

**Town of Hinesburg
Development Review Board
October 16, 2018**

Approved November 6, 2018

Members Present: Dennis Place, Greg Waples, John Lyman, Ted Bloomhardt; Dick Jordan and Sarah Murphy joined the meeting a few minutes late

Members Absent: Rolf Kielman, Andy Greenberg (Alternate), and Jonathan Slason (Alternate)

Applicants: Sam Evanson, Chad Bonanni (Bergeron Paradis & Fitzpatrick), Karl Marchessault (O'Leary-Burke Civil Associates, PLC), John Linn, John P. Linn, and Audrey Linn

Public Present: Peter Erb, Brad Friesen, Frank Twarog, Jamie Cudney, Ken Cudney, Theron Main, and Matt Sayre

Also Present: Mitchel Cypes (Development Review Coordinator), Suzanne Mantegna (Hinesburg Zoning Administrator), Alex Weinhausen (Director of Planning and Zoning), and Kate Kelly (Recording Secretary)

Dennis P. called the meeting to order at 7:30 PM.

Agenda Changes: Alex W. requested time after reviewing minutes for a recognition of service.

Review minutes of the October 2, 2018 meeting:

Greg W. **made a motion to approve the minutes of October 2, 2018 as written.** John L. **seconded the motion.** The Board **voted 3-0**, with Dennis P. abstaining.

Dick J. entered the meeting.

Alex W. recognized Dick J. and Dennis P.'s more than 10 years of service on the DRB, and Ted B.'s 35 combined years on the DRB and the Planning Commission. Greg W. has served a combined 18 years on the DRB and the Zoning Board of Adjustment. The recognized members were presented with gift cards. Ted B. also received some artwork.

Sarah M. entered the meeting.

Samuel Evanson: Appeal of a zoning violation – excessive tree clearing well beyond the conditions of the original subdivision approval for a ±3.51-acre property (Lot #5) on Evanson Road in the Rural Residential 1 Zoning District.

Chad Bonanni, representing Sam Evanson, introduced himself. Mr. Evanson was served with a notice of zoning violation on August 21, 2018, stating that he had cleared beyond what was permitted on lot #5.

Greg W. asked who owns the lot; Mr. Evanson does. Mitchel C. displayed maps and aerial photos, and described the property location and the topography.

Mr. Bonanni read the conditions of approval, and mentioned the need for a forestry management plan. Mr. Evanson said that they used a forestry management plan in 2004 when they cleaned up the whole area (30-plus acres, lots 3-8). This was approved by the county forester and another forester with VT Gas (to allow chips to go to Moran Generating Plant). Exhibits 4A-4E show these operations.

Mr. Bonanni stated that in 2009-2010, another operation occurred, and Peter Erb (Zoning Administrator at the time) sent a letter stating that clearing outside the envelope could be an issue. Mr. Evanson stated that he had learned that the bitternut hickories were dying (hickory beetles, galls on stems, and rapid crown death), so as per county forester's advice (lots 5, 6, 7, and 3) they did more clearing in 2009-2010 (ended February 2010), mostly on lot 6, and some on lot 5.

Mr. Evanson stated he cut one tree on lot 5 recently, which needed to be removed for a driveway.

Mitchel C. pulled up the cover photo for the development to show that the area of concern was forested. Mr. Evanson said the photo was from 1999. Mr. Bonanni stated that the staff report pointed out that the area had been cleared extensively since 1999, but it was logged as per the county forester's advice since then.

Mr. Bonanni said that Exhibit 2A-2F shows diseased trees that haven't been cut.

Mr. Bonanni brought up order #12, regarding sediment control. Mr. Evanson said the timeline was screwed up, and they didn't get their silt fence down in time.

Karl Marchessault put together a plan for Mr. Evanson, and looked at what he left (big maples, etc.). Mr. Bonanni said as per orders, up to 90% could be cleared, and they left what they could, and pushed the house site to the north to avoid cutting the decent looking trees.

Brad Friesen, resident on lot 6, noted that the mature maples have been maintained. Kids sledding hill on old logging road has been maintained for walking/sledding. He has taken the invasive species off the lot. Mr. Friesen feels the development is the epitome of a rural development, and he supports Mr. Evanson.

Frank Twarog, just south and east of lot 5, would encourage us to walk his property, and note the invasives he hasn't kept up with. Vines, sumacs, and others have taken over. Those are what he has witnessed Mr. Evanson removing (buckthorn-type shrubs, vines along road). A site visit would show the trees that stand out in the earlier pictures are maintained.

Ted B. asked what precipitated the notice of violation in August. Is it because of the clearing of sumac and buckthorn? Mr. Evanson said they were making noise when they were scraping the rock, and the neighbor felt it was an undevelopable lot.

Greg W. proposed we hear from the Zoning Administrator at this point. Dennis P. suggested a site visit. Dick J. would like to hear an outline of the specific issues.

Suzanne Mantegna, Zoning Administrator, stated they had received a call from a neighbor concerned about noise. She visited, and spoke with Mr. Evanson, on a day when they were just finishing jack-hammering. She felt it had been cleared more than the decision stated, in particular along the east side of the lot 5 driveway, and on lot 6, and south of lot 5's building envelope along west of drive. She read

that the conditions required the development of a maturing mixed woodland; a few mature trees does not meet this requirement. She didn't take Mr. Evanson up on his offer to mark out the building envelope because it was clear to her the clearing was beyond the envelope.

Greg W. asked if there was any purpose for the clearing; Suzanne M. stated the view was improved by the clearing.

Sam Evanson asked about a specific area he was watering when Suzanne M. visited, and if Suzanne M. thought it had been recently cleared. She replied no, she realized it had been cleared in the past, but that it was not being allowed to return to its natural state, because it was now planted in grass.

A site visit was scheduled for this Saturday, October 20, at 9 AM.

Dennis P. opened the meeting to the public.

Peter Erb mentioned that a site visit will show the present conditions, but the Board will need to take a historic site visit. Does this conform to the original intent of the approval? There was a series of negotiations; it is unfortunate there are two types of approvals here (the forester's side vs. the conditions that state this was supposed to stay wooded). He felt there was a lot that could have been done differently to manage this area.

Mitchel C. pointed out on the original subdivision site plan the original forest limits and the locations where the Applicant was to be allowed to clear. Historically, all of lot 5 was wooded. He asked if Mr. Evanson implied that entire hillside area and area by the stream that was not to be cleared had either invasive species or diseased trees. Mr. Evanson said no, some were not, and that's what he left. On the north end of the leach field, there are diseased bittersnuts that are still standing.

Greg W. asked if there is an association; what impact or control does Mr. Evanson have over this lot? Mr. Evanson owns lot 5, and the association maintains the road.

Ted B. made a motion to continue the hearing to the November 6, 2018 meeting. Dick J. seconded the motion. The Board voted 6-0.

John Linn: Conditional Use Review for the expansion of a non-conforming structure at 563 East Shore Road in the Shoreline Zoning District. The applicant is proposing to tear down two existing structures, combine his two existing lots to create one ±0.38-acre, and construct one seasonal camp on this lot.

John and Audrey Linn, and John Linn introduced themselves. John L. said they bought the larger camp, (southern lot) 20 years ago; they acquired the northern lot a year ago. The northern structure has recently come down.

They decided this would be a good time to re-develop this property. The northern lot would be a septic system, and they worked with Shoreland to design it. They have Shoreland and Septic Permits pending with the state (Agency of Natural Resources).

There is currently a deck 15" from the property line along south side; they will remove this deck. They will maintain a similar distance from the lake.

They have combined the lots into one lot; Alex W. pointed out when there are two non-conforming lots, if one is undeveloped they will automatically merge. John L. clarified that the yellow area is where the structure would go they built a conforming structure; this would be impossible because this area is sheer ledge.

Greg W. asked about intake water access. Alex W. pointed out that the town's ability to regulate water and sewer was removed in 2007.

Dick J. asked about the proposed structure height; John L. said this may be a bit taller because of a steeper pitched roof.

Greg W. asked about the shed on the shoreline. Alex W. stated that the she may be non-conforming, but isn't applicable to this application.

Sarah M. mentioned the full-height basement in plans; this may add a full (or ¾ of a) story.

Greg W. asked about why they wouldn't make the structure a year-round structure. John L stated that you can't improve the access road for year round conformance.

Ted B. **made a motion to close the public hearing and direct staff to draft conditions of approval.** Sarah M. **seconded the motion.** The Board **voted 6-0 to approve.**

Other Business:

Nancy Ruben – request for extension of approval for development on a private right-of-way at 460 Burritt Road. Decision dated 1/19/16.

Mitchel C. said they got approval 3 years ago for development on a private right-of-way. The Board is allowed to grant a single one-year extension on this.

Greg W. said they wanted to move the driveway; this has been going on for 7 years.

Dick J. asked about the driveways and locations, and the Board reviewed the plans.

Ted B. stated this was a new approval 3 years ago. Greg W. said it has been going on for many more than 3 years.

The Board reviewed the conditions of approval.

Ted B. **made a motion to grant a one-year extension to this approval for development on a private right-of-way.** Dick J. **seconded the motion.** The Board **voted 5-1**, with Greg W. dissenting.

News/Announcements/Correspondence:

Mitchel C. said that at next meeting there will be two subdivision revision applications in addition to the Evanson continuance.

Ted B. moved to close the public hearing and go into deliberative session. Dick J. seconded the motion. The Board voted 6-0.

The Board entered deliberative session at 8:39 PM.

Decision Deliberations –

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). *Hearing closed on 9/18/18.*

Jesse Paul & Sophia Morton: Sketch plan review for a 2-lot subdivision of a ±11.0-acre property located at 343 Partridge Hill Road. *Hearing closed on 10/2/18.*

Samantha Lednicky & Curtis Martin: Review of an application for development on a private right-of-way (ROW) for a 25-acre± property located at the south end of Fern Road. *Hearing closed on 10/2/18.*

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

The meeting adjourned at 9:20 PM.

Respectfully submitted,

Kate Kelly, Recording Secretary