

Town of Hinesburg
Development Review Board
March 3, 2020
Approved April 7, 2020

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

Members Absent: Bryan Currier (alternate) and Branden Martin (alternate)

Applicants: Martin Sienkiewicz, Tina Specht, Julie Rubaud, and Gary Fournier

Public Present: Frank Babbott

Also Present: Mitchel Cypes (Development Review Coordinator), Kate Kelly (Recording Secretary), and Laura Sau (incoming Recording Secretary)

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

Agenda Changes: Mitchel C. introduced Sau, who will be the new Recording Secretary. He mentioned discussing the Natural Resources Inventory under News and Announcements.

John L. wanted to review conflict of interest policy, and what public or private pre-judgment means. Greg W. said if someone comes up to you at the grocery store to discuss issues before the Board, you should cut off the discussion, or if this happens it should be disclosed at a meeting. Dennis P. asked about reading a newspaper or a post on FPF; Greg W. felt this was not an issue, as all board members could read it.

Sarah M. and Dick J. entered the meeting.

Review minutes of the February 18, 2020 meeting: Greg W. made a motion to approve the minutes of February 18, 2020 as amended. Ted B. seconded the motion. The Board voted 4-0; Dennis P., Sarah M., and Jonathan S. abstained.

Julie Rubaud/Red Wagon Plants:

Julie R. said she didn't realize she needed a permit in order to have an outside caterer to bring in food and serve it in their greenhouse. In their greenhouse #3, the caterer brings coffee and baked goods from their facility, but they may use some farm vegetables for juices and herbs for savory goods or garnish.

Dick J. asked if state law requires that 51% of income must come from things derived from the farm. Mitchel C. said the farm café regulations state that the café must use some product produced on the farm. Ted B. mentioned that this would be under town control, but they aren't exempt from state laws. Mitchel C. said this must meet conditional use reviews, based on state statute. Greg W. mentioned if there's any question about if this complies with state law, the Board has to comply with what the Selectboard passed.

Julie R. continued that this café will just be on Saturdays and Sundays. Greg W. asked, and Julie R. replied, that most customers (maybe 80%) come to buy plants also.

Mitchel C. stated there was a question about if they need a water and sewer permit from the state. Julie R. said the bakers called the Health Department and explained the situation; the Health Department said if the

food is all made off-site, it is fine. Julie R. called the Health Department and Department of Agriculture, and the Department of Agriculture said it is an auxiliary business to an existing ag business, and it is fine. The Health Department said as long as they are cooking off-site and using disposable dishes, it is fine. Mitchel C. said he called the Agency of Natural Resources, and they haven't returned his calls yet.

Mitchel C. mentioned that as per section 4.1.2, they don't have to have a zoning permit, but the Board can put that condition in, so that once an answer is received, the Zoning Administrator could issue a minimum permit.

Jon S. said he recalled that there was an event or two held there as well. He'd like to see it stated that they will have staff manage traffic and safety.

Dick J. asked about pesticides/herbicides and serving food in a greenhouse. Julie R. said all the food is wrapped, and the room is off to the side but has openings (windows etc.).

Jon S. was comfortable moving ahead with the condition of Health Department approval.

There was no one from the public for this application, but Mitchel C. noted two e-mailed letters of support.

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

Gary and Rebecca Fournier:

Gary Fournier described the lots (lot 3 has wetlands in the middle; they ran this to the corner of the property because the state wetlands biologist didn't want people to access usable land by making a road/trail through the wetland). He described lot 1, which has an existing building and has mowable land north of the house; they'd like to form the new lot 3 off lot 1.

The Board discussed the shape of the lot and usable land. They discussed how it is unusable east of the hedgerow that Gary F. pointed out. Gary F. said he doesn't care if the lot goes straight back instead of coming to a point at the north. He said he is going to be building a house for himself on the west side of the lot. Dick J. asked, and Gary F. clarified that currently, the only access to the usable area north of lot 1's house is from lot 1. They discussed options for shape of the lots. Greg W. didn't feel the Board would be impairing the use of the land.

The Board reviewed that the Applicant will need to show the building envelope; Gary F. said they will add this.

Mitchel C. said he measured ~4,000 sq. ft. of impervious, so in regards to stormwater conformance, the Applicant should comment about what they should do stormwater-wise (should be sheet flow coming off the driveway). Gary F. confirmed this (sheet flow off driveway) is what they will do.

Mitchel C. said other comments on the staff report are conditions that would be on a decision.

Dennis P. opened the discussion to the public.

Frank Babbott, who lives just above Gary F., said he has no problems with what Gary F. is trying to do. He mentioned they should try to get a road agreement in the future, because they have a new neighbor on the corner. Mitchel C. clarified that the new property has access from the north, and if they want to access from the south, they'll need to come before the board for access from a private right-of-way.

Dennis P. **made a motion to close the public hearing and direct staff to draft conditions of approval.** Greg W. **seconded the motion.** The Board **voted 7-0.**

Martin Sienkiewicz:

Martin S. said they're proposing an accessory apartment, which is a tiny house on wheels. They've retained Krebs & Lansing to do a wastewater permit application for them; he described the property and surrounding land which owned by the Land Trust, and maintained by Fish & Wildlife. He continued that the state is requiring that the current septic system be expanded for the accessory apartment. It appears on the aerial photo that the property line is very close to the accessory apartment; in fact, the southern property line based on survey is where the stone wall is – they are 28 feet from this line. This is greater than the 20 foot minimum sideyard setback. Greg W. asked when the last survey was done; it was 1989.

Staff review comments regarding parking: Martin S. displayed the driveway, which they park three wide and stack vehicles. They also have the original farm access road (still in existence), and they do occasionally park vehicles there.

Greg W. asked if this authorization would extend to future owners. Mitchel C. said yes, but the future owner still has to live there. Dennis P. asked, and Martin S. answered, that they will expand their septic from 3 bedroom to a 3 bedroom with accessory apartment (8 people).

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

News/Announcements/Correspondence:

Mitchel C. announced that at the next meeting, they will hear a conversion of a former single-family house into a duplex (section 5.14 of the zoning regulations, Joe Fallon's office will be made into an apartment). They will also review a subdivision revision boundary adjustment, and hear the continuation of Haystack Crossing. They will likely meet upstairs to accommodate larger crowds.

Kate K. announced that there will be a meeting on Monday March 9, 6-8 PM, on the third floor of Town Hall, to review a draft of the Natural Resources Inventory. Dennis P. hopes to attend as a DRB representative.

The meeting adjourned at 8:25 PM.

Respectfully submitted,
Kate Kelly, Recording Secretary