

**Town of Hinesburg**  
**Development Review Board**  
**August 4, 2020**  
Approved August, 18, 2020

Members Present: John Lyman, Dennis Place, Dick Jordan, Jonathan Slason, and Branden Martin (alternate)

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

Applicants: **Jeri & Scott Belisle, Sketch Plan Subdivision** – Jeri Belisle

**Eric Belliveau, Site Plan review** - Eric Belliveau

**Black Rock Construction/ Haystack Crossing, LLC:**

Michael Buscher – TJ Boyle Associates

Ben Avery- Black Rock Construction

Andres Torizzo- Stormwater

Public Present: Michael Bissonette, Bill Schubart, Marianna Holzer, Katherine & Bill Schubart, Phil Pouech, Lenore Budd, Kate Kelly, Barbara Forauer, Christina Deeley, Merrily Lovell, Kristel Heinemann, and Natacha Liuzzi,

*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), Al Barber (Fire Chief), and Laura Sau (Recording Secretary)

Dennis P. called the meeting to order at 7:33 PM.

**I. Meeting Procedures:**

Mitch C.- Displayed Meeting Procedures. Meeting was held remotely due to the current State of Emergency in our best conformance with the Governor's executive order.

- a. Everyone will be muted. Please stay muted until the Public portion of the meeting when it is appropriate for you to speak.
- b. Place yourself in a *well-lit room*, use headphones if possible, and let your family know not to disturb you.
- c. **Please Identify Yourself When You Speak**
- d. Chat and file sharing has been disabled.
- e. If watching via VCAM, you can e-mail Mitch with questions or comments.

**II. Agenda Changes:**

- a. Mitch requested to delay agenda items if power cuts out due to incoming storm.
- b. Jon S. **made a motion, that if people lose connection, items will get moved to the next meeting.** Dick J. **seconded the motion. The Board voted 5-0.**

**III. Review minutes of the July 7, 2020 meeting:**

- a. Dick J. **made a motion to approve the minutes of July 21, 2020 as amended.** John L. **seconded the motion.** The Board **voted 4-0**; Jon S. abstained

IV. **Jeri & Scott Belisle:** Sketch Plan review for a 2-lot subdivision of a +13.2-acre property located at 531 Weed Road in the Agricultural Zoning District. The applicants are proposing to create a +4.2-acre lot for a new single-family residence. The existing house and garage would be on the remaining +9 acres.

V. Jeri B- Interested in creating a second home site near house.

a. Dennis P.- 2 building envelopes or 3?

- Mitch – Concern of if something was a stream or not. Suzanne looked at it, it was declared it a stream, at least a part of it. 2<sup>nd</sup> building envelope ended up within stream setback and the front envelope had to be adjusted 10-15’.
- Primary building envelope is sandwiched between rear property line setback, and the road and ROW Causes larger front yard setback than usual. 75’ setback from stream. North has steep areas that being avoided.
- Secondary building envelope for barn, woodshop, or garage.

b. Jeri B- setback from ROW. Thought Mitch had said it would be 60’ from Center of the ROW.

- *Clarification:* Mitch C.- road of from center of ROW, whichever is closer. Primary building is closer
- Jeri B.-Is setback for road maintenance
- Mitch C.– Just for structures over 100 sq. ft.
- Nothing wrong with putting house in either building envelope but understands that the family doesn’t want the house to be in the field.

c. Dick J.- Map shows ROW going up eastern, left of property line. Seems to be on neighbor’s property.

- Mitch C. – The survey shows the property line to the east of the right-of-way and the GIS mapping, in error, shows the property line to the west of the right-of-way.
- Survey was created by Barnard & Gervais, a licensed surveyor.

d. Dick J- Secondary building envelope in the field—would not put a house because it’s an agricultural area.

- Maybe a barn or garage and perhaps would want it as close to the edge of the field.
- *Seeking clarification:* Misreading regulations? Keep these things out of agricultural areas?
- Mitch C.- Explained intent of avoiding the setback from the centerline of the ROW
- Jeri B. - doesn’t understand logic of private ROW setback. Is it just for driveway maintenance?
- Mitch C.- Explained it’s a regulation
- Dennis P- Doesn’t disagree on 2 building envelopes. He asked if the board has to make applicant choose which one where they will use for the house.
- Mitch C.- Has seen some cases of choosing, and some where they have an alternative for a barn or garage.
- *Proposal:* Dick J.- Would like recognition that house will be in proposed lot identified as primary. Also, that the envelope is intentionally small, therefore allowing second envelope.
- Jeri B.- House will only go in the primary building envelope. Didn’t even think about having a second building envelope, but Mitch suggested it since primary envelope will be small due to setbacks.
- Mitch C. - Could move driveway more towards the center of ROW. To the north the Applicant wants to keep building envelope away from steep slopes because there would be additional problems with erosion control and stormwater and put a few more standards on application if it is included.
- Jeri B.- Proposed footprint is big enough for house, but budging building lot as far West and South as possible helps.

e. Dennis P.- Comments referencing neighbor?

- Jeri B.- After Mitch introduced the secondary envelope, Lot #1 house directly faces that lot and so Jeri emailed those neighbors to discuss. They have not yet responded. The other houses in the area don’t have a visual towards secondary building envelope.

- Board is fine with secondary envelope. Some members didn't see an issue with view impact. Dennis P. pointed out that usually the board is more concerned with public road view.
- *Concern:* Dick J.- Lot 2 located in the *center* of the field.
- Jon S.- It makes sense there
- Branden M.- Voiced that if anything, it should be moved closer to the driveway.
- Possibility of Variance waivers was brought up.
- Dick J.- 5 criteria you have to meet for a variance
- Mitch C.- Will see what he can come up with waiver wise. Second Building envelope for
- *Clarification:* Mitch C.- Front yard setbacks for both house and accessory building

**VI. Dennis P. opened the hearing to the public- No Public Comment**

**VII. Dennis P. Made a motion to close the public hearing and to direct staff to draft decision approval. Dick J. seconded. Board voted 5-0.**

**VIII. Eric Belliveau:** Site Plan review for multiple principal structures on one lot, a 0.95-acre property located at 10542 Route 116 in the Village Zoning District. The applicant is proposing to build a second residential structure behind (west of) the existing structure.

- a. Mitch C.- displayed the proposed map - Eric B. -Old post and beam house turned into duplex. Site could support more units in town. Proposing another unit behind the house.
- b. Dick J.- Yellow marked impervious- Extension of parking lot to get to the garages and West side deck? Pointed out parking areas. Will it be butted against 24' part of building?
  - Eric B. - The 24' part no longer exists so it won't butt against existing.
- c. *Concern:* Dick J. - Additional noise with garages?
  - Eric B. - Owner occupied. Door openers are wall mounted and not connected to ceiling. Full foam around building and offset of sheet rock to mitigate noise.
- d. Mitch C. - Village district, and it doesn't exceed buildable area.
- e. Dennis P. - Landscaping?
  - Mitch C.- Required landscaping, owner asked for dispensation due to existing landscaping done when duplex was made.
  - Eric B. - pointed out all of the existing fruit trees existing for screening. \$1800-1900 to spend on perennials but figuring out where to put it.
  - *Proposal:* Dick J.- Screening of parking north of Existing house. Proposed useful screening along berm. Berm doesn't count as screening.
  - Eric B. - Didn't want to agree to put bushes there. Would be happy to consider other things.
  - *Concern:* Jon S. - Expressed support for reduction of landscape screening. It has been beneficial for the safety of people coming out of the driveway. Thinks it's aesthetically pleasing as is.
  - *Proposal:* Mitch C. - Suggested requirement to maintain existing landscaping
  - *Proposal:* Jon S. - Would like it in writing. Some may be annuals or perennials.
  - *Clarification:* Eric B. - Yard currently consists of perennial plants. Town forester did put in a couple trees on 116 on Church side. Stream is full of invasive species. Trying to clean some of that up without messing with setback.
- f. Dennis P. - Rain garden between property and Church?
  - Eric G. - Rain water comes out of Culvert on the lawn, which leads to rain garden between properties. Acknowledged Church's issues with water during parts of the year. Continues to stay in contact and mutual effort with Church on maintenance of land between properties.
- g. John L. - Lot has vastly improved in the last few years and appreciates what's been done.
  - Eric G. - New building will look like a barn.
- h. Andrea M. - Culvert is all of the stormwater starting at Lyman Meadows. Small pipe is runoff from sidewalk project. Pipe used to be fully covered. Town is working with Lewis Creek and other land owners

in the village, looking into possibilities of disrupting flow within stormwater system. Partly ditch and partly stream classification.

- i. Eric B.- Silted up to the point where it wont drain and into the play yard of the church.
- j. Andrea M - Play yard will be classified as a wetlands. – Artificial channel that’s silted in. Made when Cheese factory was built, and rec field put in.
  - Eric B. - Property has big piles of dirt from a project
  - Andrea M - dirt from cheese plant
- k. Dennis P.- Referenced Storm water Standards staff comments
  - Eric B.- Berm will be maintained. It is gravel. House has drainage under eaves. Will also do with North South eaves. Only will have gutters on new house over doors, no downspout. No observable runoff on property.
- l. Dennis P. – Lighting staff notes
  - Eric B.- Existing is 4watt LED. Proposing occupancy motion-activated security lighting. Glow, down-facing next to doors. Proposing security lighting on building peaks at driveway. Recessed LED lighting, down-facing. underneath porch for parking. Not observable directly.
- m. Mitch C. - Has to be down casting. Regulations on brightness, color, number, etc. Don’t have information from the application. Board could review or zoning administrator could confirm.
  - Eric B.- Could just have existing as well as downlighting under porch and could not put in security.
  - Mitch C.- Section 5.29 requirements of Zoning Regulation
- n. *Concern:* Dick J.- There’s still somethings that need to be worked out and information supplied before writing decision
  - Lighting and stormwater. Doesn’t see anything being done other than with the berm.
  - Eric B. - Suggests a visit to the property because there is a fair amount of water mitigation in place
- o. *Proposal:* Jon S.- To include language: “must comply with lighting standards” in decision, with assumption of additional security light. Emphasized regulations are to not impact other houses or vehicles.
  - *Clarification:* Eric B.- Energy efficiency lighting is his business.
- p. Jon S.- Under the square footage requirements for engineered stormwater. His house is on the lower level of system. Okay with moving on from topic.
- q. Dick J. - Asked if there’s enough grass for filtration of water running off of the driveway. Emphasized the need to keep water from rushing into stream areas.
  - Eric B. - Existing Conditions, no change to driveway to flow.
  - Dick J. - When a site is under review with a new site plan, there’s an opportunity to review existing conditions for improvements.
- r. Mitch C. – 5.27 Stormwater Regulations- Village growth area, even something under 10,000 sq ft, regulations call for moderate improvements. New impervious area calculates out to 2,420 sq ft. New improvements available. Flow is East to West to stream, could put up berm or wooded vegetation in stream buffer to slow flow. Regulations don’t specifically say something specific; this is what the applicant is proposing. Is it enough?
  - Dick J. - Asked Mitch from his background if a berm is enough to treat
  - Mitch. - This will slow down so there isn’t direct discharge. It fits the regulation
- s. John L. – Runoff on side towards the church.
  - Eric B.- It already has a 12” berm.

#### **IX. Dennis P. opened the hearing to the Public**

- a. Phil P.- Representing the church, who has had issues with the stream.
  - Working with Andrea M. to do something with the greenspace behind the church.
  - Working with the town to do something with the runoff.

- Doesn't want to impact and make it worse. Will be in contact with Eric, should improve mitigation and treatment of stormwater.
- b. Barbara F.- Is the 12" buffer adequate with all of the changes of the property? Will it affect Church or stream?
  - Eric B. - Completely- The water can't get to there. Also owns office building on other side of the church. Nothing will change at Church, whatever water already heads there, will head there. Continues to with church.
- c. Barbara F.- Suggested blueberry plants/ useful plants on berm
  - Eric B.- Currently has Cherry Trees. Proposed bushes on eastern side of parking area.
- d. Barbara F.- Heating?
  - Eric B.- Solar powered heat pump.
- e. Kate K.- Echoed encouragements to protect stream buffer. Suggested other options than berm, such as filter strips at edge of impervious area or additional plantings. Mitch C.- Bushes along edges of driveway?
  - Eric B. - doesn't want to do that. Likes plantings concentrated due to plowing etc.
  - Kate K.- Filtered strips can be plants, or just gravel
  - Eric B. - Assured that he hasn't seen a overland flow. Only has seen water overflow into Churches yard due to silt build up in channel.
- f. Mitch C. – If a written condition is included of removing invasive species, he asked if Eric would plant something else?
  - Eric B. - Concerned about invasives and them growing back within new plants. Once it's taken care of, which will be a battle, then he will be open to advice on new plants.

**X. Jon S. made a motion to close the public hearing and to direct staff to draft decision approval. John L. seconded. Board voted 5-0**

- a. Mitch has 45 days to make a decision. Perhaps 2 weeks from now, board will vote. Zoning is really busy so it might not be by the next meeting. Building permit follows.
- b. 30 day appeal period for DRB decisions. Done before building permit. Sometimes 15 day appeal period

**XI. Black Rock Construction/ Haystack Crossing, LLC:** Preliminary Plat and Conditional Use review for Phase 1 of a major mixed use (residential, commercial, light industrial) development on a +76-acre property located on the west side of Route 116 north of Kinney Drug and Patrick Brook in the Village Northwest and Agricultural Zoning Districts. Topics to be addressed at this meeting include stormwater and other issues. The DRB may close the Haystack hearing at the end of this meeting. Hearing continued from 2/18, 4/21, 5/5, 5/19, 6/2, 6/16, 7/7, and 7/21/20.

- a. Jon S. Recused himself

**XII. Stormwater**

- a. Ben A.- Mitch received response from Andres T. and he suggested 2 more mitigation ideas.
- b. Mitch C.- Received new set of plans yesterday late afternoon, which addresses comments.
  - Increase size of pipes to allow for 100 year flow.
  - Inlets between lots 32 and 33. Everything is draining to that spot. Intent on keeping it?
  - Andres T.- Proposing to add additional 42" pipe from catch basin 8 (not make pipes bigger), south of Haystack, down to gravel wetlands
    1. To ensure no overflow during 100-year storm
    2. Small surcharge north of gravel wetlands, with bypass
    3. Ponding goes away for 100 year
    4. Plan still meets criteria since January Stormwater plan version (Same plan but with additional pipe)
- c. Dick J.- 75 -year storm, some ponds would overtop except big intended outlets.
  - Mitch C. - Before, outflow areas which didn't go the same way as original drainage plan. With additional pipe, would stormwater be able to discharge without overflow?

1. Andres T.- Yes up to and including 100 year storm. Very conservative system. – Regulations call for 25 year
  2. Note: Discussed at a prior meeting, the Applicant is referring to a regulation that was superseded years ago.
- d. Dennis P. - A lot information provided. Can be flushed out before final? Could take another 5 meetings to go over.
- Ben A. - Directed Andres T. to begin State storm water permit to have before final. If state of Vermont isn't an acceptable authority as ACT 250 process, then doesn't know what is.
  - Dennis P.- Hinesburg regulations are more stringent.
  - Andres T. - Have met all of town regulations criteria, except 100 year storm standard. Has met all other criteria, intends a waiver for one which has been discussed. New proposed pipe meets the last commented criteria.
  - Ben A.- Not all board members understands everything about stormwater, so the board must decide whether the '*Job is in conformance with standards?*'
  - Andres T.- 48" grate and 24" outlet—Staff questioning but common for debris. Doesn't agree with things not relevant to design or standards.
- e. Mitch C. - Sometimes cad models will show an error with sort of design. ... Regulations— Building H part of edge of drainage area. Interesting to see what the State will have to say. Unusual. Also the drainage areas of Rec Fields and gravel parking lot etc., go to different place in gravel wetland. Why isn't it directed to the sediment basin or why isn't there another sediment basin?
- Andres T. – Building H—made change to ponding limits, nowhere near limits of building H.
  - Mitch C.— displayed "very new stormwater of paths – 8.3.20"
  - Andres T.- swale could easily be put in there.
  - There was a discussion about the Rec fields flow down Center Road. Catch basin higher than other. Mitch recommend that in order to not overflow catch basin 3, that 3 catch basins be changed to be placed at same elevation.
- f. *Concern:* Ben A.- Meetings are being dragged out.
- g. Mitch C. – This is the only new comment. All the others have been focused on conforming to the 100-year storm. Has not had a chance to review the final plans.
- Andres T. - Mitch asking about an additional forebay is also a new comment. No impervious surface. Forebays are for impervious surface not field.
  - Mitch – The comment is based on the response to what has changed.
- h. Ben A. - Shouldn't be talking about this in public forum, instead should work on this offline. Thinks small details can be dealt with between now and final.
- Dennis P. - There has been work but there has been disagreements.
  - Mitch C.- Very close. Possible to hash out at next level.
- i. Ben A.- Nothing has changed other than pipe, No longer will respond to anything else. Mitch can add input in the State review.
- j. Branden M. - Would like to have time to review new pipe design.
- k. *Concern:* Dick J. – Worried that something isn't modeled correctly, which would cause wrong end result.
- Mitch is one guy looking at a lot of data so if he catches a couple things now, its fine. Really close.
  - Concerned to make sure there are no showstoppers at final, just tweaks. Enough to move on.
  - John L. – Have enough to move on and leave it up to experts to tweak for final.
  - Dennis P.- Expressed that the work by Mitch and Andres is excellent and will be good with the State looking at it.
  - Mitch mentioned there has been many public comments and 4 additional since staff report.
- Available in Dropbox*

**XIII. Dennis opened the hearing to the Public**

- a. Christina Deeley- Read through impact fees towards police and fire department. Library and school impact fees? Lack of play structure?
  - *Clarification:* Mitch C. – Fire impact fees are set up for future development, for things intended to be built. The police station impact fees are set up to help pay for the mortgage of the new police station. Fire station impact fees are towards new fire station. State process to create impact fees. Set up by Selectboard, not DRB.
  - *Mitch C. Invited Christina D.* to e-mail him with more questions.
  - Ben A.- Would love to see playground in central green. As part of process, can't privately own public amenities. Will be a discussion with Selectboard, and what they're comfortable of taking over.
  - *Concern:* Christina D.- Concerned about not anything written anywhere on this about play structure being included. Ben directed Christina to follow upcoming Selectboard meeting (4-6 weeks) on this matter, and to voice her concerns there.
- b. *Clarification:* Mitch C. – Explained to the remaining Public that in order to have option of appealing, one must at least state a concern by letter, email or at a hearing that you are an interested party.
- c. Katherine Schubart- wants to be an interested party.
  - Interested on Energy Commission and how it will be developed in coordination with State and Town goals. Unclear how to meet energy goals with not just solar. To provide owners with cheapest and cleanest form of energy.
  - Mike B.- Build out proposes to create 25% of energy to meet density bonus. Most of major facades facing south. Roof lines will be solar accessible. Larger Buildings are being looking at roof mounted solar. One ground mounted Solar. All houses will have heat pumps- electricity for majority of heat and cooling. Most of large buildings and options for small buildings.
  - Katherine- R Value?
  - Ben A.- Efficiency VT standards. Some folks will elect high performance homes. Some are guiding to clients. Not project wide answer.
- d. Marianna Holzer- Library Trustee and Resident since 1986. She stated her interest in this application.
- e. John L.- Curious about numbers on how many people have participated in meetings.
- f. Mitch – This meeting, 25 was the max.
- g. Natacha Liuzzi stated her interest in this application.

**XIV. Dennis P. made a motion to close the public hearing and to take it up in deliberate session. Dick J. seconded. Board voted 4-0**

**XV. Municipal Impact (Haystack Crossing)**

- a. Mitch – The cost of repaving Creekside was provided to estimate a cost for repaving the proposed Haystack development. An approximate annual cost was calculated for review. This is not an action items, but rather information to share with applicant, board and Public.

**XVI. News/Announcements/Correspondence:**

- a. Upcoming applications
  - Sleepy Hollow
  - Abani Dam development sign.
  - Still reviewing Hinesburg Center 2
- b. Not scheduling any applications for the following, September 1<sup>st</sup>, meetings for sufficient time to deliberate.

Dennis P. **moved to adjourn the meeting**, Dick J. **seconded**.  
**The meeting adjourned at 9:45 PM.**

Respectfully submitted,  
Laura Sau, Recording Secretary