

Town of Hinesburg
Development Review Board Meeting Minutes
February 16, 2021
Approved March 2, 2021

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

Members Absent: Sarah Murphy, Jonathan Slason.

DRB Staff: Mitchel Cypes (Development Review Coordinator).

Applicants:

- Patricia & William Drew, Robert & Mary Beth Giroux
- Steve & Elizabeth Carlson, Michelle Allen
- Peter Parkinson

Public Present: Tony St. Hilaire, Stephen Gladstone, Kate Kelly, Graham Deutl, Drew Lepple, Mike Bissonette.

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

There were 15 participants in attendance (including VCAM, Board members, and staff) at 7:09 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. February 2, 2021 Meeting Minutes:

John L. **made a motion, and Ted B. seconded, to accept and approve the minutes as presented.** Greg W. **abstained.** The motion passed 6-0.

4. Patricia & William Drew/Robert & Mary Beth Giroux: Subdivision revision for a boundary line adjustment between a 3.86-acre property at 108 Thorn Bush Road (Drew) and a 1.04-acre property at 106 Thorn Bush Road (Giroux) in the Village Zoning District. The applicants are proposing to transfer 0.16 acres from 108 Thorn Bush Road to 106 Thorn Bush Road and adjust the building envelopes.

Patti D. explained that the adjustment is to provide her brother and his wife more boundary on the side yard between their properties, so that if she were to sell her property, they would have a buffer. She said that the space in question was full of brush and had a gulley.

John L. asked if the boundary line affects the right of way. Mitch C. replied that no, it does not.

Dick J. asked if there were developable land on the Drew lot. Mitch C. said that the property had between 15-25% slopes, so it was steep, but regulations don't prevent future development with DRB approval.

Mitch C. described a missing building envelope on the Drew property that needed to be added to the plan.

Dennis P. opened the discussion for public comment. There was no public comment.

John L. **made a motion, and Greg W. seconded, to close the hearing and draft the conditions to approve as presented. The motion passed 6-0.**

5. 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 District. *Continued from 1/19/21.*

Mitch C. said that the proposed revision is to add 0.09 acres onto the Allen property in order to add a backyard. He said that the Carlson property had agreed to sell the Allens that amount of space, but staff realized that the Carlson property included a right of way, which would be subtracted out of their lot size and result in less than the required 3 acres of property to conform to the regulations. To solve that, Bill Baker, who owns the adjacent property, has agreed to sell an equally-sized piece of property to Carlson so that Carlson in turn can sell 0.09 acres to Allen without Allen or Carlson becoming more non-conforming. He added that because both Carlson and Baker properties were part of a past subdivision that also included the property to the north of Baker and Carlson, which is why this property transfer needs a subdivision revision.

Greg W. asked how to determine if the property-owners are complying with regulation and that transfers are congruent, and asked if surveying would be needed. Michelle A. said that she had a survey conducted from the Carlson property, after which it was determined that some of Bill Baker's property would be needed to ensure conforming with regulation. She said that she is also having a survey conducted of the Baker property, after DRB approval.

John L. asked about the electric right of way and whether it would be interfered with. Mitch C. replied that the Vermont Electric Co-op easement area on Baker's property is not subtracted from acreage per Hinesburg zoning and said that the easement in place there currently would remain, but be transferred to the Carlson property.

Dennis P. **made a motion, and Greg W. seconded, to close the public hearing and direct staff to draft conditions of approval. The motion passed 6-0.**

6. Peter Parkinson/William & Anne Parkinson: Sketch Plan Review for a 5-lot major subdivision of a ±66.3-acre property located at 83 Maple Tree Lane in the Rural Residential 1 Zoning District. The applicants are proposing lots for four new single-family residences.

Mitch C. showed the overall plan and explained that two existing lots created from a subdivision in 1985 are listed on the plans as existing lots 2 and 3. The lot with the existing residence, which will retain the remaining land is lot 1. The proposed new residential lots are numbered 4 through 7. He showed the lot boundaries and proposed house locations on the site map.

Pete P. said that his family owns the property in question and that they are seeking to do a five-lot subdivision. He said that he and his sibling will each have a lot but that they are not yet sure what they will do with the remaining two lots. In terms of site access, there is a logging road that goes from his parents' house's driveway to Lot 7. He said that the lot boundaries correspond to the topography of the property. He said that each lot has the three-acre zoning that is required. He said that Lot 5 has a pre-existing road that was used to transport gravel from a gravel pit. He described the access to Lots 4 and 6, saying that both driveways would need work.

Greg W. suggested that the DRB conduct a site visit of the property in order to understand the proposed subdivision, since he is unfamiliar with the property in question. Dick J. agreed, especially given the elevation challenges on the property such as steep grades. Ted B. asked about regulations for existing driveways and roads serving multiple houses. Mitch C. replied that yes, it only requires a 12-foot-width as opposed to a 14-foot-width. He said that typically they look for no more than 10% slopes on roadways per fire chief, but individual driveways can be steeper as long as an emergency vehicle can still access it. He also added that the fire chief would look for a turnaround area on the property as part of the approval process. Dennis P. pointed out that Lot 7 could be a challenge in terms of driveway access for emergency vehicles. He said that a site visit would be prudent to stake out the roads and house sites. Other DRB members agreed. Bryan C. said that the current plan shows approximate road locations, which are subject to change based on grading and other issues. He said that any road staking conducted for a site visit may end up changing the further into the project the applicant gets. Dick J. asked if the applicant has brought in a developer or surveyor for their input on feasibility. Pete P. replied that he hasn't had an expert look at the land yet.

Dennis P. opened the discussion for public comment.

Kate K. cited concern about the environmental impacts of the proposed subdivision, stressing the importance of protecting the forest tracts, core wildlife habitat, and deer wintering areas, and additionally expressed concerns about the steep slopes and stream that runs through the property. She said that regulations require building sites to avoid primary resource areas in order to minimize impact on environment. She said the Conservation Committee has expressed concern with Lot 7 and suggested that the lots be clustered more closely to Pond Road. She noted the stream crossing at Lot 5, which is a riparian wildlife corridor, and said that the culvert must be sized correctly so that wildlife can pass through it unobstructed. She said that a site visit could help give a better picture of the best way to lay out the lots.

Dick J. asked about the right of way in the stream buffer. Mitch C. said that that is allowable outside the Village growth area, as long as structures are not placed in the stream buffer. He said that some of the access to Lot 5 might be in the buffer but that it is allowable since the roadway is not considered a structure in terms of the stream setback. Dennis P. asked if Vermont Dept. of Fish and Wildlife would conduct a study on this. Mitch C. said he is unsure but will follow up with more information.

Tony S. spoke as an adjacent homeowner. He pointed out that the stream in question is mainly runoff and dries up in the summer. He also requested that he maintain his existing right of way on his (the Applicant's) property. He said that the topography is not as steep as it seems.

Graham D. spoke as the new landowner of Lot 2 in question. He said his only concern is about the added runoff to the stream that flows through his property and flows through a culvert under a driveway to Lot

3. Mitch C. said that since this would be creating more than 10,000 feet of impervious surface, a Town stormwater review is required prior to approval.

Drew said that he is happy that the structures are closer to Pond Road than the woods, and that he does not see other issues with the development as long as building doesn't occur further back into Lot 7.

Mitch C. noted a written comment submitted by Frank Babbitt, who owns property to the south that would be accessed through Pond Road. He said that he would like to participate in any traffic study that occurs, and that it may be beneficial to move the location of the entrance of Maple Tree Lane around 35 feet to the east so that the two driveways could line up.

Greg W. proposed a site visit once the snow melts. A tentative site visit date was set for April 6 at 5:00 with a 7:00 Board meeting to follow to continue discussing this item.

Dennis P. made a motion, and Greg W. seconded, to continue the application to April 6 and conduct a site visit at 5:00 with a meeting at 7:00 PM. The motion passed 7-0.

7. Other business: Decision Deliberations

- **Hinesburg Community Resource Center:** Sign application. *Hearing closed 2/2/21.*

Dick J. asked that the food shelf hours in Findings of Fact #2 be changed from Monday from 10:00 – 12:00 to Friday from 10:00 – 12:00. He also asked for inclusion of an order stating that prior to construction the applicant shall provide a lighting plan for the sign to staff for approval in conformance with this decision. Other Board members concurred.

Dennis P. made a motion, and Ted B. seconded to approve the application for the Hinesburg Community Resource Center application as amended. The motion passed 4-0 (Greg W., Bryan C. & Branden M. abstained).

- **Trousdale/Palmer:** 2-lot Sketch. *Hearing closed 1/19/21.*

Dick J. asked that the word "conformation" be replaced with "conformance" in Conclusion #4 of the approval.

Greg W. made a motion, and Ted B. seconded, to approve the sketch plan as amended. The motion passed 6-0 (Bryan C. abstained).

- **Russell Family Trust:** 3-lot Sketch. *Hearing closed 2/2/21.*

Ted B. suggested striking the underlined language in Conclusion #9 so that it now reads: "Pedestrian connectivity for the new lots to the existing walking paths in existing easements are adequate for conformance to Section 5.1.6 of the HSR."

Dick J. asked that Conclusion #3 be modified to include "...front yard and rear yard setback waivers...."

Ted B. made a motion and Dick J. seconded to approve the sketch plan as amended. The motion passed 6-0 (Greg W. abstained).

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

Greg W. made a motion, and Dennis P. seconded, to approve the preliminary plat approval as written. The motion passed 6-0.

8. News/Announcements/Correspondence

The next meeting will include a simple subdivision revision, the final plat application for Mitchell and the Vestry site plan application.

The meeting adjourned at 8:32 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary