

Town of Hinesburg
Development Review Board Meeting Minutes
June 1, 2021
Approved – June 15, 2021

Members Present: Dick Jordan, John Lyman, Dennis Place, Greg Waples, Branden Martin.

Members Absent: Ted Bloomhardt, Jonathan Slason, Brian Currier.

DRB Staff: Mitchel Cypes (Development Review Coordinator), Amy Coonradt (Recording Secretary), Alex Weinhausen (Director of Planning & Zoning);

Applicants:

- Stephen Smith: Steve Smith (Applicant),
- Robert Farrell: Robert Farrell (Applicant),
- Robert & Anne Frost: Robert Frost and Anne Frost (Applicants), Jason Barnard (Designer representing the Applicants)

Public Present: Robert Hedden, Kendall Frost and Brendan Keenan, Linda B Smith, John Mace, Nancy Plunkett, Kate Kelly.

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 16 participants in attendance (including Media Factory, Board members, and staff) at 7:39 PM.

Dennis P. **called the meeting to order at approximately 7:06 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 at this time.

3. May 18, 2021 Meeting Minutes:

Greg W. **made a motion, and John L. seconded, to approve the minutes for May 18, 2021 as presented. The motion passed 4-0.**

4. Stephen Smith: Conditional Use review for the expansion of a non-complying structure on a ±4.16-acre property located at 2350 Gilman Road in the Agricultural Zoning District. The applicant proposes to enlarge the front porch within the front yard setback area.

Steve S. provided an overview of the proposed work, which would be to enlarge the front porch. He said that the house has a previously-existing porch from the 1940s and that most of it is within the setback from the road. He said he would like to replace the porch and extend it southward. He said that the additional non-complying area would be around 50 square feet.

Greg W. confirmed that the non-conformity is running parallel to the road and not encroaching upon Gilman Road. Steve S. confirmed this.

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

Greg W. made a motion, and Dennis P. seconded, to close the public hearing and approve the draft decision. The motion passed 5-0.

5. Robert Farrell: Subdivision Revision for a ±38.7-acre property located at 1773 Texas Hill Road in the Rural Residential 2 Zoning District. The applicant proposes to move the building envelope farther north (away from Texas Hill Road).

Robert F. provided an overview of the proposed subdivision revision. He said that he would like to move the building envelope further north, further away from Texas Hill Road. He said that they would return the existing building envelope to the forest management plan that is in place. He said they do not plan to change the size of the building envelope. He noted, as the Board reviewed the site elevation map, that the driveway would adhere to the grading thresholds requirements and fire and rescue access requirements, and that any cuts and fills will be minimal. Mitch C. noted that they will need a stormwater plan due to the size of the driveway.

Mitch C. said that the Board needs to determine if the proposed changes would be too much of a forest disturbance. He noted that this application isn't currently completed because the Applicant was unsure if what they are proposing is even possible. He recommended scheduling a site visit and continuing the discussion several months into the future to give the Applicant the opportunity to develop a full set of plans.

Greg W. said he would need to see the site prior to approving. He said there also seem to be issues about the general compliance of the application with Hinesburg's regulatory standards. He said he wants to see more about how this doesn't impact the wildlife corridor and why the Applicant has determined that the steep slopes aren't a significant issue. Zoe F. noted that a prior subdivision revision from 2014 found no wildlife corridors on the property. Dick J. expressed concern that this would upset the wildlife habitat and asked whether the wildlife corridor maps have been updated since then.

Dennis P. opened the discussion up for public comment.

Kate K. of the Conservation Board echoed Board member and staff points about wildlife habitat disturbance. She expressed concern about habitat fragmentation and agreed that a site visit would be a productive idea. She also recommended that a certified wildlife biologist conduct a site visit to inform recommendations about minimizing impacts to the forested areas, should this application move forward.

Dennis P. made a motion, and Greg W. seconded, to close the public hearing and continue the application to July 20, 2021 for a 5:00 site visit, with a meeting to follow. The motion passed 5-0.

6. Robert & Anne Frost: Preliminary Plat review for a three-lot subdivision and boundary line adjustment involving two properties in the Agricultural Zoning District. The first is a ±27-acre property located at 588 O'Neil Road, and the second is a ±89-acre property located at 236 Boutin Road. The applicants propose to subdivide the 588 O'Neil Road property to create two new lots: a ±4.94-acre lot for a single-family residence, and a ±2.32-acre lot for a single-family residence, leaving

±1.13 acres for the existing single-family residence. The remaining ±19 acres will be added to the 236 Boutin Road property, which includes an existing single-family residence and various outbuildings. Jason B. reminded the Board that the sketch plan for this application was presented in the summer of 2019, and provided an overview of what has changed since that time. He said that a site visit was conducted and that parcel numbers were changed. He noted that the Applicant intended to grade a shared driveway for the lots that would be above the wastewater systems instead of using an existing Class 4 road for access. He said that a shared driveway for Lot 6 and 7 would have scarred the landscape and taken down a significant amount of vegetation in order to meet the 12% slope requirement, so the Applicant is now proposing using the existing Class 4 road on the easterly side of the property. He said that the overall sizes of the parcel and building envelopes have not changed since sketch plan approval. He also noted that what had been considered a Class 2 wetland on the property to the north of O'Neill Road was reviewed by the State and that it was determined to be a Class 3 wetland, and the appropriate permit was issued. He said they have also received a wastewater permit from the State to build new systems and replace the existing system on Lot 1. He noted that the stormwater plan has been submitted and that the road maintenance agreement is still pending. He said that a driveway access permit application was submitted for the shared driveway. He said that in terms of road maintenance, the road would be widened to 18 feet and have a gravel base with 6 inches of topping, and that slopes into driveways would be graded at 12% or less.

Greg W. asked about the neighbor's issue with shared access and upgrading the road, and what specifically needs to be done in order to perform those road upgrades. Jason B. said that the current road isn't in condition to accommodate 3 homes, and that it would be brought up to standard to do so. He said that it needs ditching, gravel, and maintenance. He said that the construction period would be 1-2 weeks. He said that there may be ledge removal and filling to achieve the 12% slope requirements. Greg W. asked about a commitment from the Applicant so that neighbor can get in and out of road if they need to during construction. Jason B. said the road should not have to be shut down for extended period of time and that it should only take 5-10 minutes to move material around and allow access.

Dick J. confirmed that the road will be passable at the end of each day. He asked if the shared portion of the road would be blocked during construction. Jason B. replied that no, it would not be blocked if the road is widened and that there shouldn't be any blockage when the actual homes are being constructed. Anne Fr. added that it would seem that these improvements would improve the neighbor's access and egress as well.

The Board spoke briefly about trail access and determined that the Applicant should be required to meet with the Trails Committee regarding the location of the trail, since that seemed to still be a pending issue.

Mitch C. said that there are some elements, such as channel protection and a ten-year storm analysis, that are typically taken care of during the preliminary plat process rather than at final plat. Robert F. asked if it would be possible to move forward given that stormwater requirements have not yet been fulfilled. Greg W. said that the Board prefers not to review engineering elements at final plat. Jason B. said that they can supply backup documentation at final plat, or supply it to the Board for use in a deliberative session for preliminary plat. Dick J. advised continuing the hearing to a date where Jason can supply the documentation.

Dennis P. opened the discussion up for public comment.

Robert H., a neighbor, expressed concern about the Applicant's use of the Class 4 road. He suggested that the road be reclassified as a Class 3 road and that then it would be maintained by the Town and the driveways would be maintained by each owner. He said he did not want to have liability for the current road. Mitch C. said that there is a Town right-of-way, but it is maintained as a private road. He said that the road association will likely need to maintain road, and this Board doesn't have the authority to direct the Selectboard to reclassify the road. Dick J. pointed out that the Development Review Board tends to want to reduce impervious surfaces and use existing roads where they can.

Robert H. also said that the septic system on Lot 1 has failed and needs to be attended to, which cannot wait until this application is approved. Greg W. advised him to contact Zoning Administrator if there is a nuisance situation and that the septic plan will be reviewed with other documentation during plat.

Greg W. made a motion, and Dick J. seconded, to close the public hearing and continue the hearing until July 20, 2021. The motion passed 5-0.

7. Discussion: proposed zoning revisions to section 5.22 – Village Area Design Standards

Alex W. said that this proposal for a zoning change from the Planning Commission is related to the Village Growth Area specifically, and more specifically, that it is related to an action item in the Town Plan to refine the Town's design standards for new development, particularly around architecture and streetscapes. He provided an overview of the proposed changes, which are as follows:

- Revise building footprint limits for retail uses, which would create a common size limit for all zoning districts of 15,000 sq ft for retail and 25,000 sq ft for grocery stores.
- Add requirements around building façades so that large projects with multiple buildings must have variation in how the buildings present themselves to the street.
- Add standards around window pattern and minimum window coverage to require a minimum percentage of glazing for windows and doors.
- Require more prominent entryways, like porches and porticos for single-family homes, and porches, patios, or storefront design for other types of structures.
- Refine requirements around building form to prohibit excessive repetition and prohibit corporate or franchise architecture.
- Add requirements around building material variety to avoid monotonous building repetition.
- Include height requirements of 1.5 stories or more.
- Clarify roof pitch requirements.
- Institute new setback requirements so that there are both minimum and maximum setback requirements.

Greg W. asked about grocery stores and whether they include Lot 1 in Commerce Park and Alex W. replied in the affirmative. Greg W. asked who would be enforcing these requirements and at what stage in the regulatory process. Alex W. replied that the process will be the same as it is now, but that these design standards would be included as part of the approval process. He said that the DRB will be able to make the determination as to whether new development meets the standards or whether that should be determined by the Zoning Administrator. Greg W. said that it would be helpful if the Planning Commission discussed who had the authority to make which decisions and provide more specific guidance in the standards about who has what regulatory authority. Mitch C. added that the Board's decisions would include conditions that Applicants need to meet the regulation, which would then be ensured by the Zoning Administrator.

Greg W. asked about the timeline for these new proposed standards. Alex W. replied that the Planning Commission will hold a public hearing on the proposed revisions, finalize them, and send them to the Selectboard approval. The Selectboard will then hold additional public hearings and make adjustments based on that. He said that the regulations would go into effect once approved, which could be around November.

John L. noted that the building height requirements state that buildings can be up to 45 feet tall if they meet density requirements, and asked for further detail. Greg W. said that that height regulation is only permitted as long as there is the capability for fire and rescue access. Alex W. said that the Planning Commission received feedback from fire chief that the density bonus allows buildings up to 45 feet in height, but that it is contingent upon capability to serve those structures. He said he would bring this feedback back to the Planning Commission to include further clarification.

Dick J. expressed concern that the proposed standard revisions would be an overreach by the Town and that they would cause more uniformity and less variation in the Town. Alex W. replied that others have had similar concerns, but that the overarching intent of the revisions is to diversify development and require variation. Dick J. noted that one sketch (P.5) showed the street front for businesses and that every business must have a 4 foot inset door, which would make every business look the same. He also expressed concern that such a design would not be energy efficient and would result in heat loss. Alex W. replied that the illustrations are there to show examples of different design elements, which, in this case would be architectural detailing and one example of a prominent entryway. He noted that further into the document, the revisions discuss a menu of options for prominent entryways for non-residential and multi-family structures.

Alex W. asked the DRB to email him with additional feedback or come to the June 9th Planning Commission public hearing. He said that once the Planning Commission holds the hearing, they will vote on the proposed revisions at a subsequent meeting.

8. Other Business: Decision Deliberations

- **Ojala, Goodrich** – subdivision revision; hearing closed at May 18 meeting

Dennis P. **made motion, and John L. seconded, to approve the Ojala/Goodrich subdivision revision as presented. The motion passed 5-0.**

- **Russell Family Trust** - subdivision revision; hearing closed at May 18 meeting

Greg W. made a motion, and John L. seconded, to approve the Russell Family Trust subdivision revision decision as presented.

9. News/Announcements/Correspondence

Mitch C. noted that the Town will attend the next meeting for a very simple flood hazard application, which Dick J., will facilitate. He said there will also be a subdivision revision and a sketch plan for the same property. The Board discussed again whether to move meeting start times to 7:30, but made no formal decision at this meeting.

The meeting adjourned at 9:18 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary