

Town of Hinesburg
Development Review Board Meeting Minutes
May 4, 2021
Approved – May 18, 2021

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

Members Absent: Brian Currier (alternate).

DRB Staff: Mitchel Cypes (Development Review Coordinator), Alex Weinhausen (Director of Planning and Zoning).

Applicants:

- Alan Norris/Meadow Mist LLC - Alan Norris (Applicant)
- Peter Parkinson/William & Anne Parkinson – Peter Parkinson (Applicant)
- Jon & Elizabeth Beresford – Jon Beresford/Elizabeth Beresford (Applicants)
- Rolf Kielman/United Church of Hinesburg – Rolf Kielman (Applicant), Andy Seaton (Applicant)

Public Present: Bill Baker, Barbara Forauer, Kate Kelly, Kyle Medash, Andrea Morgante, Doug Taff, Steve Gladstone, Tony St. Hilaire, Carl Bohlen, Merrily Lowell, Fr. James Zuccaro, Rev. Timothy Naples.

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 25 participants in attendance (including Media Factory, Board members, and staff) at 7:35 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

3. April 6, 2021 Meeting Minutes:

Ted B. **made a motion, and John L. seconded, to approve the minutes as presented. The motion passed 6-0 (Jonathan S. abstained).**

4. Alan Norris/Meadow Mist LLC: Minor subdivision revision for a 22.21-acre property located on the west side of Route 116 at the intersection with Clinton Street in the Residential 2 Zoning District. The applicant is requesting to build out phase 3 (a 4-unit building and a 6-unit building) without the requirement that the Village South sidewalk between Hinesburg Community School and Meadow Mist be completed.

Alan N. provided an update on the project, noting that the third building is nearing completion with two occupancies already and four additional units have sold. He added that the only unit not under contract is the perpetually affordable unit, but that it will be listed to see if they can find potential buyers. He

noted at the last time he was in front of the DRB that he had amended the earlier decision where he could not secure occupancy permits for the third building until the sidewalk is completed that was amended to the sidewalk being place before the fourth and fifth buildings need the sidewalk to be completed prior to the issuance of a building permit for either of them. He spoke of the 2017 grant money and the under estimation of costs for the design and construction of the sidewalk that was subsequently found. He spoke of how he has been paying the Town's 20% match for the sidewalk project. He noted that the DRB had previously discussed 2019 as the completion date for the sidewalk, but there have been delays, which he can't control. The new date of completion is now 2022. He requested that the decision be modified so that construction can commence without prior completion of the sidewalk and that prior to the last certificate of occupancy of the last building. He said that it would look prettier if he could finish the construction.

Dennis P. asked for clarification about the sidewalk. Alan N. said that he thought the sidewalk was already in the state right-of-way, but some of them aren't.

Greg W. said that the DRB is committed to holding the applicant to installing sidewalks. He asked for staff input. Alex W. spoke about where the project currently stands. He noted that the Applicant is not in control of the timing or follow-through, saying that it has been managed by the Town with assistance from the Chittenden County Regional Planning Commission (CCRPC). He said that currently, preliminary engineering is completed, all necessary environmental and state permits are secured, and that the Town is currently in the right-of-way process to secure both temporary and permanent easements from landowners along the route. He said that some of the landowners have donated their easements, some haven't responded, and some have issues. He said that the right-of-way process can be lengthy, and depending on how willing landowners are, it's difficult to predict how long that process will take. He said that they still anticipating tentative construction in 2022. He said that the project is principally in the State right of way, and is being negotiated with landowners are mostly slope easements. Mitch C. noted that the DRB concluded that the development needed to be connected to the Village. He said that the Applicant is interested in continuing, but per the original decision, the sidewalk is required before the development is completed, and he asked how the DRB would like to proceed.

Greg W. said that previously, the DRB was interested in installing the sidewalk as soon as possible, and that the Applicant is doing everything in his power to comply, and so he is in favor of allowing him to build.

Ted B. asked about whether there is an escrow agreement for the contribution for the Town's share. Alex W. replied that no, there isn't one. There is a written agreement, a letter from Alan N. saying that he commits to covering the Town's local match to the grant and any overages that go beyond the grant amount. Alex W. said that an escrow agreement hasn't been set up, and that it might be a question for the DRB to explore. Ted B. said that his concerns were around making sure the project is built and that there is an incentive to build it. He said that the Town needs to ensure that the project is built, including the sidewalks. Alan N. noted that he would like to build the units and put up a sum into an escrow account prior to the last one or two units being occupied. Alex W. said that total project cost for the sidewalk is \$293,000, the local match from the Applicant is \$58,700, and that to date a small fraction of that has been spent.

Jonathan S. said he is comfortable with allowing the development to continue in the absence of a built sidewalk, but would like an agreement that escrow be put in place prior to the occupancy of the final

units. He asked if there is an option to put a gravel path from the facility to the public right of way. Alan N. replied that there is already a gravel ramp that connects to the right of way.

Dennis P. agreed that putting money in escrow would be a good approach. He asked at what point the funds should be put in escrow and how much money should be set aside. Ted B. said that delayed escrow would be appropriate.

Greg W. flagged that resistance to easements by private landowners could result in quite lengthy delays, but that he is comfortable with escrow in place prior to the issuance of a certificate of occupancy for the last unit.

Alex W. asked about timeline for pulling the zoning permits and then when construction could be completed enough for occupancy. Alan N. said that he could pull the permits this summer and potentially have occupancy in spring of next year.

Dennis P. opened the discussion up to the public.

Mitch C. noted that there was a written comment from Wayne Maceyka, who said that a sidewalk is a healthy element of pedestrian infrastructure and that there are no sidewalks along Route 116 between Meadow Mist and the school and that this could present barriers to access for some people.

Andrea M. said that if federal or state funds are being used to build a sidewalk, it must be built fully and can't be stopped prior to completion.

Barbara F. asked if the grant money has an expiration date. Alex W. replied that no, it does it.

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

5. 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 propose lots for four new single-family residences. *Continued from 2/16 and 4/6/21.*

Peter P. said that he has decided to build Lot 6, which would result in a two-lot minor subdivision. Greg W. asked if this had originally been proposed as a 5-lot subdivision. Mitch C. replied that it had been a 5-lot subdivision in sketch plan, but that it can be modified based on comments and feedback from the DRB. Peter P. added that they had originally proposed to complete all of the lots, but that they didn't realize that they'd be taxed on all of them, and so they have decided to only pursue a two-lot subdivision for now.

Greg W. asked why the proposed house site is so close to the existing house. Peter P. said that the house is more tucked away in the summer and that it was the best location for the house site on that lot.

Dennis P. opened the discussion up to the public.

Barbara F. asked how water and sewer would be managed on the property. Peter P. replied that they would likely need a drilled well and a regular septic system. Mitch C. noted that the property is located

outside of the municipal water and sewer district. Dick J. noted that prior to finalizing the subdivision, water and septic availability need to be proven.

Kate K. asked if there are other changes to the requirements or process of moving this from a major subdivision to a minor subdivision. Mitch C. said that they would still need to receive a final approval.

Ted B. 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. Jon & Elizabeth Beresford: Continued Use review for the expansion of a non-complying structure and development in a fluvial erosion hazard area and a stream setback on a ± 2.75 -acre property located at 162 Lewis Creek Road in the Agriculture Zoning District. The applicants propose an addition to the existing house.

Jon B. said that they are proposing to take a garage that has been converted to a living space and convert it back into a garage, but that they need to expand the building to be able to fit a vehicle. They are proposing to increase the foundation to match the existing foundation. He said that they are in a fluvial erosion zone, so they are trying to be careful and conservative in terms of changes.

Ted B. noted that the modification is below the 200 square foot area threshold, and that it is no more non-conforming. He said that they are not in the flood hazard zone but in the fluvial erosion zone. Kyle M., from the Vermont Agency of Natural Resources, noted that the flood mapping has been updated for this area and the flood zone has changed. He said that they would need an updated base flood elevation (BFE) elevation estimate in order to remove the property from the flood hazard zone and remove the requirements associated with that. He advised that if the Applicant wants to extend further from the existing foundation, they would need to comply with fluvial zone requirements. Jon B. said that it would not extend further than the existing foundation.

Mitch C. noted that the smaller tributary has an area that is part of the floodplain and fluvial erosion area, and that adding an extra foot would bring the property closer to that particular tributary, though it wouldn't bring the property closer to Lewis Creek. Dick J. said that the stream setbacks put an extreme limitation on the property and that as long as the property is under the 200 square feet threshold, he is comfortable.

Mitch C. also noted that the warning for this public hearing was delayed and that the Town must continue this hearing to the next meeting to ensure that the public has a change to ask questions.

Jonathan S. said that he is comfortable with the change if it is under 200 square feet. He asked for more information on any implications of having the property resurveyed. Mitch C. replied that under this application, the Applicant may not need to have their property resurveyed. Kyle M. said that a component of resurveying would require a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), which would be informed by whether the house is below the BFE. He said that if the house is below the BFE, then it needs to comply with flood hazard regulations. Mitch C. noted that the Zoning Administration made a determination from a prior review in 1996 that due to the property's location on a hill next to Lewis Creek Road, it wouldn't be in the flood hazard area. He added that that assessment could change, based on the new tributary on the property.

Greg W. expressed concern about the engineering and requested an independent evaluation of the flood plain issues and potential impacts. Ted B. said that given the elevation of the house and road, it

shouldn't be an issue. Jonathan S. added that a photograph or two would be helpful for the next hearing on this application. Dick J. agreed that photographs of the general grades in the area would be helpful for the subsequent hearing.

Dennis P. opened the discussion up to the public.

Barbara F. asked that with respect to fluvial zones whether there needed to be a 100 foot setback from any body of moving water. Kyle M. said that they are currently operating under the town bylaw for fluvial hazard erosion area and flood hazard area, not the State regulations.

Andrea M. said that it is important to note the difference in damage that comes from inundation versus erosion, and that this property may still be at risk from erosion damage even if it's deemed outside of the flood hazard area.

Dennis P. made a motion, and Dick J. seconded, to continue the hearing for an expansion of a non-complying structure and development in a fluvial erosion hazard area and a stream setback expansion to May 18, 2021. The motion passed 7-0.

7. Rolf Kielman/United Church of Hinesburg: Site Plan review for renovation of "The Vestry" on a 0.07-acre property located at 10765 Route 116 in the Village Zoning District. The applicant proposes to create a cultural community center to host events. *Continued from 3/2/21.*

Rolf K. said that in the initial hearing for this application, the parking situation still needed to be resolved. He said he has talked more with the St. Jude church about the use of parking related to Vestry events and that they have said that their parking can be used whenever they aren't using it. Rolf K. said that the Vestry has made a firmer schedule, so that events occur one Friday a month, two Sunday evenings a month, and one Saturday afternoon a month, which would not conflict with St. Jude's schedule. He said that he has also received written permission from the United Church of Hinesburg to use their parking when it doesn't conflict with their events. He noted that there may be a conflict on Friday evenings. He noted that a third backup for parking could be the Town Hall, which was approved by the Selectboard. He further noted 5 public parking spaces on Route 116, and one proposed space in front of the building that would be handicap accessible.

John L. asked how they would solve any issues arising from parking conflicts with St. Jude's. Rolf K. replied that the backup options would help alleviate that. Greg W. suggested that a site plan could be approved with the requirement that any parking issues would need to come back to the DRB for review and resolution. He also asked about the dedicated handicap parking spot. Rolf K. replied that it is technically in the St. Jude's property and that he may need to acquire a right of way.

Ted B. asked about potential parking options near the nursery school and elementary school. Rolf K. said that he approached the Town and that the schedule for that parking option is more erratic.

John L. asked about any potential noise issues with neighbors and how they would be addressed. Rolf K. said that they are thinking of this space as a community center focused on cultural events and would abide by the noise ordinances. He said that hours of operation would end around 9:00pm.

Dennis P. opened the discussion up to the public.

Bill B., a neighbor, spoke supportively about rehabilitating the building. He said he has concerns about noise, given the proximity of the Vestry to his property. He said that the 35-person limit should be strictly enforced. He also noted the large amount of foot traffic going past his house and the diminished sightlines due to the lilac bush next to his driveway.

Barbara F. spoke in support of the project, noting that the building is an integral part of the Town's history.

Dick J. asked if the handicap parking space would need screening. Greg W. said that because it's a handicap spot, it wouldn't be continuously in use. Jonathan S. said that screening could block safe egress access for the driveways and he isn't in favor of pursuing screening.

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.**

8. Other Business: Decision Deliberations

- **Brad Stetler/Palmer Family Trust:** Sketch Plan review for a 2-lot subdivision

Dennis P. **made a motion, and Greg W. seconded, to approve the decision as written. The motion passed 6-0 (Jonathan S. abstained).**

- **LMG Properties, LLC/Lynn & Marie Gardner:** Site Plan review for the expansion of Clifford Lumber

Ted B. **made a motion, and Greg W. seconded, to approve the decision as written. The motion passed 6-0 (Jonathan S. abstained).**

9. News/Announcements/Correspondence

Mitch C. noted that there is a site visit plan for O'Donnell for the next meeting, and that Board members should park at the CVU High School to access the site. He also noted that the Beresford application will return as well as two subdivision revisions.

The meeting adjourned at 9:17 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary