

Town of Hinesburg
Development Review Board
April 16, 2019
Approved May 7, 2019

Members Present: Jonathan Slason, Dennis Place, John Lyman, Ted Bloomhardt, Dick Jordan entered the meeting a few minutes late

Members Absent: Greg Waples, Sarah Murphy, Bryan Currier (alternate)

Applicants: Timothy Fox, George & Janis Bedard

Public Present: Steve Knowlden, Patty Knowlden, Geri Knortz, Daniele Pheeney, Stephen J. Cote, Andy Hubinger, Robert Hyams

Also Present: Mitchel Cypes (Development Review Coordinator) and Kate Kelly (Recording Secretary)

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

Agenda Changes:

Mitchel C. mentioned that Sam Nelis is requesting a 6-month extension to his sketch plan.
Mitchel C. provided a reminder of the volunteer appreciation dinner.

Review minutes of the April 2, 2019 meeting:

Dennis P. **made a motion to approve the minutes of April 2, 2019 as written.** Ted B. **seconded the motion.** The Board **voted 4-0.**

Timothy Fox: Conditional Use review for a home occupation on a +3.0-acre property located at 108 Garvey Farm Road in the Rural Residential 1 Zoning District. The applicant is proposing a building expansion and additional parking for an in-home studio for wellness and movement classes.

Timothy Fox said their current home occupation allows for up to 5 cars per day. They hold class on Saturday and Tuesday. They mostly work off site. They are considering expanding to have up to 12 (14 in application) people (instead of 6). 10 cars, maximum twice a week, arriving at the same time and leaving 1.5 hours later. They'd take out a line of trees to add parking. If neighbors are opposed, they'd withdraw the application. Timothy F. asked if the Town has received any complaints from the neighbors. Mitchel C. said written concerns are on the Dropbox, and there are some neighbors present.

Ted B. asked if they come one per car, and Timothy F. replied they come 2-3 per car (that's why they say 10 cars for 14 participants).

Jon S. asked what the maintenance agreement is for the road; Timothy F. stated that everyone puts in \$200/year and they occasionally re-do the road. Jon S. asked if there had been discussion about this; Timothy F. said he's more concerned with trucks damaging the road (garbage, fuel oil, Snap-on tool

truck). Jon S. asked about headlights into adjacent house; Timothy F. said he doesn't think it would be a problem due to foliage and hill (he is at bottom of hill). He described the neighborhood.

Dennis P. asked how many cars they have regularly; Timothy F. said it is 4 cars (the permit is for 5).

Ted B. mentioned there would be a limit to how many classes could be added; Timothy F. said they wouldn't add more than 3 classes a week, and the space they add would be able to be used as a living room in the future or between classes.

Timothy F. said he plans to remove the trees anyways (aspens that lay down across his driveway when it snows).

Dennis P. opened the discussion to the public.

Steve Knowlden lives at the entrance to Garvey Farm Rd., on the right side as you pull in. Listening to Tim's statement, he stated that garbage trucks and fuel oil trucks are normal for a neighborhood, they do have reservations about traffic, and the potential for setting precedence in the neighborhood. He worried about the impact on the road, and dust.

Geri Knortz, neighbor, had the same concerns of wear on the road, and a change in the character of the neighborhood.

Timothy F. withdrew his application.

George Bedard: Sketch Plan review for a 4-lot subdivision of a +53.35-acre property located on the south side of Texas Hill Road (across from Bishop Road) in the Rural Residential 2 Zoning District.

John L. said he will participate, there is no conflict of interest. George Bedard clarified that before David Lyman passed away, he bought him out.

George B. said they have 53 acres, it has been before the Board many times, but they had no interest by anyone to purchase the land in the past. There may be interest now in moving forward with purchase of land. He is proposing 4 lots (one larger lot over 40 acres). Last time they were before the Board, the question was raised about how many places they could put a house; there were about 5 places on that 40 acres, and that is why there are 5 building envelopes on lot 4.

George B. described the lots. Lot #1 has a rise right off the road. Lot #2 and Lot #3 – people would probably build approximately where numbers (2 & 3) are located on the plan. He asked to show building envelopes at preliminary (because different owner may want to modify). George B. said he took in the entire possible area for building envelopes; they would be smaller in future phases of the application.

George B. continued to describe the property; the topo lines are 10 foot intervals. In the future preliminary plat application, these would be 2-3 foot intervals. Area on the west side of entry road would be made into a detention area. Intersection gets bottomless in the springtime. The cut-out area has a spring in the bottom of it that loads the road. He would excavate it down, put in drainage and a culvert across the road to Bishop Rd. to discharge the pipe. It isn't practical to run water from the ditch into the brook. The access road itself will have swales along the road so it will not run very far before

being diverted. He can divert water so it only has 200-300 feet of ditch before it has someplace to go (runoff won't reach the main road). Water from southern part of access road could pass on the bottom side of the #1 on the plan.

Ted B. asked if there is an existing culvert under the road; Mitchel C. showed it near the #2 on the plan.

George B. explained the large building envelopes. Stormwater could go between lots 2 and 3 and go over the bank to be absorbed. Between the #3 on the plan and past the cul de sac there is a drainage-way below the #1 on the plan. They've had the wetland delineated, and it is class 3 unprotected, less than 0.5 acre total. They can keep next to nothing going down to the road itself.

Dennis P. asked where he logged; George B. said nearly all of it, except wet areas that were hard to get to. The cut was certified as a light selective cut, taken by McNeil for chips. Mostly pine and hardwood, a lot of pulpwood came out.

He'd like to have this approved with the same conditions (smaller building envelopes, more defined).

Ted B. said we discussed moving lots to the east side, so as to leave a wildlife corridor to the west. George B. showed a new home on the north side of Texas Hill Road east of Bishop Road, and they had deer in their backyard. His take is the east side (which is wetter) is one route the deer use. Deer like driveways as much as anything else. George B. didn't feel what is left would interfere with the flow of wildlife. Wildlife cross wherever they want.

Jon S. requested better contours and would like to know why George B. thinks this road design is preferred vs. cutting more directly south. George B. said you can do the road under 10%. The biggest cut will be coming up out of bank (where they'll be moving more than 5 ft. of dirt). Up above this area will probably just be shaping.

Dennis P. asked if this is best for site distances. George B. said that Mike Anthony said the eastern location is better for the road cut.

Jon S. asked about moving the road further south; George B. suggested a site visit. Preliminary will come in with LIDAR and 1-2 foot intervals.

Dennis P. asked how far from house to house (lot 3 to existing house to the west). George B. replied probably 300-400 feet to their houses.

Jon S. was nervous about site 2 being close to road. They discussed the location of wildlife corridors. George B. said wet areas are to east, which doesn't bother wildlife, so he wouldn't recommend moving houses to the east.

Dick J. clarified that the linkage area is shown there because development exists to the east and west of this area. Wildlife are crossing north to south. George B. said with limited number of units proposed it won't limit crossing.

Dick J. asked about building envelopes on lot 4. He'd recommend taking away the western envelope and making lot 3 a little smaller.

Andy Hubinger owns the property to the south of the Applicant's. He has heard the concerns about wildlife corridors and water. He has been up there for 25 years, and has hunted the land for 30. The deer have changed their patterns when the houses were built. He described deer crossing near Bishop Rd. (just south of Bishop Rd. then following the edge of the field, and up into lot 4). Then when houses got built it pushed the deer further to east. Deer are adapting. He asked about house on the corner of Bishop Rd., and the Board responded it was subdivided before regulations. He said Sherman Hollow bikes and Town Forest bikes have pushed deer away (bright lights on bikes at night). This has disturbed deer more than houses have. He supports George B. on this.

John L. asked, and George B. said the max houses here can be 4.

Bob Hyams (on the Conservation Commission, not representing the Conservation Commission), pointed out that wildlife corridors are also for wildlife other than deer.

Ted B. and the Board reviewed other written comments from Kate Kelly.

Ted B. asked about the orders in the previous sketch plan approval (May 19, 2015). The Board reviewed the orders.

Jon S. suggested that #2 lot should be reduced in size and moved further south, and make an attempt to give deference to wildlife corridors along Texas Hill. The Board would like to see #1-3 moved closer to access road and made smaller. The Board discussed possible envelopes on lot 4. John L. mentioned that these are possible envelopes, and actual envelopes would be presented at preliminary with site visit.

Bob H. asked if it would be useful to know more about what animals are using these corridors/what is most important. Dennis P. replied that it would take a long time (waiting for snow fall to track), and said it seems no one can tell us an actual recommended corridor width; Bob H. replied that there is guidance for different species.

Mitchel C. asked the Board for clarification on the contents of a draft decision. The Board is requesting that the building envelopes for lots 1 through 3 be close to the access road and it seems that the Board would like the same for lot #4. The Board agreed.

Dick J. said the picture that shows the linkage is a bit misleading; actual crossing area could be east or west side. There are no specific maps, so the Board needs to recognize and leave corridors. Ted B. said this would also help leave wet areas alone.

George B. said there will be other wet areas on #4, and these will be identified and avoided.

Bob H. asked if the road location was set; George B. said it could be moved a bit to the west.

Bob H. said if wildlife corridors are the main consideration, he'd consider getting the best four building sites while maximizing the width of the corridor.

Mitchel C. asked if the southern part of access road could be pushed east; George B. said it could not (drainage near bottom of #1). Possibly it could move a bit to the west.

Andy H. asked Bob H. what other animals might be there, and mentioned there are many other animals that use the same (deer) trails. Bob H. replied if we are trying to develop and maintain connectivity, this is the best option. He'd also want to acknowledge the stream corridor and give it a good buffer. He'd suggest keeping the west side of the property open. Ted B. said this was their conclusion 4 years ago as well.

Dennis P. **made a motion to close the public hearing and direct staff to draft conditions of approval.** Dick J. **seconded the motion.** The Board **voted 5-0.**

Other Business:

Natural Resource Inventory project briefing

Bob Hyams, Conservation Commission (CC), introduced the project, and stated that the CC is charged with developing a Natural Resources Inventory (NRI) for the town. The CC wanted to get input from many different entities, and Dennis P. and Jon S. are attending on behalf of the DRB. Bob H. said the inventory will provide base data of what's on the ground. What are our town's pressing questions? When we develop the RFP, we can ask how the consultant's data will inform these questions. Bob H. requested submission to him of specific questions the DRB would like to see answered. We already have questions about wetlands, forest functions and values, etc. We'd like to make sure land use regs and town plan questions are in there as well. Kate K. added that this is the first phase, that will look at all data; phase 2 will be more boots-on-the-ground. Bob H. clarified that phase one is compiling data sources to create more accurate and local layers; phase two is more boots on the ground analysis of hotspots.

Jon S. asked if the Conservation Commission is then going to make recommendations to the PC to turn this into regulatory policies. Bob H. answered that the Conservation Commission and the NRI could function in two ways to tighten up land use regs, or maybe we would function better as an advisory body (e.g. welcome to Hinesburg, would you like to meet with Conservation Commission to review these priorities). Dennis P. said in the past it's been too late, so doing this up front would be great. Bob H. said we also envision this as an educational tool, accessible by the public.

Nelis extension: Dennis P. **made a motion to approve a 6-month extension for sketch plan.** Jon S. **seconded the motion.** The Board **voted 5-0.**

Decision Deliberations:

Giroux Body Shop:

Some minor amendments were made. Ted B. **made a motion to approve the decision as amended.** Dennis P. **seconded the motion.** The Board **voted 5-0.**

Charles Bush:

The Board discussed the location of the fence and cedars. The Board agreed to recommend putting cedars on the road side of the fence. Jon S. wondered about access permit; Mitchel C. said they did receive their access permit. Some other minor amendments were made. Jon S. wondered if they would need an external light; Mitchel C. said that one was not requested, which is addressed in the decision.

Dennis P. **made a motion to approve the decision as amended.** John L. **seconded the motion.** The Board **voted 5-0.**

News/Announcements/Correspondence:

Mitchel C. provided a reminder of the volunteer appreciation dinner and history of Hinesburg Town Forest presentation, 5:30-8:30 PM. Dinner 5:30-6:30 PM.

Mitchel C. said that on May 7, Marie Gardner will come in to expand accessory apartment. Alan Norris will come back for a very small site amendment.

On May 21 will be the continuation of Matt Giroux's appeal of setback of stream distance. A site visit is planned prior to the meeting.

The Board discussed when to schedule Hinesburg Center II's new sketch plan application. John L. and Jon S. stated that they will be recusing themselves. The Board realized that at most they would have only four people for the May 7 meeting to hear the application. The Board will wait till May 21, or possibly June 4 where they can have 5 or 6 Board members to hear the application.

The meeting adjourned at 9:22 PM.

Respectfully submitted,
Kate Kelly, Recording Secretary