

Town of Hinesburg
Development Review Board Meeting Minutes
October 5, 2021
Approved November 2, 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: Bryan Currier (alternate).

DRB Staff: Mitch Cypes (Development Review Coordinator).

Applicants:

- Benjamin Hunt (Applicant), Harley Brown III (legal counsel for the Applicant)

Public Present: Via Zoom - Dawn Francis, Kevin Francis, Dave Shirley

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

1. Agenda Changes:

None.

2. September 21, 2021 Meeting Minutes:

Greg W. **made a motion, and John L. seconded, to approve the minutes for September 21, 2021 as amended. The motion passed 6-0.**

The minutes were amended as follows:

- P3, fifth paragraph, third sentence: strike “doesn’t” and replace with “did not”
- P5, third full paragraph, first sentence: strike “confirmed that” and replace with “asked the Applicant whether”
- P5, third full paragraph, third sentence: strike “with excessive wear.”

Branden M. joined the meeting via Zoom at this time.

3. Benjamin Hunt: 05-01-09-100 – Development on a Private Right-of-Way for a new lot to be created for forestry and conservation, located at 592 Magee Hill Road in the RR2 Zoning District.

Mitch C. summarized the application, saying that the Applicant wants to create a lot for forestry. He said that this type of request is reviewed and approved by the Zoning Administrator (ZA), but the interior lot’s proposed private right-of-way requires approval from the Development Review Board (DRB). He outlined the overall property of approximately 89 acres and outlined the new property of 3.3 acres that would be carved off. He noted that access is currently only through Magee Hill Road, and that new access would require a 50-foot right-of-way. He noted that the Applicant is proposing to create a right-of-way that shares the existing driveway and runs parallel to the property line in order to access a garage on the property.

Mitch C. said that staff comments noted concerns about potential erosion and that he recommended including standard-language conditions around erosion control.

Benjamin H. added that he would like to access his upper property from the main road. He noted concerns about junk on the property and said that much of it is being removed. Harley B, counsel for the Applicant, noted that the Applicant plans to sell the 3.3 acres and reserve the right-of-way through the property. He noted that the Applicant is preparing the property for sale. He noted that the Applicant does not currently have long-term plans for the property.

Ted B. asked about the grades in the proposed right-of-way. Mitch C. noted that the grade from the road to the driveway is not steep but does have rolling aspects to it. Dick J. noted the contours that look the most difficult are those that are in the conserved property. Mitch C. confirmed that they are two-foot contours.

Dick J. asked about whether fire and emergency access are required. Mitch C. replied that the regulations require safe and legal year-round access.

Mitch C. noted some concerns from residents about accumulated junk on the property. He noted that the DRB does not regulate junk, but that the ZA would review it and determine whether it constituted a violation.

Dick J. asked about whether setbacks on the property with the existing building are sufficient. Mitch C. replied that yes, they are sufficient. Dick J. asked about drainage and Mitch C. replied that drainage flows to the northwest, toward the Francis property.

Dennis P. opened the discussion up to the public.

Kevin F., a neighbor, noted that he has had conversations with the Applicant about accumulated junk. He said that if the material is not removed now, it may be more complicated to have it removed later when the property is sold. He also noted concerns about potential runoff.

Dave S. noted efforts by the Applicant to clear junk and detritus out of the property and is supportive of the Applicant's request.

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

4. Other Business: Discussion of Development Review Board policy and practice for receipt and review of plans/surveys for applications post-DRB approval for review by staff.

Mitch C. said that there have been occasions where applicants are put in the queue for a DRB hearing prior to completing certain requirements, but since there is no longer such a backlog of applications waiting for a hearing, staff will be conducting more thorough reviews prior to hearings. Dennis P. said that applications should be complete prior to coming before the DRB. Greg W. said that he would like to delegate as much discretion as possible to staff to schedule applications once they are deemed complete.

Dennis P. suggested developing a process whereby feedback on applications from other Town advisory boards is submitted in a timely manner for review, in addition to application materials. Jonathan S. suggested recommending to other boards that it would be most beneficial if they could cite specific regulations when providing their comments to the DRB. Mitch C. agreed. Dennis P. noted that members from other boards and the public are welcome to provide feedback during the public comment portion

of a hearing, but that it is more helpful if comments can be submitted for review ahead of time. Alex W. said that staff will discuss with advisory boards how their comments can be the most helpful.

Mitch C. noted other municipalities where if an applicant submits material the day of the hearing, that application is automatically continued. Jonathan S. said that the DRB should take a harder stance on applicants submitting material a certain amount of time before their scheduled hearing. Dennis P. suggested not scheduling an application hearing until all materials are submitted. John L. asked how soon after submission applicants are notified that something is missing. Mitch C. replied that sometimes it can take several weeks for staff to review applications.

Mitch C. said that staff will be drafting a policy with more specifics on timing requirements. Greg W. said that the DRB is supportive of how staff decides to approach this.

Alex W. then discussed processes that occur after a final decision is reached. He cited an example where a subdivision revision is approved but the buyer of the second plot wants to make minor adjustments to a building envelope. He said that this begs the question of whether the Applicant needs to conduct a survey for inclusion in final plat, or whether a sketch is sufficient and approval is conditioned on a survey being conducted after approval. He noted that the Town's practice has deemed sketches allowable for final approval. The DRB confirmed that this practice is acceptable. He cited another example where an applicant must bring a stormwater control plan or landscaping plan to their application hearing, but they bring one that is inadequate or has deficiencies. He said that often, the Board and Applicant work through the matter at the hearing and the Board has an approval with conditions to update the plans and have staff review the revised plan after approval. He said that minor changes to those plans are appropriate after approval, but expressed concern about staff reviewing major changes and the need to adhere to the public approval process. He suggested continuing hearings if plans or other materials lack certain significant details. Greg W. said that if staff have concerns about applications, they could flag those for the Board and require additional detail prior to drafting decisions.

5. News/Announcements/Correspondence

Mitch C. noted that a neighbor has appealed the O'Neil decision.

Mitch C. noted that the next meeting will include a return of the Thibeault 2-lot subdivision application and a continuation of the Laster application. He noted that the Laster application includes a site visit at 9:00 AM on October 16th.

The meeting adjourned at 8:10 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary