

Town of Hinesburg
Development Review Board Meeting Minutes
May 18, 2021
Approved – June 1, 2021

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

Members Absent: Jonathan Slason.

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

Applicants:

- James Donovan & Patricia O'Donnell: James Donovan (Applicant), Patricia O'Donnell (Applicant),
- Jon & Elizabeth Beresford: Betsy & Jon Beresford (Applicant),
- Jeffrey & Jillian Ojala/Estate of Viola Goodrich: Jeffrey Ojala (Applicant), Karen Goodrich (Applicant)
- Russell Family Trust/Margaret McNurlan/Beverly Knight: Margaret McNurlan (Applicant), Beverly Knight (Applicant), Howard Russell (Applicant), Jason Barnard (Designer representing the Applicants)

Public Present: Valerie and Leonard Ducharme, Barbara Forauer, Robert Hyams, Scott Johansen, Merrily Lovell, Rev. Timothy Naples, Sally Reiss, 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 27 participants in attendance (including Media Factory, Board members, and staff) at 7:30 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: - None.

3. May 4, 2021 Meeting Minutes:

Ted B. **made a motion, and John L. seconded, to approve the minutes for May 4, 2021 as amended. The motion passed 6-0.**

The minutes were amended as follows:

- P. 5, item #7, second paragraph: Replace "Rolf K. replied that it is technically in the St. Jude's property" with "Rolf K. replied that the access require transition across St. Jude's property."

4. 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

propose lots for six single-family residences to be served by Town water and sewer. *Continued from 4/20/21. Site visit at 5:00 PM; meet on-site adjacent to CVU Road. Parking available at CVU High School.*

Mitch C. noted that the Development Review Board (DRB) had a site visit on the Donovan & O'Donnell property between 5:05PM and 6:00PM today. Board members that attended were Dennis Place, Dick Jordan, Ted Bloomhardt and Greg Waples, and staff included himself. Members of the Public included Valerie and Leonard Ducharme, Jared Smith, Alex White and Bob Hyams (Conservation Commission). The Applicants Patricia O'Donnell and Jim Donovan were in attendance. The driveways and building envelopes were well staked. The Applicant showed the proposed access and building locations as well as the overall terrain. Questions were answered. The Board rendered no opinions.

Mitch C. showed the site map. Dennis P. described the site visit, noting that it began at CVU road, traveled along what would roughly be the driveway, and the Applicants showed them the lot 1 building envelope. The Applicants then showed them Lot 5 and as they moved further up the road they were shown the wetlands. They traveled up to the bottom of the cul-de-sac. At that time they turned left and went down the driveway to Lot 6. The Applicant noted that as he was clearing that lot he found some ledge and steep area. After Lot 6 they traveled to Lot 4 via an alternate route which avoided the ledge, but that traversed the wetland buffer. Then they returned to the cul-de-sac and saw Lots 4, 2, and 3, and then saw where the easement for the recreational path would be.

James D. spoke about the alternate route to Lot 6 and said that that the final route it is yet to be determined. Patricia O. said that the grades on the route shown on the plans are steep and the ledge is an impediment to the driveway. She noted that they could use an alternate route in the wetland buffer, which would require the need to get a State permit.

Bob H. from the Conservation Commission said that the critical resources that could be impacted by this development are the contiguous forest and the riparian corridor along Patrick Brook, both of which would be on Lot 6. He emphasized the importance of getting some protection for those resources.

Greg W. asked about the definition of contiguous forest. Bob H. replied that contiguous is the part that is intact. He said it is not a huge contiguous forest and that it is on the steep slope. He said that it is not impacted by the building envelopes or the proposed driveways but will be included as part of Lot 6. He further noted that keeping that corridor intact helps water quality.

John L. asked about emergency vehicle access and whether the Lot 6 length and width are sufficient. James D. said that access hasn't been defined yet but will meet the requirements, and there will be a 'T' turnaround at the end of the lot.

Dick J. expressed concern about runoff if building a driveway down a steep slope, and said it might cause more of an issue than running a driveway through a wetland area's buffer. James D. replied that they are still assessing the feasibility of obtaining a permit for a driveway in the wetland buffer.

Dennis P. asked about the plans for granting an easement for the recreational path and ensuring that there is minimal impact to neighbors. Mitch C. said that they can make that a requirement that the applicant contact the Trails Committee and give them an opportunity to participate. Dennis P. spoke about the trail, which seems to be a small walking path, and that it seemed that there could be plenty of buffer. Ted B. agreed that it seems like there is plenty of room in the easement to leave a good buffer.

Greg W. noted a large swale on the north side of CVU Road, and thinks that CVU devours much of that easement area. He asked if there is room for the easement on the south side. Mitch C. suggested that the Trails Committee could meet with CVU regarding the easement area and swale.

Dennis P. opened the discussion up to the Public.

Barbara F. concurred with Bob H. about protecting the forest and avoiding the wetlands as much as possible.

Mitch C. asked if the applicants anticipated any of the housing units having duplexes. Jim D. replied that they had previously contemplated that for Lot 1, but have settled on leaving it as a single-family unit.

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 carried 6-0.

5. Jon & Elizabeth Beresford: Conditional 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 Agricultural Zoning District. The applicants propose an addition to the existing house. *Continued from 5/4/21.*

Mitch C. noted that there was additional feedback from Kyle M. from the State's Agency of Natural Resources. He said he created a plan that shows the drainage area for the stream, and some pictures of the stream, culvert and drainage swale.

Ted B. asked about the difference in elevation between the level of the house and the stream. Mitch C. replied that it is about 10 to 12 feet. He noted that there is a plan that delineated a flood plain in 1996 for an area that was a foot or so lower than the actual house. He further noted that Kyle M's biggest concern is ensuring that the expansion does not result in a bottom level that is lower than the existing house.

Dennis P. opened up the discussion to the Public. There were no Public comments.

Dennis P. made a motion, and Ted B. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.

Bryan C. joined the Board.

6. Jeffrey & Jillian Ojala/Estate of Viola Goodrich: Subdivision Revision for a transfer of land to adjoiner for a ± 18.23 -acre property located at 552 Lavigne Hill Road (Goodrich) and a ± 9.6 -acre property located at 554 Lavigne Hill Road (Ojala) in the Rural Residential 1 Zoning District. The applicants propose to transfer ± 8 undeveloped acres from the Goodrich property to the Ojala property.

Jeffrey O. provided an overview of the proposed revision, which would entail a transfer of 8 acres from Goodrich to Ojala, and would clean up some easement rights around water, septic, and some restoration activity around the vineyard (but not developing the vineyard land). No concerns were raised by the Board.

Dennis P. opened up the discussion to the Public. There were no Public comments.

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

7. Russell Family Trust/Margaret McNurlan/Beverly Knight: Subdivision Revision to transfer 1.24 acres and two future building units from a ±15.4-acre property to two adjacent 0.5-acre properties located at the end of New South Farm Road in the Rural Residential 1 Zoning District.

Mitch C. clarified that the acreages in the staff report were reversed but that the final decision will reflect accurate acreage and other data. He noted that this revision would not create a second unit but would allow for the possibility of applying for a second unit through the DRB process in future. Dick J. asked if they would have to re-subdivide. Mitch C. replied that yes, and they would need to come back to the DRB with a subdivision application. He clarified that this current proposal is not to subdivide but rather is a boundary adjustment and shifting of property lines without creating an additional lot, and shifting the potential for two units from Russell with one potential unit going to McNurlan and one potential unit going to Knight.

Jason B. noted that 0.5 of an acre would go into the McNurlan lot and 0.7 of an acre would go into the Knight lot.

Dennis P. asked if they need a full boundary survey. Jason B. replied no. Dennis P. asked about the right to farm statement. Jason B. replied that it should stay in to align with the previous proposal. Dennis P. asked about building envelope locations. Jason B. replied that they can provide building envelopes, but there are no proposed envelopes at this juncture. Mitch C. said that they should note that the original survey had building envelopes so that in case a future landowner wants a permit for something, it makes it clearer for the Zoning Administrator.

Dennis P. opened up the discussion to the Public.

Merrily Lovell had questions about the boundaries and pedestrian trail easement, which Jason B. answered. Margaret M. noted that the posts at the trail may not be in the right place, which could be causing some confusion.

Bryan C. asked if they have the ability to create a new easement or right-of-way in this boundary adjustment. Mitch C. replied that the right-of-way here is essential for the applicant to have the potential to create lots in the future. He said that the Board does have the authority to require the creation of new rights-of-way as part of a plat in such a situation.

Ted B. **made a motion, and Branden M. 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

- **Alan Norris/Meadow Mist LLC:** Minor Subdivision revision. *Hearing closed 5/4/21*

Mitch C. stated that Jon S. voted to approve the decision as written.

Dennis P. **made a motion and Ted B. seconded, to approve the Meadow Mist LLC subdivision revision. The motion passed 7-0.**

- **Peter Parkinson/William & Anne Parkinson:** Sketch Plan for a minor subdivision. *Hearing closed 5/4/21.*

Mitch C. stated that Jon S. voted to approve the decision as written.

Dennis P. made a motion, and Branden M. seconded, to approve the sketch plan for Peter Parkinson. The motion passed 7-0.

- **Rolf Kielman/United Church of Hinesburg:** Site Plan review for renovation of “The Vestry.” *Hearing closed 5/4/21*

Mitch C. stated that Jon S. voted to approve the decision as written. Dick J. expressed concern that there still isn’t dedicated parking but acknowledged that the Applicant did their due diligence to establish alternative parking arrangements.

Ted B. asked if the decision should explicitly mention access to the dedicated handicapped spot. After discussing draft language, the DRB decided that Mitch C. will create New Order #5, which states “The applicant shall obtain any required permissions, formal agreements or easements needed for access to the ADA parking spot prior to use.”

Ted B. made a motion, and John L. seconded, to approve the site plan for “The Vestry” as amended. The motion passed 7-0.

9. News/Announcements/Correspondence

Mitch C. noted that for the next meeting, items will include a sketch plan to move a building envelope from an approved location to an area in the woods (and suggested having a site visit related to this), an expansion of non-conforming property, and a preliminary plat. He also noted that Alex W. would like to discuss some draft architectural standards in the Village area.

The DRB discussed resuming in-person meetings. The DRB was unanimous in wanting to return to in-person meetings, but stated they may wish to return to having a later start time.

The meeting adjourned at 8:33 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary