

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**January 19, 2021**  
*Approved: February 2, 2021*

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

**Members Absent:** None.

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

**Applicants:**

- Michelle Allen, Stephen & Elizabeth Carlson, William Baker
- Curtis Trousdale Rick Kozalowski and Jason Barnard,

**Public Present:** Steve Palmer, David Palmer, Lori Palmer, Chris Boffa, Gayle Erdman, Jeff Wood, Jason Barnard, Lori Palmer, Matt Fisher, Katherine Kjelleren, John Jordan and Doug Gardner. *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): 26 at 8:20 PM.

Dennis P. called the meeting to order at approximately 7:01 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.**

None at this time.

**3. January 5, 2021 Meeting Minutes:**

Jonathan S. **made a motion, and Ted B. seconded, to accept and approve the minutes as amended. The motion passed 6-0.**

The minutes were amended as follows:

- P.2, Item #5: change “extend the property to allow for an addition” to “extend the north and east building envelope line to allow for an addition.”

**4. Michelle Allen; Stephen & Elizabeth Carlson; William Baker: Subdivision revision for two offsetting boundary line adjustments involving three properties: transfer of 0.09 acres from 85 Upper Access Road (Carlson) to 847 Pond Brook Road (Allen); transfer of 0.09 acres from 70 Wheatley Road (Baker) to 85 Upper Access Road (Carlson). The properties are in the Shoreline and Rural Residential 1 Zoning Districts.**

Mitch C. said he received a phone call from Bill Baker requesting that the application be heard but that it be continued, since the applicants are still working through the details of their arrangement. He explained that this application involves Allen wanting to purchase 0.08 acres of land so that she is able to have a backyard. Carlson, who owns an abutting property, is willing to sell the land and would have more than the three acres minimum lot size remaining after the transfer. However, a portion of the Carlson property is a right-of-way, which cannot count as acreage. To remedy this, Baker has been asked, and is willing to sell some land to Carlson to not reduce the size of the Carlson lot. Baker requested the continuance to be able to finalize the details with Allen and Carlson.

**Dennis P. made a motion, and Dick J. seconded, to continue the application to February 16, 2021. The motion passed 6-0.**

**5. 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. The applicant is proposing to create two parcels: Lot 1 would be ±25.5 acres and Lot 2 would be ±7.0 acres. Hearing continued from 11/3 and 12/15/20.**

Jason B. noted that this sketch was last discussed in December of 2020. He briefly described modifications to the sketch since then, noting the addition of adequate septic capacity and the identification of two building sites. He noted that there are still outstanding items to be addressed prior to final hearing, but that the sketch shows the general concept.

Dick J. asked if the smaller lot would be able to have septic on it, or if there would be an easement. Jason B. replied that there would need to be an easement into the adjacent lot, saying that the wastewater systems are in Charlotte but the building and property are in Hinesburg. He said that they would need to confirm the permit, which would come from the regional office. He noted that they have a wastewater area for the two parcels. Mitch C. asked if permits were needed both from Charlotte and the state, and Jason B. replied that no, one or the other.

Dennis P. asked if the driveway on Lot 1 could follow the boundary line instead of going through the field. Curtis T. replied that the long driveway on Lot 1 and placement of house on southern boundary were done to make sure that there was no blocking of views for the two existing houses to the west. Jason B. said that yes, the driveway could be placed to follow the boundary line, but it was placed where it was to keep it away from other properties.

Dick J. confirmed that the septic for both properties would be on neither of them. Curtis T. said that the owner owns all of the properties, even where the septic system would be located. Jonathan S. asked about the wetland comments, building envelopes, and driveways. He said that the fields would have poor drainage, but asked if they feel comfortable that they're avoiding anything classified as a wetland. Jason B. replied that they would have to have someone conduct a wetland delineation further along in the process, in order to develop the property, adding that a full-blown wetland delineation is typically not done during sketch. Jonathan S. asked how much flexibility there is on the lot, in case the building envelopes need to change. Jason B. replied that the building envelope could be placed wherever was not delineated as wetland. Jonathan S. asked about a VAST easement, and what easements currently exist on the property. Jason B. replied that they will have a better sense once surveyors do a records review.

Rick K. (the trustee of the Palmer Trust) said he was not aware of any easements, though it has been used by the public for hiking and snowmobiling. He said that the Supreme Court ordered Rick K. to create a lot for David Palmer on this property, and the lot he was awarded is the lot to the north of the road. He emphasized that the Trust just wants to sell the property and does not have its own plans to develop it. Greg W. noted that the Supreme Court doesn't have the right to say that a subdivision shall be created irrespective of Hinesburg regulations.

Ted B. asked about the size of the lot and whether it meets minimum requirements for current use. Mitch C. clarified that minimum lot size for current use is 27 acres, but that two are subtracted for homesteading, which would leave the lot with 25 acres of conserved land. To create a developable lot, this minimum requirement does not apply. Curtis T. replied that based on the court order, David Palmer is to receive all of the land on the north of the driveway access, so not sure where else we could get any other acreage. He also noted that they don't currently have a full survey of this, so the record of what the town has and what is actually there may be slightly different.

Dick J. asked about the downside to not having it eligible for land use. Ted B. replied that it is encouraged, though not required.

Mitch C. reminded the Applicant that there was one additional dwelling unit that could be placed on one of these lots. He asked Rick K. which of these lots would you like to see be able to have a duplex and/or be able to come back to request a subdivision in future. Rick K. replied that right now there are buyers interested, but not to build duplexes. Curtis T. said that the Development Review Board had wanted to see the owners assign septic for lots. He said that he wants the third septic to remain on the Charlotte side of the property and extensive septic investigations were done on the Charlotte side. He said that for the Trust, there is nothing left to assign to the Hinesburg portion and they don't have adequate septic to do that now. Ted B. clarified that the approval would be for one single-family house, but would have two density allocations for the lot. Curtis T. said that he wants it to go to Lot 1.

Dennis P. opened the discussion up to the public.

David P. noted his concerns, saying that the family's trust was supposed to be divided and dispersed ten years ago upon the death of his father. He was also told that there had been no wastewater available. He said that in order to move the trust forward, he accepted the 7-acre building lot. He said that he was the only child who wanted to build but was prevented from doing so. He said the trustees were considered to be undermining the trust, and removed them. He said that it was never his intention for that piece of property to be divided and sold, but because the trustees have spent a lot of money on attorneys' fees, that piece of property needs to be sold to cover those costs.

Lori P. noted that part of the property is currently the Buccaneers' football field. She asked that the space remain public and sell off some of it to satisfy debt. She also requested that they notify the public if public access were to change.

Jeff W. spoke on behalf of the Buccaneers, talking about the football program and how important it has been to be able to have access to the fields that are part of the trust. He expressed concern that they would not be able to serve youth in Hinesburg, Charlotte, and Shelburne if they no longer have access to the fields.

Chris B. spoke on behalf of the Buccaneers as well, saying that there would be an interest in Lot 3.

Dennis P. said that the sketch before the Development Review Board right now includes two lots, not more than that, and that the role of the Board is not to create lots. He said that if these two lots meet the regulations, the Board will approve them.

Mitch C. said that based on this conversation, it looks like the applicants want to take off Lot 2 and do something else with Lot 1. He said that they could go through with this subdivision and come back in future with another subdivision for Lot 1. Dennis P. added that they could also sell Lot 1 with an easement to let the Buccaneers still place there.

Rick K. said that his role is to sell one lot to raise money, pay off debt, and then try and preserve the bigger parcel in Charlotte.

John J. is the owner of the lot just to the south and requested that if this does pass, to move the building envelope to the right where the views would not be obstructed for his property. Dick J. said they would need to avoid steep grades. Jason B. said that the 15% grade limit wouldn't be an issue.

Doug G. is the owner of an adjacent lot. He expressed concern about building envelopes encroaching upon the recreational corridor on the property. He also expressed concern about how wet the field is in the spring, and that a driveway might negatively impact drainage.

Dick J. suggested either the Development Review Board approve the sketch plan now and that the parties modify it if it's adding another lot, as suggested, or that the applicants withdraw the application.

Dennis P. **made a motion, and Jonathan S. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 7-0.**

#### **6. Other business: Extension Request**

- **Jeri & Scott Belisle: Sketch plan for a 2-lot subdivision. *Approved 8/18/20***

Dennis P. **made a motion, and Ted B. seconded, to grant a 6-month extension. The motion passed 7-0.**

#### **7. Other business: Decision Deliberations**

- **John & Michelle Jordan: Subdivision revision. *Hearing closed 1/5/21***

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

- **Rachel Nevitt & David Zuckerman: Subdivision revision. *Hearing closed 1/5/21***

Ted B. **made a motion and Dick J. seconded, to approve the decision as written. The motion passed 7-0.**

- **Hinesburg Center II/David Lyman Revocable Trust: Preliminary Plat. *Hearing closed 1/5/21.***

Jonathan S. & John L. recused themselves from the discussion. Mitch C. asked the Board whether they considered the application complete. Board members concurred, noting that the requirements for a master plan were met, the density bonus calculation is fine, that the Board is comfortable with the mix of uses for the development, and that there were no issues with road layouts. Dennis P. asked about the use of the western edge of the property. Mitch C. replied that it would generally be left open for public use and that there will be an arrangement for maintenance. He recommended that the preliminary plat approval include language that the developer should coordinate with the Trails Committee and others to ensure that all types of access are laid out. Dennis P. asked about the public amenities in Lot 30 as opposed to Lot 1. Mitch C. replied that the developer will need to discuss that with the Selectboard prior

to final plat if they were moving amenities from Lot 30 to Lot 1. Dick J. said he wanted details around flood hazard approval worked out prior to final plat review. Bryan C. asked what the flood hazard review from the Town entails. Mitch C. said that the state will comment on a flood hazard application, but the Town has the jurisdiction on it.

Mitch C. will draft an approval for HC2 based on this discussion.

#### **8. News/Announcements/Correspondence**

Dennis P. **moved to adjourn the meeting 9:12 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary