

Town of Hinesburg
Development Review Board Meeting Minutes
April 20, 2021
Approved – May 4, 2021

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

Members Absent: Jonathan Slason.

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

Applicants:

- Brad Stetler/Palmer Family Trust: Brad Stetler (Applicant), Jason Barnard Designer representing the Applicants)
- LGM Properties, LLC/Lynn & Marie Gardner: Lynn Marie Gardner (Applicant), Jason Barnard Designer representing the Applicants)
- James Donovan & Patricia O'Donnell: James Donovan (Landscape Architect), Patricia O'Donnell (Landscape Architect)

Public Present: Valerie Ducharme, Bob Hyams, Jared Smith, Alex White.

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 20 participants in attendance (including Media Factory, Board members, and staff) at 7:15 PM.

Dennis P. **called the meeting to order at approximately 7:02 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:

Note that agenda item #3 should be the approval of April 6, 2021 minutes, not March 16, 2021 minutes.

3. April 6, 2021 Meeting Minutes:

Greg W. **made a motion, and Dennis P. seconded, to approve the minutes as presented. The motion passed 5-0.**

4. Brad Stetler/Palmer Family Trust: Sketch Plan review for a 2-lot subdivision of a \pm 43-acre property located at 642 Palmer Road in the Rural Residential 2 Zoning District. Lot 1 would be \pm 31.3-acres and Lot 2 would be \pm 11.5 acres, each for a single-family residence. Both lots would be accessed from Palmer Road in the Town of Richmond.

Jason B. described the proposed plan. He said that the original sketch was for four lots, but the project has been reduced to two lots. He said that the entrance to the property is an existing gravel drive with an easement across the Palmer Family Trust property. He noted moderate and steeper slopes as evidence through a slope analysis. He said Lot 1 has a 2-acre building envelope, which would allow for expansion and agricultural structures in future. He pointed out treelines. He said that Lot 2 will have a

three bedroom single family home, with a slightly smaller building envelope, of 1.17-acres. He noted that a road maintenance agreement was sent by Brad Stetler to the Development Review Board (DRB), addressing concerns about the previous subdivision, saying that it has been scaled back since then. Brad S. added that since the last sketch plan, they have received final permits from the State's Department of Environmental Conservation (DEC) for wetlands as well as approval from the Town of Richmond. He noted that the sketch plan was scaled from four lots to two lots was a condition of approval from the Richmond DRB.

Dennis P. asked if the driveway and the two house sites are the same as the last sketch and Jason B. replied in the affirmative. He added that the houses are being situated so that they are not on the steep slope areas that were found in the slope analysis.

Dennis P. asked about the attorney request that the 2002 condition for access be considered satisfied. Jason B. said that hoping to have preliminary approval so that they could proceed with the sale of the property. Dennis P. asked the applicant plans to move forward if they received sketch plan approval. Brad S. said sketch plan approval would give him comfort to move ahead.

Greg W. suggested a legal analysis of whether sketch plan approval is sufficient to move forward with transfer. Jason B. said that he will coordinate between the parties' attorneys to weigh in on the issue. Mitch C. said that if sketch plan approval is not sufficient to move forward, then they could instead pursue a subdivision revision.

Dick J. asked if the number of developable units is an issue. Mitch C. replied that they're fine. Dick J. asked if there are additional developable units that could be associated with this property that wouldn't be accounted for. Dennis P. replied that they were only able to get access with the number of units in the sketch plan. Mitch C. added that it's tricky because the road could be class 3 or class 4, and whichever it is would impact the total number of developable units. If they deem the access from a class 3 road again, they could add an additional unit, if the Board approves of that and if the Richmond DRB allows it in future. Jason B. recommended designating one more unit to Lot 1. Brad S. agreed. Dennis P. and Dick J. agreed.

Mitch C. said that the DRB will need to confirm that the pull-offs and easements will be shown on the final plat and that additionally, the turnarounds need to be sufficient for emergency access. Jason B. said that they can expand the turnarounds for final plat. He said that there is adequate room to accommodate those. Mitch C. noted the steep slopes and asked the Board if they are comfortable with stating that the steeper sloped areas not be developed as a condition for approval. He asked whether the applicant plans to use that space and how it would be accessed. Brad S. replied that there are no plans to build on that moderate or steep slope. Dick J. asked why the building envelope includes the steep slope, and Brad S. replied that the building envelope can be modified as long as that doesn't affect the placement of the house. There was agreement to make this change.

Dick J. noted that the right-of-way appears to exit onto a neighboring property prior to reaching the road. He asked whether the right-of-way extends to the neighbor's property. Jason B. replied that these are based on the tax maps and that once the survey is finished, they can request a reduction of right-of-way width to get out of that area.

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

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

5. LMG Properties, LLC/Lynn & Marie Gardner: Site Plan review for the expansion of Clifford Lumber onto an adjoining ±1-acre property located at 83 Hollow Road in the Industrial 1 Zoning District.

Jason B. said that a survey and site plan were completed of the property. He said that the property is 0.97 acres in size and had a former residence on it that has since been removed. He noted that the property would be used primarily for lumber storage. He noted the new access road, which leads into the existing road in the mill property. He noted proposed screening along the west boundary of the property as well as existing screening of trees and low brush on the east side of the property. He said that there is no proposed water or wastewater and limited grading. He noted that stormwater shouldn't be an issue as the soil is well-draining.

Greg W. asked what is to the immediate east of the subject property. Jason B. replied that it is a residence and that it is in the Industrial Zone, which is non-conforming.

Dick J. asked if there is a well on the property. Lynn & Marie G. replied that it is a spring and hasn't been used for 50 years. Dick J. asked what kind of lumber is being stored. Lynn & Marie G. replied that it would be both logs and cut lumber, depending on the season. Dick J. asked if they need to talk to a road foreman to beef up access. Mitch C. replied that they will need an approval from the road foreman to work on the right-of-way.

Mitch C. noted a stormwater concern about water being concentrated, but as long as it isn't directly discharging it should be able to infiltrate. Lynn & Marie G. noted that it is gravel and that it sits below Hollow Road, which would help with discharge concerns.

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

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

6. James Donovan & Patricia O'Donnell: Sketch Plan review for a 6-lot subdivision of a ±23.6-acre parcel located on the south side of CVU Road in the Rural Residential 1 Zoning District. The applicants proposed lots for six single-family residences to be served by Town water and sewer.

Dennis P. suggested that once the overall project is presented, the Board should schedule a site visit of the parcel.

Mitch C. displayed the original sketch plan. Patricia O. provided an overview of their planning process. She said that they planned their development by studying the survey, aerial photos, topography, and soil types mapped, and identified primary and secondary resources, in order to position potential buildable areas. They then considered what kinds of layouts could work for vehicular circulation, access, and town easement for a trail. She said that they took the adjacent neighbors' views and buffers into consideration when proposing setbacks and building envelopes. She pointed out the location of wetlands, forests, and steep slopes. She noted that based on their overall analysis of the parcel, the number of lots was reduced to 6. She noted that they are proposing one access road off of CVU Road, positioned in order to retain woods and augment with buffer planting for the neighbors, and that it would cross the wetland once in order to leave as much contiguous wetland intact as possible. She said

that they tested other turnaround positions, but that the current position and cul-de-sac configuration made the most sense for the property and its features.

James D. briefly walked through the staff comments that required responses. The first was about ensuring emergency access. He noted that much of the design was based on the previous subdivision plan, which did have preliminary approval from the fire chief for emergency access. Greg W. asked about ingress and egress for emergency vehicles on Lot 6. James D. replied that the road itself is sufficient and that they provide room for backup space inside the lot. He said that they anticipate using retaining walls to limit the ground disturbance to provide a reasonable grade for access to lot 6.

James D. addressed further staff comments, noting that the staff report references soil testing, but he clarified and said that they have not yet conducted testing of the soil but were relying on the soil report. He said that the soil report in that area shows that bedrock is 5 feet down, but that they will still need to conduct further testing. He also noted that they hadn't realized that will need to subtract the 50-foot easements for driveways out of lot areas, noting that this would mean that Lots 1 and 2 are less than 1 acre in size. Mitch C. replied that because they are seeking a PUD, they have additional flexibility in lot size, but that they may want to ask for a waiver for setbacks, since the driveway easements may impact proposed building envelopes. Patricia O. said that the driveway locations could be reconfigured based on where building envelopes end up. James D. noted that they didn't realize that the road right-of-way area would be considered a lot in and of itself, so they will be modifying the lot lines to create six lots with cross easements and an access easement that is 50 feet wide. He noted that this would require a frontage waiver for each lot.

James D. spoke about other staff comments around forested/agricultural areas, trail easements, the wetland corridor, and lot renumbering. He said that they will be meeting requirements to disturb as little agricultural land and forest as possible with this proposed development. He said that the northern portion of the site had previously been a horse pasture and that it is regenerating with white pine, dogwood, buckthorn, and honeysuckle. Because some of the species are invasive, they don't consider it a high-value forestry area or field habitat. He also addressed concerns of the Conservation Commission, noting that they believe they are disturbing as little land as possible, but that they are happy to discuss this further with the Commission. He discussed the trail easement and the best location for it. He said that the trail should stay on the road from CVU Road until the roundabout, after which it would shift over to the trail on the perimeter of the property. He said that the trail, any way it is configured, would likely be steep, and that ultimately they recommend that it stay in the location as proposed in the Town Plan because it would be less steep. He then discussed the wetland corridor in Lot 6, saying that they will hold it as open space. He said that they may be granting easements for walking to other lot owners in the area. He finally noted that they will revise the lot numbering such that the lots in question will be Lots 4-10, to avoid confusion.

Mitch C. asked about potential traffic impacts and concerns on CVU Road. Dennis P. and Brian C. said they didn't believe that 6 or 7 homes would create noticeable increases in traffic volume.

Brian C. asked if the applicant has been in contact with the State Wetlands Program about the crossing. James D. replied that they have not officially reached out, but that they do not anticipate issues with receiving approval for the proposed crossing. Dick J. asked about the narrow strip of wetland in the sketch. James D. said that it is a class 2 wetland, but it is isolated from the larger corridor.

Dennis P. asked about the sewer and water configuration. James D. described the proposed connections. He added that the water would likely come in along CVU Road. He said they don't anticipate going down Mechanicsville Road for utilities. Mitch C. suggested finding out if they will need a pump to get water uphill into the lots.

Dennis P. opened up the discussion for public comment.

Bob H. from the Conservation Commission provided general feedback on the presentation, complementing the Applicants efforts to retain trees to grow in that forested area is a valued forestry practice. He also said he would provide information on the Natural Resources Inventory (NRI). He emphasized that the property has important aquatic habitat and resources, noting beaver activity in Patrick Brook and wetlands contributing to high water quality. Related to these resources, he cited concerns with the siting of buildings on Lot 6. James D. agreed that protecting Patrick Brook is a priority. He noted that the waterways in Lot 6 are intermittent streams through much of the property.

Valerie D. said that her property has a pump station with a sewer line that force pumps on CVU Road down through the field to the manhole on Mechanicsville Road. Mitch C. showed on the plans the development's sewer easements. Jim D. said they will be looking to the east of that particular area, but that it is good to know that they exist. Valerie D. also spoke about traffic being heavier in the morning and afternoons with kids traveling to and from school. She also asked if there will be any nature area fencing or shielding, and James D. replied that the Town owns the trail but that this development would have an easement for it. Alex White also asked about trail fencing.

Dick J. asked if the developers were concerned that the public would be parking on their roundabout to access the trail instead of accessing it from CVU Road. Patricia O. replied that the trail should be considered in the context of the entire trail system of the town, and that this is intended to be a walking route or connector. Mitch C. suggested that the roadway could be configured such that public couldn't park there without blocking traffic.

Jared S. also asked about how the trail easement would affect traffic. He also said that there have been concerns in the past about water runoff and whether that will affect existing properties. Mitch C. noted that regulations are stronger today than in the past. James D. noted that part of Town regulations include plans for stormwater management. He also noted that the trail location is based on where the Town wants it. Dennis P. suggested having a member of the Trails Committee attend the site visit.

The Board said that at the site visit, it would like to see proposed house sites, proposed driveways, and a general idea of where the trail would be. They scheduled a site visit prior to the May 18th DRB meeting at 5:00 pm.

Dennis P. made a motion, and Ted B. seconded, to continue the hearing to May 18 with a site visit at 5:00 pm. The motion passed 7-0.

7. Other business: Decision Deliberations

- **Dan Parent/Green Grade Enterprises:** Subdivision revision. *Hearing closed 4/6/21.*

Greg W. made a motion, and Dick J. seconded, to approve the decision as written. The motion passed 8-0 (Jonathan S. voted aye in absentia).

- **Aaron & Kathleen Stone:** Development on a private right-of-way: *Hearing closed 4/6/21.*

Ted B. **made a motion, and Greg W. seconded, to approve the decision as written. The motion passed 8-0.** (Jonathan S. **voted aye in absentia**).

8. News/Announcements/Correspondence

Mitch C. noted that there will be two continuances at the next meeting—one for Parkinson, who may lessen the proposed sketch plan, and one for the Vestry. He also noted that there will be a minor subdivision revision regarding the sidewalk for Meadow Mist, and an application for work in a stream setback and floodplain and an expansion of non-conformance on Lewis Creek Road, for which the Town has received feedback from the State as part of the application.

The meeting adjourned at 8:52 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary