicated in the Draft. He also requested an addition to Order 8 saying "the existing fixtures proposed for exterior lighting shall be replaced or shielded...". Alex W. agreed, as the Applicant had not proposed any additional lighting.

Dick J. asked if Order 2(c) also implied that the ADA parking space would be marked with ADA signage. Alex W. said that for clarity he will add language about including appropriate signage. Dick J. also commented that he is in favor of Order 9, which states that any future impervious surface additions would be calculated cumulatively.

Dennis P. **made a motion to approve the approval draft as amended.** Dick J. **seconded the motion.** The Board **voted 5-0.** Rolf K. abstained.

- R.B. & R. H. Goodrich: six-month extension of Sketch Plan Approval for a 9 - lot subdivision located at Observatory and North Roads - Decision 3/15/16. Alex W. reviewed with the Board the details of the project and there was discussion regarding an appeal that has since been withdrawn.

Dennis P. **made a motion to approve a 6-month extension for the R.B. & R.H. Goodrich Sketch Plan.** Sarah M. **seconded the motion.** The Board **voted 5-0.** Rolf K. abstained.

Dennis P. **made a motion to adjourn.** Dick J. **seconded the motion.** The Board **voted 6-0.** The meeting adjourned at 8:14 pm.

Respectfully submitted,
Dawn Morgan, Recording Secretary