

**Town of Hinesburg**  
**Development Review Board**  
**December 17, 2019**  
Approved January 7, 2020

Members Present: Dennis Place, Ted Bloomhardt, John Lyman, Jonathan Slason, Bryan Currier (alternate), and Dick Jordan and Greg Waples who entered the meeting a few minutes late.

Members Absent: Sarah Murphy

Applicants: Stephen Martin, Roger Daggett, Lisa Daggett, David Bertrand, and Crew Bertrand

Public Present: Kristin Foley

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 the DRB made a motion via email that was approved by Dennis P., Ted B., Dick J., John L. and Greg W. to continue Roger & Lisa Daggett's application from the December 3<sup>rd</sup> to tonight's (Dec. 17) meeting.

Mitchel C. proposed moving the decision deliberation for Hans Jenny/Jade Jenny & Danielle Horan to the end of the meeting.

**Review minutes of the November 19, 2019 meeting:** John L. **made a motion to approve the minutes of November 19, 2019 as written.** Ted B. **seconded the motion.** The Board **voted 3-0**; Jon S. and Bryan C. abstained.

**Stephen Martin:**

Stephen Martin described his property at 17 Palmer Rd., and that he wants to replace an old trailer with a newer trailer on his property. He'd like to turn the trailer, so it will be at least 25' away from the stream. The new trailer will be roughly the same size as the old trailer and still have 2 bedrooms. Mitchel C. said due to State regulations there would be problems moving it to other areas of the lot. To do so would require a new wastewater permit.

Dick J. entered the meeting.

Mitchel C. said currently the old trailer is setback 15' from the stream, so the new configuration would be more conforming. Bryan Currier asked about their septic system, and said downstream water quality should be considered. Mitchel C. said that the Applicant did not know the exact location of their leach field, which the Applicant believes is on the western part of their property. Mitchel C. urged the Applicant to find their septic system and confirm it is working well.

Greg W. entered the meeting.

Mitchel C. displayed on the screen where the trailer could be placed to meet the stream setbacks, and described the problematic conditions with this. The Board discussed the size of the current mobile home.

The Applicant confirmed that the new mobile home would be about the same size as the current mobile home.

Jon S. was surprised we aren't trying to mandate the 75' setback, given that the Board has requested that other applicants not put structures in the setback. He said he's willing to compromise, but he'd like to be fair among applicants. Greg W. replied that this was non-conforming before (as opposed to a new addition), which distinguishes it from other applications.

**Ted B. made a motion to close the public hearing and direct staff to draft conditions of conditional use approval. Dick J. seconded the motion. The Board voted 7-0.**

Dick J. said that on a small stream, 75' seems overly large and restrictive. Mitchel C. said the Zoning Administrator has the authority/responsibility to define some waterways as streams. He mentioned his agreement with the Zoning Administrator that the waterway in question was clearly a stream. The Board discussed options to recommend to the Planning Commission on setback requirements for streams.

#### **Roger & Lisa Daggett:**

Roger Daggett passed around copies of aerial photos of the existing road, as well as engineered designs for rip rap at bottom of road. Since the last meeting, they've met with Al Barber, Hinesburg Fire Chief, regarding pull-outs and Mike Anthony, Hinesburg Highway Foreman, regarding drainage and ditching at the bottom. Greg W. asked if it is their opinion that this application meets the conditions of this and also the former Planning Commission requirements from 19 years ago. Roger D. said he does believe these meet the conditions. Roger D. displayed the map with letters showing where improvements would be made.

Roger D. explained that they will clean up the pull-offs and expand the road (where narrower than 18' currently). They propose expanding area G to be able to pull in a large truck/emergency vehicle. They propose taking down a tree in area F, which has a 10" diameter, which might otherwise impede a truck making the turn. They will widen the road from 20' to 40' at area E. He described the multiple turn-around locations for emergency vehicles. Al Barber said he's fine with this as proposed. He said it is steep, but the Fire Department can deal with it, and they'll try to get there.

Dick J. asked about area E, which appears narrow; Roger D. said they will widen it so it will be a full 40'.

Roger D. mentioned Mike Anthony's concern about run-off. Greg W. asked about what's going on with Pond Rd. with level access. Roger D. said he would describe that soon, and pointed out area C, where they will clean up a pull-off so that it can accept more run-off. Mike Anthony proposed that from area C down to area B on both sides of the road will have a swale (6 feet wide, 12 inches deep), with riprap as detailed by their engineer. The culvert along Pond Road is 35' long. They will replace the present culvert with one that will be 38' long. Rip rap will limit silt or run off into the road. There will be a flat spot so run-off will go into ditches instead of into Pond Rd. They will also widen the pull-off at area D and construct a 6' berm near road to prevent sliding into road. Mitchel C. asked if the road would be crowned – Roger D. answered it will be crowned.

Jon S. questioned the 20-foot flat area, and if they could get 15% gradient after that. Roger D. said they can get a flat area near Pond Road and a less than 15% grade on the rest of the roadway. Jon S. said he is glad to see the widened corners. Greg W. asked about their legal right to widen the corners. Roger D. clarified that they have a 50 foot right-of-way from center of road. Jon S. said he'd like to see the 15% put into a condition. David Bertrand said the state standard is 16%. Roger D. said the town shot the grade as well

when the road was first built. Mitchel C. clarified that the first section of the Dynamite Hill roadway had grades that were up to 16% grade.

Dick J. would like to see a profile of the driveway/road. Roger D. said the town has done this survey before, including depth of road and camber. Their engineers have already done all this. Bryan Currier asked why, if the engineer has done this, the Board doesn't have it. Roger D. said this was done under the original application, but hasn't been done by the engineers for this application. Dick J. said they could request these drawings at the next phase.

Greg W. asked for a summary of what will happen at the roadway, as far as grade, to conform to standards. Roger D. said they haven't had any accidents/hazards here in 20 years. They will improve the ditches, and already have 35 foot opening. They will have a 20 foot area that is 5% or less grade. They will widen the pull-off, and add to create a 6 foot berm at bottom. They are limited by existing owners around them (this was an existing road). Greg W. asked Mitchel C.'s opinion, if this will fit with regulations. He replied he hasn't had much time to review, and feels this application has potential to do this. Jon S. clarified that the Vermont standards do say 16% grade. David B. said their engineer is sure that they can get a 20 foot flat area. Roger D. said they will widen the access to 40 foot.

Mitchel C. said the original design had swales on both sides of the road. He asked if they will be able to describe where stormwater is coming down the road, and how they will control erosion. Roger D. said the only area affected would be area E, which moves it to the existing ditches. Area C is an existing run-out that needs to be cleaned up, and they will do that. He described that the area off area E, which drains into a running brook then peters out. He clarified that everything from Baker's driveway further west drains to the west.

Roger D. said that they will stay within the building envelope requirements, and meet state well standards. Mitchel C. asked about avoiding the steep area. He displayed the site plan to show the steep area in the proposed building envelope. Roger D. confirmed they won't be going near the steep area to the west of the proposed building location. Ted B. mentioned shrinking the building envelope to avoid the steep area. Roger D. confirmed that will be fine. Bryan C. requested a gradient description for the driveway as well as the road.

**Ted B. made a motion to close the public hearing and direct staff to draft conditions of approval for sketch plan. Greg W. seconded the motion. The Board voted 7-0.**

#### **Other Business:**

Extension Request - **Gary and Rebecca Fournier:** Mitchel C. stated they needed to re-do their wetland delineation, which delayed their survey. They believe they will come in on time but it will be close. This is a first-time extension.

**Greg W. made a motion to grant a six-month extension. Dennis P. seconded the motion. The Board voted 7-0.**

**Renominations:** Mitchel C. announced that Sarah M., Dick J., and Ted B. would like to renew their terms. The Select Board will meet tomorrow, and Mitchel C. will confirm this gets on their agenda.

**News/Announcements/Correspondence:** Mitchel C. said that at next meeting (Jan. 7) there will be an expansion of a non-conforming structure and a variance application. He described a vestry (small lot), on which you can't build or do anything on it without a variance. In addition, Rolf K. will do a presentation for the Vestry.

Mitchel C. said that Planning & Zoning has been working with Haystack/BlackRock, which is tentatively scheduled for the Feb. 4 meeting. Greg W. asked about lot 15. Mitchel C. said Hannaford withdrew their application. Greg W. asked about a loophole in the Planning Commission's commercial development guidelines. Has that loophole been closed or could someone still come in to apply for a larger than 20,000 sq. ft. development? Mitchel C. felt it isn't a loophole. Someone could still apply for a larger than 20,000 sq. ft. development.

Jon S. and Bryan C. left the meeting.

Decision Deliberation - **Hans Jenny/Jade Jenny & Danielle Horan:**

Dennis P. said he was concerned about the DRB requiring a trail on the property and believed that the DRB should only require that the Applicant have a conversation with the Trails Committee. Greg W. explained that the language is only obligating the Applicant to talk to the Trails Committee, but not have to put a trail in. Dick J. said he was felt this doesn't require them to put a trail in. They discussed the Robert Frost application; Mitchel C. clarified that this was the same condition as was in the Frost decision.

Greg W. **made a motion to approve as written.** Ted B. **seconded the motion.** The Board **voted 5-0.**

**The meeting adjourned at 8:33 PM.**

Respectfully submitted,  
Kate Kelly, Recording Secretary