

**Town of Hinesburg
Development Review Board
February 6, 2018**

Approved February 20, 2018

Members Present: John Lyman, Rolf Kielman, Dennis Place, Ted Bloomhardt, Sarah Murphy (arrived at 7:36 pm), Dick Jordan, Jonathan Slason (Alternate), Andy Greenberg (Alternate)

Members Absent: Greg Waples

Applicants: Albert Sherman, Ron LaRose, Jason Barnard, Mike Place, Mary Place, Benjamin Avery

Public Present: Scott Web, Rosemary Webb, Paul Lamberson, Vickie Pelkey

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

Dennis P. called the meeting to order at 7:32 pm.

Agenda Changes: Mitchel C. requested moving agenda item #6 (Sherman application for land transfer) to agenda item #3. The Board agreed.

Review minutes of the 1/16/18 meeting: John L. **made a motion to approve the 1/16/18 meeting minutes as written.** Dick J. **seconded the motion.** The Board voted **4-0.** Ted B. and Jonathan S. abstained.

Caroline Hayden Sherman & Albert E. Sherman: Transfer of land to adjoiner for parcels located at 89 and 95 Hayden Hill Road West in the Rural Residential 2 Zoning District. The applicants are proposing to dissolve a 1.25-acre property by transferring part of the land from Hayden Hill Sugarworks LLP to Arnold Lee Hayden, and part to Caroline Hayden Sherman and Albert E. Sherman. No land development will be permitted on the transferred land.

Mitchel C. showed the property layout on screen and described the request to transfer 0.44 acres of shared property, owned by Hayden Hill Sugar Works, LLC to Albert and Caroline Sherman and the remaining 0.80 acres to Arnold Hayden. Hayden Hill Sugar Works, LLC is jointly owned by Arnold Hayden, Chad Hayden, Caroline H. Sherman and Albert Sherman. He said that the shared property is undeveloped but does have the driveways for the Albert and Caroline Sherman's property and Arnold Hayden's property. He said that most of the land is not developable because it is either within the 60-foot setback for the right-of-way, or in a wetland or wetland buffer. He went on to say that the request is a transfer of land, not a boundary adjustment, because the request would be changing more than 20% of the property. He added that no non-conformities would be created by the request. Dick J. asked if the transfer would dissolve the LLC's ownership of the property and Mitchel C. confirmed that it would.

Ted B. asked if it was within the Board's purview to require that all of the legal documentation be performed and filed as appropriate, and Mitchel C. said that it is a condition of any land transfer.

Dick J. noted that the Sherman property is accessed by a 25-foot wide easement and asked if the Board normally requires a 50-foot right-of-way. Mitchel C. said that the 25-foot easement is a pre-existing condition, and described the impact that the land transfer would have on the easement. Dick J. asked why requiring a 50-foot right-of-way would be an issue, given that there may be a possibility of further development and if there was a possibility for further development on the property to the north. The Applicant stated that Arnold Hayden may have a concern. Mitchel C. pointed out that even if there was a future request to subdivide the northern property, the Applicant would have to appear before the Board with an application at that time, and that both properties are too small to be subdivided. Mitchel C. showed maps of the properties to the north, and additional discussion followed confirming that the properties to the north all had access to the North Road and the Sherman's and the Hayden's properties were also too small to subdivide.

There were no public comments.

Rolf K. **made a motion that this transfer of land does not constitute a subdivision, and to therefore refer the application to the zoning administrator.** Ted B. **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 7+ acres and include the existing house. Lot 2 would be 3+ acres and include a proposed house site to be accessed from Mead Farm Road. Hearing continued from 10/17/17, 11/7/17 and 12/19/17.

Jonathan S. left the Board and Andy G. took his place.

Ron LaRose (representing the Applicants) reviewed the circumstances of the application, saying that there were concerns from the neighbors to the north that the septic system was too close in proximity to their well. He noted that the State has approved the application, even with taking the location of the well into account. He said that he had discussed with the neighbors that there was a possibility of moving the septic location, and that the Applicants and neighbors could negotiate on the cost of the time and fees associated with submitting an amended permit.

Ron L. said that the other concern with the application was the possibility of amending the stormwater permit for the Mead Farm Road association. He noted that there was a table on the sketch detailing the impervious areas created by any future development of Lot 2. He said that the total impervious area created would be 3,414 square feet, so even if the driveway were to be widened further it would still be under the 5,000 square foot State requirement for a State stormwater permit amendment. Mitchel C. clarified that if an applicant is doing a one-time addition of less than 5,000 square feet then there is no State requirement to amend the permit.

Dick J. said that his concern was related to the curtain drain that directed water flow toward the ditch that would be part of Mead Farm Road, and the question of how much water would be injected into it. He said that between the road and curtain drain runoff, it was unclear to him what the expected volume would be of water coming off the hillside and into the ditch. Ron L. said that the curtain drain could be tilted toward the south so that the water flow could be directed underneath the driveway and into the field. He said that would minimize the impact on Mead Farm Road at that point. Dick J. asked if the

Applicants would be amendable to the Board putting a suggestion to tilt the curtain drain to the south into the conditions of approval, and Ron L. said they would be.

Rolf K. asked for clarification about the curtain drain, asking if it would be routed around the house and ending in the general swale to the west. Ron L. confirmed that this was the case. Rolf K. noted that would give the water carried by the drain additional opportunity to disperse.

Ron L. said that the Mead Farm Road Association would dictate the size and length of the culvert under the new driveway. Mitchel C. recommended that the Applicants equal the size of the culvert that is going under the road. Rolf K. asked if it was a currently existing 18" culvert going under the road and Ron L. confirmed that it was. Paul Lamberson (representing the Mead Farm Road Association) said that an 18" plastic corrugated culvert was installed in July.

Ted B. asked if part of the septic system would be on the adjacent lot, and Ron L. said that there is an easement depicted on the survey map. Discussion about the allowable overlap of the well and septic shields followed and Mitchel C. noted that the plan had been reviewed and approved both by the State and a representative from the Agency of Natural Resources.

Dennis P. opened the hearing to the public. Paul L. inquired about the Association's ability to ensure the installation of an 18" culvert. Mitchel C. said that the difference between a 15" and 18" culvert is not that significant. Ron L. said that if it is a condition of approval then he will follow the advisement of the Town Road Forman, otherwise he would defer to the Association bylaws. General discussion followed about culvert sizes and whether or not the Board should require a certain size.

Scott W. (a neighbor) expressed concern that even with tilting the curtain drain to the south, there will still be water flowing in both a northerly and southerly direction. Dick J. said that water is currently flowing in a northerly direction, even with no development on the property. He went on to say that the Board is interested in making sure that any potential development does not make that flow any worse than it currently is. General discussion followed about curtain drain design and potential locations for the drain and its resulting impact. Mitchel C. noted that tilting the curtain drain to the south would, from a stormwater perspective, also be a benefit to the swale.

Scott W. expressed concern about the location of any future power lines, saying that unless they were elevated they may need to be buried under the septic mound. Brief discussion about power line installation followed and Ron L. noted that the placing of power lines is the responsibility of the power company and not in his control.

Dennis P. **made a motion to close the public hearing and take up the discussion in deliberative session.** Dick J. **seconded the motion.** The Board voted **7-0.**

Michael Place: Sketch Plan review for a proposed 2-lot subdivision of a 11.6-acre property owned by Hilton and Elaine Place located on Place Road West in the Rural Residential 1 Zoning District. The applicant is proposing to create a 3.5+ acre lot with a single-family dwelling, and an 8.1+ acre lot with a two-family dwelling.

Dennis P. recused himself and Jonathan S. joined the hearing. Dick J. chaired the hearing.

Jason Barnard (representing the Applicant) described the project, saying that the property is the site of the old Place driving range. He said that the proposed project would have one 3-bedroom single family home on Lot 1 and a duplex on Lot 2 with 2-bedrooms in each unit. He said that each residential unit would have an on-site mound septic system, one of them having a curtain drain. He said that there is an existing man-made drainage swale that flows seasonally and described existing hedgerows and other disturbed area (from the driving range), saying that the project would be concentrated in the southwest portion of the property with the rest being available for agricultural uses if desired.

Jason B. said that there is a proposed shared driveway within a proposed 50-foot right-of-way to access Place Road West. He said that there is a pre-existing non-conforming 18-foot wide strip that fronts VT Route 116. He said that property will also be subject to an Act 250 permit due to its history as a driving range. He discussed a wetland on the property that is not a mapped wetland and is neither shown on the State wetlands inventory map nor the national inventory map. Regardless, he said that to be conservative they have placed a 50-foot buffer around the wetland and designed the building envelopes to avoid the buffer.

Jason B. went on to describe the design and location of the mound systems. Sarah M. asked if the mound systems would impact the neighboring properties. Jason B. described the location of the neighbor's mound systems and that these properties were on municipal water to explain how the system would not impact the neighbors. Michael Place (the Applicant) added that the closest well is at least 500-600 feet away. Jason B. went on to discuss well placement options and they will know the locations of the neighboring wells and septic systems at final plat review.

Andy G. asked if the properties were served by Town water and Jason B. said they were not. Rolf K. asked if there were any plans to connect to Town water, and Mitchel C. said that this is a legacy water service area and the Town is no longer adding or improving those connections.

Dick J. asked if lots this size warrant 3 units. Mitchel C. said that the minimum lot size in the zoning regulations for a lot in the RR1 zoning district is 3-acres. A duplex requires twice this size or 6-acres. Both lots according to the regulations have sufficient area.

Ted B. asked about the road frontage. Mitchel C. described that the existing property has a pre-existing non-conforming 18-foot wide narrow extension that fronts on VT Route 116. This frontage would be non-conforming whether it was on a property that had sufficient frontage on Place Road West or was the only frontage on the property. He said that the Board may want to consider adding a condition of approval that the 18' road frontage on VT Route 116 will never be used for access. Jason B. showed a plan for a property that would have both the 18' road frontage on VT Route 116 and sufficient frontage on Place Road West and described how that would not be beneficial, Dick J. asked if the project reached the 10,000 square foot limit for impervious surface and Jason B. said that it would be close but they would try to stay under the limit.

Dick J. opened the hearing to the public. Mary Place said that she had received a call of support from a neighbor. Vickie Pelkey said that the property was nice, open land.

Ted B. moved to close the public hearing and direct staff to draft conditions of approval. Rolf K. seconded the motion. The Board voted 7-0.

Haystack Crossing/Black Rock Construction: Procedural discussion for continuing the development application for a 76+ acre property located on the west side of Route 116 and north of Patrick Brook in the Village Northwest Zoning District.

Dennis P. rejoined the Board and Jonathan S. and Rolf K. recused themselves from the hearing.

Mitchel C. said that this was just an opportunity for the developer to talk with the board about their application and get some basic feedback before their hearing. He said that there should be no decisions made at this meeting. He noted that the Applicant has had an active application for some time due to the Town's water issues.

Ben Avery (representing Black Rock Construction) said that they have reached a water source agreement with the Select Board and it is past the objection period so it is in the process of being signed. He said they are working this week with the Public Works Superintendent about additional testing for the well water. He said the next step would be to widen the diameter of the well and briefly described that process. He went on to describe the water source agreement saying that Blackrock, at their expense drilled the well and the estimated State permitted yield would be 50% of the total yield. He said that Blackrock would then be allowed 30% of that number to allocate toward the first phase of this project with a cap of 36,000gpd. He said that they can then apply for allocation (assuming there is matching wastewater) and move forward with the preliminary plat.

Sarah M. asked if there would be enough wastewater to match the 30% water allocation and Ben A. said that there is wastewater currently available and they cannot ask for more wastewater allocation than is available. He said that this will result in them having more water than wastewater.

Dennis P. asked if there would be any wastewater allocation left over after Blackrock's allocation. General discussion followed about the possible variables impacting both water and wastewater allocations and the potential ramifications for the project.

Dennis P. asked if they thought the Riggs Road extension would be completed. Ben A. described options for connectivity are either with Route 116 by Riggs Road or through Hinesburg Center phase 2 project. They plan to discuss with the fire chief using the recently constructed road to the recreation fields as a second access/egress for emergency vehicles and the recreation department. This access/egress would have a gate that emergency services and the recreation department would be provided with a key.

Ben A. described his project as having a commercial space, two mixed use of commercial and residential buildings, a senior housing building, single family dwellings and duplex townhouses. He said that there is a demand for senior housing, so they could begin that work right away. He said that they could next start working on some speculative homes, adding that there would be a lot of development happening in the area all at the same time.

Sarah M. noted that the goal would be to have each phase be able to stand on their own, should there be no further development for some reason. She said that there may be some pressure for the Applicants to connect to existing developments to the south, Hinesburg Center property. Ben A. described how the project could function by itself and talked about how a significant portion of the proposed green space and the mixed use development is proposed. He talked about the connections to sidewalks to the south along Route 116 and that they would be contracting with their traffic engineers

to look at the project as a whole to determine whether it is better to connect directly to Route 116 or through Hinesburg Center.

The Board discussed the next stage in the review process. There was general consensus that the Applicant could proceed to preliminary plat review, if they can get the water and wastewater allocations from the Selectboard. The Board discussed concerns they felt were not address by the courts that were raised during sketch plan review.

Other Business:

Mitchel C. asked if the Board had any difficulty accessing the newly created 2018 folder on Dropbox from their I-Pads. A few members said they were able to access the new folder and some said they hadn't tried, but felt they could figure it out.

Mitchel C. said that he has received an application from Hannafords and the hearing is tentatively scheduled for April 3rd. He said that they are waiting to hear back from the lawyers on a few procedural questions before starting a full review.

Ted B. **mad a motion that the Board go into deliberative session.** Dennis P. **seconded the motion.** The Board entered deliberative session at 10:09 pm.

The Board came out of deliberative session at 10:24 pm.

Sara M. **made a motion to direct staff to write conditions of approval for the Willette and Campbell application.** Ted B. **seconded the motion.**

The meeting adjourned at 10:25 PM

Respectfully submitted,
Dawn Morgan, Recording Secretary