

**Town of Hinesburg
Development Review Board
February 5, 2019**

Approved February 19, 2019

Members Present: Ted Bloomhardt, Jonathan Slason, Greg Waples, and Dick Jordan

Members Absent: Dennis Place, John Lyman, Sarah Murphy

Applicants: Matt Giroux, John Little, Steven Giroux, Rob Shea

Public Present: Janet Burnor, Mike Burnor

Also Present: Mitchel Cypes (Development Review Coordinator), Kate Kelly (Recording Secretary), and Suzanne Mantegna (Zoning Administrator)

Dick J. called the meeting to order at 7:35 PM.

Agenda Changes:

Mitch C. mentioned that there are still two alternate openings on the Development Review Board. We have received one application for the opening.

Review minutes of the January 15, 2019 meeting:

Ted B. **made a motion to approve the minutes of January 15, 2019 as amended.** Greg W. **seconded the motion.** The Board **voted 4-0.**

Matthew Giroux: Appeal of a Zoning Administrator Determination of a stream location on a property located at 328 Place Road West in the Rural Residential 1 Zoning District.

Matthew Giroux showed on the plans the ditch that his father dug when he built the barns. It runs down onto Dennis Place's land then into CVU fire pond. It has been there since 1983. The proposed deck would be within the 75 foot stream setback for this ditch. He contends that the ditch is not a stream. He said that there is no source of water for this stream, just drainage out of horse pasture (which was installed when pasture was created).

Greg W. requested a comment from the Applicant regarding how this corresponds with our definition of a stream. Matthew G. said it is a slight swale with grass in it. It is a foot to 18" wide near his house, where there is some silt and rocks in it. He felt that erosion would leave everything but the rocks, which are now visible.

Matthew G. presented the letter from a state river management engineer, Jaron Borg, stating that he sees that the stream is manmade.

Greg W. asked if they had talked to an attorney; they have not. Greg W. said there may be documents from when the property was subdivided in which they acknowledge there is a stream there. He recommended talking to a lawyer.

Jon S. said it appeared that there was acknowledgment of a stream here in the past; he asked their opinion. Matthew G. said they worked with Peter Erb, who said the town sees it as a stream and there was nothing they could do about it; they needed to be 75 feet from the stream. They just learned when talking with Alex W. that there was an option to change the classification. John Little said moving the house into the hayfield was an option but was not what they wanted to do, so they moved the house 10 feet deeper into ledge at greater expense. It hadn't crossed his mind that a deck would impede a setback.

Jon S. said he is sensitive to his plight; he'd like to see it with his own eyes, but didn't think the evidence presented tonight favors their appeal. Greg W. said he'd like to look at their prior application and understand its impact to this decision, and whether they should consult with a lawyer; he'd also like to see what's on the ground. John Little didn't remember if they specifically talked about the stream in the decision, but he remembered saying they'd abide by all setbacks.

Greg W. would like to continue the hearing to April/May.

John Little said all of the land up to the back of their house has been horse pasture. They put physical drainage in the ground for this pasture, and forced all the water into one spot. Dick J. asked about the drains; Steve G. said they are mostly foundation drains from house and barn.

Greg W. mentioned that stream characteristics could change and that would affect the classification of the stream; perhaps they could let the water go different directions. Suzanne Mantegna said there is a lower elevation in the stream area.

Jon S. said that by definition a stream has to have exposed rock, gravel, or other sediment, and that from what he saw from the photos, this doesn't have that.

Ted B. asked about setback rules; would an elevated structure apply? Suzanne M. said she told them that a patio is possible, but a structure is not. Matt G. said they didn't feel the regulations make sense. It was suggested that perhaps they should amend the regulations with the Planning Commission.

Suzanne M. stated that Jaron Borg called her to say that the state doesn't have jurisdiction over the stream, but the town does.

Dick J. said the 75 foot is to let the stream meander, and it wouldn't meander here; others on the Board felt setbacks are for additional purposes (not just to allow stream meandering). Dick J. asked if there was anyone from the Public who would like to comment, which there was none.

Ted B. made a motion to continue the hearing to the May 21 meeting, and to set up a site visit on May 21 at 6 PM. Greg W. seconded the motion. The Board voted 4-0.

Robert Shea (Hart Properties, LLC): Conditional use review for expansion of a non-conforming structure, a dwelling located at 538 Silver Street in the Agricultural Zoning District. The applicant is

proposing to increase the overall height of the building to make the second floor more usable and to replace exterior steps with a larger porch.

Rob Shea said they'd like to increase the height of the main building 6', maintaining the same roofline pitch; there is currently a 1' knee wall inside, so the maximum ceiling height upstairs is 6'. It is tough to get in (have to duck from stairwell). The current structure is nonconforming because it is too close to the road. There are no other houses that will have their view blocked. In addition, the Rob Shea mentioned that the concrete steps are detached; they'd like to put in a deck to tie the two entrances together.

Greg W. said there is more mass that is within the setback, but none is closer to the centerline of roadway. In his history on the Board, they have recognized this is not an inappropriate expansion. Ted B. concurred.

There is no impact to surrounding properties. The Burnors (neighbors) sit up on the hill, and they were in favor of the improvements.

Greg W. **made a motion to close the public hearing and direct staff to draft conditions of approval.** Ted B. **seconded the motion.** The Board **voted 4-0.**

Other Business: Decision Deliberations:

Town of Hinesburg: Conditional use review for development in a fluvial erosion hazard area at 907 Beecher Hill Road (Town Highway Garage property).

Jon S. made two minor changes. Greg W. **made a motion to approve as amended.** Jon S. **seconded the motion.** The Board **voted 4-0.**

Meadow Mist, LLC: Sketch Plan review to revise a previously approved +22.3-acre Planned Unit Development (PUD) located at the southern edge of the Village on the west side of VT Route 116, across from New South Farm Road and Buck Hill Road West.

Ted B. asked about what the Applicant would need to come back with (for final approval). Mitchel C. confirmed they would. Greg W. mentioned the waivers, to make sure the Applicant returns with a complete list.

Dick J. asked about why a garage setback waiver is now required. Mitchel C. replied that in village growth area, garages need to be set back 10 feet from the rest of the building. For three of the buildings this waiver was not needed since the garages faced away from Route 116. Creating small lots changes the location of the garages to the front of the property, and the need for the waiver.

Greg W. **made a motion to approve the draft decision as written.** Ted B. **seconded the motion.** The Board **voted 4-0.**

Discussion:

March 5 board training: Stormwater 101, Mitchel C. will prepare a presentation. No specific agenda items yet for that night. Ted B. asked about the Feb. 19 meeting; Mitchel C. replied it is the continuation of the Frost hearing, and he has not received any new materials yet.

News/Announcements/Correspondence:

Mitchel C. reminded the viewing audience that there are two alternate DRB positions available.

The meeting adjourned at 8:23 PM.

Respectfully submitted,
Kate Kelly, Recording Secretary