

Town of Hinesburg
Development Review Board Meeting Minutes
November 2, 2021
Draft

Members Present: Ted Bloomhardt, John Lyman, Branden Martin (Via Zoom), Dennis Place (via Zoom), Jonathan Slason, Greg Waples.

Members Absent: Bryan Currier (alternate).

DRB Staff: Mitch Cypes (Development Review Coordinator); Amy Coonradt (Recording Secretary).

Applicants:

- **Pease Mountain Law:** Michael Russell (Applicant), Gary Benjamin (Land Owner)
- **Robert Farrell:** Robert Farrell (Applicant), Zoe Livingston (Applicant)

Public Present: Barbara Forauer, George Dameron, Kate Kelly, Merrily Lovell, John Mace, Darcie Mumley, Merrily Lovell, Nancy Plunkett.

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

1. Agenda Changes:

None.

2. October 19, 2021 Meeting Minutes and October 5, 2021 Meeting Minutes:

John L. **made a motion, and Greg W. seconded, to approve the October 5, 2021 minutes as presented. The motion passed 5-0.**

Dick J. joined the meeting at this time.

John L. **made a motion, and Jonathan S. seconded, to approve the October 19, 2021 minutes as amended. The motion passed 5-0 (Greg W. abstained).**

The minutes were amended as follows:

- P.2: In fourth sentence of second paragraph, replace “Dick J. added that... seemed more like Class 2 than Class 3 wetlands.” with “Dick J. added that... seemed more like Class 3 than Class 2 wetlands.”

Branden M. joined the meeting at this time.

3. Pease Mountain Law, PLLC – 20-50-54.000 – Conditional use and Site Plan review for an office use on a 0.18-acre property located at 73 Charlotte Road in the Village Zoning District.

Mike R. spoke about the business proposed to be located at 73 Charlotte Road, which would be a law office occupied by himself and a paralegal, though the application requests an allowance of four total employees at one time. He anticipates perhaps three clients would visit per day. He said that he does not anticipate clients visiting the property after hours, but that he anticipates staff to occasionally be

present after business hours or on weekends. He plans to talk to the Zoning Administrator to replace the previously approved sign with one that is smaller in size. Gary B. said that he anticipates few impacts on the exterior of the property.

Jonathan S. asked about hours. Dick said usually this involved customers and not the office staff. Mike R. confirmed that he was proposing open customer hours of 8AM to 5PM with Staff or specific scheduled clients being there occasionally after these hours. Dennis P. and Greg W. said they were fine with these hours. Dick J. added that he was fine as well with the parking lights off. Jonathon S. suggested not setting the hours, but requiring conformance to the performance standards.

Mike R. mentioned that the CRI value for the proposed lights was too low. The Board said he had to meet the standard. Gary B. discussed where the ADA parking space would be placed and the placement of curb stops.

Jonathan S. asked about the front of the property and how the sidewalk and driveway interact. Gary B. said that the sidewalk continues across the parking lot through to Green Street. He noted a problem with washout from the road that deposits gravel and other debris on the sidewalk and his driveway after rain storms.

Gary B. spoke of landscaping. Ted B. asked about the original landscaping. Mitch C. displayed the site plan from 1989, noting the shrubs that had been planted at that time. He asked the Board about what seems appropriate for types of shrubbery. Jonathan S. said that his preference would be to see planting in a reduction in driveway width between the sign and front walking access. Gary B. said that the runoff is a Town issue. Mitch C. said that he would discuss with Town administration. Ted B. talked of bringing the site back to the original site plan design. Michael R. said that they will plant in the spring. Mitch C. noted that in the past the DRB required planted and certified be done by June 30th. The Board agreed.

Dick J. noted that the DRB will need to see a revised site plan prior to approval. The Applicant will revise the site plan. Ted B. said that landscaping around the sign needs to be defined. Some specifics on the landscaping were discussed. Jonathan S. suggested that a discussion with the Town occur regarding digging up asphalt for planting, but noted that this may be such a small removal that it would not be practical. Dick J. asked if burning bushes were an invasive species. Barbara F. confirmed that these were invasive. John L. asked about the grassed area between the parking area and Green Street are people cutting the corner. The Applicant stated that the area was working as is.

Dennis P. opened the discussion up to the public.

George Dameron, a contiguous landowner, said he borders the property on two sides. He spoke in support of the Applicant. He noted that the sidewalk is problematic and has very poor drainage.

The Board discussed the Applicant submitting a revised site plan and lighting specs.

Ted B. made a motion, and Greg W. seconded, to continue the hearing to November 16, 2021. The motion passed 7-0.

4. Robert Farrell - 06-01-41.110 – Subdivision revision for a 38.7-acre property located at 1773 Texas Hill Road to move the building envelope further north (away from Texas Hill road) in the RR2 Zoning District. *Continued from 9/21/21.*

Greg W. asked about the change to the driveway and its effect on steep slopes. The Applicants said the area by the rerouted driveway is relatively flat. Robert F. said that after the last hearing they contracted with Arrowwood Environmental, and he provided an overview of activity related to the consultant's review of the property. He noted that he walked the proposed driveway with Aaron Worthley, a consultant from Arrowwood, who reviewed various aspects of the property in terms of environmental and wildlife habitat with an eye to how the project would impact those. He noted that the consultant proposed to reroute the driveway to avoid the stream, and that the one significant habitat on the property is in the southwest area. He noted that his proposed plan would avoid that area by at least 250 feet. He noted that in general, the consultant determined that the core wildlife blocks are an asset to the area and that the Applicant isn't impacting that area, due to the infrastructure around them. Greg W. asked if the consultant is suggesting improving the potential wildlife corridor by raising the structure and recreating habitat where the existing building envelope is. Robert F. said that yes, this is one element. He noted that the tiny home would be removed.

Greg W. noted a reference to minimizing the clearing area near the top. Robert F. said that the envelope is not smaller than what was originally proposed, which was a one-acre square envelope. Jonathan S. said that he is still opposed to this application. Zoe L. said that they had someone evaluate the current and proposed envelope. She said that with minimum clearing, the proposed envelope location would get up to 90% solar energy, as opposed to 50% where current envelope is. She also said in terms of the consultant's determination that the Applicant would not impact the core wildlife habitat, it is because there is a massive area that is protected and that this property is only a tiny piece of that. She noted that the area is already cut off from the core wildlife habitat by someone else's property. Mitch C. pointed out that the report stated the impact is minimal compared to the overall core habitat that is east of North Road that extends into Huntington. He said the Board in the past has reviewed the impact on a specific property.

Dick J. replied that the regulations are intended to stop or control the nibbling away at the edges of the forest block. He said that that property cited by Zoe L. predated the regulations and is a good example of what the regulations are trying to stop. Dick J. added that approving this application would lead to other properties wanting to do the same.

Ted B. said that the proposal wouldn't have zero impact, but that the question is whether the minimized impact is acceptable. He noted that the environmental consultant said it was difficult to quantify the impact. Robert F. talked how there is very little activity in this area now and the environmental consultant can't predict what will happen years from now. Mitch C. said that the Board due to the area's topography, location etc., has to look at the area as being able to regenerate itself as a core wildlife habitat, and that placing a driveway and a house would remove the areas ability to regenerate. Mitch C. continued discussing how the report stressed a north to south movement, which the houses on the south side of Texas Hill Road would prohibit, being more important than the east to west movement between forested areas.

Jonathan S. expressed concern that this proposal isn't minimizing impacts on the core wildlife area, and that this Application seems contrary to Town standards and Town Plan at this time. Robert F. replied that they would be minimizing their impact on secondary resources and avoiding primary resources,

both in accordance with the regulations. He also noted that the Town Plan says that buildings should be sited to maximize solar energy use, which they are trying to do. Greg W. stress the concern that the proposed driveway will affect steep slope areas and not avoid them.

Branden M. pointed out that the DRB is not concerned about steep slopes, but more about impacts to core wildlife habitat. He said that while the area is defined as core wildlife habitat through Hinesburg and State of Vermont mapping, there is not a whole lot of wildlife activity throughout the area. He said that the larger takeaway seems to be that it isn't *really* core wildlife habitat. He said that the DRB had asked the Applicant to get this assessment from a wildlife professional, and that he didn't get the sense that there would be a significant negative impact from a driveway and a small building site.

John L. noted that the report states that the Applicant wouldn't be adding much more than what is currently there in terms of development, as they would be moving their building envelope rather than expanding it. Jonathan S. said that the DRB shouldn't be allowing a further point of infill simply due to something that predates zoning, and said that approving this would set a precedent with which he would not be comfortable.

Greg W. noted that the environmental engineer proposed some revisions to the proposed driveway. He asked how that might impact the assessment of steep slopes. He said that he and Jonathan S. have had some concerns about steep slope, and that he isn't sure how much this proposed revision exacerbates or mitigates those concerns. Robert F. said that the engineer recommended avoiding the stream crossing, and if they couldn't, they should have someone from the Agency of Natural Resources to sign off on it.

Mitch C. reminded the Applicant and the Board that this is still not a complete application. Survey plans, grading plans, an erosion control plan and stormwater plans and modeling would be required. We did not want the Applicant to spend a lot of money upfront on this proposal to be told conceptually the proposed change was not feasible. He explained to the Applicant that the Board will either deny the application or continue this to allow you to complete all the application and still could deny it in future review.

Dennis P. opened the discussion up to the public.

Kate K. from the Conservation Commission agreed that the memo is not necessarily decisive in one way or another. She commented that despite the lack of deer wintering habitat in this area, there are plenty of other animals that use the habitat and would like to keep them there. She said that the Conservation Commission is opposed to lengthening the driveway and placing the new building envelope in the core habitat area.

Barbara F. asked why there was no longer a significant amount of wildlife activity found in the core wildlife habitat area. She asked if animals still cross the area. She said that there are many species that need to be protected, and that Hinesburg should maintain its blocks of wilderness.

A straw poll vote on the subdivision revision application was held, and the voting results were as follows: Greg W. – nay, John L. – nay, Ted B. – nay, Jonathan S. – nay, Dick J. – nay, Branden M. – aye, Dennis P. – aye.

Greg W. **made a motion, and Ted B. seconded, to continue the hearing to the November 16, 2021 meeting. The motion passed 7-0.**

5. Decision Deliberation –

- Gary & Mary Thibault – 08-01-73.600 – Final Plat review – 2 lot subdivision of 29.74 acres (Lot #6 of the Pinecrest Ridge subdivision) located at 312 Pinecrest Road in the AG Zoning District. The proposed lot (#8) will access Burritt Road.

Greg W. **made a motion, and John L. seconded, to approve the decision as written. The motion passed 7-0.**

- Joe Laster – 17-22-62.100 – Sketch Plan review (cont'd from 9/21/21) of 54 single family lots, with a first phase having 8 dwelling units and 9 lots, on a 106.27-acre parcel located on the east side of Mechanicsville Road between Hawk Lane and the Town Cemetery in the R1 and RR1 Zoning Districts.

Dick J. said that he appreciated Order #3c, which speaks to concerns with alignment of the driveway coming out of the development onto Mechanicsville Road. Greg W. suggested that the DRB could require the Applicant to explore all options to mitigate the impact of the driveway placement and report back to the board at a subsequent application hearing. Ted B. said that there is limited flexibility if the State has classified the wetlands as Class 2. Branden M. said that one option is that the Applicant could be compelled to relocate the driveway and create wetlands elsewhere.

Jonathan S. noted that there would be multiple phases of development but that the exact number of phases is currently unknown. He suggested referring to multiple phases in Findings of Fact #1 rather than a definitive number of phases. He also spoke about Finding of Fact #7, noting that a crosswalk across a Town road would need to be a decision of the Town. He suggested adding language to Finding of Fact #12 that notes that the Applicant's peak trip generation is below the threshold that is typical to require a traffic study, per VTrans guidance. He additionally suggested removing references to traffic impacts in Finding #17. He further suggested the following language in Order #3b: "Consultation with the Town Manager and/or Selectboard on when a crosswalk to link the development sidewalk to the sidewalk of Mechanicsville Road may be required." He spoke about the outdoor lighting plan in Order #3i and suggested adding language about making sure the Applicant is ready to discuss street/sidewalk lighting at Preliminary Plat.

Ted B. **made a motion, and John L. seconded, to approve the draft decision as amended. The motion passed 7-0.**

6. News/Announcements/Correspondence

Mitch C. said that there will be two continuances discussed at the November 16 meeting.

The meeting adjourned at 8:55 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary