

Town of Hinesburg
Development Review Board
November 1, 2016
Approved December 6, 2016

Members Present: Greg Waples, John Lyman, Ted Bloomhardt, Dennis Place, Sarah Murphy, Rolf Kielman, Dick Jordan arrived at 7:36 pm

Members Absent: None.

Representing Applications: Brett Grabowski

Public Present: Dan Jacobs, Kyle Bostwick, Meg Handler, Russell Fox, Alyssa Lasher, Brian Hunter, Bob Hines, Greg Topchick.

Also Present: Dawn Morgan (Recording Secretary), Alex Weinhagen (Director of Planning & Zoning), Mitchel Cypes (DRB Coordinator & Zoning Administrator).

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 10/18/16: Greg W. made a **motion to approve the 10/18/16 minutes as written.** Rolf K. **seconded the motion.** The Board voted **5-0.**

Hinesburg Center, LLC/David Lyman (Phase II of the Hinesburg Center Project): Subdivision Preliminary Plat Review. The Applicants have proposed 25+ lots, 69 dwelling units, 13,400 sq. ft. of commercial space, and open/green space on a 46 - acre undeveloped property located west of Kinney Drugs and north of Farmall Drive in the Village Zoning District, however they are considering seeking approval for only a partial build - out at this time. Hearing continued from 10/6/15, 2/2/16, and 5/3/16. Sketch Plan Approval was granted on April 27, 2015.

John L. recused himself from the discussion. Alex W. reviewed for the Board the location of the project and that it had received prior approval in 2015. Alex W. said that the lack of adequate Town water supply had been an issue and that the application had been continued multiple times to allow time for the water issue to be addressed. Alex W. said that the Board is revisiting the project at this meeting because this was the most recent continuance date.

Alex W. said that the project had also received a conditional use permit in 2013 for fill in the flood hazard area to make the project possible. Alex W. said that permit had expired and the Applicant submitted another permit application, which was continued until this meeting. Alex W. also noted that there have been changes in the Act 250 process that may affect the permit.

The Applicant presented the original sketch plan on screen as review for the Board. The Applicant noted that a lack of water has been the issue keeping the project from moving forward as originally proposed.

Alex W. gave a status update regarding the progress of well exploration. He said the Town has drilled exploratory wells along Shelburne Falls Rd, but none of the sites have produced enough water for development into a public water source. The Town then had a hydrologist identify additional sites in the same general area and Blackrock Construction (developer of Haystack Crossing) has drilled one of the potential sites on the Haystack property, at their own cost. The Town is waiting to hear the results of final testing to determine if it is a viable well. Alex W. said that even if a viable water source is located, it will most likely be a significant period of time (2-1/2 to 3 years) before the well can be brought online.

The Applicant went on to say that he has been working with Staff on this application over the past several weeks to see if there is a way to go forward with a portion of the project until the water situation can be resolved. The result is a request to the Board to approve a smaller phase of the overall project.

The Applicant said that there is still research that would need to be completed before a final plat for Phase I would be developed. There was discussion about questions to be investigated, including the mix of residential vs. commercial units, number of bedrooms per unit and the associated water/waste water capacity, storm water management, required fill, etc.

Alex W. clarified for the Board that the Applicant is requesting the Board to give an advisory opinion on entertaining a revised plat instead of sending the project back to sketch. Alex W. noted that this meeting should attempt to answer that question and refrain from getting too far into the details of the project, as there will be time for that at a future meeting. Greg W. said that the proposed changes are significantly different from what was previously approved (significant commercial space eliminated, open areas revised), and he would be hesitant to approve the changes without asking for a revised sketch plan.

Ted B. asked when this plat application expires, and Alex W. said that the Board has had a preliminary plat application for the past year and has been continuing it since then. Alex W. suggested that the Board either adjudicate or continue the plat application until the revised plat can be fully developed.

Dennis P. asked if there was enough sewer allocation and Alex W. responded that the Applicant submitted an application to the Select Board, who denied it, and the matter is now in court. Alex W. clarified that there is both water and waste water capacity for the smaller phase of the project presented at tonight's meeting. There was general discussion about the Town's overall water and waste water allocations for this year.

Dennis P. asked if the Town does not locate an additional water supply, would tonight's proposed changes be the end of the project, and Alex W. confirmed. Dick J. asked for clarification on Greg W.'s earlier point that the proposal would represent significant changes. Dick J. acknowledged that although the light industrial has been removed from this proposal, he would want to see where it will be moved to in later phases. Dick J. also suggested that a recreational plan could be included that could be permanent if this were the only completed phase of the project, or could be adjusted as additional phases are brought online. Dick J. said that he sees this as a 3 phase project, and that certain requirements could be placed on Phases 2 and 3.

Greg W. noted that there is no guarantee that the remaining phases would be completed, so this should be viewed as a stand-alone project. General discussion followed regarding the costs/benefits to viewing it as a 3-phase project, and what potential changes would be presented if it went back to sketch. There was also general discussion regarding the flood plain and elevation levels of the project and surrounding area.

Dennis P. opened the conversation to the public. Greg Topchick discussed the elevation of the project in relation to the neighboring Creekside community and the associated community green space. Greg T. said that the community space is already very wet during rain events, as it is lower than Rte 116. He expressed concern and the proposed project may result in increased runoff into the Creekside community. Greg T. said that he has additional questions, but they are more specific and will apply once the plat or sketch plan is revised.

Bob Hines inquired as to whether the water from a potentially successful well is already allocated. Alex W. said that if Blackrock finds a good well, the understanding is that they will also do a phased project and they will be allocated enough water to complete the first phase. The remaining water will be allocated to the Town's water supply, possibly to be allocated to other projects that are waiting for water. Bob H. asked if Alex W. had an idea of when the results from current drilling would be ready, and Alex W. said possibly by the end of November. But Alex W. reiterated that it could be several years before the well is online.

Kyle Bostwick said that he also has many questions about the details, but that in general he agrees with the concept of a phased project. He expressed concern, however, that from his perspective other phased projects had resulted in mounds of soil and garbage lingering on site until all of the phases were completed. Kyle B. said that the Town has one opportunity to create a downtown. He expressed concern that a phased project may result in a project that is not well thought out and results in more residential units but does not include light industrial units. Kyle B. also said that he is concerned that the issue of flooding will not be dealt with properly. Dennis P. asked if Kyle B. felt that his concerns would be addressed if the project went back to sketch, and Kyle B. responded that he was unsure.

Alissa Lasher said that she is also concerned about light industrial units missing from the first phase.

Rolf K asked how much of Creekside is located in the flood plain. Alex W. said that the Creekside flooding is a runoff issue, and that Creekside is not located within the flood plain. General discussion followed about flooding in the Creekside community and Mitch C. noted that there is a very high water table in the entire area, which results in a rising water table during high rain events.

The Board continued with general discussion about whether to continue or deny the application.

Greg W. made a **motion to deny the preliminary plat without prejudice, and to instruct staff to draft a formal written decision.** Ted B. **seconded the motion.** The Board **voted 6-0.**

Hinesburg Center, LLC/David Lyman (Phase II of the Hinesburg Center Project): Conditional Use Review for Development in a Flood Hazard Area. The Applicants are proposing to place approximately 55,000 cubic yard of fill on the site, of which 17,000 cubic yards will be in the Patrick Brook and LaPlatte River flood hazard area. The remaining 38,000 cubic yards will be outside of the flood hazard area. Hearing continued from July 19, 2016. A Conditional Use Permit was granted on December 17, 2013 but has since expired.

Alex W. asked the Applicant if he would like to withdraw the application, in light of the denial of the previous application. The Applicant said that he is making the same request as submitted in the original application. There was discussion regarding the merits of an application for the entire project or for only Phase 1 of the project.

Greg W. said that since this application is tied to the previously denied application, it makes sense to send this application back for a first stage review that is aligned with the new sketch plan for Phase 1 of the project. Ted B. said that he agrees.

John Lyman (as a member of the public) asked why the developer should be required to create a master plan for the project instead of just a plan for Phase 1. Sarah M. and Alex W. said that it helps ensure that all of the phases will tie together. Ted B. said that it would just be a conceptual master plan, and that each phase would still require Board approval.

Dick J. said that with a phased project, the Board approves all phases under the existing regulations. Alex W. confirmed that yes, if there was water available then all phases would be approved. Dick J. went on to say that it makes sense to approve this application as a phased project. Alex W. said that it would depend on what the Applicant returned with for the project sketch plan. If it is for the entire project, then the fill application would be for the entire project. But if it is for a smaller project then the fill application would be matched in size. There was general discussion about a phased project sketch plan versus a smaller sketch plan.

Greg W. made a **motion to deny the application**. Ted B. **seconded the motion**. The Board **voted 6-0**.

Other Business:

- **Brenda Farrington: extension request – Sketch Plan Approval for a 2 - lot subdivision. Decision dated 11/17/15.**

Greg W. **made a motion to approve an extension of 6 months**. Ted B. **seconded the motion**. The Board **voted 7-0**.

- **On the Record Review discussion:** Alex W. presented the Board with a 2008 report from the Vermont League of Cities and Towns (VLCT) that explains on the record review and how it works. Alex W. said that the town of Shelburne is implementing the process and that Middlebury has been using it for a long time and is very happy with it. He also said the Colchester's attorney recommended against it.

Alex W. explained that the process of perfecting the record needs to be defined by the Town in advance, and once in place the environmental judge will have to uphold the Board's decisions. He said that the process involves detailed documentation and exhibits. He went on to say that it often involves formal communication with applicants and the public, often with legal counsel present.

General discussion regarding the ramifications of adopting the process. Greg W. requested additional time for the Board to reflect on the process.

News/Announcements/Correspondence

Alex W. said that the Town is actively advertising for a Zoning Administrator.

Dennis P. made a **motion to adjourn**. **Greg W. seconded the motion**. The Board **voted 6-0**,

The meeting adjourned at 9:14 pm.

Respectfully submitted,
Dawn Morgan, Recording Secretary