

**Town of Hinesburg
Development Review Board
October 17, 2017**

Approved November 7, 2017

Members Present: Greg Waples, John Lyman, Sarah Murphy, Dick Jordan (arrived at 7:34 pm), Dennis Place, Ted Bloomhardt (Joined the Board after the Bloomhardt hearing), Andy Greenberg (Alternate)

Members Absent: Rolf Kielman, Jonathan Slason (Alternate)

Representing Applications: Ted Bloomhardt, Ron LaRose, Carol Taggart, Carol Spaid, Eric Benice, Mark Masters, Jacques Larose, Anne Frost, Robert Frost, Kiesha Richardson

Public Present: George Bedard, Terry Harris, Rosemary Webb, Scott Webb, Paul Lamberson, Barry Lampke, Michael Hopwood, Kim Hopwood, Leon Lestage

Also Present: Mitchel Cypes (Development Review Coordinator), Dawn Morgan (Recording Secretary)

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

Agenda Changes: None.

Review minutes of the 10/03/17 meeting:

Greg W. **made a motion to approve the 10/03/17 meeting minutes as written.** John L. **seconded the motion.** The Board voted **5-0.**

Ted & Carol Bloomhardt: Final Plat review for a proposed 2-lot subdivision for an approximately 10.1-acre property located at 1381 Silver Street in the Agricultural Zoning District. Lot 1 would be approximately 4.2 acres and include the existing house and garage. Lot 2 would be approximately 5.9 acres and include a proposed house site to be accessed via a right-of-way over Lot 1. Sketch plan approval granted 02/02/16.

The Applicant (Ted Bloomhardt) described the project. He said that a perimeter survey verified that the total property is 10.1 acres and therefore qualifies for the subdivision under the provision allowing such subdivisions in the agricultural district before 03/31/18. He went on to explain that the building envelope is fairly small and is mostly constrained by side yard setbacks and a wetland boundary. He said that he has received a State permit for the driveway to cross the wetland boundary and showed a layout of the driveway, both in relation to the wetland boundary and the proposed building envelope on the new lot.

Greg W. asked if the proposed driveway configuration would increase stormwater runoff, and the Applicant responded that the area was a flat field and the water does not increase in velocity when crossing the field.

Andy G. asked why there were two proposed building envelopes, and the Applicant explained that it was intended as one envelope but had to be separated by a leach field. The Applicant went on to explain that the envelope without the primary structure could be utilized for future outbuildings and subject to all normal zoning regulation processes and procedures. Greg W. expressed concern over approving what appears to be two building envelopes without specifying in the Decision that it is restricted as one.

Terry Harris, a member of the public, asked how the Applicant intended to reach the secondary building envelope and the Applicant said that there is enough space in the area without the need for an additional driveway.

The Applicant said they have provided the plans for, and have obtained a State permit for wastewater and potable water. He said that he has also provided a map of the State well logs that shows there is water in the area. Finally, he said that although the impervious surface of the project does not require a formal stormwater design, they will comply with the Vermont Department of Environmental Conservation's handbook on erosion prevention and sediment control.

George Bedard, a member of the public, and Terry H. requested that the proposed well site and septic isolation shield be reflected on the final plat. General discussion followed about whether such features are shown on the final plat. Dick J. asked about steep slopes in the building envelope, and the Applicant said that there is a small area with moderate slopes and they plan to build into the hillside and have a walk-out basement.

Greg W. **moved to close the public hearing and take up discussion in deliberative session.** Sarah M. **seconded the motion.** The Board voted **6-0**.

Cherrie Willette and Deborah Campbell: Final Plat review for a proposed 2-lot subdivision of a 10.0-acre property located at 106 Mead Farm Road (also fronting on Silver Street) in the Agricultural Zoning District. Lot 1 would be approximately 7 acres and include the existing house. Lot 2 would be approximately 3 acres and include a proposed house site to be accessed from Mead Farm Road. Sketch plan approval granted 11/17/15.

The Applicant (represented by Ron LaRose) described the project and said that they have submitted a wastewater application to the State but have not heard back yet. He said they do not anticipate any issues with the permit.

Dennis P. asked if the driveway would run straight from the road to the proposed building envelope. Mitchel C. said that although the access point will be the same, there may be some slight variation of the angle of the driveway, depending on the final location of the house.

Dick J. asked if the Board needed to have a fairly certain septic site prior to approving a final Plat. Mitchel C. said the regulations talk about having a proposed design, but said that the decision can be set up in such a way that if the septic needs redesign the Applicant will need to return to the Board for approval.

Andy G. asked about the proposed curtain drain and the Applicant said that, although he is not the engineer, he believes it was put there to accept runoff from the ridge.

Scott Webb (a neighbor) asked about the septic shield in relation to their well, which lies about 100 feet downhill. The Applicant said that he believed the septic system was designed to be outside of their well area. Greg W. said that he did not believe the Board had any authority to deny an application for an insufficient water and wastewater system that was in compliance with State regulations.

Scott W. said that the field adjacent to Mead Farm Road on the proposed new lot floods and expressed concern about runoff. There was discussion about runoff and flooding in the field. The Applicant said that the road and ditches will need some regrading and ditch work to help control water flow, but was not able to be specific.

Paul Lamberson (a neighbor) said that the Association has a current stormwater permit and believes the road is in good condition. There was discussion about whether ditch or culvert improvements would be the responsibility of the homeowner or the Association. Dennis P. asked if the current culvert is effective, and Paul L. said that the existing field was absorbing runoff. Paul L. noted that the engineer was not anticipating that there would be a driveway or septic system in that area. The Applicant was not sure of the effect the new driveway would have on the stormwater system and was unable to state what size culvert would be required under the proposed driveway.

The Board decided that it needed more information on the septic system isolation distances, the curtain drain, stormwater runoff and the proposed driveway culvert.

Greg W. **moved to continue the hearing to the 11/07/17 meeting.** Dennis P. **seconded the motion.** The Board voted **7-0.**

Carol Ann Spaid & Carol Taggart: Conditional Use Review for a camp conversion, expansion of a non-complying structure, and development on a private right-of-way located at 61 Cove Road in the Shoreline Zoning District. The applicants are proposing to convert the existing seasonal camp into a year-round residence on an approximately 0.23-acre property with frontage on Lake Iroquois

The Applicants described the project, saying they plan to remove the existing camp and replace it with a 2-story, 2-bedroom energy efficient year-round home with a State permitted water and wastewater system. Dennis P. asked if the overhead wire was to be re-directed and the Applicants replied that it would be, clarifying that it served the neighbor to the north.

Greg W. asked about the existing septic and the Applicants said that it is currently a drum that will be disposed of in an ecologically appropriate way. Greg W. asked about water and the Applicants said that they were deeded water rights by the Association in the late 1950's/1960's. Greg W asked if Staff deemed the deed sufficient and Mitchel C. said that he believes the well is on an adjacent property and the Applicants have received their permit from the State.

Greg W. asked about winter maintenance of the road and the Applicants said that the Southwest Shore Road Homeowner's Association maintained all the roads in the development. The Applicants said that they park in a gravel area adjacent to the road, the house sits below road grade and the broad side of the home would be facing the lake. The Applicants said that there are many trees on the property that are substantial in diameter and in good health, and that they are to plant additional trees as required by the State Shoreline approval.

Dennis P. opened discussion to the public. Mike Hopwood (a neighbor) said that the well lies on their property and they have never seen documentation that there is a deeded right to the well. He said that he is not opposed to sharing the well, but said that it is shallow and spring fed and expressed concern that the transition from a seasonal camp to year-round home could overburden the water supply.

There was discussion about the deed and the neighbor's and Applicants understanding of the intent of the deeded water rights, and who is responsible should the well run dry due to the additional burden on the well.

Greg W. said that he would like legal clarification on the deeded water rights. There was additional discussion about the water rights. John L. noted that if an Applicant proposes building a brand new house, they are required to prove that they have water. He agreed that the Board should have a legal opinion clarifying the water rights.

Sarah M. asked if there was an opportunity available to drill another well, should the existing well run dry. The Applicant said that they do have an approved option to draw from the lake through an engineered water system. Also discussed is that the Applicants were proposing to move a water line on the adjacent property. The Board wanted to know if the Applicants had the authority to do so.

Greg W. left the Board at 9:31 pm.

The Board requested that the Applicants obtain a legal opinion for the following:

1. Verification of well source shown in the State permit is in the deeds.
2. Would the Applicants have legal rights to the existing water supply for year-round use?
3. Would the Applicants have legal rights to move the water line on a neighboring property for septic isolation?
4. Who is responsible for required maintenance and improvements of the water system?

Dennis P. **made a motion to continue the hearing to the 11/07/17 meeting.** Dick J. **seconded the motion.** The Board voted **6-0.**

Vermont Well & Pump: Site Plan review for a contractor's yard and office located at 14337 Route 116 (east side of Route 116, just north of Hollow Road) in the Industrial 1 Zoning District. The proposal includes a 3,000 sq.-ft. building, landscaping, lighting, and site access improvements.

Greg W. recused himself from the discussion.

Jacque Larose, the Applicants' engineer, with Applicants Robert and Anne Frost in attendance, described the project, which includes restructuring the gravel parking area, a proposed garage, stormwater mitigation, new lighting and required landscaping. Dennis P. asked about landscaping. The Applicants' provided some estimates, but said that the plan provided reflected the prior approvals requirements. There was general discussion about landscaping. It was agreed additional landscaping along the west side of the property north of the entrance would be added.

Dick J. asked if the stormwater ponds will handle all of the water. The Applicant's engineer explained that the soils will allow a lot of stormwater to infiltrate into the ground. He said that for smaller storms

100% of the stormwater discharge will infiltrate into the ground. For larger storms, such as the 10-year and 100-year storms, stormwater treatment is exempt by State guidelines due to small amount of peak stormwater discharge caused by the good soils and flatness of the site. He also confirmed that the proposed stormwater plan maintains the existing drainage pattern, which stormwater discharge will be redirected to the proposed infiltration basin.

Dennis P. asked about lighting. The Applicant's engineer said that there will be perimeter and security lighting around the site with only one entrance light on the house/office. Leon Lestage, a supportive resident, stated his belief that the lighting in the grass area was important for security.

Dennis P. asked about the need for 24-hours service and the Applicants said that would be infrequent and only to retrieve equipment from the yard in the event of a customer emergency. Ted B. asked about snow removal. The Applicant's engineer described the 3 planned snow storage areas and that snow from the property edges could be brought to these areas.

There was additional discussion about how long the Applicants would need to upgrade their property to the proposed plans. The Board and the Applicants agreed that all the site improvements will be completed by June 30, 2018.

Ted B. made a motion to close the public hearing and direct Staff to draft conditions of approval.
Dennis P. **seconded the motion.** The Board voted **6-0.**

The public meeting ended at 10:29 PM

Respectfully submitted,
Dawn Morgan, Recording Secretary