

Town of Hinesburg
Development Review Board
October 04, 2016
Approved October 18, 2016

Members Present: Greg Waples, John Lyman, Dennis Place, Sarah Murphy, Rolf Kielman, Dick Jordan arrived at 7:43 pm

Members Absent: Ted Bloomhart

Representing Applications: Gary & Mary Thibault, Alex Broussard, Karl Usher and Samantha Nalette

Public Present: David Morgan, David Usher, Experience King

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 09/06/16: John L. made a **motion to approve the 09/06/16 minutes as written.** Greg W. **seconded the motion.** The Board voted **5-0.**

Gary & Mary Thibault: Final Plat Review for a two - lot subdivision located to the southwest of the Burritt/Baldwin Road intersection in the Agricultural Zoning District. The Applicants are proposing to subdivide an approximately 14.6 - acre lot into Lot 1 (2.5 acres) and Lot 7 (12.1 acres). This is a revision of a six - lot subdivision approved on 12/15/09.

The Applicant said he is working with an engineer on a solution for a septic system for the new lot. He said the engineer's best solution was to create a system on Lot 6 and then route one of the old systems to Lot 7 so they would not need to add anything to the agricultural land. If the Board approves this revision, then the engineer will be able to obtain approval from the State to move forward.

The Applicant said that GMP had previously moved back the transformer pad that was on the right of way, so it is now on the property line. However, the Applicant has since had meetings with GMP who noted that there is an existing pole along the neighbor's driveway that is within 100 ft. of one of the proposed sites. GMP has suggested that it might make more sense to run power from that pole, rather than add an additional transformer to the loop.

Alex W. further clarified that power could come under ground from either location. The Applicant noted that they do not have a preference but GMP would prefer to use the pole. He is waiting for the associated paperwork from GMP.

The Applicant said that they have just drilled a well on Lot 2. Alex W. explained that it was a condition of the sketch plan that the Applicant check well yields with the Agency of Natural Resources (ANR). Alex W. said that he was able to look the information up on the ANR's website and almost all of the wells in the area have reasonable yields.

The Applicant said that they shrunk the building envelope on the existing lot. It was originally slightly larger than 1 acre and is now just under .75 acres. The total lot size has been reduced from 4 acres to 2.25 acres. There is a potential buyer for that lot and they only needed enough space to put a barn and would like to use the remaining land for pasture.

Greg W. asked about development near the Lot 7 house site in the past several weeks. The Applicant said that they have started building on Lot 2 and they are actively clearing trees, stumps and there is a sawmill. Greg W. asked if they have sold any lots yet, and the Applicants said they had not. They further noted that the driveway has been changed from a Class 3 wetland to a Class 2 wetland so they are waiting for their permit.

Sarah M. asked if they plan to have just a barn on Lot 7 and the Applicants responded yes, a barn with an apartment.

Dennis P. made a **motion to approve the written draft as written**. Greg W. **seconded the motion**. The Board **voted 5-0**.

Alex and Anne Broussard: Revision of a Subdivision and Planned Unit Development located at 48 Orchards Commons in the Rural Residential 1 Zoning District. The Applicants are requesting waiver of a setback requirement for their 0.33 - acre lot to accommodate a proposed two story addition.

The Applicant explained that they would like to build a two story addition to their home over an existing deck and pergola. The deck and pergola were previously approved, however they are encroaching on the 20 ft. setback requirement. No other lots share the border, so addition would not encroach on a private residence, only encroach on common land. The Applicant noted that the members of the association are in support of the addition.

Greg W. asked how the addition will integrate with the house. The Applicant said they have a plan for a two story, 16 ft. addition. Greg W. asked if there were any issues with septic requirements and Alex W. confirmed that there were not.

Dick J. noted that the deck and pergola are also encroaching on the setback. Alex W. confirmed that the structure, along with the garage, should probably not have been permitted in the past.

He said the Draft proposes a refinement of the property line so that both the house and addition will be within the building envelope. The does not address the garage, which will remain an existing non-compliant structure.

Dick J. inquired as to whether the gravel sidewalk will remain and the Applicant said they plan to have it circumvent the entire house. Dick J. explained his concern that the sidewalk will then be on common land. There was general discussion regarding the sidewalk being placed on common land and whether the association is aware of this possibility, and screening both on and off common land. The Applicant said that he would be willing to get approval from the association.

Alex W. said that he would add language to the decision clarifying that the Board is willing to approve the structure but is neither approving or denying the creation of the sidewalk as common land use is a private matter for the association.

Dennis P. opened discussion to the public. David Morgan, a neighbor, said that he has no objections to the Town offering a waiver for the construction of the addition.

Dennis P. made a **motion to approve the written draft as amended**. Greg W. **seconded the motion**. The Board **voted 6-0**.

Karl Usher and Samantha Nalette: Revision of an approved subdivision at 1135 Pond Road in the Rural Residential 1 Zoning District. The Applicants are requesting an adjustment to the building envelope to accommodate their house design.

The Applicant explained that they would like to expand the previously approved building envelope by 40 ft. in order to accommodate a garage, based on topography.

Sarah M. asked if it would still be within the clearing envelope, and the Applicants responded that it would be. Dick J. asked what the current distance between the building envelop and the property line is and the Applicant responded that it is 20 ft. Alex W. noted that if the Board approves the adjustment the garage will comply with the side yard setback. The Applicant further explained that they will likely not build further north on the property as it is too steep.

Dick J. mentioned that his concern was headlights potentially sweeping into neighboring properties and whether there would be sufficient screening.

Greg W. inquired as to where the neighbors were located, in relation to the Applicant's property. Alex W. referenced a projected map for the group and discussion followed regarding the location of the driveway, proposed garage and neighboring properties. Alex W. noted that the change should not affect the drainage pattern.

Dennis P. opened the discussion to the public. Neighbor Experience King said that he was present because he was curious about potential runoff and the question of sweeping headlights. He said that he had no concerns about the change.

Sarah M. inquired about screening between homes and a discussion followed regarding appropriate location, type and quantity of screening to be called for in the decision.

Dennis P. made a **motion to approve the written draft as amended**. Greg W. **seconded the motion**. The Board **voted 6-0**.

Other Business:

News/Announcements

- Greg W. inquired about the plans to pave a portion of Baldwin Rd. Alex W. said that it is about 800 ft. from the intersection at Charlotte Rd. to the area around the top of the hill.
- Raymond & Denise Therrien: One-year extension request - Conditional Use Approval for development in a stream buffer. Decision dated 11/3/15.

Alex W. reminded the Board that they did a subdivision and as a part of that they needed a conditional use permit for a driveway crossing a stream. They have been working through the Act 250 process and are now ready to get their permit but do not want this to expire.

Greg W. **made a motion to approve an extension**. Sarah M. **seconded the motion**. The Board **voted 6-0**.

- Kevin & Dawn Francis: Extension request – Sketch Plan Approval of a 2-lot subdivision. Decision dated 11/3/15.

Alex W. said that the Planning Commission wanted to give owners enough time to plan the subdivision, particularly in regards to unforeseen issues that may arise. However, he expressed concern regarding allowing applicants to get too close to the final deadline. Greg W. suggested an extension of 6 months, since that is the standard extension length.

Dennis P. **made a motion to approve a 6-month extension for the Kevin & Dawn Francis Sketch Plan**. John L. **seconded the motion**. The Board **voted 5-0**. Rolf K. was not present.

Dennis P. made a **motion to adjourn**. Dick J. **seconded the motion**. The Board **voted 6-0**,
The meeting adjourned at 8:36 pm.

Respectfully submitted,
Dawn Morgan, Recording Secretary