

Town of Hinesburg
Development Review Board Meeting Minutes
September 21, 2021
Approved October 5, 2021

Members Present: Ted Bloomhardt, Dick Jordan (via Zoom), John Lyman, Branden Martin (via Zoom, joined after Agenda Item #2), Dennis Place, Jonathan Slason, Greg Waples.

Members Absent: None.

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

Applicants:

- **Robert Farrell:** Robert Farrell & Zoe Livingston (Applicants)
- **Joe Laster:** Joe Laster (Applicant), Keith Nelson (Architect for Applicant), Kevin Worden (Civil Engineer for Applicant)

Public Present: In person - Rolf Kielman, John McEntee, Wesley McEntee, via Zoom - Carl Bohlen, Maggie Gordon, Kay Johnson, Kate Kelly, Tyler Lemay, Merrily Lovell, Renee Mobbs, Andrea Morgante, Darcie Mumley, Jesse Paul (via Zoom).

Dennis P. **called the meeting to order at approximately 7:02 PM.**

1. Agenda Changes:

2. September 7, 2021 Meeting Minutes:

Jonathan S. **made a motion, and Greg W. seconded, to approve the minutes for September 7, 2021 as amended. The motion passed 6-0.**

The minutes were amended as follows:

- Note that Dick Jordan joined the meeting after the Miskavage application.
- Change spelling of Henry Bemis to Henry "Benis" in Public Present.

Branden M. joined the meeting at this time.

3. Robert Farrell: Subdivision revision for a 38.7-acre property located at 1773 Texas Hill Road in the RR2 zoning district to move the building envelope farther north (away from Texas Hill Road).

Continued from 8/17/21.

Greg W. asked for clarification on the core wildlife habitat on the resource map. Alex W. displayed the resource map. Robert F. noted that he added detail to delineate power lines and other small features. Greg W. confirmed that the core wildlife habitat covered the vast majority of the property.

Alex W. said that they had left off with questions about how much clearing there would be, and that Robert F. provided more detail. Robert F. noted that they are providing a more detailed proposal on the clearing envelope, as well as more detail on the clearing ponds and impact on wildlife.

Robert F. outlined the impervious area and the clearing area due to the driveway and the house site. He noted that the proposed driveway length was 0.3 miles and just under 1,600 feet long and 12 feet wide (for a total of approximately 0.43 acres). He noted that the existing driveway (0.18 acres) would be removed, bring the total impervious surface now to 0.25 acres. He said that the clearing envelope would be roughly an acre. He noted that the clearing would not be visible from the road or by neighbors. He noted that the maximum grade would be around 11%, and that each retention pond would be able to handle around ¼ acre of impervious surface, noting that they are thinking of installing two retention ponds. He noted current open areas that would be good locations for retention ponds (and would minimize disturbance of existing forest). He pointed out the existing power line at the northwest corner of the property that run from south to north and serve existing neighboring properties.

John L. asked whether the driveway could be long enough to have a turnaround for emergency access. Robert F. replied that yes. Dick J. asked if the driveway is long enough to require a pull-off halfway through, given that the driveway is proposed to be 1,600 feet long. Alex W. replied that yes, that is a requirement for shared roads but that driveways have been treated differently over time. Robert F. replied that this would make the clearing envelope a bit larger.

Greg W. reminded the DRB that this agenda item is meant to render an advisory opinion about whether this subdivision is feasible, not provide a decision on an application. He advised not to get bogged down in details for this discussion but stick to the broader project and features. He said that he is unprepared to render an opinion without more detail on dealing with steep slopes, wildlife corridors and habitats, and other issues. Jonathan S. agreed, saying that it is not in keeping with the Town Plan and with the district, and will disturb steep slopes and would introduce greater impact to the area and a degree of precedent with which he is not comfortable. Robert F. replied that the current building envelope would be returned to the wildlife habitat, which would lessen the impact upon that resource.

Ted B. said that the previous subdivision was easily approvable because it took most of the development that is close to Texas Hill Road, so it didn't deal with the other issues around wildlife and slopes. Alex W. pointed out that regulations have changed since that original subdivision was approved.

Greg W. said that though he feels he can't render an advisory approval, it does not preclude the Applicant from seeking a review from a wildlife consultant, who could provide the DRB more detail around potential wildlife impacts and whether there are concerns about those impacts.

Mitch C. noted that from the plans provided, the disturbance from the driveway will not only be due to the 12-foot width, but to swales on at least one side of it, which would be 8.5 feet minimum. He also noted that when steep slopes are traversed, there are also cuts and fills that will exceed the 12-foot driveway width and swales. He said that the Applicant has provided an estimated area for impervious surface, but that the clearing area will be greater than that impervious surface area.

John L. asked when the core wildlife habitat in this area was designated as such. Alex W. said that it occurred during rural area rezoning in 2013. He said that mapping was done prior to that, but the regulations were revised in 2013 to acknowledge that the resource area in question requires protection and minimal development impact. John L. asked how the core wildlife habitat area in question was determined and mapped. Alex W. replied that the Town worked with a wildlife biologist from the State's Agency of Natural Resources (ANR) and also hired a wildlife consultant and worked with the Conservation Commission to refine the wildlife map and apply a buffer. He said that the regulations presume minimal impact, but does not prohibit all development.

Robert F. said that their intention is not to subdivide this property further, though acknowledged that it is a possibility within the current regulations, and stated that if he is unable to build a house in the proposed area on his property, he may end up selling the entire property (reluctantly).

Branden M. asked whether a driveway could come from the north side of the property, but keep the envelope the same as the Applicant is proposing. Robert F. replied that if they could get a right-of-way, they could come in from the north but there would still be an issue with steep slopes. He said the disturbance would be similar to the currently-proposed driveway. Alex W. agreed, saying that access from the north wouldn't be much different and that the same standards of minimum wildlife impact would still apply.

Wes McEntee asked about a property off of Sherman Hollow Road. Alex W. replied that that property did not have to comply with these standards, since it was a stand-alone parcel that required no subdivision review or other DRB review prior to obtaining a zoning permit

Ted B. asked whether houses closer to the road would be deemed to have less of an impact to the wildlife habitat in question. Alex W. replied that yes. Dick J. noted that if this were sketch plan, the currently-proposed building envelope location does not meet the requirements and that the DRB would advise moving the building envelope further from the core wildlife habitat and closer to the access. He said that he would have difficulty approving the plan even if a consultant were to deem this not a quality wildlife area. He added that the access would need to curve around to accommodate the slope and could result in a larger clearing area. John L. and Dennis P. said that the proposed plan would not comply with the current regulations, and that the Applicant must prove that their proposal would work out. Dennis P. also suggested a compromise, where the house site is not as far up the slope.

Branden M. asked about the definition of 'impact' in the context of the wildlife habitat, and asked whether driveways are deemed to have an impact. He said that he would be supportive of this application if the Applicant can obtain an opinion from a wildlife expert that deems the plan to have minimal impact on the habitat. Alex W. replied that 'impact' applied to development areas, which would include driveways, shared roads, house sites, wastewater leach field areas, but acknowledged that the data used to create the current map of the core wildlife habitat did not capture driveways and accesses. Greg W. added that if the Applicant is considering talking to a wildlife biologist about habitat, it would be critical for any opinion be tied to the Town's regulations.

Mitch C. noted that this is an actual Application, which would require a decision from the Board, but that deference to the Applicant was given to not have to produce the full application at this juncture, given the current unknowns. He said that the Board has the choice to give the Applicant some amount of time to obtain the opinion of a wildlife expert, or that they can deny the application at this stage. Greg W. noted that the Applicant could withdraw the application as well.

Ted B. made a motion, and Greg W. seconded, to continue this Application to the November 2, 2021 Development Review Board meeting. The motion passed 7-0.

4. 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 R1 and RR1 zoning districts. *Continued from 8/17/21.*

The conversation resumed where it had left off at the prior year. Dennis P. noted previous concerns with the entrance to the development on Mechanicsville Road, and asked the Applicant whether the entrance location could be moved. Jonathan S. said that he did not see much concern with the location as proposed. Joe L. noted that the proposed location was placed where it was in order to avoid the Class II wetlands.

Jonathan S. asked about justification for the currently-proposed density. Kevin W. replied that this is a conservation development design, which first looked at the wetlands, steep slopes, and the bulk of the RR district. He said that the regulations permit 3-acre lots in that undeveloped portion. He said that they also reviewed the Town Plan, and that they are trying to balance the intent of the higher density closer to the Village while managing the considerations around natural resources. Joe L. noted an update from the original submission in the location of a proposed park near the cemetery. He added that the third phase does build to the edge of the wildlife corridor, but that the vast majority is left undeveloped. Jonathan S. added that he would prefer to see some duplex density closer to Mechanicsville, which would be a stronger justification for moving forward with the project. Joe L. replied that in order to have duplexes, the lots would need to be wider in order to accommodate parking, which in turn would reduce the number of lots, though would increase the number of units on each.

Greg W. asked whether this would increase traffic onto Mechanicsville Road, and Joe L. replied that it likely would. Greg W. said that the volume of traffic would depend on who lives in the development, such as more children and older people. Joe L. replied that there would be a mix of residents, who would be looking to live in a walkable neighborhood with trails, access to the Village, and access to CVU and the middle school. Greg W. asked if this will be a burden on the school system. Alex W. said that they might not have insight into the school population, but remembers getting input from the school system for other big developments, such as Haystack and Hinesburg Center II). He said that for future phases of this project, the developers should talk to the schools about potential impacts.

Joe L. noted that the project developers want to reserve density so that they can ensure flexibility for homeowners if they want additional Accessory Dwelling Units (ADUs). He said that Phase 2 and Phase 3 may look differently than presented in this plan if the needs of the Town change. Ted B. asked if this is constrained by water or sewer capacity. Joe L. asked for a status update on the Town's water/sewer activity and a new well. Alex W. said that in terms of water, the Town has had an application submitted to the State since February and are still waiting for a permit to be issued by the State. He noted that it had been hoped that ARPA funds could be used for new water and sewer infrastructure, but the Town has since learned that those funds can only be used to improve existing capacity, not build additional capacity. He noted that as a result, once the permit is issued, a bond vote will likely be necessary.

Alex W. noted that there is decent sewer capacity and when the wastewater facility upgrade comes online, which will be in 2025 or 2024, the Town will have substantially more capacity than do they today. Ted B. asked about the location for the sewer and water lines. Alex W. replied that it's right at the zoning district line.

Joe L. said that they were very thoughtful about where the access road in the development was placed. He noted comments about a second form of egress, saying that it would not be possible to have one without going through another portion of wetlands.

Joe L. concluded by noting that their strong preference is not to get into a lengthy discussion about core wildlife habitat for Phase 3 right now, since that phase is many years down the road and the phase will

need to be permitted in future. He noted that Phases 1 and 2 would be located in meadow. Greg W. said that a general sense of topography would be helpful. Joe L. noted that the road is staked out, and Greg W. replied that that is sufficient for him right now.

John L. asked if the Applicant plans on building all the Phase 1 houses at once. Joe L. replied that no, they plan on building 4-5 houses a year, due to material and construction constraints. He noted that water and sewer are also constraints currently. He said that the builders anticipate completing a handful of houses per year.

Greg W. said he would like to conduct a site visit at some point, and would also like to see the Sketch Plan in addition to the Master Plan that is being presented currently.

Jonathan S. asked the Applicant whether this would be a public road. He said that given Thistle Hill and the gradient, plowing has been problematic and the sidewalk is an issue. He said that some of the gradients aren't even plowable. He asked about the width of the road and whether the Applicant is considering on-street parking, and asked about the width of the sidewalk. He said that these questions are likely appropriate for preliminary plat. Alex W. said that the Town would not be interested in taking the side roads over, but main road that connects to the park is what the Town envisions as being a public road someday. Mitch C. added that they may need to include a bit of the area of roadway contemplated for Phase 2 to have sufficient turnarounds.

Dick J. said that as far as the driveway to the development being across from an existing residential home, he noted that it isn't ideal, but concerns about headlights and noise could be mitigated by putting some bushes on the property. He noted that it would fall onto the current resident to solve the problem that the development created, which isn't good. He also expressed concern about overall traffic, noting that Mechanicsville Road is notoriously not good for access. He acknowledged the concerns that a second access point is locked in by wetlands, but thinks that this is a discussion for the Town to have, because if additional access is deemed necessary for safety, the wetlands would be secondary to safety.

The DRB will conduct a site visit on October 16 at 9:00AM. The DRB will continue this discussion to its October 19th meeting.

Dennis P. opened up the discussion to the public.

Kay J. said that she is happy to hear about the level of detailed question about water and sewer. She cited a general concern about traffic on Mechanicsville Road and density on the Plan. She expressed concern about a number of the proposed homes in Phase 3, noting that it would cause a substantial disruption to habitat there. She also expressed concern about traffic, water, sewer, impact on the community, and the potential for any trails to end on private roads.

Jesse P. asked about map of Phase 3. He said that 9 of 17 houses look at they are on wetlands. He also noted that Phase 3 is too far in the future to be a priority, but asked why the Planning Commission is discussing RR1 revisions to change the district lines. Alex W. clarified that the Planning Commission is discussing the RR1 district in general, not this property in particular, in order to address the Conservation Commission's concerns about wildlife habitat and other resources. Jesse P. asked if the state has come to inspect the property, as his property is adjacent and considered wetlands by the State. Alex W. said that the State has inspected the property. Jesse P. noted that the State had only

conducted an assessment of the west side of Mechanicsville Road, and that he is adjacent to the east side of the property.

John M. spoke about secondary access, noting that it might be beneficial or could cause more issues. He suggested considering an emergency access only onto the property. Alex W. noted that some developments are single access, such as Lyman Meadows. Dick J. pointed out that there was always a plan to have additional access points in addition to the primary access point.

Carl B., Chair of Affordable Housing Committee, noted a memo that they submitted. He said that they have not yet met with the Applicant as a Committee but that they have had preliminary conversations, and they want to come up with proposal that is acceptable to the Applicant and meets the goal of bringing more affordable housing to the town. He also expressed support for ADUs in the future. He additionally expressed support for the plan to have maximum solar orientation.

Wes M. asked whether the Applicant or Board has considered where the majority if the stormwater would flow. He expressed concern that the brook behind Hawk Lane will flood backyards more frequently as climate change continues to increase storm severity and rainfall. Joe L. replied that the plan is to have dispersed stormwater management throughout the site. He noted that Phase 1 would drains towards Mechanicsville Road and that it will discharge into the swale and wetland area along Mechanicsville Road. Wes M. cited concern about additional impermeable surfaces, which will turn the ditch along Mechanicsville Road into a brook, even though it has a lot of water coming through it already. Joe L replied that the impervious surfaces do increase, which is why the infiltration treatment is so important, and is standard practice. He said they also plan to have green gardens and wetlands for stormwater remediation.

Greg W. made a motion, and John L. seconded, to continue the hearing to October 19 with a site visit at 9:00 am on October 16th. The motion passed 7-0.

5. Other Business – Decision Deliberations:

- **Tyler and Stephanie Lemay:** Subdivision revision, closed at 8/17/21 meeting

Mitch C. said that he will strike “in” from “should disturbed area in exceed” in Conclusion #6, and that in Conclusion #3 there should be a space between “Section” and “5.1.8.”

Greg W. made a motion, and Branden M. seconded, to approve the decision as amended. The motion passed 7-0.

- **Renee and Ryan Mobbs:** Subdivision revision, closed at 8/17/21 meeting.

Dick J. said noted that he did not see an order for the Certificate of Occupancy that the water was tested. Alex W. noted that it was included in the findings of fact but not included in the order. He said that it will be added to the order prior to the Certificate of Occupancy. Mitch C. noted that Finding #12 of Conclusion #3 needs to have “2021” added to the end.

Dennis P. made a motion, and Greg W. seconded, to approve the decision as amended. The motion passed 7-0.

6. News/Announcements/Correspondence

No discussion.

The meeting adjourned at 9: 27 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary