

Town of Hinesburg
Development Review Board
January 21, 2020
Approved February 4, 2020

Members Present: Ted Bloomhardt, John Lyman, Bryan Currier (alternate), Greg Waples, Dennis Place, and Sarah Murphy; Dick Jordan entered a few minutes late

Members Absent: Jonathan Slason

Applicants: Jack Milbank, Bob Stahl

Public Present: Wayne Maceyka, Chelsie Bush, Amy McVey

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

Dennis P. called the meeting to order at 7:31 PM.

Agenda Changes: None.

Review minutes of the January 7, 2020 meeting: Ted B. made a minor amendment, then **made a motion to approve the minutes of December 17, 2019 as amended.** John L. **seconded the motion.** The Board **voted 4-0**; Dennis P. and Sarah M. abstained.

John & Sandra Milbank and Robert Stahl:

Jack Millbank introduced himself and his partner in ownership of lot 2, Bob Stahl. Lot 2 was put on the market a couple years ago, and hadn't had much activity. Jack M. and Bob S. put an offer on it, as it is undeveloped. Jack M. owns lot 3, and Bob S. owns lot 1. The history of the lot is that the original subdivision had to provide a 30-acre lot for a relative. The lot was inherited by an out-of-state landowner; Jack M. and Bob S. wanted to buy it to protect their space there. They thought they could split it in two and give northern part to the Milbanks (retaining as a building lot), and southern part to Bob S. (where there is a nice meadow, and he knows there won't be a house in his viewshed). They now own the land, and they'd like to divide it.

Jack M. clarified that if the lots had been created today, it would have required a wastewater permit, and it will require one still before a building permit is issued. He referenced the staff report comment on soils, stating that they were defined by his firm and are sufficient for the designed wastewater system.

Dick J. entered the meeting.

Ted B. asked if there is development potential on the two lots. Mitchel C. clarified that they could sub-divide based on acreage, but the terrain would make this difficult. Jack M. said it's not appropriate, and they don't plan to do so. Ted B. asked if there is intention to erase one of the property lines. Mitchel C. displayed the line that will be dissolved. Jack M. said lot 1 will be 45.4 acres. Lot 2 will remain, with 14.4 acres. Lot 3 is staying as is.

Mitchel C. clarified this is a single step process (subdivision revision).

There was no one from the public who commented on this application.

Ted B. asked, and Jack M. answered, that the lots were created in 1998. This was one of the first subdivisions that required that the wastewater design met state regulations.

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 7-0.**

Alex W. entered the meeting.

Other Business:

Decision Deliberations

United Church of Hinesburg/Rolf Kielman:

John L. asked if any development of any sort would need to come before the DRB; Mitchel C. said because they aren't allowed a single family (because it is for community use), they are required to come before DRB, but he tried to write the draft decision to provide some flexibility in the type of use.

Dick J. said it is unclear about if they raze and rebuild it or restore it. He suggested that if they re-build it would have to be on the same footprint. Ted B. said it would be in conditional use permit. Alex W. added that they would have to come in for the conditional use for anything other than storage. Mitchel C. added if they were going to knock it down and rebuild it, they'd have to get a zoning permit, which the draft decision was written to allow this to happen.

Ted B. **made a motion to approve the variance as written.** Dick J. **seconded the motion.** The Board **voted 4-0;** Dennis P., Sarah M., and Greg W. abstained.

Mary Provencher:

Greg W. **made a motion to approve the decision as written.** Ted B. **seconded the motion.** The Board **voted 5-0;** Dennis P. and Sarah M. abstained.

DRB Rules of Procedures:

Mitchel C. said this is a reminder from administration about rules. He pointed out that there is a 3-hour time limit on meetings. If no staff is present, Sarah M. is to take minutes. It also discusses how meetings are to be conducted, etc.

News/Announcements/Correspondence:

Mitchel C. announced that Haystack is not quite ready for the next meeting. There will be a sketch plan application for the next meeting (Donovan & O'Donnell).

Water/Wastewater Allocation Scoring:

Alex W. spoke about a Planning Commission project that Sarah M. was a part of, the Water/Wastewater Allocation Committee, which had members from various committees and staff. That committee reviewed

ways to allocate this municipal resource. The Select Board looked at the Planning Commission's proposal, and gave direction for the Planning Commission to revise and get public input (which will happen on Feb. 12). Alex W. requested that the DRB provide comments on the scoring system.

Greg W. asked how objective/subjective the scoring system is. Alex W. said Williston has updated their system, and they gave a presentation to the committee. Williston's system was more objective in the scoring department. The allocation committee wanted it to be as objective as possible. Greg W. asked if they could expect a staff report with preliminary scoring. Alex W. said they could, and at a once-a-year meeting with all applicants, the board can decide the score.

Alex W. clarified that for a subdivision, at sketch plan, they will have to have reviewed by a set date. This will be similar to the current system. For non-subdivisions (like Hannaford), the project would come in for conceptual level of review. We will have to invent a review for a situation like this (conceptual level, like sketch plan). Dennis P. asked if it will be difficult for people to judge how many people they will hire at sketch plan. Alex W. replied that, in a situation like Kinney Drugs, they could get points for the Kinney Drugs jobs, but not for the other buildings (where they are built on spec). Dennis P. said if a developer comes in for phase 1, they get allocation for only part of it. Alex W. said they should be able to show that they can get the point allocation for the whole thing, and that there are other ways to get these points. Alex W. gave the example of the Blomstrann proposal next to NRG. Under the proposed system, they wouldn't have gotten any points for jobs, because there wasn't any actual business or plan.

Sarah M. asked if it is once a year meeting; Alex W. said it would be, based on the amount of allocation given out by the Select Board. Some developments may need to wait almost a year to get their approval/allocation; and some may not get approved if there is not enough allocation.

Sarah M. asked about fast-tracking; Alex W. said there is an off ramp for smaller projects below a certain level. The committee had discussed if there should be an off ramp for platinum projects. The committee and the Planning Commission felt like they didn't want to approve this, and that all projects should compete.

Greg W. asked how many developments this would apply to. BlackRock already has allocation for their first phase. Haystack also has allocation for most of their first phase. Greg W. asked how much is left. Alex W. replied BlackRock has about 1/3 that doesn't have allocation; Hinesburg Center has 2/3 that doesn't have allocation. The Blomstrann project has a small amount of allocation and may be giving that back. The Quinn property has substantial buildout potential and zero allocation.

Alex W. said the Select Board would put allocation in pots (for DRB, special projects, etc.) yearly. Small projects exempt from scoring process would still be limited by allocation in their pot. All of this depends on us bringing the new well online, which we won't know until June (Hinesburg now owns it, but we need to test to make sure it's worth bringing online).

Dennis P. asked if this will put pressure on the DRB to hear multiple applications the month before the deadline. Alex W. said last year Williston had four applications; he doesn't see this being a big issue but it's one we should plan for. He felt the bigger issue is that there may not be much competition, which is what this is dependent on. Greg W. asked why other towns aren't rushing to implement these types of systems. Alex W. said most of the towns either don't track, don't know how much they have, or water/wastewater is not a limiting factor.

Ted B. asked if there is just one application that meets the size, does it win? Sarah M. said they currently are meeting the regulations, and this scoring system requires a minimum score. Ted B. felt the minimum is low.

Alex W. replied that the Planning Commission considered multiple options here, and the points here are above and beyond the regulations.

The Board discussed how the Select Board would put the allocation into pots. Sarah M.'s concerns were regarding allocation/phasing of projects. Alex W. said in his mind the projects that score the highest get full allocation, then second highest score gets their allocation, but this should be clarified.

Dick J. asked about timeline. Alex W. said all who made deadline, will be reviewed at first meeting in March, to score and give allocation. Dick J. was concerned that this would delay everything by a year, which is not the way business works. Alex W. said for subdivision, sketch plan approval to preliminary often takes a year, so this won't delay things. Brian C. suggested they could do mid-year commercial review.

The Board reviewed the Cheeseplant situation, where they requested/bought larger allocation, and that payment for the larger use of it would be made when it was brought online.

Greg W. said he is happy to work with the system the Planning Commission works out. Alex W. requested feedback on the scoring system and if it makes sense, if criteria are specific enough, etc. Greg W. reacted positively to what's on paper.

Brian C. said he was concerned with how much allocation they will have per year; will they allow pooling allocation for years? John L. asked if applicants will know how much we have to work with; Alex W. replied they will in the future.

The test they're waiting for is the drawdown test when the well is pumped hard and all other wells in the area are monitored; this is a seasonal test scheduled for late spring.

Ted B. asked about wastewater; Alex W. said we are at 60% of capacity so we have plenty to give away, but we have a large wastewater upgrade to make. The town has 5 years from when the permit was issued (2018) to make the upgrade. They would like to go to voters in March with a bond (~\$11 million). They were hoping to be eligible for rural development funds, but we are not eligible based on the income survey that was done. If the town doesn't upgrade the wastewater treatment facility in that timeframe, the worst situation is that the state (via the EPA) imposes fines that will encourage the town to make the upgrade happen. Dennis P. asked if we'd still have to upgrade even without adding users. Alex W. said we'd still have to do something to treat ammonia/phosphorus, which will be similar to the large \$11 million price tag. John L. asked if the upgrade still needs to be done in the current location or can it be moved; Alex W. replied that the systems require fixed piping that can't move. The soils there are bad, so stabilizing soils is necessary, and is a part of the large price tag. They looked at alternative locations with more stable soils, and these aren't any cheaper. There is no way to do on-site septic for town densities and soils.

It's important for the community to know that we will have to make wastewater upgrades regardless of if new users are brought on to the system.

Alex W. asked for thoughts via email or call before Feb. 12.

The meeting adjourned at 8:48 PM.

Respectfully submitted,
Kate Kelly, Recording Secretary