

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**November 3, 2020**  
Approved November, 17, 2020

**Members Present:** Dennis Place, Dick Jordan, Ted Bloomhardt, Greg Waples, John Lyman, Jonathan Slason, and Branden Martin (alternate).

**Members Absent:** Sarah Murphy and Bryan Currier (alternate)

**DRB Staff:** Mitchel Cypes (Development Review Coordinator)

**Applicants:**

- Brad Stetler/Palmer Family Trust – Jason Barnard (designer), Brad Stetler (applicant)
- Curtis Trousdale/Palmer Family Trust – Jason Barnard (designer), Curtis Trousdale (applicant)

**Public Present:** Andrea Morgante, Donald Palmer, Steven Palmer, David Palmer

*Since this was a remote meeting, it is probable that there were others were in attendance, who did not speak nor make themselves known.*

Zoom participant counts (including one for VCAM): 18 at 7:55pm

Dennis P. called the meeting to order at approximately 7:30pm.

**Meeting Procedures:**

Mitch C. explained the meeting was being held remotely via Zoom due to the covid-19 state of emergency and the closure of the Town Office. He reviewed remote meeting protocols.

**Agenda Changes:** - The minutes for October 3<sup>rd</sup> will not be reviewed. The Allen/Carlson application will need to be continued.

**October 20, 2020 Meeting Minutes:** - Dick J. moved to accept the minutes as written. John L. seconded the motion. The motion passed 7-0.

**Brad Stetler/Palmer Family Trust – Sketch Plan review for a 4-lot subdivision of a +43-acre property located to the east of Palmer Road in the Rural Residential 2 Zoning District:** - Jason Barnard (Project Designer) introduced Brad Stetler the applicant. Jason B. explained that this is a 4-lot, 3 developable lot subdivision application and the sizes of the proposed developable lots. He discussed the access, which starts in Hinesburg and goes through Richmond to access this Hinesburg property. He mentioned the road maintenance agreement that exists that was provided. A map was displayed to show the access.

Jason B. said wetlands on the western portion of the property, where the access to the property is located. These wetlands have been delineated and a State wetlands permit application is in review. Per Dick J.'s request, Jason B. confirmed that there is no direct access to the north into Richmond and the only real access to the property is through Palmer Road in Hinesburg.

The site map was shown. Jason B. showed the driveway access, the access to the property that will be expanded to 14-feet in width, the 40-foot long 18-foot wide section for passing and the locations of the proposed individual driveways. Jason B. described the proposed lot sizes and locations of the three developable lots. Jason B. explained that lot 4 would be a wooded recreation lot. Jason B. said that soil testing showed the area was good for mound leachfields and there is a range of well yields in the area, which they expect to have decent water yields.

In response to the comments in the staff report, Jason B. commented on the following:

- In response to the 50-foot wide narrowing of lot 1, they would extend either lots 2 or 3 to include the right-of-way.
- They will shift the building envelop for lot 1 away from the right-of-way and the steep slopes.
- That the access is like a class 3 roadway to the driveway to the residence in Richmond, which this project will access.
- There is a road maintenance agreement.

Jonathon S. expressed his concerns that this was only a class 4 access and not publically maintained. Jason B. stated that even though Richmond designated Palmer Lane as a class 4 road, the road could be maintained as a private ownership road with a maintenance agreement, which asks the question as to 'where is the road that the maintenance agreement would access?' If this is a Public class 3 road, wouldn't that be what is considered in the density calculation? It does not fit carefully in the regulations due to the change in towns. Jonathon S. said if fully in Hinesburg, he would look at this as a class 4 road, but since the road is partially in Richmond it is difficult to review.

Greg W. asked Staff for a clarification on road classification. Mitch C. described the State statute provided and how Towns per the statute are allowed to classify roads. Towns can classify any right-of-way as a class 4 road regardless of what type of access exists. Greg W. asked if the Board had flexibility in how to decide the access. Brad S. responded saying that the lots are for him and his wife for one and the other two for their daughters. He continued by saying that Palmer Lane in Richmond is the same quality as Palmer Road in Hinesburg and is maintained by the Hinesburg road crew to use a turnaround that is in Richmond. This is why they submitted the photos to show how well the road is maintained in Richmond and the private maintenance agreement due to a comment from the Staff report. Greg clarified his concern is one of road width and depth. Brad S. stated that when Patti Gilbert created a subdivision of Bettie Lane, the Richmond DRB required her to widen the Palmer Road section in Richmond to accommodate the additional use of four new homes in that subdivision, resulting in Palmer Road in Richmond being wider than Palmer Road in Hinesburg. He knows the contractor who did the road work.

Dick J. raised the concern that just because it is being maintained now by the Hinesburg road crew, it does not mean that this will continue in the future without a legal agreement. Brad S. stated that the road maintenance agreement provided to the Town yesterday covers both, what is now a private driveway to the neighboring house and the Applicant's property, and the Palmer Lane section in Richmond. Dick J. thought it should include the Bettie Lane residences. Brad S. was not sure, but thought it might. Jonathan S. suggested updating the road agreement and to be clear as to Palmer Road or Palmer Lane.

Jonathon S. said there had been safety concerns raised for the Sherman Hollow Road/ Magee Hill Road/ Palmer Road intersection, and would like some information on crash history for that intersection. Jason B. said that could be provided. Jonathan S. also stated a concern regarding the location of the

southeastern most house site being in steeper slopes and crossing a wetland, and asked if it could be moved further west to the first field that is accessed. Jason B. said it could potentially be moved, which he will speak to Brad. Brad S. stated that another wetland is not crossed and the location proposed is the same slopes as further west. Jonathon S. stated the benefits of shorter driveways. He stated that he would like to see the house sites moved to the west to avoid the steeper slopes. Jason B. said with some survey they will be able to provide better information on slopes and believes that the slopes in the lower meadow and where the house sites are proposed are similar. Same with driveway slopes. Jason B. continued saying though it is a better view shed where shown, the house sites are also away from the septic locations.

Ted B. asked for clarification on where the wetlands are located and being crossed. Brad S. described where the class 2 and class 3 wetlands were delineated. Today they received a State wetlands permit for their proposed disturbance. He described the widening of the existing access and proposed pull-off widened area. He said that Richmond has not issued their access approval, which they argued it should since it is an existing access. Jason B. added that the wetland delineation was done by Fitzgerald Environmental, the class 2 wetlands have a 50-foot buffer that is shown on the plans, and the wetland information shown on the plans was provided by Fitzgerald Environmental. Also the class 3 wetlands in the southerly field do not have a buffer, and that they are following an existing road bed through the wetlands, which makes it easier to permit. Brad S. said it would not be much of an expansion from the current average 12-foot wide road to the proposed average 14-foot wide road.

Dick J. asked about the culverts shown on the pictures and how much higher would be the roadway citing Kate Kelly's concern of amphibian crossings and if the culverts will be designed to allow such crossings. Jason B. said roadway will be no more than a foot higher than the surrounding topography and would not be brought up that much more than it is now, so he does not see an issue and that the culverts are to convey water. Brad S. added that the State wants additional culverts placed and not to raise the road to address the amphibian issue and to allow for better hydrology. Jonathan S. asked, which Brad S. clarified that these concerns are in the Richmond part of the road.

Dennis P. wanted to focus on the other Staff comments starting with the road turnaround. Jason B. confirmed they will need to obtain a stormwater permit and that they will incorporate the turnaround into the design for the next phase. Dennis P. then asked about the use of lot 4. Brad S. said they plan to put lot 4 in current use and to be jointly owned by the other three landowners. Dennis P. then asked about a suitable landing site for forestry products, which Brad S. said would not be a problem.

Jonathan S. asked about the location of the proposed pull-off area. Brad S. responded that there is no vegetation on the curve so the pull-off is not needed there, and that the elevation of the proposed pull-off is similar in elevation as the road surface, which will make the passing of cars not difficult. Jonathan S. responded with the concern that vegetation could grow in the curve and could reduce wetland impacts. Brad S. said that moving the pull-off would not reduce the wetland impact since the proposed pull-off is not in the wetland and only slightly in the buffer, and that any movement would put the pull-off into the buffer. This was a big concern of DEC. Jonathan S. noted the need for maintenance of vegetation by the curve. Brad S. agreed to do that.

After some discussion on lot size and density, Mitchel C. clarified that the proposed 0.8 acre lot size conformed to the regulations and that the proposed development is a full build-out of this property. After some discussion on the shape of lot 1, Mitchel C. and Jason B. explained the modifications that will be required to conform to Section 2.5.6 of the zoning regulations, which includes absorbing the right-of-

way connecting the two ends of proposed lot 1 into either lot 2 or 3 and making the western part of lot 1 part of lot 4.

Dennis P. opened the discussion to the Public. Andrea Morgante, who is an abutting land owner, if there is accessory apartments that would create more traffic and maintenance of the roadways. Brad S. responded that he does not envision his family wanting accessory apartments. Andrea M. asking density over time. Mitchel C. responded that yes we do have to look at the future owners, that all of these lots can have accessory apartments and that the density considers having accessory apartments. Jason B. stated that currently the septic design for the proposed lots will not include accessory apartments.

Jonathan S. and Dick J. confirmed their belief that if the access to the development is to be considered a class three roadway there needs to be a maintenance agreement guaranteeing an appropriate access is to be maintained to class 3 quality. Mitchel C. mentioned, which Brad S. stated earlier, that the Applicant is going through a permitting process in Richmond, which may have an effect on this application regarding access. Though this application will be reviewed per Hinesburg's regulations. More discussion on the access. Ted B. stated his opinion that the DRB could require a maintenance agreement for this subdivision in the area that is Richmond. Dennis P. said he agrees, but wants to make sure the maintenance agreement is adequate. Brad S. stated his belief that the maintenance agreement submitted (yesterday) covers this. Greg W. stated his opinion that the maintenance agreement can extend into Richmond as described, though we can't compel people in Richmond to join the agreement, we can deny the application if the Applicant can't assure the maintenance themselves for the access. Brad S. said that if the agreement is not sufficient, then they will do better.

Dennis P. asked if there was any additional comments from the Public. There was no additional Public. Greg W. asked the Applicant if they wanted this to be continued. Jason B. stated that they believe sufficient information for sketch plan was provided. Dick J. asked about the change in lot configuration. Jason B. said they could provide this for preliminary. Dennis asked the Board if they have enough information for sketch and if they believe that this application can be for four lots. There was some discussion on conformance to the lot configuration, with the Applicants agreeing to eliminate the 50-foot lot 1 connection.

Jason B. asked about the 100sf limitation for lot 4 and asked if larger agricultural or forestry structure would be exempt. There was a discussion on this. Brad S. said the lot 4 will be managed forest land and they can have a greenhouse. Mitchel C. recommended the Applicant provide a narrative of proposed use for lot 4, which all these issues could be resolved at preliminary plat review.

Donald Palmer asked if the Hinesburg DRB will make all the residents using the access join the agreement to Magee Hill Road. Ted B. said that would not be necessary since Palmer Road is a Town road just the part that is not Town road. Mitchel C. explained that Hinesburg can require the people in this subdivision to be on an agreement, but not the people in Richmond. Dick J. noted that the maintenance agreement did not have width and structural information, and referred to driveways, which may not satisfy the Board's concerns. Branden M. agreed with Dick J. Ted B. reiterated that we can only force the people in the application on to the agreement.

**Greg W. moved to close the public hearing and direct staff to draft an approval for a four lot major subdivision with appropriate conditions for the Board to review. Jonathon S. seconded the motion. The motion passed 7-0.**

**Curtis Trousdale/Palmer Family Trust - Sketch Plan review for a 2-lot subdivision of a 32-acre property on the west side of Shelburne Falls Road adjacent to the Shelburne and Charlotte town lines in the Agricultural Zoning District:** - Jason Barnard (Project Designer) introduced Curtis Trousdale the applicant. Jason B. described the location and subdivision request to use a shared driveway as a boundary for subdivision to create 2 lots, 25+ acres and 7+ acres, without any proposed development. He said they were hired by the attorney representing the trust. There was limited review of soils for septic on this property. Lot #1, the proposed 25+ acre lot, is where the Buccaneers football teams play.

Greg W. requested a clarification of the Staff comment regarding the small lot. Mitchel C. explained that it is a concern to create lots that are neither developable nor conservable. It is allowable, but multiple waivers will have to be approved by the Board. In addition, it has not been the Board's practice to make such small undevelopable lots. Some clarity of the future intentions for these lots should be provided. Mitchel C. continued explaining that there is potential for three dwelling units, which must be distributed as a part of sketch plan. The question is does the Board feel comfortable creating such a lot, without a building envelope?

Ted B. added that it is not just building envelope, but also septic capacity and access. Mitchel C. said they still need to have an access and road maintenance agreement. Greg W. asked about septic capability. Jason B. said he walked the site without testing, and in his opinion lot #2 would probably not support a septic system and would need to go off site for wastewater capability. His business partner did some limited testing on lot #1.

Greg W. asked Jason B.; "what are you trying to accomplish here?" Jason B. explained their work is due to a court order and they were only hired to survey the lot and draw a line to subdivide. Mitchel C. asked if this lot would be eligible for a best fit approval for septic, which Jason B. responded, it would not. Ted B. said that the Board should not be creating lots that are not developable, and especially for the 7-acre lot, the engineering for a septic system should be done. Jason B. asked if someone wanted to buy a lot that was contiguous, would they have to go through that design. Ted B. asked if that what was happening. Jason did not know.

Mitchel C. talked of how the applicant will divide up the potential units. Dick J. said it would be a matter of concern if the Applicant would propose to put all three units on one lot. There was more discussion other possibilities to develop the lot and ways to revise in the future.

Dick J. on whether a 7-acre lot would be able to support septic due to its size, which Jason B. said not always. Dick J. talked of resources, which were described as basically being only the agricultural soils. Outside of the soils and the ability to have septic capacity, there is not another reason to hold back development. Mitchel C. stated that a building envelope should not affect too much of the ag soils. Ted B. stated that the Applicant is asking for a waiver of the subdivision regulations, which for a conserved lot is possible, but not done for a smaller lot. He said it is bad practice to create such lots around town that would need to come back to try to get easements on adjacent lots for septic, which may not be possible later.

Jason B. wanted to know if the Board was asking just for a distribution of where possible units would be located or does the Board want the engineering? Greg W. discussed how in the report there was a mention of separating properties to settle a dispute, that the Board should not be creating bad lots for such a purpose. If this does not satisfy the regulation, the Board should pass on it. Dennis P. asked

Jason if he has enough information from the Board to approach the Applicant. There was more discussion to clarify what is needed. Ted B. pointed out that lot #1 does not have enough area for a residence and conserved land. The Board decided that the Applicant needs to do the following:

1. Describe the intentions for development on this property.
2. Determine how it wants to divide the potential units.
3. Provide a design to meet the subdivision requirements for 7-acre lot #2.

Dennis P. opened the discussion to the Public. Steven Palmer introduced himself as the owner of the parcel to the west of the subject property. He stated that there is a dispute between family members that had gone to the Vermont Supreme Court. The result was to separate this property. He said that lot #1 is intended to be sold. The attorney hired by the court hired Jason B. to do the subdivision. He said his side of the family supports the process. He said he would like to see the access remain in the trust, that the intent of the easement in Charlotte was to support development on lot #1, to support the football program and that there is a plan to how this is developed.

Dennis asked Jason B. when they should continue the hearing. After this discussion, Dennis P. **moved to continue the public hearing to December 15, 2020.** Dick J. **seconded the motion.**

Ted B. stated that if the intent is to sell lot #1, then the engineering should be performed. Some discussion, where Dick J. clarified that we just need a plan as to what they propose by December 15<sup>th</sup>. Branden M. added that now is the time to make sure that the land is conserved the way you want.

**The motion passed 7-0.**

**Michelle Allen and Stephen & Elizabeth Carlson - Subdivision Revision to adjust a boundary line to effect a transfer of land to adjoiner. The two properties involved are a 0.28-acre property owned by Michelle Allen at 847 Pond Brook Road, and a 3.09-acre property owned by Stephen & Elizabeth Carlson at 85 Upper Access Road, both in the Rural Residential 1 Zoning District.**

Dennis P. **moved to continue the public hearing to December 15, 2020.** Ted B. **seconded the motion.** **The motion passed 7-0.**

Branden M. left meeting.

**Other Business: Will Boyea - Decision Deliberation for a subdivision revision at 1271 Leavensworth Road.** After a lengthy discussion, Ted B. **moved to approve the decision as written.** Jon S. **seconded the motion.** **The motion passed 6-0.**

**News/Announcements/Correspondence:** - Suzanne M., our Zoning Administrator is moving to California. I will be providing minutes for this meeting and October 6<sup>th</sup>.

Dennis P. **moved to adjourn the meeting at 9:57 PM.**

Respectfully submitted,  
Mitchel Cypes P.E., Development Review Coordinator.