

Town of Hinesburg
Development Review Board Meeting Minutes
August 17, 2021

Approved September 9, 2021

Members Present: Dick Jordan (via Zoom), John Lyman, Branden Martin, Dennis Place, Jonathan Slason (via Zoom), Greg Waples.

Members Absent: Ted Bloomhardt, Brian Currier (Alternate).

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

Applicants:

- Robert Farrell: Robert Farrell & Zoe Livingston (Applicants)
- Tyler & Stephanie Lemay: Tyler & Stephanie Lemay (Applicants)
- Joe Laster: Joe Laster (Applicant), Keith Nelson (Architect for Applicant), Jeff Hodgson and Kevin Worden (Civil Engineer for Applicant via Zoom)

Public Present: Chelsea Bush (via Zoom), Dolores Carter, Jim Donovan (via Zoom), Barbara Forauer, Russell Fox, Maggie Gordon (via Zoom), Kay Johnson (via Zoom), Jennifer Keil, Kate Kelly (via Zoom), John Mace (via Zoom), John McEntee, Wesley McEntee, Andrea Morgane, Darcie Mumley (via Zoom), Betsy Orvis (via Zoom), Joe Pasteris (via Zoom), Kelsey Pasteris (via Zoom), Jesse Paul, Nancy Plunkett (via Zoom), Todd Portelance, Paula Sherr (via Zoom), Cynthia Silvey (via Zoom), Stephanie Spencer (via Zoom).

Dennis P. **called the meeting to order at approximately 7:00 PM.**

1. Agenda Changes: None.

2. August 3, 2021 Meeting Minutes:

John L. **made a motion, and Greg W. seconded, to approve the minutes for August 3, 2021 as amended. The motion passed 5-0 (Johnathan S. abstained).**

The minutes were amended as follows:

- P2: Strike "Dick J and" from the second-to-last sentence of the last paragraph
- P5: Replace "expresses" with "expressed" in the last sentence of the third paragraph

3. Robert Farrell: Subdivision Revision for a 38.7-acre property located at 1773 Texas Hill Road in the Rural Residential 2 Zoning District to move the building envelope farther north (away from Texas Hill Road). *Continued from 8/3/21.*

The DRB had a site visit on August 10th on the Farrell property between 6:00PM and 6:45PM. Board members that attended were Dennis Place, Dick Jordan, Greg Waples and John Lyman. Members of the Public included John Mace, Nancy Plunkett and Darcie Mumley from the Conservation Commission. The Applicants Bobby Farrell and Zoe Livingston were in attendance. Staff present included Mitch Cypes. The proposed driveway and building area were staked. The group walked the length of the proposed driveway and were able to see the overall terrain and vegetation. Questions were answered. The Board rendered no opinions.

Board members made observations about the site visit. Greg W. said that much of the driveway is close to an old logging trail and that there is quite a bit of vegetation at the top of the hill where the proposed building site is. He noted that the predominant viewscape will be to the east/southeast. He said that the Applicant may not get good views due to clearing limits. John L. expressed concern about the steepness of the road, saying that it must meet safety regulations. Dick J. also commented on the driveway, noting that it would be a continuous incline from the bottom to the top, and expressed concern about safety in the winter for both the residents and for emergency vehicles that may need to access it. He also expressed concern about stormwater issues and the difficulty in managing them with such a steep slope, especially given that he observed secondary and tertiary run-off tributaries running across the driveway. He said that the clearing needed for both the windy driveway and multiple stormwater ponds and outfalls could significantly impact the wildlife habitat. Robert F. replied that the project is not intended to create a mass disturbance to the wildlife. He said that they would be getting rid of one building envelope and replacing it with a building envelope further up the slope. He noted that the stream crossings are seasonal drainage. He said that to address steepness, they will follow the natural contours of the land and will maintain a grade of about 10%.

Greg W. questioned why the applicant would put the time and funding into relocating their building envelope to a higher area that is more difficult to access and will not have the vistas to make it worth it. Robert F. replied that they have wanted to relocate their building envelope for some time and added that the southern exposure for solar potential is much better at the proposed location than the existing one.

Dennis P. asked if the application should move forward.

Greg W. said that there are a lot of regulatory issues and challenges that the DRB must grapple with in this application. He said he isn't sure that he's prepared to approve this. There are some questions that may require some investiture of funds on the part of the Applicant before the DRB can make an informed decision about whether to move forward. He said he is concerned about deferring any decision and requiring the Applicant to invest more money and then ultimately rejecting the application. He said that for example, to address the wildlife habitat disturbance concerns, the Applicant may need to consult with a wildlife expert at their expense.

Mitch C. noted that this is not the final design, and prior to spending money on full design, the Applicant wanted to see conceptually if this would actually work.

Dick J. said that the issue is about infringing upon wildlife corridors, not necessarily net wildlife habitat disturbance. The envelope is already placed at the edge of the core wildlife area, but the Town wants to avoid holes and channels cut into the habitat, which is what the regulations are speaking to.

Dennis P. asked the Applicant if there is any compromise, such as having the building envelope located halfway up the slope, rather than at the top. Robert F. replied that they have looked at several other spots, but would have to traverse some steeper slopes. Greg W. asked about emergency vehicle access, which is a critical issue with this application and could be a non-starter. John L. added that it does seem very steep just looking at it and that it will be up to the Applicant to sort out how to meet the regulations. Greg W. suggested having an informal conversation with the Fire Chief to get their read on the feasibility of emergency access for the road. Robert F. said that they're confident they can meet the 12% grade limit.

Todd Portelance asked how much steeper this driveway would be than some of the other steep driveways and roads in Town, such as Spencer Hill or Dynamite Hill. Greg W. said that some of those examples are roads that would not have been approved under today's current regulations.

Kate K. said that the core wildlife habitat maps are there for many different kinds of wildlife. She said that they are looking at connectivity, which includes big animals like bear and deer and bobcats, but also deals with plant seeds and salamanders and things that need to have these interconnected habitats. She said that the core wildlife habitat regulation is trying to protect blocks of forest for all critters and that Vermont is unique in that it still has core wildlife blocks that its municipalities are able to maintain.

Robert F. said that they would be willing to go the next step and develop a driveway plan, but that he would like a better idea of what the Board is looking for in terms of a clearing envelope. Dennis P. suggested that the Applicant tell the DRB how much they think they need to clear. Robert F. asked about next steps. Mitch C. said that the DRB has questions about how much the Applicant wants to clear, and what they could do is continue this hearing to some future time until they have a sense of that clearing proposal. Mitch C. recommended continuing this to September 21.

Dick J. clarified whether this is a sketch plan or an early concept. Mitch C. replied that it is a subdivision revision, which is challenging because it needs to take into account the final subdivision plot. The proposal is changing a building envelope. Dick J. said it's complicated by the driveway, and expressed concern about the stormwater design that would have to occur on it.

Jonathan S. said that he is opposed to this application being shown as is, since it goes against a lot of Town Plan and Zoning philosophy. He said that while he agrees that people should be able to use their land, there was a previous history and the project site was subject to previous zoning and land use regulations they entered into a contract for this land with a lot of precedents. He said he would be amenable to a location further down the hill.

Jen K. asked how long the driveway is. Robert F. replied that from the existing infrastructure it is 1,584 feet, or under 0.3 mile.

Dennis P. **made a motion, and Greg W. seconded, to continue this subdivision revision to September 21. The motion passed 5-1 (Jonathan S. voted nay).**

4. Tyler & Stephanie Lemay: Subdivision Revision to convert a conserved 53-acre lot into a developable lot with one primary residence located on the south side of Texas Hill Road opposite Bishop Road in the Rural Residential 2 Zoning District.

Mitch C. said that this property used to be connected to the properties around it, and it was left as a deferral/conserved lot. Tyler L. said that he tried to address concerns regarding the size of the building envelopes, location, and protecting core wildlife and primary resources. He said that this is a proposal for a single-family home and additionally a request to use the detached accessory apartment to keep the home itself small and provide flexibility in future, so there are two building envelopes.

Greg W. asked if one envelope would include house and apartment. Tyler L. replied that there are three buildings—one is a garage down lower closer to the road, about halfway up the driveway, with an 18x30 turnaround, and then there are two small buildings further up the hill. The goal is to keep the buildings small and minimize impact. They will be single-story. Greg W. asked if the parking for the house and accessory apartment would be in the smaller building envelope. Tyler L. replied that the parking is

spread out a bit—there is parking 30 feet from the house. He said that there is space for two vehicles down below, and the garage itself can hold one vehicle. There is a total capacity for 5 vehicles.

Greg W. said that it seemed like the staff report was concerned that this would require a stormwater plan and would be better to do that before than after the fact, and asked the Applicant to talk through these issues. Tyler L. replied that they would comply with any and all regulations. He said their goal is to preserve the vast majority of acreage and that they have no intention of having wash running down Texas Brook and ruin the landscape. He said they are willing to get a stormwater plan if needed further down the line. He noted that the land hasn't been cleared yet because they are looking for DRB guidance on whether these building envelopes are acceptable. Greg W. said traditionally the DRB hasn't considered building envelopes as large as what the Applicant is proposing, and asked why the proposed envelopes are so large. Tyler L. replied that the previous sketch plan approval showed 4 building envelopes for 11 acres, and now have reduced it to 2 building envelopes for 53 acres. He said that he would like the flexibility to put houses where the land dictates, to minimize impact. Greg W. asked if they plan on developing the property themselves for their own personal living. He asked why they can't give more specifics about building envelopes. Tyler L. replied that there is a lot of brush on the land and want the flexibility to determine where to build once the land is cleared.

John L. said that just because a property has a building envelope doesn't mean the entire area of that building envelope will be cleared.

Dennis P. said that this seems like a great application and he is fine with it. Mitch C. suggested putting some type of requirement in the decision that the Applicant must calculate out the impervious surface and have it certified to see if it passes the 10,000 sq ft limit.

Branden M. asked if they could condition approval on revising the building envelopes once the Applicants have selected the sites. Greg W. said that he would like to require that the Applicant diminish the building envelope when they have a better sense of the topography. Mitch C. said that the application could also be continued. Tyler L. asked why the envelopes seem so large to the DRB and whether there is a definition or a size limit to building envelopes. Greg W. said that they don't have a definition or requirement, but have a 20 year practice of approving building envelopes much smaller than this and that he is concerned about a significant deviation from practice. Mitch C. added that there are regulations about affecting core wildlife habitat and wildlife corridors. He said that this is an area where development is limited. He said that the main concern from the staff report was the uncertainty about whether the application would meet the 10,000 sq ft impervious surface limit. Jonathan S. asked whether a clearing envelope would assuage Greg's concerns. Dennis P. said that there are clearing limits on the boundaries of the property. Dick J. said that the building envelope for the garage seems large for the structure that is being proposed and that the driveway is going to define where they want the garage anyway. Tyler L. asked if planning/zoning is triggered when 10,000 sq ft is met. Mitch C. said that this board could condition the approval that particular way, but that they would need certifications, licensed engineers and surveyors. He suggested that it might be to the Applicant's benefit to accommodate stormwater discharge from the property to ameliorate these concerns.

Dennis P. asked the Board about whether the building envelopes should be smaller. The majority of the Board said that the current building envelopes are fine as proposed.

Tyler L. asked if the Board had clarity about the proposed parking spots. He said that one would pull straight up to house, a second is the parking spot tacked onto the side of the dwelling, and a third and

potentially fourth are in front of the garage, and then the garage has space for at least one. Dick J. asked if there is a regulation about maximum parking distance away from the residence. Mitch C. said no. Dennis P. asked whether there are concerns about emergency vehicle access. John L. said no.

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

Tyler L. requested an approval for the envelopes and the conditional use of the attached accessory dwelling, and if they exceed 10,000 sq ft of impervious would need to get a stormwater plan. Mitch C. said that after they get building permit, the Board can require a calculation on the impervious surface.

Greg W. made a motion, and Jonathan S. seconded, to direct staff to draft a decision of approval with conditions stipulating. The motion passed 6-0.

5. Joe Laster: Sketch Plan review for a 55-single family unit residential subdivision located on the east side of Mechanicsville Road between Hawk Lane and the Town Cemetery in the Residential 1 and Rural Residential 1 Zoning Districts.

Joe L. introduced the project, saying that this would design a community with the same values that he has—community, walkability, and believing that every house must be net zero or net zero ready, and with links to trails and sidewalks and Champlain Valley Union (CVU) [High School]. He introduced the others working on the project, who included Keith Nelson, Jeff Hodgson, Cynthia Silvey (via Zoom), and Kevin Worden.

Keith N. said that the project was begun in October of 2020. He said the property on the east side of Mechanicsville Road has many natural attributes, and that the project aims to celebrate the natural features, like wetlands, steep slopes, and forested features. He said that they have been cognizant of where roads are placed in terms of access across wetlands, and that they have conducted precedent studies of other developments in Town to inform how structures and spaces relate to the greater Hinesburg community. He said that they are looking to those things as smart growth, connectivity, and making improvements for the community. He said that circulation patterns through the Town are also important to take into consideration. He said that in terms of boundaries, the project is looking to straddle R1 and RR1.

Jeff H. then spoke to the site analysis they had conducted. He showed [in his presentation slides] stream buffers, delineated class 2 wetlands, and indicated the steep slopes. He showed them all together, which delineate the areas that are developable while having minimal impact on natural resources. He then showed areas where they clustered small proposed lots, each of which would be centered around an open space. He also showed proposed trails that would connect the neighborhood to the Town's trail system. He then showed the proposed phasing of the project. It would start at Mechanicsville Rd.

Keith N. said that they are proposing 55 total lots, 39 of which are in the R1 Zoning District and 16 in the RR1 Zoning District. Greg W. asked about the size of the footprints. Keith N. said they are generally $\frac{1}{4}$ of an acre, and are single-family. Keith N. said that they are also looking to integrate the affordable housing requirements.

John L. asked about the cemetery easement. Joe L. said that the cemetery was gifted land on the south side of the creek, and to get to it, would need to cross creek from cemetery side to our property. There is some reserved space for future access, if needed. Keith N. said that each of the green spaces is meant to speak to the Town Plan and its green space requirements, and would all be public use spaces. Keith N.

noted an area that would be good for team sports in Phase 3 of the project, and that there would be around 45 parking spaces associated with it.

Greg W. asked about parking for lots. Joe L. replied that each lot would have its own off-street parking space.

Joe L. spoke about constructing such that they would be able to meet the zoning requirements for Residential 1 and Rural Residential 1.

Jonathan S. said he would be excited to see a bit more density throughout this project. He asked if lots could be smaller than $\frac{1}{4}$ of an acre and whether a greater number of units would be possible. Jeff H. said that it was kept larger due to the topography and steepness and that they wanted to leave space for stormwater and grading. Joe L. added that some of the lots are smaller than that, more like $\frac{1}{5}$ of an acre. Keith N. also added that they wanted each house to have solar orientation to make them net-zero ready. Jonathan S. asked how much diversity in housing sizes are anticipated. Jeff H. replied that there would be small and medium homes, in an effort to maintain efficient design for energy-efficient homes. He said that they would range from 1,200 to 2,200 sq ft. Keith N. also said that they would allow for flexibility to have ADUs, which would also increase density.

Greg W. said that this seems contingent on receiving water and sewer allocations from the Town. He asked if they have an overview of the challenges that will be faced in getting those allocations. Joe L. said that they would be completely reliant on Town water and sewer. He said that this would be a 10-15 year project, with 2-5 houses being constructed per year. He said that this hinges on new well and a new treatment plant being constructed. Keith N. said that the phased approach would take into account the timing of Town utilities coming online. Greg W. confirmed that some capacity exists.

John L. asked if the trails would be phased as well. Joe L. said that he has talked to the Trails Committee and they will walk through the property and see what they want to propose.

Dick J. asked if this is in the Town's wastewater district. Mitch C. said just Residential 1 is in the wastewater district. He said that the Applicant would need to go through a particular process to expand with the Selectboard. Dick J. asked whether RR1 could have on-site sewer, and the response was yes. Dick J. asked about the plan for the design of street widths. He asked if there would be ability for on-street parking. Kevin W. replied that they are looking for the DRB's guidance on that. They don't want to create too much impervious surface that sits unused. He said they also want guidance from the Fire Chief to make sure roads are passable at all times. Dick J. asked about a traffic study or whether patterns have been examined, expressing concern about Mechanicsville Rd/Route 116 intersection. Kevin W. replied that not yet, no.

Dennis P. opened the discussion up to the public.

Kay J. said that she owns adjacent property on Red Pine Road, and that she has 7 acres that she is leaving untouched. She said she hasn't heard any considerations for impacts for her and her neighbors' properties, and expressed concern about this large development being approved too swiftly.

Russell F., an adjoining landowner, said that he also wants the Town to understand that Partridge Hill has a private road association with rules. He said that there was a right-of-way granted to the Quinn family, stipulating what use is for, and suggested that the DRB review it. He said that it limits the access

to the number of houses that can be accessed off the road. He additionally said that the areas are all wetlands and soils. He finished by saying that he wants to ensure that part of the review includes taking those into account through the State review process.

Jen C., a landowner on Lavigne Hill Rd asked about a specific area on the plan map and whether it could have three-acre parcels developed on it. Joe L. replied that no, they want to keep that as 65 acres of continuous forest.

Jim D. thanked them for mapping and avoiding all resources on the site. He expressed concerns about the driveway—it is directly opposite 613 Hinesburg Rd. He suggested that they try to relocate the road to align with the driveway access that is south or north of the house, so that cars would not be coming out directly opposite a residential unit with headlights, which will decrease that property's value. He also noted that the forest is around 50 years old and provides good habitat. He said if possible, they should try to look at Phase 3 and how they're impacting that forest area. He said he has no problem with density, but maybe look at duplexes, to shift more of that density further down into the sewer district and the residential zone, to minimize impact on Phase 3.

Kate K. said that the Conservation Commission submitted comments for this. She noted that Phase 3 seems to infringe upon core wildlife habitat and suggested that the Applicant try and keep out of this forested area. She said she is also concerned with proposed trails leading up to Red Pine Rd, which cross-cut through core habitat. She recommended that a professional is consulted to conduct an analysis and recommendations to minimize disturbance.

Jesse P., an adjacent landowner on Red Pine Rd, spoke about how the boundaries could be changed to allow for water and sewer for 16 houses, when he built a house several years ago and had to spend \$60,000 on on water and sewer infrastructure. He said that he was not allowed to build in his original place because it would infringe upon wetlands, and this proposal is very close to that. Dennis P. suggested that there be dialogue between staff and the Trails Committee. Jesse P. also asked how the green space was designated on the Town map. Mitch C. said that there was a public meeting and consultation with the Planning Commission. Dennis P. clarified that this is a proposed green space, nothing is set in stone.

Barbara F. spoke about net zero and that 25% of electricity must be renewable by 2030. She said that people should not have "net zero ready" houses, but have net zero houses from the beginning, since if the houses are built in 10-15 years, they would have to be net zero anyway. She also recommended having more duplexes. She also noted one way in and out of this development. She said that should be rethought. She expressed excitement about solar options.

Wesley M., a landowner on Hawk Lane, noted the tight-knit community in his neighborhood and that everyone has their own space. He expressed concern with how eager the DRB is to have this dense community put in. He said that development used to be out of Town and is now considered in Town and the zoning rules have changed. He said that this is not what people were envisioning when they purchased their homes. He expressed concern about homes infringing upon wetland buffers. He cited concern about creating a major intersection right off of Mechanicsville Rd and concerns about congestion. He expressed concerns about traffic. Jesse P. also cited concern about dangerous road walking conditions on Richmond Road.

Dennis P. **made a motion, and John L. seconded, to continue this hearing to September 21. The motion passed 6-0.**

6. Other Business – Decision Deliberations:

- **Rocky Martin & Cheryl Eichen** – Sketch Plan review; hearing closed at August 3rd meeting

Greg W. **made a motion, and John L. seconded, to approve the decision as written. The motion passed 5-0 (Jonathan S. abstained).**

- **UVM** – Site Plan review; hearing closed at August 3rd meeting

Dennis P. **made a motion, and Greg W. seconded, to approve the decision as written. The motion passed 5-0 (Jonathan S. abstained).**

Jonathan S. abstained.

7. News/Announcements/Correspondence

Mitch C. noted that at the next meeting there will be a subdivision revision, a boundary line adjustment for a subdivision revision, and draft decisions for the Frost and Stetler/Palmer applications for review.

The meeting adjourned at 9:51 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary