

Town of Hinesburg
Development Review Board
September 18, 2018
Approved October 2, 2018

Members Present: Dennis Place, Greg Waples, Andy Greenberg (Alternate), Rolf Kielman, Dick Jordan and Ted Bloomhardt. Sarah Murphy left the meeting at 7:30 PM. Jonathan Slason (Alternate) arrived after meeting for closed deliberation.

Members Absent: John Lyman

Applicants: Andrew Stolberg, Samuel Nelis, Jason Barnard, Michael Place

Public Present: Marilyn Stolberg, Jeff French, Matthew Hay, Adam Peterson, Greg Matthews, Vicki Matthews

Also Present: Alex Weinhagen (Director of Planning and Zoning) and Kate Kelly (Recording Secretary)

Dennis P. called the meeting to order at 7:06 PM.

Agenda Changes: None.

Dennis P. announced that the Board would enter closed deliberative session to discuss the Martin's Foods of South Burlington, Inc. application.

Closed Decision Deliberation: Martin's Foods of South Burlington, Inc. (Hannaford) subdivision and site plan review. Hearing closed on 9/4/18.

The members of the Board who were present (Sarah M., Greg W., and Dennis P.) entered closed deliberative session at 7:07 PM.

The Board came out of closed deliberative session at 7:30 PM.

Sarah M. recused herself due to conflict with the Nelis project, and left the meeting. Other Board members (Andy G., Rolf K., Dick J., and Ted B.) joined the meeting, along with Applicants and members of the public.

Review minutes of the 9/4/18 meeting:

Ted B. had a few grammatical corrections.

Ted B. **made a motion to approve the 9/4/18 meeting minutes as amended.** Greg W. **seconded the motion.** The Board voted **4-0**, with Rolf K. and Andy G. abstaining.

Andrew Stolberg: Minor subdivision revision for a +3.05-acre property located at 231 Turkey Lane in the Agricultural Zoning District.

Rolf K. recused himself.

Andy Stolberg introduced himself. This property was subdivided, and they built a house on their property. One of the conditions was to install landscaping along the east side of the property because the neighboring property owners were concerned with privacy. Shortly after, the neighbor moved away.

Greg W. asked if they no longer want the screening because there is a family relationship between the properties, and Andy S. replied that yes, the neighboring house is now owned by his mother, and they'd like to make a path between the two properties.

Dennis P. asked if it is wooded. Andy S. replied that it is. Dick J. asked if it is completely forested/thickly wooded between the houses. Andy S. said it is not.

Alex W. mentioned that the Board has no regulation to address visual impacts from one property to another, only to shield from the public view.

Dick J. asked about where the neighboring lane was actually placed; Alex W. showed the existing lane.

There were no further questions from the Board, and no questions from the public.

Ted B. **made a motion to approve the draft decision as written**, and Dennis P. **seconded** the motion. The Board **voted 5-0**, with Rolf K. abstaining.

Rolf K. returned to the meeting.

Samuel Nelis: Sketch plan review for a 2-lot subdivision of a + 1.2-acre property located at 366 Mechanicsville Road (corner of Mulberry Lane) in the Residential 1 Zoning District. The applicant is proposing to create and a new +0.38-acre lot for a new single-family residence or duplex. The existing residence and garage would be included in a +0.82-acre lot.

Sam Nelis introduced himself, and would like to subdivide his property. Greg W. asked about zoning – it is Rural Residential 1, ~0.14 acres is the minimum lot size. As described in the staff report, there is ~1.13 acres available once you subtract the stream buffer. It seems to have adequate acreage to support 2 houses.

Dennis P. asked about the location of the curb cut; Sam N. is still deciding this. Greg W. asked if Mulberry Lane is a private or town road. Alex W. replied it was private, but the town took it over several years ago. Adam Peterson said they still take care of all mowing up Mulberry Lane.

Greg W. asked if the road foreman would have to approve a road cut; Alex W. replied he would.

Dick J. asked about front yard setbacks; Alex W. replied it is 10 ft. on all sides, measured from the edge of the right of way. Dennis P. said the building lot would have to be constrained by the setbacks. Andy G. asked about dimensions of triangle. It was at least 100' deep. Dick J. said unless you're building a triangular building it would seem difficult. Sam N. disagreed, and showed how he could put in a house there.

Ted B. asked about putting in a duplex with the density bonus; Alex W. replied that Sam N. would have to decide which lot would get the bonus as part of this review (it couldn't be decided after the fact). Alex W. explained the bonus system, which would help Sam N. increase the number of houses that could be placed on the lot; Sam N. felt he would probably stick with a single family home, but he didn't have a specific plan.

Greg W. said they could also come back in 5 years to request a change to the subdivision if his plans change. Vicki Matthews asked if this is dependent on the town not changing their regulations; Dick J. said it is not, once it is subdivided, Sam N. could return for a revision, but if he waited to subdivide, it would be dependent on the regulations.

Rolf K. asked if this is part of the Village Growth District. Alex W. answered it is. Rolf K. asked about whether a particular lot, near the Applicant's lot, was part of the original Mulberry Lane subdivision. Alex W. answered it was. Rolf K. then asked about two other lots; they are common space belonging to Mulberry Lane. Rolf K. asked about duplexes in Thistle Hill; three of the units are duplexes. Rolf K. asked about existing residences off Hawk Lane. The first is a group home run by Baird Center, the rest are single family homes.

Dick J. asked about the white line that follows the lot line, is it a stream? Alex W. said it is not a mapped stream. Members of the public said it is a stream. Dick J. asked if it is part of stormwater from Mulberry Lane. There was no consensus.

Rolf K. asked if all the houses shown are part of Mulberry Lane, and if the Nelis property is part of the same. Alex W. replied that the Nelis property was there before the Mulberry Lane development. Greg W. asked if it was a PRD. Alex W. replied it was. Greg W. asked if this also straddled two zoning districts; Alex W. didn't know.

Jeff French showed his house location on Mulberry Lane. He sent a letter to Mitchel C. He said there is a waterway along the back of the lot. They are concerned about traffic there; it was a cul-de-sac to begin with, then it was connected to Thistle Hill, and now they have traffic problems. Jeff F. said they went back to look at the deed with Alex W. and Mitchel C. It was done in 2002. It was not taken over by the town until May of this year (2018), but Alex W. added that the town has been plowing for years. Ted B. said the town probably didn't request to take it over. Dennis P. asked if Mulberry Lane had a road association. Jeff F. said they did, and they plowed it in the past until the town began doing so. They are concerned with safety, and that they have been taking care of the road for years when it should have been maintained by the town.

Greg W. said when the Board originally approved this development, he said there should be an alternative way out (that wasn't going to be improved) in case of emergency. It now goes all the way through and was improved. Alex W. replied this was fleshed out during Thistle Hill review.

Matt Hay lives two houses down from Jeff. At the beginning of where lot 1 is there are cedar trees. They would request some similar screening at the edge of lot 2.

Adam Peterson lives between the previous two; it is already very noisy. When they made their original investment, none of this was supposed to happen; if it is approved, he would request a similar type of screening all the way up the street.

Ted B. asked about contours; Alex W. replied they are 2 foot contours. Discussion ensued about the layout of the land. Matt Hay says he has walked the back of the lot line there, and it is wet, there is water there. Sam N. pointed out the treeline and barbed wire fence on the back of the lot, but commented that the water flows the other direction (not down the treeline).

Andy G. asked about the occupancy of the group home; Alex W. didn't know. Sam N. said likely 3-5.

Discussion ensued about the town road; Greg W. said they would not have required that the town take over the road. Jeff French said the minutes regarding the takeover of the road was on the Aug. 20, 2002 minutes. Alex W.'s recollection was that the town would take it over once the road was connected and went through a proving period. He was surprised to hear it just happened in May.

Ted B. said it is a town road right now, and unless that changes, the access to a town road is by application to the Selectboard and Road Foreman. He said it appears that this meets dimensional and zoning requirements, and that it is similar in size to other lots.

Greg W. **made a motion that we close the public hearing and take it up in deliberative session tonight.** Dennis P. **seconded the motion.** The Board **voted 6-0.**

Michael Place: Final plat 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 3.71-acre lot with a three-bedroom single-family dwelling, and a 7.95-acre lot with a five-bedroom single-family dwelling.

Dennis P. recused himself.

Jason Barnard introduced himself. Alex W. displayed the site plan.

Jason B. showed the proposed plan, including improving an existing access for a 3-bedroom home and a 5-bedroom home. He stated that there shouldn't be any issues with regards to the Act 250 permit. Prime Ag soils were set aside, and a wastewater permit has been issued; an advanced treatment system is proposed (a split mound system on the eastern side of the property). Greg W. asked if it is pumped. Jason B. answered it is. Alex W. asked about the split between two mounds; Jason B. said it is valved, so it can be distributed between the two mounds. The state has reviewed and issued the permit. They've done some research regarding wells, which are averaging 50 gallons/minute.

They've done a wetland delineation; the only impacts are with the force mains, so they'll need a general wetlands permit. Jason B. didn't see any issues with the permit being issued. The property is 11.6 acres overall; the goal was to keep the structures clustered on western side of property, to keep the possibility for pasture/hay on most of the property.

They expect Act 250 and wetlands permits any time (wetlands first, then Act 250).

Ted B. asked why it was under Act 250. Jason B. answered that the previous use (driving range) was under Act 250.

Ted B. asked about the building envelopes. They were shown on the survey plat. Jason B. replied the proposal is for under 10,000 sq. ft. so stormwater is not required. A general construction permit has been applied for and received.

Ted B. asked about the 18 foot right-of-way. The language should be revised in the homeowner's documents to show that it is not an access, just for utilities.

Greg and Vicki Matthews, neighbors, talked about the existing hedgerow, which Jason B. mentioned will come out, and extend to the north for additional screening. The Matthews approve.

Dick J. opened to the public. There were no public comments.

Dick J. **made a motion to close the public hearing**, and Ted B. **made a motion to approve the draft decision as written**. Rolf K. **seconded**. The Board **voted 5-0**, with Dennis P. abstaining.

Dennis P. returned.

Greg W. **made a motion to adjourn to deliberative session**. Dick J. **seconded the motion**. The Board **voted 6-0**.

Jon S. arrived, and Rolf K. and Andy G. left the meeting.

The Board entered closed deliberative session at 8:36 PM.

Continue closed Decision Deliberation: Martin's Foods of South Burlington, Inc. (Hannaford) subdivision and site plan review. Hearing closed on 9/4/18.

The meeting adjourned at 10:00 PM.

Respectfully submitted,

Kate Kelly, Recording Secretary