

Town of Hinesburg
Development Review Board
March 7, 2017
Approved April 4, 2017

Members Present: Greg Waples, John Lyman, Dennis Place, Ted Bloomhardt, Rolf Kielman arrived at 7:31 pm, Dick Jordan arrived at 7:34 pm, Sarah Murphy arrived at 7:38pm

Members Absent: None.

Representing Applications: Richard & Jennifer Winegar, Jason Barnard & Leo Beshaw, Jeff Glassberg, Kevin Worden

Public Present: Rob Goodwin

Also Present: Andy Greenberg (Alternate Member), Jonathan Slason (Alternate Member), Dawn Morgan (Recording Secretary), Mitchel Cypes (DRB Coordinator & Zoning Administrator)

Dennis P. chaired the meeting, which was called to order at 7:30 pm.

Agenda Changes: None.

Public Comments for Non-Agenda Items: None.

Minutes of 02/21/17: Greg W. made a **motion to approve the 02/21/17 minutes as amended.** Ted B. **seconded the motion.** The Board voted 5-0.

Richard & Jennifer Winegar: Revision to a final plat subdivision. The applicants are proposing to purchase a strip of land from their neighbors, Roger and Heather Trembley. The properties are located at 136 and 231 Brookside Lane in the Agricultural Zoning District.

The Applicant said that they are applying to purchase .46 acres from their neighbors, Roger and Heather Trembley. He said that when their house was surveyed they discovered that the property line was closer to their house than they originally thought. The Applicant said that, given the topography of the land, the piece of property in question fits naturally with their home rather than the Trembley's. He said that the previous owners had been using and maintaining the property for years and the Trembley's did not realize they owned it until the Winegars found a pin while clearing brush in the area. He said they approached the Trembleys about purchasing the property and they were agreeable.

Ted B. noted a utility easement and asked if it was new. The Applicant said that it was for an existing multi-home sewer system. Ted B. asked if the easement would transfer with the property and the Applicant said it would. There was some discussion regarding property line presentation on survey drawings.

There were no public comments.

Dennis P. made a **motion to approve the draft as written**. Rolf K. **seconded the motion**. The Board **voted 6-0**. Sarah abstained.

Theresa D. Giroux Revocable Trust: Sketch Plan Review for a 2-lot subdivision and planned unit development (PUD) located at 429 Richmond Road in the Rural Residential 1 Zoning District. The applicant is proposing to sub-divide an undeveloped 8.47-acre parcel into two parcels. One parcel will be approximately 3.0 acres with a proposed 3-unit multi-family residential structure. The second parcel will be approximately 5.48 acres with a proposed 4-unit multi-family structure. Continued from 2/21/17.

The Applicant said they went to look at the Lilly Lane property in South Burlington, as well as the Green Street development as the Board suggested during the previous meeting. He said, respectfully, that those designs were not quite the intent with this planned development. He said they also had a chance to review the regulations and are still hoping to keep the project as a 2-lot subdivision, regardless of whether it ends up being 1 or 2 PUD's. The Applicant said that they also reviewed the number of proposed parking spaces and it amounts to 3 spaces per 3-bedroom unit.

The Applicant said that the project complies with the requirement of over 25% common land for that zoning district. He said they provide greater than 50% common land on lot 3 and 30% to 40% on lot 2. The Applicant went on to say that, according to Section 4.7 of the regulations, the common land does not have to be created as a separate lot. He said they believe having common land associated with specific ownership will provide an easier environment for maintenance and property taxes over time. The Applicant also said that another option would be for additional clearing for common land if that is something the Board would like to see instead.

The Applicant noted that they are not requesting any density bonuses, which would allow for up to 10 units, but they are only requesting to develop 7 units.

Greg W. read section 4.9 from the PUD regulations and expressed that he has some skepticism about lot 2 as a free-standing PUD. He went on to say that he could possibly support 2 PUD's if the order called for lot 2 to have full access to any green space associated with lot 3. Greg W. said that would effectively be 2 PUD's with both lots having legal access to all of the open space. The Applicant said they do not have an issue with that concept.

Greg W. expressed concern about providing common land access through easements, as someone could potentially purchase both lots and then extinguish the easements. Dick J. asked if that was something the Board could require of 2 separate lots, and Greg W. responded that he thought the Board could require it through the order. The Applicant said that it could also be done through deed covenants, and Greg W. reiterated that covenants would not be enough for him. Ted B. noted that covenants giving the rights by deed would be required as well, but that the order could disallow extinguishing of the easements. The Applicant indicated that they did not have an issue with that.

Sarah M. said that she likes the idea of easements better than the suggestion of clearing more land. The Applicant said that additional clearing was just an offered option. He went on to say that they also talked with a number of individuals about creating smaller parcels for financing purposes and that option did not seem appropriate for this development.

Dick J. said that one of the things the Board will be looking for is a clear indication in the rental agreements of what areas tenants will have a right to use, similar in nature to what is required for the Green Street project. Sarah M. noted that the Applicant will still need a waiver for the Richmond Road frontage along lot 3, and the Applicant said that lot 3 could be 3 acres if the pin was shifted a little. Rolf K. said he was pleased that the Applicant had looked at alternative configurations and inquired as to what drove the particular arrangement of this development. The Applicant said that the goal was to provide units that were condensed into one area, tucked back into the property while still maintaining enough distance from the existing home. The Applicant went on to say that they liked the idea of keeping the units close together, as opposed to creating single family homes that were more spread out. Rolf K. said that the PUD regulations called for innovative developments and asked what was innovative about this particular project. The Applicant said that at this stage the innovation stems from the clustered nature of the layout. Rolf K. expressed concern over the size of the parking lots and the Applicant indicated that they could eliminate some parking.

Greg W. said that people driving by won't necessarily see the units or parking lots, but thought that Rolf K. might be trying to express concern for how residents of the property might feel. Dick J. noted that people driving by will be looking at the parking lots, further referencing a rule applying to commercial buildings that parking shouldn't be in front of buildings. There was additional discussion regarding parking, unit design and location, and whether the project was conceptually innovative.

Mitchel C. read an email with public comments from Ann Janda, a neighbor, expressing concern about back porches of the units encroaching on the privacy of their property. Anne J. requested that the developer move the units at least 10 feet west from where they are currently located on the sketch plan. Anne J. went on to say that ideally the back porches could be facing north, abutting the other Giroux property. She said that moving the porches would also give the units some south facing windows, which she believes they do not currently have.

Ted B. and Greg W. both acknowledged that this is the sketch phase of the process and many of the issues can be worked on and resolved during the preliminary phase.

Ted B. made a **motion to close public hearing and direct staff to draft conditions of approval**. Greg W. **seconded the motion**. The Board **voted 6-0**. Rolf K. stepped out briefly at 8:02 pm and was not present for the vote.

Wind NRG Partners, LLC: Revisions to a final plat subdivision and planned unit development (PUD) originally approved on 10/20/15. The applicant is proposing to modify several internal lot lines. The property is located on the east side of Route 116, north of Patrick Brook, in the Village Northeast Zoning District.

The Applicant, represented by Jeff Glassberg and Kevin Worden, noted that the project is also on the agenda for an extension of their sketch plan approval. He said that they are trying to work within the confines that exist today, with respect to water and sewer availability. Jeff G. said that the goal of this application is to proceed with the light industrial component of the project while they wait for the utility issues to resolve. He said that the light industrial component has very low water and sewer requirements, as opposed to the residential component.

Kevin W. showed the proposed revised plat on screen. He said that currently both parcels contain wetlands and flood plain, so they are proposing to adjust the lines so that one parcel has greater development use and the other parcel is comprised of primarily wetlands and flood plain. Jeff G. said that in many respects this would create a conservation parcel along the south boundary, and they are actively working with the Town Administrator to encumber in order to accommodate wetlands mitigation to complete the sidewalk extension north out of the village.

Kevin W. said that the other adjustment would be that Riggs Rd. would also be on the revised parcel. Dennis P. asked why the road would be on the new parcel, and Jeff G. said that the road is currently on the lot with the Renewable NRG Systems building. Jeff G. said that by adjusting the boundary line, the road would become a common element with the revised lot. He went on to say that it would provide greater flexibility in terms of implementing the master plan in the future. Kevin W. said that there is a proposed right of way across Riggs Rd.

Greg W. asked what the benefit was of extending the southern border for the lot along 116. Kevin W. said that while the 2 lots are currently developable, one of them is mostly encumbered. Kevin W. said that the proposal served to consolidate the usable area.

Greg W. asked if the revised lot would be a single lot or if the developer anticipated coming back to the Board. Kevin W. said it would be a single lot. Jeff G. said that they could have multiple building footprints on a single lot to accommodate the light industrial as shown on the master plan. Jeff G. said that they then hope to come back for site plan approval. He continued by saying their goal is to create a clear path to allow businesses to come to Hinesburg. Mitchel C. said that once this application is approved, the Applicant can then go to the Select Board to ask for a preliminary water and waste water allocation in preparation for site plan approval.

Ted B. noted that these are existing lots so the Applicant could go to the Select Board to ask for allocation now. Jeff G. said that they would not be able to accommodate the light industrial footprints as they have shown in the master plan on the existent lot boundaries. He went on to say that part of the master plan included lot reconfigurations. There was general discussion regarding the lot boundary lines, clarifying the Board's understanding of the proposal. Greg W. noted that much of the property to the South East is wetlands and useless to development other than for solar arrays or similar uses.

There were no public comments.

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

Other Business:

Wind NRG Partners, LLC: Extension request–Sketch Plan Approval for a major subdivision and PUD. Decision dated 10/20/15. Previous extensions were granted on 4/5/16 and 9/6/16.

Dick J. asked if anything in this sketch plan is nullified by the previous application and Jeff G. said no. Jeff G. said that, with the Board's consent, they would like to keep the sketch plan in place and continue working with the Town and other land owners to advance conversations with respect to access to necessary utilities.

Ted B. asked when the sketch plan was originally approved and Jeff G. said October 2015. Ted B. asked if there had been 2 prior extensions granted and Jeff G. confirmed. Dick J. asked if anything in the Town's regulations had significantly changed, and if those changes would cause the Board to change anything they talked about previously. Mitchel C. said there were not. Mitchel C. went on to say that going forward the Applicant could be planning to add a few additional lot lines and properties. Jeff G. said that the need to phase the project could potentially effect the number of residential lots and sizing. As a result, Jeff G. proposed that they would like to come back to the Board after the water and waste water issue is resolved to "check in" before moving forward.

Greg W. said that the Board would be amenable to a consultation meeting and Ted B. said that changes could happen between the sketch and preliminary phases, as long as they are not dramatic.

Dennis P. made a **motion to approve the extension request for 6 months**. Rolf k. **seconded the motion**. The Board **voted 7-0**.

R.B. and R.H. Goodrich, LLC: Extension request–Sketch Plan Approval for a major subdivision. Decision dated 3/15/16. Previous extension was granted on 8/16/16.

Mitchel C. said the Applicant was unable to attend the meeting. Ted B. noted that the previous item had been a 3rd extension request and this item was a 2nd extension request. Sarah M. said that in both cases the Applicants were working to resolve issues.

Mitchel C. said that the Applicant's concerns are regarding a right of way on observatory lane. He said the Town has as a right of way but has not made it into an actual road. Mitchel C. said the Applicant says there was an agreement between the Town and the previous owner that if the road was built the Town would eventually take it over. Mitchel C. said that there is now a dispute as to where the road was actually built.

Greg W. said that this is an old matter and would like to make it clear that this is the last extension to be granted. Mitchel C. said that would be his recommendation as well and acknowledged that there are other issues with the proposed development and would like to provide them with some better options than what they have proposed.

Greg W. made a **motion to approve the request for a 6-month extension and the Board does not anticipate granting any further extensions**. Rolf K. **seconded the motion**. The Board **voted 7-0**.

News/Announcements/Correspondence

Mitchel C. said that the next meeting was planned to be a training for tablet use, but the tablets aren't quite ready yet. He said that the training may be during the April 18th meeting. Dick J. requested having the large maps printed at the table and Mitchel C. agreed.

Dennis P. asked if there was anything scheduled for the next meeting and Mitchel C. said that there are two decisions but they could be addressed at the April 4th meeting. The Board decided to cancel the March 21st meeting.

There was discussion about changing the meeting time from 7:30 pm to 7:00 pm. Dennis P. asked the Board to think about it for discussion at the next meeting.

The meeting adjourned at 8:38 pm.

Respectfully submitted,
Dawn Morgan, Recording Secretary