

**Town of Hinesburg
Development Review Board
November 7, 2017**

Approved December 5, 2017

Members Present: Greg Waples, John Lyman, Sarah Murphy (arrived at 7:42 pm), Dick Jordan (arrived at 7:33 pm), Dennis Place, Ted Bloomhardt, Rolf Kielman

Members Absent: Jonathan Slason (Alternate), Andy Greenberg (Alternate)

Representing Applications: Tim Duff, Randall Kay, Carol Spaid, Carol Taggart, Kyle Bostwick, Tom Ayer, Frank Twarog, Tom Giroux, Jen McCuin, Renae Marshall

Public Present: None.

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

Dennis P. chaired the meeting, which was called to order at 7:32 pm.

Agenda Changes: Mitchel C. said that the Applicants' designer for the Cherrie Willette and Deborah Campbell project were requesting a continuance. He also added the topic of ex parte communication under the item Other Business.

Review minutes of the 10/17/17 meeting:

Greg W. made a motion to approve the 10/17/17 meeting minutes as amended. John L. seconded the motion. The Board voted 6-0.

Town of Hinesburg Recreation Fields: Review of proposed revisions to the 12/2/14 subdivision, site plan, and conditional use approvals to reflect as-built conditions. The 8.19-acre property is located south of Shelburne Falls Road and west of VT Route 116 in the Village NW and Agricultural Zoning Districts. 9/19/17 hearing re-opened.

Dennis P. noted that the Applicants had provided testimony from the engineer stating that what is required for the road is adequate. He asked the Applicants if the excavator built the road according to the specifications requested, and the Applicant (represented by Tom Ayer) said that there is an additional 6 inches that will be added once construction is complete. Dennis P. said that he visited the site and the road seemed adequate to him.

Ted B. explained that the Board's main concern was the fact that it had approved a Town application for a set of specifications for the road and what was actually built was different. He said that the Board would be upset if a private developer had done something similar. Tom A. said that a large portion of the road was built along the same lines as the plans, and they had tried to work on the road with the Haystack Crossing developer. However, he said that when the Board denied the developer's permit there was an impact on the ability to construct the road.

Dick J. said that his concern was that the Applicants had previously stated that they had returned to the Board to ask for approval to change the specifications. He noted that they had not asked for permission, but instead had asked to approve the outcome after the fact. He said that members of the public, as well as the Town, should understand that is not the process for obtaining project approval. Tom A. responded that he was a volunteer who had been asked by the owner of the property for a road that would allow him to hay the land. He said that as a volunteer he would have been put in an awkward position to have to delay the owner's request while waiting for a potentially lengthy Board approval process. Dick J. noted that the Board would have likely approved the change, but they were not given that opportunity. Greg W. suggested that Town representatives present at the meeting take Dick J.'s concerns into consideration for future applications.

Dick J. said that the road as it stands now is built where the Haystack Crossing project's single-family homes are intended to be constructed. He said that the project has been proposed to the Board twice with that same home configuration, so at this time there is no indication that they will submit something significantly different next time. He said that if the Haystack project moves forward the road will likely need to be relocated, costing additional money for relocation.

Ted B. asked if there would be a right of way allowing Town access to the road and Mitchel C. said that it was part of the Application. Mitchel C. said that it will need to be modified to adhere to the current road configuration and that a new mylar will also need to be filed. Tom A. stated that the Applicants were requesting to delay placing the path between the rec fields and VT Route 116. He discussed that there would not be a connection to the existing sidewalk on VT Route 116. After discussing how placement of the path would require a developer to build the connection, the Applicants agreed to place the path.

Tom A. said that their permit calls for full project completion before allowing public access to the fields. He requested allowing field #1 to open for use this year, even though the entire project will not be completed at that time. Ted B. suggested placing language in the draft conditions of approval.

There were no public comments.

Ted B. moved to close the public hearing and direct staff to draft conditions of approval. 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. Hearing continued from 10/17/17.

The Applicants described their findings from extensive research that proves deed water rights to 61 Cove Rd. and provided a legal opinion stating the same. They presented an agreement with the neighbors (the Hopwoods), who own the property on which the spring is located. They said that the agreement states that if the well proves to have inadequate water supply then they and the Hopwoods will share the expense of drilling a new well on the Hopwood's land. The Applicants agreed to the condition that all the agreements be recorded in the Town's land records.

Greg W. asked if the State has any oversight in the matter and Mitchel C. said that the Applicants have received their permit for the use of the well and installation of a new septic system. There was additional discussion about the well and the Applicant's options if it were to run dry. The Applicants presented a letter from a neighbor, Denise Bragg, regarding the Applicant's new power and water lines. They said that they will be in direct communication with Denise to keep her apprised as the process moves forward. The Applicants said that maintenance and plowing of their road will commence once they join the homeowner's association.

There were no public comments.

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

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.

Mitchel C. said that questions surrounding stormwater issues were not yet resolved and the Applicants were requesting a continuance to the December 19, 2017 meeting.

Ted B. **made a motion to continue the hearing to the 12/19/17 meeting.** John L. **seconded the motion.** The Board voted **7-0.**

Randall Kay & Marjorie Meyer: Conditional use review for expansion of a non-complying structure on a 1.1-acre property located at 129 Wood Run, with frontage on Lake Iroquois, in the Shoreline Zoning District.

The Applicant, represented by Randall Kay and assisted by his architect Tim Duff, described the project and explained that the property is also used as a staging area if there is a need for emergency services on the lake. He described his water system, which pulls from the lake, and his efforts to remove milfoil in the area. He described his wastewater system, which was approved and built as part of his approval to convert the residence to year-round use.

The Applicant showed on screen the existing and proposed footprint of the home, saying that the underlying structural integrity of the existing camp is not sound. He said that the proposed structure will reduce the level of non-conformance that they currently have by having the structure on a smaller footprint, and are working with a conservation program to reduce the property's impact of the shoreline.

Greg W. inquired about the roofline and noted that the Board had received no neighbor complaints. The Applicant showed pictures of the existing structure, noting that the camp is fairly hidden from the lake viewpoint.

There was discussion about the expected height of the proposed structure, and the Applicant said that since a substantial grade difference that would result that a portion of the proposed home would only have one floor. There was discussion about the height of the structure, and the Applicant's plans showed a structure with a 30-foot building height, which the architect stated he could work with. The Applicant requested flexibility in design to be able to place roof-mounted solar panels.

The Applicant requested to be able to rotate the proposed building area up to 13 degree counter clockwise to provide better solar opportunities. Tim D. stated that a full 13 degree rotation would equalize the distances of the proposed structure to both shorelines.

Dick J. asked about parking, and the Applicant explained that they utilize a parking area on a neighbor's property and use wheelbarrows to cart groceries and other things to the home. John L. asked if the property would be accessible for emergency services and the Applicant said that the driveway would be maintained and accessible.

There were no public comments.

Ted B. **made a motion for staff to draft conditions of approval.** Sarah M. **seconded the motion.** The Board voted **7-0.**

Other Business:

- **Ex parte communication**

Mitchel C. said that there was ex parte communication regarding the Town garage, which is a past (and closed) application. Dick J. objected to classifying the email thread in question as ex parte, saying that it did not qualify since it was not part of public discussions or deliberation. He went on to say that the email thread was inquiring about the process of something, and not ex parte. Greg W. agreed, saying that the communication was not about a pending application and noting that the email thread is also recorded in the Town's email system.

There was general discussion about the project and the fact that CSWD will close its facility. Dick J. said that the Board would have required any other applicant to find an alternate means to continue a disrupted service, so the Town should not be held to a different standard. The Board discussed having someone else temporarily pick up trash and recycling. Mitchel C. said that he had seen private companies elsewhere provide this service and was a good idea to present to the Selectboard.

- **Vermont Well & Pump: Decision deliberation –Site Plan Approval for a contractor's yard located at 14337 Rte. 116. *Hearing closed 10/17/17.***

Greg W. recused himself from the discussion.

The Board discussed semantics and grammatical updates. Dick J. noted that the hours of operation were listed as 7:30 am to 3:00 pm and suggested that the hours be extended to 7:00 am to 5:00 pm to allow the Applicant a little more flexibility.

Dick J. suggested listing one figure for the overall construction and associated landscaping costs instead of a range. There was discussion about lighting, as well as the mix and location of maple/cedar trees.

Ted B. **moved to approved the conditions of approval as amended.** Dennis P. **seconded the motion.** The Board voted **5-0.**

- **Upcoming Meeting Schedule**

Mitchel C. said that there is nothing currently on the 11/21/17 agenda but that there are several items scheduled for the 12/5/17 meeting.

Ted B. **made a motion to cancel the 11/21/17 meeting.** Dennis P. **seconded the motion.** The Board voted **5-0.**

The meeting ended at 9:26 PM

Respectfully submitted,
Dawn Morgan, Recording Secretary