

Town of Hinesburg
Development Review Board Meeting Minutes
June 15, 2021
Approved July 20, 2021

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

Members Absent: Brian Currier (Alternate).

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

Applicants:

- Town of Hinesburg: Wayne Elliott (Applicant), Merrick Gillies (Applicant)
- David Eddy/Paul F. Eddy Trust: Dave Eddy (Applicant)
- Gary & Mary Thibault: Gary & Mary Thibault (Applicants)

Public Present: Barbara Forauer, Brigitte Thompson, Peter Modley (Trails Committee).

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 18 participants in attendance (including Media Factory, Board members, and staff) at 7:15 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. He mentioned that future meetings are going to be in person and that the Town will try to maintain a remote access.

2. Agenda Changes: - None

3. June 1, 2021 Meeting Minutes:

Greg W. **made a motion, and Dick J. seconded, to approve the minutes for June 1, 2021 as presented. The motion passed 5-0 (Jonathan S. abstained; Ted B. absent for vote).**

4. Town of Hinesburg – Waste Water Treatment Facility: Conditional Use review for development in a flood hazard area on a 26-acre property located at 290 Lagoon Rd in the Agricultural Zoning District. Proposed Phase 1 improvements to the Town's wastewater treatment facility include draining and filling one of the four existing lagoons to prepare the ground for the future treatment facility. Dennis P. recused himself from the discussion. He passed the gavel to Dick J. for this agenda item.

Wayne E. provided a brief overview of the project. He said that the proposed new wastewater treatment plant is required for a new discharge permit, which is driven by changes in the discharge permit limits for phosphorous in Lake Champlain and ammonia in the LaPlatte River. He said that this application is specific to Phase 1 of the project (sub-grade improvements). He said that Phase 2 will

consist of building a new treatment facility. He explained that when geotechnical work was conducted, they found a poor layer of subsurface clays down to 30 feet. They are concerned that filling the lagoon will lead to significant settlement, especially during Phase 2 construction. He noted that in order to accommodate Phase 2, Phase 1 will preload and consolidate the clays so that the majority of settlement would occur in a 10-12-month period. He said that if Phase 1 didn't occur, settlement would be in excess of 2-3 feet. In terms of process in this phase, the Town is removing the sludge from Lagoon 1 in the next several weeks and will then place a drainage layer and install vertical drains at an average depth of 60-65 feet. This in turn will pull the water from the clay layer and then pump the groundwater up into Lagoon 3. Once the drains are in, the Town will then place fill in Lagoon 1 to preload and compact the majority of the lagoon. He noted that one of the issues that the Town encountered is that the majority of the existing facility is in the flood hazard area of the LaPlatte River, He said that the base flood elevation is 323-324 feet, and the top of the lagoon berms is around 331 feet. He also noted that the flood hazard mapping is incorrect for this area, so working on a Letter of Map Amendment (LOMA) to get it corrected prior to returning to the Board for Phase 2 approval.

Wayne E. further noted that this does require an Act 250 permit and that the Town is waiting to receive DRB approval as part of that. He noted that the filling of lagoon 1 is in Act 250 flood fringe and the area does not currently provide floodwater storage. He said that this work would have no effect on flood level elevations and velocities.

Dick J. said that the berms that have been built should keep this from being a flood hazard area and asked why this is an issue. Mitch C. replied that the LOMA process should occur prior to site plan approval, but for right now the site is in the flood plain. He showed the berms and their corresponding elevations and noted that the State flood manager has reviewed it and believes it will have no negative impact on the flood plain. Wayne E. added that part of phase 2 will include removing the berms from the other lagoons and returning these areas to the floodplain.

Dick J. opened the discussion up to the Public.

Barbara F. asked what material is used to fill the lagoon. Wayne E. replied that it is a granular material, with more gravels on the bottom layers, and sandy material on top.

Jonathan S. made a motion, and Ted B. seconded, to close the public hearing and approve the decision as presented. The motion passed 6-0 (Dennis P. abstained).

Dick J. passed the gavel back to Dennis P. for the remainder of the meeting.

5. David Eddy/Paul F. Eddy Trust: Subdivision Revision to transfer about 5.7 acres from a 6.63-acre property located at 657 Charlotte Road to a 58.62 acre property located at 441 Charlotte Road in the Agricultural Zoning District.

Dave E. provided an overview. He said that his father put his assets into a revocable trust, and he is the successor Trustee and is tasked with distributing his assets according to his trust. He said that he did not want to become a landlord, so decided that they would sell some of the land. He said that he has been doing some timber stand improvement, which has included some thinning and favoring of the maple trees. He noted that there is a lot of timber land around his father's house that he has been improving and would like to hold on to that and is looking to make the lot smaller. He noted that he has recently put the house on the market.

Mitch C. displayed the easement map provided by the Applicant, noting that the applicant is proposing an easement from the revocable trust for a right of way for a driveway, a sewer easement for the sewer line, an easement for the power line, an easement for access to a timber stand that would traverse the proposed smaller house lot, and an easement to the right of way to be used in common with the grantors.

Ted B. asked how big the lot ends up being with new configuration. Dave E. replied that it would be approximately 0.9 acres.

Greg W. said that the proposal creates a donut-hole lot, which is not favored in the regulations. He asked the purpose of this proposal is. Dave E. said he would like to retain the majority of the land, which is forested, in the 6.63-acre lot. Dick J. agreed that it is strange to create a landlocked lot with no direct access to road, but these easements help and that there is a precedent for this type of approach.

Jonathan S. asked if the septic tank is a legacy septic tank that is no longer in use. Dave E. replied that it is a new septic tank when the house was built 17 years ago and there is a pump station on the other side of it but that it has always been on Town sewage. Both Jonathan S. and Dick J. asked about the easement to traverse the property for timber stand access, expressing concern that the lot is already quite small. Dave E. replied that the easement would be captured in the deed and would allow for a vehicle to pass through the lot. Mitch C. added that noting this easement is not required under the zoning regulations. Jonathan S. suggested that this easement should be placed with that building envelope in mind, and to ensure that the 20 ft right of way easement does not come into the building envelope.

Dennis P. asked if there would be a survey. Dave E. replied that yes, there would be and that they had been waiting to do the final survey until after this DRB hearing. Dennis P. asked about one of the staff comments in the application that asked about modifying the building envelope to eliminate the steep slope area. Dave E. replied that the envelope is actually not in the steepest area.

Mitch C. said that they will include a condition that the driveway shall remain a single access, and if it were to change, it needs approval from the Board.

Dennis P. opened the discussion up to the Public.

Peter M., a member of the Trails Committee, noted that Dave E. offered the potential of a trails right of way along the south side of Charlotte Road, which would be a great access to the Town's southwest quadrant to its trails system. He spoke in support of this application.

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

6. Gary & Mary Thibault: Subdivision revision to modify a building envelope of a 29.7-acre property, Lot #6 of the Pinecrest subdivision, located at 312 Pinecrest Road in the Agricultural Zoning District. Gary T. spoke briefly about this application, noting that they are attempting to include a carriage barn in their building envelope, but that a portion of it ends up outside of the envelope. He said that they are seeking to reconfigure the envelope—not to make it larger but to move it further south on Lot 6 and keep it the same size.

Dick J. noted that it looks like the new building envelope gives more land back to the core wildlife habitat and spoke in support of that.

Mary T. noted that the displayed drawing is a sketch and that they are working with George Bedard, who would redraw and survey the envelope.

Dennis P. opened the discussion up to the Public.

Mitch C. noted that written comment was submitted by Barbara F.

Barbara F. asked if they would be living in this house. Mary T. replied that yes, there will eventually be two buildings. She said that Lot 6 is 29 acres in size and that it is enrolled in current use and will remain enrolled in current use. Barbara F. asked if they would need to use the right-of-way going through the Thompson property. Gary T. replied that they would use the same road that they've been using. Barbara F. said that there is a proposed trail on the property and that the Town will likely be asking for a trail easement for use of the trail.

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 7-0.

7. Gary & Mary Thibault: Sketch Plan review for a 2-lot subdivision of a 29.7-acre property, Lot #6 of the Pinecrest subdivision, located at 312 Pinecrest Road in the Agricultural Zoning District. The applicants propose to create a new 1.5-acre lot to be accessed from Burritt Road.

Gary T. said that he is proposing to create a 1.5-acre lot in the Northwest corner of the property off of Burritt Road, which would leave a remainder of 25.1 acres to keep the property whole and continue the forestry program. He said that he has a meeting with the wetlands engineer to delineate the wetlands but doesn't think there will be issues. He noted that access would be off a dirt road (Burritt Road). Mary T. said that they will keep their property (Lot #6) in current use.

Ted B. asked about the topography of Lot #8. Gary T. said that it is relatively flat though there is some slope on the western side. He added that it is wooded, but not heavily.

Jonathan S. asked about access off of Burritt Road and whether the Applicant has flexibility in driveway location if the sight lines are not good. Gary T. said that the proposed driveway location has good visibility in both directions.

Dick J. asked why the Applicant situated the lot where they did. Gary T. replied that they wanted it far enough away and that having it on a private drive on Pinecrest would have meant eliminating more property from the original property. He said that placing the lot off of Burritt Road was the easiest location and that it is flat with good soils.

Dennis P. opened the discussion up to the Public.

Mitch C. noted that written comment was submitted by Alan Belcher, an abutting property-owner. He noted concerns about the wetland overlay in aerial photos being incorrect, that the proposed lot is much smaller than any surrounding lots, and that there is not enough land to allow for future septic treatment systems. Mitch C. noted that the regulations do allow for a lot of the size being proposed. He

also noted that the Board may want to see a design or certification at final plat review for septic. He further noted that the Board will look for an access permit prior to final plat.

Dick J. asked about building envelope plans. Gary T. replied that they don't have one yet, as they are waiting for the wetlands review to be completed first so that setbacks can be met.

Barbara F. said that there is an extensive wetland on the property that has been enlarged over the years. She said she is glad that they are having a wetland assessment conducted. She additionally said that there is a steep drop-off along Burritt Road and asked where the driveway would be placed. Gary T. said that the driveway will be placed in an area that is flat.

Peter M. referred to trail map 13 and path 27 that crosses this lot, and that it is a hoped-for addition to the longer southwest quadrant and access to trails and back roads in Hinesburg. He said that the Trails Committee would be interested in receiving a trail right-of-way.

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.

8. Other Business: Decision Deliberations

- **James Donovan & Patricia O'Donnell:** Sketch Plan; hearing closed at May 18 meeting

Greg W. made a motion, and John L. seconded, to approve the decision as presented. The motion passed 6-0 (Jonathan S. abstained).

- **Jon & Elizabeth Beresford:** Conditional Use review; hearing closed at May 18 meeting

Greg W. said that in the third decision there is a missing verb in one of the orders of conclusion, and request that "been" be added to the sentence. Dick J. requested that in the first decision in Finding #6, "and comments were received" be added to the second line.

Dick J. made a motion, and Ted. B seconded, to approve the three decisions as amended. The motion passed 6-0 (Jonathan S. abstained).

9. News/Announcements/Correspondence

Mitch C. noted that the Board has cancelled the July 6 meeting. He said that the July 20th meeting will involve a site visit to Farrell at 5:00PM and there will be hearing that application on whether the Applicant should move forward and do the engineering, based on feasibility or be denied. He said that there will be a continuation for the Frost application, who will be providing additional information. He added that there will be a conditional use application for the expansion of a non-conforming structure. He said there could either be a subdivision revision on a conserved lot on Texas Hill Road, or a final subdivision review for Palmer Road. The Board decided that the three hearings already scheduled would be enough.

The meeting adjourned at 8:49 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary