

Town of Hinesburg
Development Review Board Meeting Minutes
January 5, 2021
Approved January 19, 2021

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

Members Absent: None.

DRB Staff: Mitchel Cypes (Development Review Coordinator); Amy Coonradt (Recording Secretary).

Applicants:

- John & Michelle Jordan
- Rachel Nevitt & David Zuckerman
- Hinesburg Center II, David Lyman Revocable Trust – Brett Grabowski, Milot Real Estate (developer); Michael Buscher, T.J. Boyle & Associates (landscape architect); Roger Dickinson and Nick Smith, Lamoureux & Dickinson Consulting Engineers (engineers/surveyor).

Public Present: Merrily Lovell, Roger Dickinson, Brian Hunter, Jeff McDaniels, Carl Bohlen, Calen King, Christine Jacobs, Kyle Bostwick, Rachel Nevitt, David Zuckerman, Michael Buscher, Kate Kelly, Andrea Morgante, Nicholas Smith, Paul Lasher, *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): 28 at 8:38 PM.

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

1. 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.

2. Agenda Changes:

The agenda was re-ordered to move item #3 to after item #7.

3. Board Re-organization:

Greg W. **made a motion, and Ted B. seconded, to reappoint the entire slate of officers to the Development Review Board. The non-secretary officers accepted this slate of nominations.**

Sarah M. **nominated Jonathan S. to be the Development Review Board Secretary.**

Greg W. **made a motion, and Sarah M. seconded, to approve the nominations as amended. The motion passed 7-0.**

4. December 15, 2020 Meeting Minutes:

Greg W. made a motion, and Ted B. seconded, to accept and approve the minutes as amended. The motion passed 7-0.

The minutes were amended as follows:

- P.5: Under the Tim & William Mitchell sketch plan decision, modify the second sentence to read "...decision should make it clear that no development is allowed on any lot in Hinesburg without the Development Review Board's prior approval."

5. John & Michelle Jordan: Subdivision revision to amend the building envelope for a ±17.8-acre property located at 239 Apple Ridge Road in the Agricultural Zoning District. The applicants are proposing to enlarge the building envelope to accommodate an addition to the existing house.

John J. explained that he acquired the property in June and wants to build a 600 sq ft single-story addition to the northeastern side of the house, but that the building envelope did not allow for that, and so he had surveyors extend the north and east building envelope lines to allow for an addition. He also noted that the property was amended in March, from ±17 acres to 12.5 acres.

Ted B. said that the DRB has reviewed other envelope change requests that are larger and would impact residents on adjacent lots. He said that this does not appear to be the case, and that this request is for a minimal change. Greg W. added that building envelope revisions are generally consistent with the subdivision and that he sees no issues with this request.

Greg W. made a motion, and Jonathan S. seconded, to close the public hearing and direct staff to draft conditions of approval. The motion passed 7-0.

6. Rachel Nevitt & David Zuckerman: Subdivision revision to amend the building envelope for a ±4.79-acre property located to the south of 2083 Gilman Road in the Agricultural Zoning District.

Jonathan S. asked if the building in question already exists. David Z. replied that it does not, and that the request is seeking to shift the building envelope to accommodate a proposed building yet to be constructed. He noted that the septic system location will remain unchanged. Rachel N. added that the original owner wanted to leave the option on the property for out-buildings in future and that there is a lot of space on the property.

Mitch C. asked where construction would occur in relation to the knoll on the property. Rachel N. replied that they would construct the house on the eastern corner of the knoll, closer to the septic system and at a lower elevation. Dick J. said he would like to see the higher elevation of the knoll cut off the building envelope and requested that a corner of the proposed envelope be trimmed to do so. The applicants were amenable to trimming the envelope in that corner. Dick J. asked if the applicants planned to move the driveway from its original location to accommodate the new structure. David Z. replied that they are not looking to move the driveway. Mitch C. asked if the driveway would roll with the contours of the property. David Z. replied in the affirmative.

Jonathan S. said that he is comfortable with the envelope. Greg W. added that the prospect of farmers building a new home on a farmstead in Hinesburg is an exciting and gratifying opportunity, and that the Town should encourage this type of development and commitment to the land.

Greg. W made a motion, and John L. seconded, to close the public hearing and direct staff to draft conditions of approval. The motion passed 7-0.

7. Hinesburg Center II/David Lyman Revocable Trust: Preliminary Plat review for 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. Hearing continued from 9/15, 10/6, 11/17, and 12/15. Jonathan S. and John L. recused themselves from the hearing and deliberations.

Mitch C. noted that public comments were received from Kate Weber, Jonathan Slason, and Shawn McKenzie. He said that many of the comments pertain to Lot 30 and the potential to move amenities in that open space to Lot 1. He said that there were also some comments around stormwater design.

Greg W. asked the applicant to discuss the flood hazard review, saying that this issue should be resolved sooner rather than later and not worked out in the final plat review. Nick S. said that they have had multiple conversations with the State on the flood hazard review process and their expectations in terms of modeling and compensatory storage. He said that the team is analyzing the current flood plain and ensuring that there are no changes due to elevation changes, and that the quickest method of doing that is in compensatory storage. He said that they are using the old Milone & MacBroom study to provide compensatory storage up to the encroachment in the study, which would then mean that no modeling is needed for the State to review. Brett G. added that the review process with the State is straightforward, that the plan being presented is for preliminary plat approval, and suggested that a condition for final plat application could stipulate that the developer needs to provide an approval or preliminary letter of approval from the State saying that the design is adequate.

Dennis P. asked if the developer and team will have a permit for both phases of the project. Brett G. replied that they already have a permit for Phase 1, since it was approved under Act 250 ten years ago, and that now they need to meet current regulations with the next phase of the project.

Mitch C. asked the Board if they feel comfortable reviewing a flood hazard application after preliminary plat. Brett G. said that if the State is not satisfied with the design as proposed in preliminary plat, then the applicant will make changes. He said that if they make minor changes, they will request that those changes be incorporated at the final plat application. He said that if more substantial changes are required, they would have to reopen preliminary plat to incorporate those changes. He added that he is confident that they will be able to proceed with the project as currently designed.

Greg W. expressed concern that the applicant could be in a position where they have invested a significant amount of funding and are not allowed to move forward. Dick J. said that his biggest concern is the potential risk that an issue can't be solved in final plat and the application would be denied. He added that the developer sounds confident in their planning and the outcome of it. He also added that he would want to see the flood plain issues resolved prior to, rather than during, final plat review.

Dick J asked about the drainage area size to the discharge point in the LaPlatte, and contingency planning if drainage occurs differently than anticipated. Mitch C. replied that the Applicant provided information that the drainage area to the discharge point in the LaPlatte is around seventeen square miles. Mitch C. said that included discharge from Lake Iroquois, which goes to Patrick Brook, which does not go to the discharge point in the LaPlatte. He believes the area is about ten square miles, and that the applicant is asking for waivers in their stormwater design based on the size of the drainage area.

Nick S. said that the majority of daily flow will likely come down the canal, and that they are not sure how much additional flow will cross into Patrick Brook.

Branden M. asked if the applicant has received approval from the State for Tier 3 wetland practice, or if the State is pushing for Tier 2. Nick S. replied that the gravel wetland is Tier 2, and that they have confirmed with the State that they are satisfied with the plan as proposed and with that alternative treatment practice.

Sarah M. asked about mitigation plans if there are parking issues. Michael B. said that there is more parking planned for the development than studies show is needed for this type of project. He said that if the parking falls short, there is an opportunity to provide more on-street parking. The Board members said they are comfortable with the parking study, and that they are comfortable moving forward and invoking the condition to revisit parking requirements, should issues arise in future.

Mitch C. noted that Alex W. (Hinesburg Director of Planning & Zoning) had a comment about coordinating with the applicant on amenities between preliminary and final plat approval. Brett G. said that if the DRB decides that the amenities and improvements being proposed are better served if they are placed on Lot 1, then the applicant is willing to explore that. He noted that it may necessitate Selectboard approval. Michael B. noted that the amenities that would be moved from Lot 30 to Lot 1 are the gazebo, bench, and swing set.

Dennis P. opened the discussion to the public.

Andrea M. requested that the Board review the state flood plain permit either prior to or concurrently with final plat review, in case there are issues. She also noted that with respect to diversion dams and flow into Patrick Brook, she said that there is very little flow going into the canal, and that the diversion dams have not been maintained. She said that the majority of the flow is going into Patrick Brook, not the canal, and that the water from the canal is coming from a tributary from Buck Hill. She suggested that a valuable improvement in the green space in Lot 30 could be the planting of native trees, which would improve air quality, provide shade, and bring in birds and pollinators. She also said that it was ambiguous how the green space would be maintained, and which neighborhood association would be responsible for that maintenance. She asked how the land heading west would be maintained, and how access would be provided for agricultural use when the land is dry enough to hay.

Kate K. also discussed the flow into Patrick Brook versus the canal. She encouraged the Board to take into consideration the implications of removing drainage areas. She believes the area is less than the ten square miles required for the design waivers. She also said that the MMI study should be reviewed again in conjunction with or prior to final plat.

Carl B. spoke as a representative of the Affordable Housing Committee. He asked that the units in Hinesburg Center 1 be allowed to meet the inclusionary affordable unit requirements. Dick J. said that they will need to ensure that no one is forced to vacate a unit if they no longer meet that affordability requirement.

Dan J. spoke as head of the Creekside Association. He echoed others in saying that investments should be made in Lot 1 instead of Lot 30, adding that Lot 1 is more usable for the wider community. He also

said that there should be an agreement between the developer and Creekside around discharge into the stormwater system and getting re-permitted for the additional discharge, prior to final plat.

Jonathan S. said his written comment flagged zoning regulations that give the Board the authority to look at off-site improvements, such as Lot 1. He said that the Board should make recommendations for those lot improvements, and reinforced that there should be access and easements to the west to allow for public recreation in perpetuity to the west of the development. Brian H. agreed with these comments and Andrea M.'s suggestions around tree planting in the green space.

Mitch C. said he will plan to arrange a meeting in Town Hall for the members to have an in-person deliberative session.

Dennis P. made a motion, and Dick J. seconded, to close the public hearing and to discuss Hinesburg Center II preliminary plat in deliberative session. The motion passed 6-0. (Sarah M. not present for vote.)

8. Discuss changing meeting start times to 7:00 PM

John L. made a motion, and Dick J. seconded, to move the meeting start time to 7:00 PM from 7:30 PM. The motion passed 7-0.

9. Other business: Decision Deliberation

- **Ted and William Mitchell: Sketch Plan review.** *Hearing closed 12/1/20.*

Dennis P. made a motion, and Ted. B seconded, to approve the sketch plan as written. The motion passed 7-0.

- **Hayden (HLG): Appeal of ZA notice of violation.** *Hearing closed 12/1/20.*

Dennis P. made a motion, and Greg W. seconded, to approve the appeal violation decision as written. The motion passed 6-1 (with one abstention from Ted B. and Jon S. voting against).

10. News/Announcements/Correspondence

Dennis P. moved to adjourn the meeting 9:29 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary