

Town of Hinesburg
Development Review Board Meeting Minutes
December 15, 2020
Approved January, 5, 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
- Curtis Trousdale, Palmer Family Trust -
- Hinesburg Center II, David Lyman Revocable Trust – Brett Grabowski, Milot Real Estate (developer); Michael Buscher, T.J. Boyle & Associates (landscape architect); Roger Dickinson and Nick Smith, Lamoureux & Dickinson Consulting Engineers (engineers/surveyor).

Public Present: Nicholas Smith, Kyle Bostwick, Carl Bohlen, Carrie Johnson, Andrea Morgante. *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): 22 at 8:1 PM.

Dennis P. called the meeting to order at approximately 7:31 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. said there would be no Hayden HLG decision during this meeting and that it be removed from the agenda.

3. October 6, 2020 Meeting Minutes: - Dick J. **moved to accept the minutes as amended.** John L. **seconded the motion. The motion passed 5-0, with two abstentions** (Greg W. and Ted B.).

The minutes were amended as follows:

- P. 3 – 4th bullet in list in paragraph three, replace “graters” with “graders”;
- P. 3 – Strike the last sentence of the middle paragraph.

4. December 1, 2020 Meeting Minutes: Greg W. **moved to accept the minutes as amended.** Dennis L. **seconded the motion. The motion passed 7-0.**

5. Michelle Allen and Stephen & Elizabeth Carlson: Subdivision Redivision to adjust a boundary line to effect a transfer of land to adjoiner. The two properties involved are a 0.28-acre property owned by Michelle Allen at 847 Pond Brook Road, and a 3.09-acre property owned by Stephen & Elizabeth Carlson at 85 Upper Access Road, both in the Rural Residential 1 Zoning District. The applicants are proposing to transfer 0.09 acres from the Carlson property to the Allen property. Hearing continued from 10/6/20 and 11/3/20: Mitch C. said details were still being worked out for the proposed boundary line adjustment and that he recommends continuing this conversation at the January 19th, 2021 meeting.

Greg. W. moved to grant continuance. Dennis L. seconded the motion. The motion passed 7-0.

6. 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 on which no development is proposed. Lot 1 would be ±25.5 acres and Lot 2 would be ±7 acres. Hearing continued from 11/3/20: Mitch C. said the applicants were making progress but still need more time to clarify details and recommended that this discussion continue on January 19th, 2021.

Greg. W. moved to grant continuance. Dennis L. seconded the motion. The motion passed 7-0.

7. Hinesburg Center II/David Lyman Revocable Trust: Preliminary Plat review for a major subdivision of a ±46.2-acre property located on the west side of Route 116, west of the Kinney Drug development, south of Patrick Brook, and north of the Creekside neighborhood in the Village and Agricultural Zoning Districts. In this phase of the development the applicant is proposing 22 residential units and 6,000 sq ft of commercial/office space. Hearing continued from 9/15, 10/6, and 11/17.

John L. and Jonathan S. recused themselves from this review. Alternates Bryan C. and Branden M. are participating in this review.

Nick S. reviewed the changes made since the last hearing, which generally pertained to stormwater, general site grading and elevations, and storm pipe sizing and treatment standards. He noted that the most significant change is the proposal to treat stormwater runoff on Kailey's Way via two proposed filtration units, as shown on Sheet 2 of the site plan, adding that the intention is to provide treatment and release stormwater into the existing storm system to Creekside. He said that the filtration units provide Tier 2 treatment by the State specifications as well as high phosphorus reduction and sediment removal. He noted that the units could be placed without pretreatment. Ted B. asked what maintenance is associated with these units and Nick S. replied that the units require the mulch layer to be replaced yearly and that the units should last a minimum of ten years. Dick J. asked if the pipe would require cutting through the intersection or could be accomplished with an underground horizontal bore. Nick S. replied that a cut through would be easiest and could be completed in tandem with other grading changes at that intersection.

Mitch C. displayed Sheet 11 of the site plan, and Nick S. began discussing the area east of Building C, which is part of the Hinesburg Center 1 development. He said that they are proposing to push stormwater to the curblin and let it travel down into the wet pond, adding that modifications to the wet pond are permitted because they would be utilizing existing infrastructure. Bryan C. asked what

kind of pre-cast blocks are being proposed for the retaining wall. Nick S. said that pre-cast blocks are readily available and could be used. Michael B. added that ReCon blocks are also a possibility.

Mitch C. displayed Sheet 3 of the site plan. Nick S. noted changes around Lot 30, saying that there were previously plans for a culvert crossing out behind Hinesburg Center 2 but that there were concerns about what would happen to stormwater during a hundred year event. He said that they are proposing a new structure on Lot 30 that would detain a portion of the stormwater and release it slowly over a period of hours into the Creekside neighborhood storm system. He noted that they have flexibility with setting the grade elevation and that the current high water surface elevation point is set at the hundred year level (328.75'), which follows the property line behind the Creekside residences. He finally noted that stormwater could be detained so that it would be released at a different peak time than other peaks from the Creekside neighborhood, so as not to overwhelm downstream stormwater systems. Ted B. asked what the normal use for the lot would be. Nick S. replied that it is an open space and would have a gazebo and playground on the west corner of the lot, and that it is intended to be a lawn.

Nick S. outlined a final significant change, located where the aforementioned culvert was removed. He said they are now proposing to add a new set of catch basins, which would capture a small portion of runoff in Lots 24-25 and push it into a level spreader, which would drain west into the LaPlatte River. He noted that this is also considered a low-impact development.

Dick J. noted that the Bostwicks (adjacent property owners) are concerned about water levels, and Nick S. noted that the area to the north will be raised and that they will be making the property level with the Bostwicks', which will relieve stormwater on the north side of his property. He also noted that they are conducting a floodplain analysis to ensure no changes to the floodplain elevation. He added that the development is being designed such that the system will be able to handle a hundred year storm event without backup into their piping system.

Mitch C. noted that the applicant addressed concerns about lowering the site elevation, saying that the gravel wetland elevation was lowered, which should help in terms of the floodplain. He said he looked forward to reviewing the additional HydroCAD submissions, and looked forward to receiving additional HydroCADs and stormwater analysis pertaining to the flood elevation for Lot 30. He noted that those and any additional adjustments could be discussed at a subsequent Development Review Board meeting.

Board members discussed elevation compatibility adjustments that were made to the design based on staff comments. Dick J. noted that Lot 30 seems improved with the addition of a conveyance to remove water from the area. He said he was not entirely sure about how Lot 56 would interface with the Bostwicks' property. Nick S. replied that that house would be the same elevation as that of the Bostwicks and that the revised design incorporates as much stormwater accommodation as possible.

Ted B. asked about the conditions of the open land to the west where the level spreader is, and asked whether it would be usable by members of the community and whether the stormwater infrastructure and discharge would affect the land for a significant amount of time. Nick S. replied that the stormwater discharges will run toward the LaPlatte River. He said that when stormwater is released it will dissipate across the field space and that the area may see more extended periods of wetness, but that the design would provide access across the stormwater feature.

Ted B. asked about the area along Road B, where the setback is, and what the applicant is planning to do in the setback. Nick S. replied that that is the town stream setback and river corridor for Patrick Brook and that they are not proposing anything in the river corridor other than infrastructure associated with the Patrick Brook crossing. He added that they are proposing grading within the town stream buffer (two on one slopes), but no other proposals as far as engineered material to keep the embankment in place.

Andrea M. said that the corridor is in place to allow the stream to meander, and that the town shouldn't invest in any infrastructure within the corridor in case the stream did move. She also advised not to plant within the river corridor.

Bryan C. asked for a status update on the flood hazard review and whether there were responses to Mitch's comments. Nick S. replied that they are currently reaching out to the State's flood plain division, and hope to have everything in place prior to the final plat review.

Dick J. asked if any of the comments were extremely problematic. Brett G. replied that he had concerns about the updating the MacBroom study to incorporate the bridge crossing, and paying for an update to a study that was driven by a town mandate for a bridge. Mitch C. clarified that the comment is seeking detail about the impacts of what is currently being proposed. Brett G. said they could make appropriate adjustments to the size of the box culvert if necessary.

Dennis P. opened the Hinesburg Center 2 hearing to the public.

Andrea M. asked if there has been consideration for developing a management plan for the river corridor jointly with the developer on the other side of the river, to ensure that there is an understanding of how land on both sides of the river will be managed. Brett G. replied that his project intends to leave the river area alone and does not have plans for it. Michael B. added that there may need to be some kind of agreement if erosion issues arise that need to be addressed. Andrea M. also suggested that any legal issues (like an easement from the Trails Committee) be resolved at this stage of the development.

Jonathan S. said that stormwater treatment in Lot 30 is good, but does not agree with making it a public green space with a gazebo. He said that Lot 1 or the lot on the corner of Buildings G and F would be a more appropriate size. He also stressed the importance of ensuring that the Creekside system can handle additional flows. Nick S. replied that they have modeled the additional flows in the Creekside neighborhood and have found that the change in flows is negligible. He said that any information provided to the Town would be made publicly available as well.

Kyle B. echoed Jonathan S.'s concerns about public space and said that Lot 1 would be more suitable as a public space. He suggested reallocating funding for making a green space to Lot 1.

John L. asked if any intersections would be made to the recreation path. Nick S. replied that no, nothing more is being proposed than what is there currently. Jonathan S. asked if there is an easement for the VAST trail system in that location. Dennis P. replied that snowmobilers typically ask for landowners' permission to use their land every year, and that there is no easement.

Dan J. said that the Creekside neighborhood association has been maintaining Lot 30 so that it doesn't become overgrown. He asked if the development would take over the maintenance of that lot once

improvements are made. Brett G. replied that they will work with the neighborhood association to codify a formal agreement around Lot 30 maintenance for the final plat. Dan J. also said that there is an agreement between the Creekside neighborhood and the Town that requires the Town to be responsible should anything adverse happen to the system (such as a spill). He said that the association would be looking for similar assurances from this development, should anything harmful enter the system through its catch basins. Brett G. replied that he agreed, and that any agreements would be proportional to the impact that the development has on the system.

Dennis P. **moved to grant continuance to January 5th, 2021.** Ted. B. **seconded the motion. The motion passed 7-0.**

7. Other Business:

- **Cristopher Peck/Frost Properties, LLC: Conditional Use and Site Plan review.** *Hearing closed 12/1/20.*

Jonathan S. suggested that in finding of fact #4, “retail” should be struck from the statement “retail use predates zoning.” In finding of fact #6, the Board agreed that the second sentence should be struck. The Board agreed to change “dairy barn” to “dairy bar” in the decision language. Jonathan S. suggested adding a traffic study to the parking study language, so that it would read “traffic and parking study.”

Ted. B **moved to approve the decision as amended.** Dennis L. **seconded the motion. The motion passed 6-1 (Dick J. opposing).**

- **Tim and William Mitchell: Sketch Plan review.** *Hearing closed 12/1/20.*

The Board discussed the proposed subdivision, which is complicated by the fact that the property straddles the Hinesburg/Starksboro town line. Greg W. suggested calling the change a lot line adjustment and said that the decision should make it clear that no development on any lot in Hinesburg without the DRB’s prior approval. Mitch C. said he would be prepared to present the DRB with a draft decision on January 5th, 2020 for review and discussion. Jonathan S. suggested reaching out to the Town of Starksboro and ask how they approached their side of this request.

- **Bradley Haydon/HLG Excavating: Appeal of the Zoning Administrator’s Notice of Violation.** *Hearing closed 12/1/20.*

8. News/Announcements/Correspondence:

Mitch C. said that the next meeting would feature a subdivision revision where an envelope is being increased by about 20 feet for an addition, as well as another subdivision revision. Dennis P. requested that DRB meetings begin at 7:00 and not 7:30 PM.

Dennis P. **moved to adjourn the meeting 9:57 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary