

Town of Hinesburg
Development Review Board
December 19, 2017
Approved January 16, 2018

Members Present: Greg Waples, John Lyman, Sarah Murphy (arrived at 8:00 pm), Dick Jordan (arrived at 7:34 pm), Rolf Kielman, Andy Greenberg (Alternate)

Members Absent: Dennis Place, Ted Bloomhardt, Jonathan Slason (Alternate)

Representing Applications: Ron LaRose

Public Present: Scott Webb, Rosemary Webb, Sophia Webb, Jamison Dume, Paul Lamberson

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

Greg W. chaired the meeting, which was called to order at 7:33 pm. He yielded the Vice Chair seat to Dick J. when he arrived at 7:34 pm.

Agenda Changes: Mitchel C. requested moving the Francis deliberation to the end of Other Business, as well as adding a discussion about the new meeting room setup.

Review minutes of the 12/05/17 meeting:

Greg W. **made a motion to approve the 12/05/17 meeting minutes as written.** John L. **seconded the motion.** The Board voted **4-0.**

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. *Hearing continued from 10/17/17.*

Mitchel C. reviewed the circumstances of the application for the Board, saying that neighbors had concerns about the proposed curtain drain, the closeness of the leech field in relation to the well, and stormwater concerns of some nearby residents.

Dick J. asked if the only new information received was the wastewater permit, and Mitchel C. said that they had also received an email of concern from Scott and Rosemary Webb. Dick J. asked the Applicant to discuss the status of the stormwater plan.

The Applicant (represented by Ron LaRose) said that Green Mountain Engineering (GM Engineering) had been engaged by the Applicants to amend the stormwater permit, and then submitted a letter from GM Engineering to the Board. He said that the engineers will address the issues of concern regarding the driveway, the building site and the septic system.

Ron L. said that he was not sure of the engineer's timeline, but he noted that the Applicants have signed contracts and placed a deposit with them. Dick J. asked if the letter from GM Engineering described the water flow off of the curtain drain and through the culvert. Ron L. said that information will become available once the engineers perform their study. Mitchel C. asked about the timing of the study. Ron L. said that the engineers were just engaged and he does not know when the study will be performed.

Ron L. described the process for determining the house and septic sites. He explained that test pits must result in a certain amount of natural soil above the water table. He went on to explain that the proposed location will work with a mound system, but said the area south and west of the house site has a water table that is too high. He noted that the proposed location meets the required isolation distances and they have received the State wastewater permit for that location. He acknowledged that part of the septic zone is on the Webb's property but noted that it falls short of their well.

Scott Webb (a neighbor) said that he owns the well that is in close proximity to the proposed leech field. He said that the land is very flat in the area and believes that there has not been enough percolation testing done. Greg W. said that the State has issued their septic permit and the Board must defer to the State in that regard. Scott W. said that they have filed an appeal. Mitchel C. said that the Town of Hinesburg requires the submission of a wastewater plan that is at least eligible for approval by the State, recognizing that it can take some time for completion of the permitting process. There was additional discussion regarding the State and Town approval processes.

Rosemary Webb (a neighbor) said that the land near their well is not just flat, it is actually depressed, saying that there is standing water in that area after it rains. She said her concern is the proximity of the septic system to the well, since water flows towards them in a northerly direction.

Rolf K. asked about the well depth, saying that sometimes the deeper the well is the less likely it is to be affected by immediate surface water conditions. There was discussion about the history of the well and locating the installation records. Greg W. reiterated that the Board must defer to the State's permit and could not interfere with their approval. Andy G. asked about the status of the appeal, and Scott W. said that they emailed their concerns on 12/15/17. There was discussion about the timing of the appeal process and its impact on the March 30, 2018 deadline for this application.

Ron L. said that he will make the engineer aware of the neighbor's concerns so that they can be addressed. Mitchel C. described the curtain drain, which is 3 feet below ground, and asked whether the drain flows into the nearby swale. Ron L. said that the idea behind the curtain drain was to intercept runoff from the nearby ridge to avoid oversaturating the mound system. He suggested that the drain could also possibly direct the runoff around the mound and to the south.

Paul Lamberson (a neighbor) said that the Mead Farm Road Association obtained their stormwater permit roughly 15-18 years ago. He said that the Association is in full compliance, adding that there is an annual inspection and recertification every 5 years. He said that he was concerned that there was no mention of the stormwater permit at the last hearing. Mitchel C. explained that this proposed development created too small of an amount of new impervious area to require a State permit or require a stormwater plan to be submitted to the Town. Most of the stormwater from the proposed development would discharge to the surrounding flat meadow with little impact to the existing stormwater system. The only reason stormwater is being discussed is that the issue was raised by the Public and the Board is waiting for the Applicant to respond.

Dick J. said that the Board cannot approve an application without a response to the stormwater concerns. Ron L. suggested that the Board could approve the Application conditionally upon completion of the amendment of the permit. Dick J. said that the Board normally reviews the actual plans, and that the review of the plans seemed like too significant of an item to approve conditionally.

Greg W. asked the Applicant what they felt would happen if the Board approved the application conditionally and then the plan was not permitted. Ron L. said in that case the application would be nullified, noting that he has seen other towns conditionally approve applications in this manner.

Greg W. asked if this project was one of the 10-12-acre subdivision properties with a March 30, 2018 DRB approval deadline, and Mitchel C. confirmed that it is. Greg W. noted that this is the last of those applications so he would feel comfortable with the timeline if the Board were to require more information from the engineers. John L. said that if there were at least a plan waiting for State approval then that would give something for the Board to review. Dick J. agreed that there is still time for the Applicant to obtain a plan before the deadline.

Greg W. said that any engineering opinion should consider whether any stormwater changes would impact wastewater issues. Paul L. agreed, saying it should also consider the impact of the curtain drain on stormwater runoff. There was additional discussion about the Association's management of stormwater in the area, as well as the application review process prior to a Board hearing.

There was discussion about timing for a continued hearing.

Dick J. **moved to continue the public hearing to the 02/06/18 meeting.** Rolf K. **seconded the motion.** The Board voted **6-0.**

Other Business:

Town of Hinesburg Recreation Fields: Decision deliberation – Revisions to a site plan (originally approved 12/02/14) to reflect as - built conditions on an 8.19 - acre property located south of Shelburne Farms Rd. and west of Route 116 in the Village NW and Agricultural Zoning Districts. Hearing closed 11/07/17.

There was discussion about the proposed revised language to Conclusion #5 and Order #4, and Greg W. noted that it gives the Board the flexibility to consider landscaping within 1 year of zoning permits issued for new structures between the recreation field parking area and VT Rte 116. Dick J. said that formula for landscaping requirements is just a starting point, but the Board could ask for more if it deemed necessary. He went on to say that the Board is not required to approve requests or defend denials of requests.

Greg W. **moved to approve the draft decision as amended.** Rolf K. **seconded the motion.** The Board voted **6-0.**

Will and Colleen MacKinnon: Decision deliberation - Final plat review for a proposed 2-lot subdivision of a 10.87-acre property located at 99 Black Dog Lane in the Agricultural Zoning District. Hearing closed 12/05/17.

Greg W. **moved to approve the draft decision as written.** John L. **seconded the motion.** The Board voted **5-0.** Sarah M. abstained.

Jillian & Joseph Bartolo: Decision deliberation - Conditional Use review for the renovation of an existing barn/garage to create a 2-unit inn on a 22.0+ acre property, located at 572 Tyler Bridge Road in the Agricultural Zoning District. Hearing closed 12/05/17.

The Board discussed existing non-compliant floodlights and whether they should be required to be upgraded to be in compliance with the zoning requirement for downcast lighting in new projects. Greg W. noted that it is unclear whether the existing lighting is in compliance or not, and suggested including language in the draft saying that both existing and proposed lighting should be in compliance with current regulations. Mitchel C. said that with the Board's approval he would draft language for signature by the Board Chair.

Greg W. **moved to approve the draft decision as amended per the deliberation.** Dick J. **seconded the motion.** The Board voted **6-0.**

Kevin & Dawn Francis: Decision deliberation - Final plat review for a proposed 2-lot subdivision of a 12.70-acre property located at 251 Butternut Lane in the Rural Residential 2 Zoning District. Hearing closed 12/05/17.

Mitchel C. said that there was an unresolved issue from a prior hearing that had not been fully addressed. He said that properties must have a minimum width of 100 feet across all of lot 1, but the proposed site plan does not comply. He said that two corners of lot 2 need to be adjusted to come into compliance, and said that the Applicants have requested to either have the regulation waived or to reopen the hearing to discuss the issue.

Greg W. said that he was fine with conditionally approving the decision, but not with waiving the requirement. Rolf K. said that the purpose of reopening the hearing would be for them to persuade the Board to waive the requirement. Dick J. said that the Board is not inclined to approve the waiver.

Mitchel C. said that requiring the lot line adjustments to come into compliance would require an access easement, but noted that they have not yet finalized their deed language. Greg W. pointed out that this is another of the 10-12 lot applications with a March 30, 2018 deadline.

Greg W. **moved to grant the request to reopen the public hearing at the January 16, 2018 meeting.** Dick J. **seconded the motion.** The Board voted **6-0.**

Other Business:

Mitchel C. said that there is currently nothing scheduled for the January 2, 2018 meeting. The Board agreed to cancel the meeting.

Mitchel C. said that Vermont Community Access Media (VCAM) is discussing placing permanent cameras in the meeting room. As a result, the Board tables need to be set up in a consistent manner for all televised Board and Commission meetings and asked for feedback on tonight's setup. Greg W. said that the previous setup was more conducive to Board interaction with the community, whereas tonight's setup was more conducive to communicating with other Board members. Dick J. said that it was difficult to sit with his head turned toward Applicants and community participants throughout the meeting. John L. agreed that it was good for the Board, but not ideal for community attendees.

The meeting ended at 8:45 PM

Respectfully submitted,
Dawn Morgan, Recording Secretary