

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

Approved December, 1, 2020

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

Members Absent: Dennis Place and Greg Waples

DRB Staff: Mitchel Cypes (Development Review Coordinator)

Applicants:

- Scott & Kim Johansen/Viola Goodrich Estate –Scott Johansen (applicant) and Karen Goodrich (applicant)
- Hinesburg Center 2 Project – Brett Grabowski (developer); Michael Buscher (landscape architect); Nicholas Smith (engineer); Roger Dickinson (engineer)

Public Present: Jeff Ojala, Carl Bohlen, Kyle Bostwick, Andrea Morgante, Merrily Lovell, Brian Hunter, Greg Tomczyk, Kate Kelly. *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): 23 at 8:00pm

Dick J. called the meeting to order at approximately 7:31pm.

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 3rd will not be reviewed.

November 3, 2020 Meeting Minutes: - John L. moved to accept the minutes as amended. Jonathan S. seconded the motion. The motion passed 7-0.

Scott & Kim Johansen/Viola Goodrich Estate – 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: - Scott Johansen and Karen Goodrich were introduced as the applicants. The plan from Google Earth was displayed. Scott J. said the 7½ acres he owns that is east of Lavigne Hill Road is separately deeded. The area in yellow on this plan adjacent to his existing property is what is proposed to be transferred. There is another area in yellow called the ‘vineyard’, which is not part of this application. Scott J. said of the area to be transferred, that they have fenced it in and have been using the area to graze horses for years. Years ago they made an agreement with Viola Goodrich to purchase the property, which Karen Goodrich is proceeding with. He reached out to McCain Consulting. No new property markers were needed since the new boundary is the center of the right-of-way. The property to be transferred does not contain any of the utilities or septic systems of the remaining Goodrich and Ojala properties.

Dick J. wanted confirmation that the Ojala lot would still meet the front yard setback, which Mitch C. confirmed that it did. Mitch C. mentioned the concern that the survey as shown suggests a subdivision is proposed instead of a subdivision revision and showed the property line that would be dissolved by this revision. Scott J. said that his lot will now have access from this right-of-way and they intend to update the language of the right-of-way.

The DRB had a conversation clarifying that this is a subdivision revision, and not a new subdivision, and that the area shown on the recently submitted survey as becoming a separate lot is required to be shown as being added to Johansens lot to the north. Scott J. agreed to the required changes to the survey. Dick J. stressed the need to show the lot to the north on the survey. It was also discussed that a note describing the existing and proposed acreage for the lots needs to be on the survey, future subdivision potential and the good agricultural soils on the property. Scott J. said the property being transferred would remain agricultural. The Board discussed and decided they were fine proceeding without a full survey to a decision, requiring updates to the survey prior to recording the survey, and the need to update the easement documents prior to the recording of the survey. Scott J. wanted a clarification of agricultural soils. Mitchel C. explained how soils were designated, how it fits into our regulations and how these soils were protected in the original subdivision.

Dick J. opened the discussion to the Public. Jeff Ojala expressed his support for the application.

Ted B. moved to close the public hearing and direct staff to draft an approval for the subdivision revision with appropriate conditions for the Board to review. Jonathan S. seconded the motion. The motion passed 7-0.

Hinesburg Center II/David Lyman Revocable Trust – Preliminary Plat review for Hinesburg Center 2 (HC2), a major subdivision of a ±46.2-acre property located on the west side of Route 116, west of the Kinney Drug development, south of Patrick Brook, and north of the Creekside neighborhood in the Village and Agricultural Zoning Districts. In this phase of the development the applicant is proposing 22 residential units and 6,000 sq ft of commercial/office space: *This is a continuation from October 20, October 6 and September 15 meetings.* Jonathan S. and John Lyman recused themselves from this review.

Nick Smith of Lamoureux/Dickenson spoke for the Applicant stated the following:

- They corrected the delineation of the stream setback to be measured from the top of bank instead of the stream centerline, which shift the location about 10-feet to the south.
- They shifted 'Road B' about four feet to the south to make sure that all infrastructure and impervious surfaces, excluding the Patrick Brook crossing, is out of the setback area.
- They added the 'Patrick Brook Corridor' or fluvial erosion hazard area to the plans.
- The only proposed development, besides the Patrick Brook crossing, which is in the stream setback area, is the grading. The grading is outside of the fluvial erosion hazard area.
- He described how on the plans the stream setback boundary, the fluvial erosion hazard boundary, the Road 'B' right-of-way and erosion control measures were shown on the plans.
- The shifted the stormwater treatment to the south and away from Patrick Brook. In addition from removing this area from the stream setback and fluvial erosion hazard area, this move would help the grading, and would allow the system to discharge directly into the LaPlatte instead of Patrick Brook. This would allow for exemptions from the channel protection, 10-year and 100-year storm

events, and for the gravel wetland to be significantly smaller and to have less of an impact on the floodplain.

- They were able to reduce the pipe elevations 1½ to 2 feet and the overall elevations some 2 to 3 feet.

Branden M. asked whether the sizing of the forebay exceeded 10% of the water quality volume. Nick S. responded that the forebay does have a little more, perhaps 15% of the water quality volume, but the gravel wetland itself has only the 40% water quality volume that is required.

Dick J. asked about the exemptions for direct discharge to the LaPlatte. Nick S. explained that they are treating the pollutants in the suspended solids, but since they are discharging to a waterbody with a drainage area of over ten square miles, they are exempt from the channel protection, 10-year and 100-year storm event requirements. Nick S. stated the drainage area is a little more than 17 square miles to their discharge area.

Mitchel C. asked what the distance was between the gravel wetland discharge point and the LaPlatte. Nick S. and Roger D. said it was about 300 to 400 feet. Nick S. said they had spoken to the State conceptually on this, which the State determines the discharge point as the first blue line (body of water) that is crossed and since the Applicant owns the land to the river, they can control the flow to the river. Nick S. acknowledged that they have more work to do on stormwater with the additional discharge to the Creekside system and the recharge flows coming off of Hinesburg Center 1 (HC1). Mitchel C. raised erosion concerns for the area between the gravel wetland outlet and the LaPlatte. Nick S. spoke of the use of lined grass channels and level spreaders to limit erosion.

Nick S. spoke about the grading changes and stormwater treatment at the Road 'A', Road 'B' and Farmall Drive intersection. They plan to do a pre-treatment and detention of the stormwater there and then to have the area drain to the Creekside stormwater system. Dick J. asked if they were going to upgrade the Creekside system. Nick S. responded that they were originally considering to upgrade the Creekside system, but found out that since the Creekside system did not meet current treatment standards that they would have to upgrade the entire system if they were to use the Creekside system for water quality treatment, which would be too costly. Nick S. clarified that treated stormwater will be sent towards Creekside. A detention review would be required. Dick J. asked about the pipe sizing in Creekside, which Nick S. said was a very small overall increase, but they will need to do a review.

Nick S. continued with the following:

- They reduced the size of building 'D' and its parking to bring it out of the stream setback.
- They placed grading on lot 30 that borders Creekside residences.
- They modified the slopes next to lot 34, owned by Kyle Bostwick, so the new residence on the adjacent lot would be a similar elevation to the Bostwick's residence. There will be a small step up to the next house, but it would be similar to what is seen within Creekside.
- They are still coordinating with the State on the culvert design. Mitchel C. confirmed that the proposed 6'x20' culvert was a hydrological equivalent to the 8'x14' in the State's report.

Dick J. asked about the use of the accessway near relocated drainage pond. Before he said it was a walk to the meadow. He asked how it would now be used. Mike B. responded to say that the stormwater ponds were a small part of the entire lot and that the access will still provide access to the agricultural fields to the west. Dick J. wanted to know if the area gets wet. Mike B. said during the early spring and after major storms the area is wet, but now it is like everyone's lawn.

Ted B. requested more information of the design changes to the grades, especially between existing Creekside and Road 'A'. Nick S. said the peak of Road 'A' is still high, about an eight foot increase, compared to the existing grade, compared to the Creekside houses the peak is only two to three feet above their finished floor elevation. They are also proposing grading of lot 30 to gradually change the grade instead of having a steep drop to feel a lot less abrupt. The same he said was done for the Road 'B' and Farmall Drive intersection. Roger D. added that building 'G' was lowered 2.4 feet and that the slope of lot 30 is more gradual, which should be more pleasing to the neighborhood to the south.

Dick J. asked about the grading of the Farmall Drive/Kailey's Way/Road A' intersection. The reduction of grade on 'Road A' was discussed. Mike B. stated how he met with the person living in the first house, who is concerned that the future building will be sited similar to the physical therapy building, which is up three or four feet above the road. They will propose to make the future building 'A' closer to the finished floor elevation of the first residential building on Farmall Drive. They envision building 'A' to be a split level where you enter from Road 'A' and can either go down to a level equal to the rear parking area or up a level.

Dick J. asked about the stormwater discharge of the Farmall Drive/Kailey's Way/Road A' intersection, which can't be conveyed due to elevation. Nick S. explained how a portion of HC1 discharges on to the land of HC2, that there is a wet swale that is in the area of Road 'A'. This swale that is being replaced by Road 'A' provides treatment that must be replaced. They are looking at an alternative treatment practices to replace the swale with the intent of capturing as much stormwater as possible at that intersection. Nick S. stated that they are still designing a treatment. After a treatment in the spaces near the intersection, the overflow will discharge into the Creekside system. Nick S. and Roger D. described an area in the intersection that previously had a parking space, which can be utilized for treatment.

Dick J. opened the discussion for other Board members. Ted B. wanted some clarity as to where the stormwater would be sent. He understands that some of the volume is going to these green spaces. Nick S. explained that none of the volume would be infiltrated, but instead treated, and then go to the Creekside stormwater system. Nick S. said that they would need to analyze the Creekside system for detention and not treatment.

Dick J. opened the discussion for the Public. Kate K. quoted regulation 2.5.2 of the zoning regulations, which describes the limitation of work in a Village Stream setback. She questioned why there should be any grading in the stream buffer instead of leaving the area as undisturbed.

Greg T. wanted more clarification as to where stormwater would discharge at the Farmall Drive/Kailey's Way/Road A' intersection during a major storm event. Nick S. described the direction of discharge, which he described of two 0.2 acre areas that will now discharge into the Creekside area. He said they will need to analyze the Creekside stormwater system to see if it can handle the additional flow and that the result does not increase the peak discharge of the system. If they do increase the peak discharge, they would need to expand the Creekside stormwater pond.

Jonathan S, as a member of the Public, whose responsibility will it be to maintain the HC2 stormwater system and what will be required? Nick S. said there would be a filter material stored in a vault and plantings with mulch. The mulch needs to be replaced every six months to a year. The mulch extends the life of the filter, which can last up to a decade. The responsibility needs to be discussed with the

Town. In construction the developer will maintain. If not the Town, then it could be the HC2 homeowner's association. Brett G. added that it is no different than a typical stormwater permit, which will be inspected annually, and the landowner or the association will maintain. The maintenance of both the smaller infiltration areas and the greater pond would be inspected annually as required by the State permit.

Dick J. asked about Creekside's sharing of responsibility with the Town and Thistle Hill's stormwater system. Mitchel C. explained that it is two separate situations. Both Creekside and Thistle Hill originally maintained their stormwater system, even after the Town took over the roads. It was only after the Town created new impervious surface area that drained to Creekside, did the Town share in the maintenance of the Creekside stormwater system. Mitchel C. asked about the retention of the proposed system. Nick S. said that the retention is only for the water quality volume and that the rest will bypass.

Jonathan S. stated that from his observations the area of the gravel wetland and the walking path are very wet. He believe more review of this is needed. Jonathan S. also believes that the outlet channel for the wetland needs more engineering so we are not inundating where we are trying to encourage activity. Nick S. responded by suggesting some other alternatives that they plan to look at. Jonathan S. asked if a raised intersection would be helpful to reduce stormwater discharge into Creekside. Nick S. said he would look into it.

Kyle B. expressed his concern about stormwater being redirected near his home, which has often in the past been nearly flooded. He disagreed with Mike B. that the area to the west where the proposed gravel wetland is to be located is wet all the time. He said he agrees with Jonathan S. about being able to have a foot path in that area. He continues saying there is a lot of water that comes from the west and that adding additional water to the area might flood his home. He wanted to know why the proposed development could not be built at the same elevation as Creekside. He then asked about the side yard setback for the smaller residences. Mike B. said they used eight feet, which is the same as Creekside. Mitchel C. explained that although the side yard setback is ten feet in the zoning district, since this is a planned unit development, the Applicant can request a waiver to reduce the requirement. Mitchel C. clarified that this did not apply to the boundaries of a development. Mike B. said they could maintain a 10-foot setback.

Andrea M. asked that the Board and Staff look at Article 6 of the zoning regulation that has to do with flood hazard review. She wanted to know if the flood hazard application was submitted with requirements and was there a project review sheet for this project. Mitchel C. explained that the Applicant has not submitted an application for development in a flood hazard area, which is understandable because they have made major changes to the proposed development. He further explained that the plans are required to be provided to the State to allow the State to have 30 days of review before a development in a flood hazard area application can be reviewed by the DRB. Andrea M. wanted to make sure the regulations are followed. She stated her disagreement with Mike B. regarding the wetness of the soils where the proposed gravel wetland is to be located and stressed that the soil type of the Intervale, which Mike B. referenced, was not the same as in Hinesburg. Brett G. countered that the entire property has had a wetland delineation and the impact to the wetlands have been reviewed and approved by ANR. Mike B. explained that his comparison was as another area that periodically floods and then is dry and had nothing to do with the soils. Brett G. explained that the wetland analysis also included a review of the soils, that they have had meetings with ANR, and that the delineation has been accepted. He added that wetland maps have been provided to the Town, and that

the soils in areas on the western side of the property are prime ag soils that would be good for a community garden.

Dick J. hearing no addition comments on grading and stormwater, he opened the hearing for a review of landscaping and greenspace.

Mike B. would talk about green strips, on street parking and snow storage with the following:

- They added greenspace areas in the right-of-way. A revised plan showing the proposed greenspace on what they believe would be Public Roads, also showed the greenspace area that was added.
- They removed 8 proposed on street parking in HC2 and will remove one existing on street parking space in HC1. This will add additional snow storage and snow that could be pushed forward or further from the sidewalk.
- The locations to remove parking will also provide more of a buffer for the intersections, which will also provide areas for stormwater treatment rain gardens.
- They propose placing street trees behind the sidewalk adjacent to the nine-plexes. They have changed the tree type to one that has a smaller canopy.
- They have updated their parking analysis, and showed that the spaces removed are not essential. They will have a surplus of 12 additional spaces. They are still calculating the need based on 2 spaces per unit, which he believes is a very high number per unit. Other Towns they place 1.1 to 1.5 spaces per unit.
- Showing the landscaping plan, he explained how on lot 30 there is a low area to keep stormwater away from the Creekside neighborhood, there is a gentler slope, and to provide positive drainage from the northeast to the southwest.
- The proposed plantings are situation to lessen the effects of vehicle lights and increase the aesthetics of the site.
- On the northwest corner of lot 30 is a proposed expanded hardscape, gazebo with seating, and small play structure to address Staff comments for the need for improvements.
- They also adjusted the street trees to the new plans and placed more in the new bump-outs.

Dick J. asked if the play structure shown on the plans would be bolted to the ground. Mike B. said that it is, that it needs a little bit of a foundation, needs safety surfacing around it, and is about six foot in diameter in size. He added that something similar could be proposed.

Dick J. asked if in the parking studies, the handicap parking spaces counted. Mike B. stated that they were counted as being full or empty, and if the parking area is really busy, it is most likely that those parking spaces are being utilized. As a Creekside resident, Mike B. said that he has been able to watch the parking in HC1, and even on the busiest days in the past with the closer spaces filled one could still find an open parking spot. Dick J. said that a lot of people park trailers in the distant spaces.

Dick J. opened the discussion for other Board members. Mike B. stressed that they are trying to create a Village situation and there will be some logistical problems with snow plowing. Dick J. opened these topics to the Public. Jonathan S. thanked Mike B. for the information sessions to the Creekside residences and believes that the improvements proposed in lot 30 would better be placed in lot 1. Kyle B. agreed with Jonathan S.

Ted B. looks forward to a full review understanding that the most recent plans were received too late for a review. Nick S. said that he hopes the Board sees that the changes to the elevations are closer to what

the Board envisioned and that the State agreed with the overall project concept, but was waiting for a response to some stormwater questions. He suggested that once they received a response that they, the Town and Creekside residents should meet.

Brett G. asked what the Town's level of completeness for the stormwater design required for preliminary. Mitchel C. said that it is up to the Board, but generally a design that is complete enough not to require a major change to the development's layout is required. Dick J. agreed. Brett G. said that this was the answer he was expecting. Nick S. said he hopes to get some comments back from the State in the next couple of weeks. He would then be able to design the additional treatments. There was a discussion regarding scheduling and the review. Nick S. said that other than the Creekside discharges, the flow within HC2 should be complete.

Mitchel C. ask for the Board's feedback about the grading in the 100-foot stream setback. The fill in the setback was discussed. Dick J. said he was fine with the fill being that it was outside of where Patrick Brook was expected to meander. Nick S. expressed the opinion that the bridge culvert would limit Patrick Brook's ability to meander, which should limit the effect on this fill by Patrick Brook. Nick S. also added that the river corridor (fluvial erosion hazard area) is where the State expects Patrick Brook to meander and the grading is outside of that corridor. Ted B. asked for the scale of the grading. Nick S. said there is a five foot drop and the slope is about 2½ on 1, and would need some matting or other erosion control until it was stabilized. Bryan C. said since the impervious surface is out of the setback, that the fill is out of the corridor, and considering the stream crossing, that he was fine with the fill being placed as shown. Dick J. asked if stormwater from the road will go to the stream. Nick S. said everything will be captured and not getting into Patrick Brook.

Ted B. moved to continue the review to the December 15 meeting. Dick J. seconded the motion. The motion passed 5-0.

Other Business:

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: - The Board discussed the need for all season access and the dimensions. An addition was made to conclusion #6. Andrea M. commented on the use of road classification in a decision, how the Town could in the future change a road classification, and suggested use of a lawyer. Mitchel C. responded that the draft decision avoided using the road classification term for the proposed required maintenance. Andrea M. was assured by the Board that the decision requires the landowners, and not the Town to maintain the access.

Ted B. moved to approve the decision as amended. Branden M. seconded the motion. The motion passed 5-0.

News/Announcements/Correspondence: - For the December 1st agenda we have the Peck/Frost conditional use change of a non-conforming use application, a sketch plan application to subdivide an 8½ acre lot in the agricultural district, and a continuance of the HLG appeal of a Notice of violation. David Rugh of Stitzel, Page and Fletcher is providing an independent review.

Dick J. moved to adjourn the meeting at 10:13 PM.

Respectfully submitted,

Mitchel Cypes P.E., Development Review Coordinator.