

Town of Hinesburg
Development Review Board
May 16, 2017
Approved June 6, 2017

Members Present: Greg Waples, Jonathan Slason (Alternate), Andy Greenberg (Alternate) Dick Jordan, Dennis Place, Ted Bloomhardt, Rolf Kielman

Members Absent: John Lyman, Sarah Murphy

Representing Applications: Sophia Morton, Jesse Paul, Stephanie Spencer, Lily Stolberg, Andrew Stolberg

Public Present: Robin Edelman, Helen Rosenblum, Peter Rosenblum, Russell Fox

Also Present: Dawn Morgan (Recording Secretary), Mitchel Cypes (DRB Coordinator & Zoning Administrator)

Dennis P. and Dick J. chaired the meeting, which was called to order at 7:31 pm.

Agenda Changes: The Torry & Daniel Tucker extension request for Sketch Plan Approval was removed from the agenda because the Applicants were able to submit a completed application. Therefore, an extension is no longer needed and the application will be on the June 6th meeting agenda.

The iPad training was removed from the agenda and will be rescheduled for the June 6th meeting, as Staff is working on configuration and training setup.

Public Comments for Non-Agenda Items: None.

Minutes of 05/02/17: Ted B. made a **motion to approve the 05/02/17 minutes as amended.** Greg W. **seconded the motion.** The Board voted **6-0.** Rolf Kielman abstained.

Sophia Morton & Jesse Paul: Sketch Plan and Planned Unit Development (PUD) Review. The applicants are proposing to subdivide their approximately 11.0-acre property located at 343 Partridge Hill in the Rural Residential 1 Zoning District. Lot 1 would be approximately 5 acres and include the existing residence. Lot 2 would be approximately 6 acres and include a proposed house site and green space.

The Applicants said that they are hoping to subdivide their current 11 acres into two separate lots. The proposed Lot 1 includes an existing house and the proposed Lot 2 includes a proposed house site and 2.75 acres of protected green space. The Applicants said that they are applying for a PUD, as Lot 1 does not meet the minimum 3-acres on at least one side of a right of way. They said they have included the green space on Lot 2 as part of the PUD application, and that the green space is near a core wildlife habitat that is located on the adjacent Quinn property.

Ted B. asked how many acres of Lot 1 are on one side of the right of way, and the Applicant said it was between 2.8 and 2.9 acres. Greg W. noted that section 4.5 calls for PUDs to be innovative and flexible

design developments. He said that the Board has heard applications for PUDs recently, and is concerned that they are bending the language of the regulations in ways that may cause issues in the future.

Jonathan S. asked how the Applicant determined the amount of acreage to be set aside as protected land, and the Applicant said that it was 25% of the total land acreage. They said that their Association has a minimum of 5-acre lot sizes, so they would be meeting both the Association and Town requirements (Town requirements being a minimum of 3-acre lot sizes in this district). Dick J. asked if there was any legal standing to the Association's requirements, and Greg W. said that the Association can require bigger lots but the project would not be allowed to be under the Town's required 3-acres.

There was general discussion about the location of the core wildlife habitat and neighboring properties. Jonathan S. asked why the Applicants wished to subdivide their property, and they responded that they will outgrow their current house but would like to remain in their community. They said that if this project was approved they would like to build a home on Lot 2 and stay in the community long term. Dick J. asked if their access would be off of Red Pine Rd., and the Applicants confirmed. Dennis P. asked how many homes were beyond the proposed 2.75-acre green space, and the Applicants said there are two.

Greg W. asked how the application meets the requirements for a PUD in terms of innovation, flexible design, appropriate use of land, etc. The Applicant responded that the 2.75-acre protected area would extend the area of non-buildable space. Dick J. noted that the expectation of a PUD would be for the owners of Lot 1 to have access to the green space, and that they would need to cross Lot 2 in order to reach it. Dick J. asked if there would be a path or community space for both lots to use. The Applicants said that Red Pine Rd. is currently a right of way through their property that everyone has access to. They went on to say that there are walking trails, accessed via Red Pine Rd., and that they would continue to allow the access.

There was general discussion about PUD requirements, whether the 2.75-acre green space would allow the project to meet the definition, and alternative division boundaries that would allow the project to progress without needing a PUD approval.

Dennis P. opened the hearing to the public. Peter Rosenberg (an Association member) said that his understanding of the Association regulations was that there could not be more than one subdivision per 10-acre parcel, but did not limit the lot size. He went on to say that the right of ways are for common usage, but each right of way is owned by the landowner. Russell Fox (an Association member) concurred.

There was general discussion about alternative subdivision boundary configurations. Greg W. said that, given the new information provided by the neighbors regarding Association subdivision requirements, there was additional investigation to be done on the part of Staff. He went on to say that the Board would also need written approval from the Association.

Mitchel C. provided the Board with written comments in support of the project from neighbors Brad Blanchette and Tim Bourne.

Ted B. made a **motion to continue the hearing until to 7/18/17 meeting**. Dennis P. **seconded the motion**. The Board voted **7-0**.

Stephanie Spencer: Final Plat Review of a two-lot subdivision of an approximately 21.3-acre property located on the east side of Turkey Lane in the Agricultural Zoning District. Lot 1 would be 3.05 acres and include a proposed house and garage accessed from Turkey Lane. Lot 2 would be 18.25 acres and remain undeveloped.

Rolf K. recused himself from the hearing.

Mitchel C. provided the Board with additional written information that he had just received. He said it included a letter from the Applicant's wastewater designer, a written response to Staff comments from the Applicant, and a letter of concern from David Haber (neighbor) and Robin Edelman (neighbor).

The Applicant said that they are seeking approval of a 2-lot subdivision of a 21.30-acre property, and for a lot transfer of the remaining lands to an adjacent 89.13-acre property (which is also owned by the Applicants).

The Applicant said that they are proposing to subdivide a 21.30-acre property into a 3.05-acre Lot #1, which has a proposed building envelope, and an 18.25-acre Lot #2 with no proposed development. The Applicant said they would then like to transfer the proposed Lot #2 to an adjacent 89.13-acre property, which is also owned by the Applicants.

There was discussion about the specific boundary lines to be dissolved as part of the property transfer. Dennis P. asked if the Erb family had a sewer easement, and the Applicant confirmed that it was for their leach field. Ted B. asked for clarification as to how many lots the application would be creating, and the Applicant replied that it was for 1 lot (Lot #1) with a house. The Applicant went on to say that there was a house on the property at one time but that it no longer existed. Andrew G. asked if that was the house referenced in an engineering letter, and the Applicant said that there was a house and foundation but it is no longer there.

Dick J. noted that the lot is eligible for two units and asked if they would be moved to Lot #1. The Applicant said that they only want to build one house. Dick J. clarified that the Applicant was allowed to build just one unit if they wanted to, but that it needed to be on record that the lot was eligible for 2 units. He said that in the event that the lot was ever sold, the new owners would be eligible to build two units.

Jonathan S. asked about the wastewater design letter, and Greg W. noted that it was a work in progress. Greg W. went on to express disappointment that the application was not complete. The Applicant said that they had been under the impression that the wastewater design was to be completed, and asked if it was dependent on the State to approve the plan. Greg W. said that it should have been completed prior to the hearing, but said that the Board could issue a decision saying that nothing could be recorded until everything was completed.

Johnathan S. noted a concern raised by a neighbor about the access to the driveway possibly being a safety issue. He said that if that is the case then it should be investigated further. Dennis P. said that there was a curb cut approved by the Town.

Dennis P. inquired about a utility easement, and the Applicant said that there was no need for one. Dennis P. asked about the stormwater plan, and Dick J. said that the plan should be completed for the

Board's review prior to a vote. The Applicant said that once they begin work on the driveway the engineer would have a better idea of design needs.

Greg W. asked what the Board was being asked to approve, since the application was not complete. The Applicant noted that the Board could draft a decision with contingencies. Mitchel C. explained that the engineer has to be able to explain what will happen in a larger storm event. Mitchel C. went on to say that in addition, much of the stormwater system would be on to the neighboring property to the south and an easement would be needed.

Greg W. reiterated that the application was incomplete and that more work needed to be done before the Board could vote. There was additional discussion about stormwater design and how soon the Applicant would be able to schedule another hearing.

Dennis P. opened the discussion to the public. Robin Edelman (a neighbor) discussed the letter of concern that was submitted to the Board. Dick J. and Ted B. noted that the stormwater map that Robin E. was referencing was conceptual for a worst-case, 100-year flood scenario, so there may not be as much development as is represented on the map. There was some additional clarifying discussion about Robin E.'s concerns.

Ted B. **made a motion to continue the hearing to the June 6th meeting.** Dennis P. seconded the motion. The **6-0.**

Rolf K. returned to the Board.

Other Business

David & Kathleen Newton: Decision deliberation – Variance Review for a cottage industry located at 9303 VT Route 116. Hearing closed on May 2, 2017.

Dennis P. recused himself from the hearing. Dick J. chaired the hearing.

Greg W. suggested amending the decision to list the individual votes for each of variance. The Board agreed.

Greg W. **made a motion to approve the variance review as amended.** Ted B. **seconded the motion.** The Board voted **5-0.** Rolf K. abstained.

David & Kathleen Newton: Decision deliberation – Conditional Use and Site Plan for a cottage industry located at 9303 VT Route 116. Hearing closed on May 2, 2017.

Jonathan S. suggested providing more specificity on how much of the impervious surface west of the new structure would be removed and replaced with grass. Jonathan S. inquired as to whether order #5, which says the expansion of use shall require additional review and approval by the DRB, meant change of use. Greg W. said that since it is a non-conforming lot, and further expansion or change in the use will require additional review and approval. Jonathan S. suggested some formatting changes. Mitchel C. said he would amend the decision appropriately.

Greg W. **made a motion to approve the conditional use and site plan as amended.** Dick J. **seconded the motion.** The Board voted **5-0.** Rolf K. abstained.

The meeting adjourned at 9:10 pm.

Respectfully submitted,
Dawn Morgan, Recording Secretary