

Town of Hinesburg
Development Review Board Meeting Minutes
March 16, 2021
Approved – April 6, 2020

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

Members Absent: Bryan Currier (alternate).

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

Applicants:

- Peter & Helen Rosenblum (Applicants), Ron LaRose (counsel for Applicants);
- Luke Perocchi & Michelle Richling (Applicants)
- Bonnie Clark (Applicant)

Public Present: Jesse Paul, Diane Kingston, Steve Leary, Jamie Carroll, Robert Hyams, Steph Shover, Carol Muller, Ben Gould

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 23 participants in attendance (including Media Factory, Board members, and staff) at 7:24 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:

Mitch C. proposed discussing DRB membership changes and whether there are conflicts of interest in serving on the DRB and Selectboard simultaneously.

3. March 1, 2021 Meeting Minutes:

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

The minutes were amended as follows:

- P.1, replace “undevelopable” with “undeveloped” in first line of last paragraph
- P. 1, add “late” before “husband” in third line of last paragraph
- P. 3, replace “not many dedicated spots” with “no dedicated spots” in second line of third paragraph

4. Luke Perocchi/Michelle Richling: Conditional Use review for the expansion of a non-complying structure on a ±0.11-acre property located at 111 Shadow Lane in the Shoreline Zoning District. The applicant is proposing to expand the second story of the existing residence.

Mitch C. displayed the property on the Location Map. He said that the subject property is in the middle of Shadow Lane, adding that the properties on Shadow Lane don't have a lot of depth to them. He showed the Site Map, saying that because the distance between the front and back setbacks is around 3 feet, the majority of the properties are non-conforming and that conditional use approval is necessary for almost any changes. He said that the property's structure has a tridecagon (13-sided) second floor and that the applicant is seeking to remove that and put in a second floor that matches the first floor dimensions (30 ft by 30 ft). Luke P. added that the tridecagon is challenging to live in and that he is seeking to square off the existing structure and install a traditional gable roof. Michelle R. noted that because they can't add more square footage to their house, they are seeking to build vertically.

Dick J. asked about the finished roof peak and whether it would be the same height as the current roof. Luke P. replied that it will be extended by around 6 feet from the top of the wall to the top of the peak, and that they will be extending the roofline which would make the structure a total of 27 feet high. Dick J. asked if there are concerns about impacting views of the lake and Mitch C. replied that this was not an area that was reviewed and that staff examined whether the proposed modifications would meet the height requirements or limitations of zoning. Ted B. noted that the house to the north is far enough away and Shadow Lane is steep enough not to impact views of the lake. Mitch C. noted that the applicant is proposing to increase the structure by 220 sq ft but that the second floor will not be more non-conforming than the first floor.

Dennis P. opened the discussion up to the public.

Jamie Carroll, a neighbor of the applicants, said that this application seems inadequate. He said that there is no property plan to show the size and shape of the existing structures and impervious surfaces and asked whether stormwater permits had to be sought. He additionally noted that others who have made changes to their properties on Shadow Lane have put language in their deeds that they are participating in the Shadow Lane Association. Mitch C. replied that it is not a subdivision revision, so the access would not be changing. He additionally noted that the applicant is not increasing their impervious surfaces, so a stormwater permit is not necessary. Dick J. agreed, saying that the applicants aren't modifying their parking areas or changing the building footprint and so they do not need a stormwater permit. He suggested that now would be a good time to join the lane association if they haven't already. Dennis P. asked if the applicants are adding bedrooms and they replied that no.

Mitch C. asked if they are members of the Shadow Lane Association and applicants replied that they had thought they are but will look into whether they are mistaken. Jonathan S. suggested adding language in the conclusions/conditions of the approval to ensure that they are part of the Shadow Lane Association. Mitch C. said that there would need to be a finding (to see if they are part of the Association) and an order added to it.

Greg W. asked if there are any issues around exterior lighting. Mitch C. replied that they would have to meet requirements for residential lighting. Greg W. suggested it be included in the order.

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

5. Peter & Helen Rosenblum: Final Plat review for a 2-lot subdivision of a \pm 10.1-acre property located at 385 Partridge Hill Road in the Rural Residential 1 Zoning District. Lot 1 would be 5.9 acres on the north side of Partridge Hill Road and include the existing house and garage. Lot 2 would be 4.1

acres on the south side of Partridge Hill Road for a single-family residence. Building envelopes are proposed for both lots.

Mitch C. said that the Rosenblums had come before the DRB two years ago with a sketch plan for this proposed change, but that the process had been subsequently delayed due to COVID. He walked through the location map and resource map, noting slopes, streams, and agricultural lands near the lots. He also indicated the building envelopes.

Ron L., legally representing the Rosenblums, noted that the entire property totals around 10 acres. He said there are residents and existing structures on north side, and that the proposed building envelope is in the southerly half of Lot 2. He said that in terms of access, they would use driveway up Partridge Hill and cross a ditch and a seasonal brook bed. He noted that there was a wastewater permit in 2011. He said that one outstanding question was around erosion and stormwater discharge around the construction area and how it would be dealt with. He said that the contractor plans to put in silt fences to control runoff and then mulch the area that has been disturbed. Mitch C. noted that the front part of the property is a stream and that the building envelope is set back to avoid the stream setback. Ron L. said that they have sizable culverts to handle the ditch area and that they will have another culvert diagonally across Partridge Hill Road. He noted that the slope is fairly routine and is nearly level going from the road to the building envelope.

Dennis P. asked if they felt that was the best option for access instead of accessing the property through Red Pine Road. Ron R. replied that potential buyers expressed a preference for the currently-proposed access, since it entails fewer switchbacks up the hill, and a shorter and more level driveway. He added that they also met on site with the potential buyers and neighbors, who are supportive of the culvert size and location as proposed.

Dennis P. asked about the area in the Lot 2 envelope that appears to have grades steeper than 15%. He asked if Mitch C. wants to move the building envelope. Mitch C. replied that the grade looks to be just around 15% and could be regraded to be less than 15%. Peter R. added that he suspects that that area with the steeper grade may very well be in the area where the house itself might be going and that grading the yard around it and excavating the area would level it off all the way around.

Ted B. said that in the approval they should include the standard condition for complying with the Low Risk Site Handbook for Erosion Prevention and Sediment Control. Mitch C. confirmed that this condition would be included. Ted B. asked if this lot would become part of the road association and whether there is a deed or separate road agreement. Ron L. replied that yes, there is a deed. Ted B. noted that the Board received a comment from an adjoining landowner regarding coordinating with the road association for a curb cut.

Branden M. said that he is interested in the size of the drainage area and what kinds of storm flows they are expecting, noting that 15 inches seems on the small side. Mitch C. said there is a 42-inch diameter culvert for the stream. Ron L. said that the culvert that goes across the road is 15 inches in diameter and is being intersected with another 15-inch culvert, but the culvert that goes in the ditch is 42 inches.

Dennis P. opened the discussion up for public comment.

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

6. Bonnie & Kenneth Clark: Conditional Use review for the expansion of a non-complying structure on a 0.33-acre lot located at 2476 Richmond Road in the Rural Residential 2 Zoning District. The applicants are proposing to replace an existing 1,163 sq ft mobile home with a 1,493 sq ft mobile home with insufficient front yard setback and non-conforming lot coverage.

Mitch C. showed the property on the Location Map.

Greg W. said the regulations don't directly address the expansion of mobile homes on small lots, but the spirit of the regulations encourage us to be flexible. He noted that the revised application removes a setback issue, but expressed concern about the current septic system's capacity and what would happen if the system fails. Dennis P. replied that if the septic system failed, the property owner would need to implement the best fix possible for their property, as mandated by the state. He noted that there is land on the back side of the lot that could be used for a fix, if need be. Mitch C. noted that the back and southerly parts of the property have steeper slopes.

Dennis P. asked if the applicant is proposing to add bedrooms. Bonnie C. replied that they will not add bedrooms.

Branden M. asked if there is a wastewater permit. Ted B. replied that no, the property predates wastewater permit requirements. Bonnie C. noted that they replaced the septic system several years ago and that they have it pumped out every two years. Branden M. said that if the leach field needs to be rebuilt, would have to be rebuilt in the same place on the lot. Dick J. asked how much different the square footage would be in the new building than the old trailer. Mitch C. said that the applicant's proposed changes would lead to an increase of 330 square feet. Bonnie C. said that the new trailer would be a bit wider. Mitch C. said it would be a more rectangular and closed-in structure but would be an increase in lot coverage.

Jonathan S. asked what the process is for these older systems that predate wastewater permits. Mitch C. said that if the applicant is not increasing their use, they don't need to get a new wastewater permit. He said that if the applicant, for example, starts adding bedrooms or adding an accessory dwelling unit, then they would need to get a state permit. Mitch C. said the engineer would have to justify whatever would end up being the best fix.

Dennis P. opened the discussion up to the public.

Carol and John M, adjacent neighbors to the applicant, asked about the proposed location of the new mobile home and also asked for confirmation that their shared tree line isn't disturbed by construction. Bonnie C. replied that they are working with the builder to ensure that no trees on the property are damaged. Carol M. asked whether the applicant plans to install an entry ramp and where it would be located. Bonnie C. replied that they had previously received permission from the Zoning Administrator to install a ramp. Ted B. suggested making an allowance in the decision for a 5x5 foot ramp, and Mitch C. agreed. Carol M. asked about the new mobile home and whether they would need to dig in the bank along the north side. Bonnie C. said they have enough flat surface.

Carol M. asked how the trailer is replaced. Bonnie said they'd move the mobile home to the side of the driveway and then would put in a foundation and that the new home would be brought to the property in sections and reconstructed. She said that the old trailer would then be removed on a flatbed.

Ted B. made a motion, and Dick J. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 7-0.

7. Other business: Decision Deliberations

- **Tim Mitchell/William Mitchell: Final Plat for a 2-lot subdivision.** *Hearing closed 3/2/21.*

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

8. News/Announcements/Correspondence

Mitch C. noted that Sarah Murphy has resigned from the Development Review Board (DRB). He asked Branden M. if he would like to consider being a regular member of the DRB.

Mitch C. noted that the next meeting will have a 5:00 site visit at the Parkinson property, and then a discussion of the Parkinson plan and then a discussion of a development on a private right-of-way application. He also noted that the Planning Commission has asked for feedback on contractor yard regulation revisions.

Mitch C. noted that there was a discussion at the last meeting about a member serving on both the Selectboard and DRB. He solicited opinions from several different sources. Ted B. asked about issues related to water and wastewater allocation. Mitch C. said that the Selectboard would set the amount and the DRB would determine the allocations. Ted B. suggested having a conversation about equitable allocation. Greg W. said that his only concern is about the appearance of propriety. Ted B. said that if there are not many situations where overlaps occur, it would be relatively easy to abstain/recuse oneself where appropriate. Mitch C. noted that there is not an explicit prohibition of DRB members serving on the Selectboard.

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary