

**Town of Hinesburg**  
**Development Review Board**  
**April 7, 2020**  
**Approved April 21, 2020**

Members Present: Dennis Place, John Lyman, Greg Waples, Ted Bloomhardt, Sarah Murphy, Dick Jordan, Jonathan Slason, Branden Martin (alternate), and Bryan Currier (alternate)

Members Absent: None

Applicants: **Michael Sirois & Debra Heintz and Kelly & Lorraine Donley:**

Michael Sirois and Colen Johnson of Trudell Consulting Engineers

**Gary Landrigan of G & L Properties, LLC:**

Gary Landrigan and Jason Barnard of Barnard & Gervais (Survey and Design Firm)

**Russell Family Trust:**

Joyce Cellars, Margaret McNurlan, and Jason Barnard of Barnard & Gervais (Survey and Design Firm)

Public Present: Anne Donegan, David and Holly Pasackow, Merrily Lovell, Dave Cook, Bev Knight, Phil Pouch. Since this was a remote meeting, it is possible there were other members of the Public in attendance, who did not speak nor make themselves known.

Also Present: Mitchel Cypes (Development Review Coordinator), Alex Weinhagen (Director of Planning & Zoning), and Laura Sau (Recording Secretary)

Dennis P. called the meeting to order at 7:39 PM.

**I. Meeting Procedures:**

- a. Everyone will be *muted* while Dennis is running the meeting. If you have something to say, you should unmute and get Dennis' attention.
- b. Place yourself in a *well-lit room*, use headphones if possible, and let your family know not to disturb you. You want to wear appropriate clothes that can be seen.
- c. **Please Identify Yourself When You Speak**
- d. Chat and file sharing has been disabled.

**II. Agenda Changes:**

- a. No agenda changes

**III. Review minutes of the March 3, 2020 meeting:** Dennis P. **made a motion to approve the minutes of March 3, 2020 as amended.** Jon S. **seconded the motion.** The Board **voted 7-0;**

**IV. Michael Sirois & Debra Heintz and Kelly & Lorraine Donley:**

239 Apple Ridge Rd. and 213 Apple Ridge Rd., a subdivision revision of an 8 lot subdivision.

Property transfer of 5.31 acres from property 239 to 213 Apply Ridge Rd.

- a. Colen J. - 5.31 acres is undeveloped, no frontage, and both parties are located in the Agricultural Zoning District. Nothing changes except boundary line.
- b. Ted B., John L., Dennis P. agree that it is a straight forward application.
- c. Colen J. said that he will add the existing trail easement that Mitch C. stated in the draft decision.

There were no public comments for this application.

Dennis P. **made a motion to close the public hearing and to approve conditions drafted by staff.** Greg W. **seconded the motion.** The Board **voted 7-0.**

**V. Gary Landrigan of G & L Properties, LLC:**

Gary Landrigan and Jason Barnard present for application

- a. Gary L. - wants to make a law office & 3 bedroom residence into two 2-bedroom residences.
  - The building has 26-2800 sq. ft., and is located on Route 116, 4 buildings from Lantman's.
  - The building was constructed in 1850 as Single Family residence
  - Plans to take one bedroom from back apartment, and combine with law office space to make a total of 2 apartments, each with 2 bedrooms
  - Water from the existing well has been State permitted.
- b. Mitch C. - House was on town sewer, with its own well. Switching from office to apartment would not require additional allocation based on occupancy. Received wastewater permit this morning.
- c. *Concern:* Jon S.- Water is subject to chemical composition of well. Part 3.2 of the State permit requires a water test shall be submitted before use.
  - *Clarification:* Jason B. - Well has been sampled as a part of the application. All tests passed.
- d. *Concern:* Greg W.- Do we not require applicants to connect to town water? Trying to maximize community use of town water.
  - *Clarification:* Mitch C. - Eric Bailey, Hinesburg Utilities Superintendent, said it was fine.
  - Phil P. - says we should look into this for zoning. Well might be grandfathered in.
  - Mitch C.- this well has existed for a long time.
  - Jason B.- thinks the well predates 1970 because it is not on the state database. Building used to have 13 bedrooms so it definitely meets the needs.
- e. Jon S.- wants in conditions that it's documented for potable water
  - *Clarification:* Alex W. - Section 5.22 of Zoning Regulations- connected to town water and waste water. However historically, the Utilities Department makes the call on pre-existing systems. Phil P.'s comment is a larger issue to be dealt with by the Selectboard.
- f. Greg W.- what if well dries?
  - Alex W.- If he was him, he would seek a town allocation at some point due to dense building contamination in town, such as Lantman's or Mobile gas station.
  - Mitch C.- Procedurally, we have asked the director of utilities and follow their guidance.
  - Greg W. - doesn't disagree with raising those issues.
- g. Jon S. - Stated that they do have a draft approval in front of us, but wants to add that potable supply is in good standing.
  - Jason B.- the water test has passed.
  - Jon S. - concerned because of what the permit states.
  - *Proposal:* Ted B.- add to #1, "and apply to all conditions thereof"
- h. Dennis P. opens discussion to the public. No public comment.
- i. *Concern:* Jon S.- refers to permit 6.1 condition
  - *Clarification:* Alex: this is standard permit language
  - Jason B- agreed
- j. *Proposal:* Mitch C.- "Landowner shall comply with standards"
  - *Clarification:* Alex W.- Might put our Zoning Administration in the position to apply state zoning, which isn't allowed. State is separate than local.
- k. Greg W.- *Proposal:* language of #1 should reference remote meeting instead of public meeting (for consistency with previous Sirois/Heintz/Donley application)
  - Mitch C. – We can use the same remote meeting language in Findings of Fact #1 as the Sirois/Heintz/Donley application.

- *Concern:* Does this meet lighting requirements?
- Mitch C.- no exterior changes are being made
- *Proposal:* Greg W.- says we should adhere to new regulations
- *Clarification:* Alex W.- Zoning Reg. Section 5.29.1. -Existing lighting is grandfathered in, unless project is subject to the DRB review with new or revised site lighting.
- *Proposal:* Greg W.- wanted it stated that it must meet current lighting standards
- John L. – why should we require a change to lighting and not water?
- Jon S.- lighting affects others whereas water doesn't
- Gary L.- doesn't see current lighting not meeting current standards.
- *Proposal:* Mitch C.-Changes to order number 2: lighting must comply with Zoning reg standard 5.29.1

**I. New Draft Changes: Revised language in Findings of Fact #1 and Order #2**

There were no public comments on this application.

Dennis P. **made a motion to close the public hearing and to approve conditions drafted by staff, with the changes to refence of a remote meeting and Order #2.** Greg W. **seconded the motion.**

The Board **voted 7-0.**

**VI. Russell Family Trust:**

Jason Barnard representing the Russell Family Trust. 9-lot subdivision was approved in 2006

- a. Jason B. - Proposal is for lot 9, of the 2006 approval to subdivide 2 additional parcels with areas of 0.5 acres for lot 10 and 0.57 acres for lot 11.
  - The proposed 2 lots will be on municipal water and sewer
  - After subdivision, the remaining 14 acres of lot 9 will dissolve into Russell family trust land for agriculture. Deeds and covenants have been reviewed and this was something that has been in trust's intentions.
  - Easements and right of ways in place
- b. Phil P. – 4 of the 6 houses have heat pumps on the land. He thinks those homes are outside of village district. May be out of zone so might not have to hook up to Town water.
  - *Clarification:* Alex W. - the two proposed lots and the seven existing lots with residences are in the Town's water & sewer district.
  - *Clarification:* Mitch C. – The existing residences are on Town sewer only and have their own wells. The reason may be due to a lack of water pressure
  - *Proposal:* Jason B. - We will check for water pressure, but it can be worked out with pump in house.
- c. *Proposal:* Jason B.- From the original survey plot described how the Right of way is the current right of way, but it would be nice to make the access be on a more gradual grade.
- d. *Concern:* Dick J.- Lot 10 sits predominately on 15% + slope. Seems like a very steep lot. In the past, the DRB has veered people away from lots that steep.
  - Jason B- Lot 11 is below 15% grade, but we can reassess
  - *Clarification:* Mitch C. - Development on slopes greater than 25% grade is not permitted per the regulations. Some development on slopes between 15% and 25% is allowable per circumstance, but must be limited.
  - *Proposal:* Jason B.- we will come back to you with measurements of grading
  - Greg W. & Ted B. remembered that they walked the area 10 years ago when the earlier subdivision occurred and recalls a steep slope to 116. Vague recollection is that they anticipated development on those lots and thought it was appropriate.
  - *Clarification:* Jason B. - The previous decision considered this as the buildable area.

- *Proposal:* Branden M.- if contours are LiDAR, Jason B. could make a visual banding for the board to see.
- e. *Proposal:* Dennis P.- DRB site visit. Greg W. agrees.
- f. Mitch C.- right of way access was a part of 2006 decision. Through lot 11 would be very steep and may not meet requirements.
- g. *Concern:* Jon S.- conversation about sidewalk connectivity to village?
  - *Clarification:* Jason B.- not at this point.
  - *Proposal:* Jon S.- shared interest in brainstorming with the applicant about sidewalks
- h. John L. - visual site visit would be appropriate
  - *Proposal:* Jason B.- For a DRB site visit, he will stake out building sites and driveways
- i. Dennis: add a thoughts of connectivity
- j. *Concern:* Jon S.- points out wind turbine on survey plan
  - *Clarification:* Jason B- there is an existing easement but no existing turbine
  - *Proposal:* Greg W.- would you be willing to extinguish turbine easement to relieve neighbors
  - Jason B.- will talk to Trust
  - Mitch C.- The ability to extinguish the easement might lie in HOA of lots 1-6. Recommend a legal opinion.
  - Greg W.- doubts that HOA has a ruling if no one wants it
  - Jason B.- in survey plan, they're required to show easement of wind turbine

Dennis P. opens discussion to the public.

- k. *Concern and Proposal:* Phil P. (not on behalf of HOA)- Totally okay with it, since it has been in thoughts since he bought property. Would like to be involved in **driveway layout** because it goes in front of property. Has planted with things by property line so would like a say for minimal impact.
  - HOA would like to have say on how it connects to current access way
  - Doesn't want to say for them not to put in a turbine, but doubts there would be a turbine because it's not a windy site. Current South Farm Rd. homes are near **net zero** and would encourage 2 new lots to do the same. (ie. Geo thermal, heat pumps, and solar)
- l. David Pasackow, Resident of South Farm Rd.
  - *Agrees* with Phil P.'s comment. *Concern and Proposal:* Applicant communication with HOA in terms of connection to road, road maintenance costs, etc.
  - *Concern:* Dick J. - New lots would be responsible for their separate piece of driveway?
  - *Clarification:* Jason B.- that's what would happen. Right of way is what was previously surveyed. Will reassess, as well as, for angle for turning in. He believes the Russell family will be in agreeance with what works for everyone in neighborhood.
- m. *Concern:* Phil P.- We do have an existing access gravel walkway that comes parallel with proposed shared drive. While looking at final layout, we would like to not impact walkway due to the prevention of having to walk down 116. Would like to keep walkability and connectivity.
  - Greg W. - This is why we should do a site visit.
  - Jason B.- walkway easement, is it in 50' right of way, or its own easement?
  - Phil P.- believes it is just south of proposed driveway.
- n. *Proposal:* John L.- If site is staked out, DRB members can go out individually given current circumstances.
  - *Concern:* Jason B.- Because this isn't essential work, he doesn't want to ask the workers to do something they're not comfortable with.
  - *Clarification and Proposal:* Alex W.- Renae, the Town Administrator, has guidelines from the state. Nothing DRB is talking about tonight is exempt from stay-at-home order. Suggests picking a date, and arranging a postponed date if still under stay-at-home.
  - *Proposal:* Greg W. suggests May the earliest. --May 19<sup>th</sup> prior to DRB meeting
  - *Agrees:* Jason B.- is in favor of scheduling—potential 1/2 day of GPS work for his workers. They will stake out the proposed driveway and building envelopes

Dennis P. **made a motion to continue the Public hearing after a board site visit at 6:00PM and then a hearing on May 19, 2020.** Greg W. **seconded the motion.** The Board **voted 7-0.**

**VII. News/Announcements/Correspondence:**

- a. Mitch C.- next meeting is Haystack Crossing application, the following meeting is Jim Donovan for final subdivision to return
  - b. *Concern:* Greg W- Were we looking for Haystack traffic studies prior to meeting?
    - *Clarification:* Mitch C.- The study is being done independently, and it will be available prior to the meeting for both the applicant and board in Dropbox
  - c. *Concern:* Dick J.- Will the remote forum work for complicated discussion for Haystack.
    - Several board members expressed being against it.
    - *Clarification:* Mitch C.- it will be the only thing on agenda.
    - *Proposal:* Alex W.- Suggests contacting the applicant about not being comfortable with a fair public hearing.
    - **Mitch C. will contact applicant.** 6 of 8 Board members prefer to delay application hearing for Haystack.
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- *Proposal:* Alex W.- try to start meeting at least.
  - Greg W.- Doesn't think it helps
  - Jon S.- Everyone is dealing with it (stay-at-home orders due to COVID-19).
  - Ted B. - We have to figure it out despite it not being ideal.

*Proposal:* Staff suggests going down to 2 applications per meeting because everything will take longer.

*Proposal:* Sarah M.- the applicant has the power to 'share screen' to move cursor around to point to documents.

*Proposal:* John L.- requests feedback from tonight's applicants on the remote meeting forum.

Dennis P. moved to adjourn, Jon S. seconded

**The meeting adjourned at 9:35 PM.**

Respectfully submitted,  
Laura Sau, Recording Secretary