

Town of Hinesburg
Development Review Board Meeting Minutes
February 6, 2024
Approved February 20, 2024

Members Present: Ted Bloomhardt, Dick Jordan (via Zoom), Branden Martin (via Zoom after minutes), Dennis Place, Jonathan Slason

Members Absent: Jeff Daugherty (alternate), John Lyman, Mike Webb

DRB Staff: Mitchel Cypes, Development Review Coordinator

Applicants Present: Scott Baker, David Austin (via Zoom), Leo Marrinson (via Zoom)

Public Present: Merrily Lovell, Heather Rice, Jackie Ross, Margaret McNurlan (via Zoom)

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

1. Agenda Changes: None.

2. Review minutes of the January 16, 2024 meeting: Jon S. **made a motion, and Ted B. seconded, to approve the minutes as written. The motion passed 4-0.**

3. Austin Properties LLC – Final Plat & Conditional Use – 20-50-10.100 – *To increase the number of residential units on a multifamily residential property from 24-units to 26-units on a 4.97-acre property located on Village Heights Road, which is on the east side of Mechanicsville Road in the Village Zoning District.*

Scott Baker (Barnard and Gervais) explained that there are five existing buildings built in the mid-1980s that contain 24 apartment units. The access to these apartments (Village Heights) is a paved driveway that connects to Mechanicsville Road and the property is connected to Town water and sewer. Scott B. said that Building A has an existing storage area that was built and permitted in 2012 and has been partially finished. David Austin, owner of Village Heights, is looking to convert that storage area into two small one-bedroom apartment. Scott B. said there is enough existing parking to accommodate the two new units, and one parking space will be converted to a van accessible aisle that will serve two parking spots. Scott said the impervious surface will only increase by the amount of walkway needed to the existing doorways. Scott added that this type of infill project makes a lot of sense in this area.

In response to a comment in the Staff Report, Scott B. shared that the boundary survey for the property (done by George Bedard in the late 1980s) was still valid and the work done by Barnard & Gervais (BG) focused primarily on the Site Plan and infrastructure. Scott B. added that Site Plan provides more detailed information regarding wastewater, impervious area, etc., and conducting another survey seems unnecessary as the Bedard survey is still valid.

Scott B. responded to a comment in the Staff Report regarding the need to show basic elements of the proposed utility design in the survey and he noted that the property had a survey done by George Bedard in the late 1980s and that is still the valid boundary survey for the property. Scott explained that the work Barnard & Gervais (BG) did was focused on the site plan and infrastructure. Scott B. added that he is hopeful that the Board will allow the Bedard survey and the BG Site Plan to exist as separate documents, with references to the survey on the Site plan and not require the Applicant to obtain a new survey.

Scott B. explained the current lighting situation on the property, which include lights along the walkways, post mounted lights (about 3 ft. tall) along steps and walkways, and several floodlights. Scott B. noted the Staff Report asked for the cut sheets for the lights and Scott said they did not have that information. David A. explained that the majority of the lighting had been installed when the buildings were built (in the late 80s), and some additional lights were installed on an addition at a later time. David A. said he would remove lighting that did not meet the current regulations, but would prefer to leave the existing lighting due to the cost of construction and materials. Scott B. reiterated their preference that if there is something pre-existing that is not problematic to the neighborhood, there be flexibility to keep things as they are or allow things to remain as they are until replacement and then at that time ensure compliance with the standards. Dick J. said that it was common when somebody is revising or modifying a subdivision that the Board asks for things be brought up to current code. Dick J. asked how the floodlights (pointing into the backyard) work (on motion sensor, light switch, etc). David A. said he didn't know if it was on a motion-sensor but assumed it was because he has been out there at night and the light was not on. David A. added that the light is pointing down toward Mechanicsville Road, to the backyard parking area of the commercial building (90 Mechanicsville Rd). Dick J. said he would be amenable to leaving the floodlights if they are on a motion-sensor. Jon S. said he would advocate for the lights being replaced as the building is being worked on, particularly because of the higher elevation the light could be viewed from outside the property boundary. Dick J. asked if replacing the floodlight with a downcast lighting fixture would make sense, and David A. explained that one of the floodlights would be removed and the other would illuminate the back deck.

Jon S. asked if the ADA spaces were wheel-chair accessible and David A. and Scott B. explained the location of the spaces and that there was a drop curb.

Mitch C. said the site plan could be filed as the survey mylar, instead of doing a new survey. There was additional discussion about whether it was necessary to require an Applicant to submit a new survey if a project is nowhere near property lines. Ultimately, the Board agreed that in this instance a valid survey is in the land records, so there was no need to for an updated survey to be done.

There was no Public comment regarding this Application.

Ted B. made a motion, and Jon S. seconded, to close the public hearing and direct staff to write conditions of approval. The motion passed 5-0.

4. Leo Marrinson - Site Plan - 09-01-21.000 - For Commercial Agriculture for a Tier 1 cannabis operation on a 6.35-acre property located at 47 72nd Street in the Rural Residential 2 Zoning District.

Leo M. explained that he would like to turn an existing garage on his parent's property into an indoor tier-1 cannabis operation. Leo M. confirmed there will be no additions or construction outside of the garage. The Application stated that all processing of the cannabis (planting, harvesting, trimming, etc.) will occur inside the garage. Leo M. said depending on the harvest there could be three or four people working with him for several weeks at a time, but it will primarily be just him. Mitch C. confirmed if there were additional people working with Leo, there would be enough parking to accommodate them. Leo also explained that he would be selling the harvest off-site.

Leo M. explained there is currently one residential down casting light on the garage and Dennis P. said he felt they could waive the landscaping requirement as well.

Mitch C. shared that Maggie Gordon, an abutting landowner, sent a letter of support for the Application.

Dick J. asked how the cannabis would be transported, and Leo M. said he would be transporting the cannabis in his own vehicles to the various dispensaries around the State.

Jon S. asked if there was any concern of odor impacting the surrounding areas and Leo M. said they will have charcoal filters installed to eliminate a majority of the odor.

Heather Rice said she lives downstream (a few properties) and asked if there would be any impact to the stream that runs through the Applicant's property and hers. She added that she is in support of the Application, but wondered if there would be an impact to the stream. Leo M. explained that he will use large soil beds that don't allow run-off, and there may be a very minimal amount produced by the dehumidifiers he will use at the facility. Dick J. asked what the distance between the garage and the stream was, and Leo M. estimated 100-200 feet behind the garage.

Dennis P. **made a motion**, and Ted B. **seconded, to close the public hearing and direct staff to write conditions of approval.** The motion passed 5-0.

5. News/Announcements/Correspondence:

Mitch C. shared what Applications will be heard on February 20th. He noted there are still no decisions regarding the Act 250 hearings for Hinesburg Center 2 and Haystack.

6. Decision Deliberation: Mitch C. stated that Michael W. and Jeff D. reviewed the decisions and voted to approve them.

- **Red Wagon Plants - Conditional Use Review - 04-01-23.100** - *For an integrated agriculture application that includes a pastry shop, commercial catering, educational classes and events (including food trucks) on a 5.05-acre property located at 2482 Shelburne Falls Road in the Agricultural Zoning District.* Ted B. **made a motion**, and Jon S. **seconded, to approve the draft decision as amended.** The motion passed 7-0.

Dennis P. recused himself and left the meeting.

- **Dennis & Jody Place - Sketch Plan - 16-20-20.000** - *For a 2-lot subdivision of a 39.64-acre property to create one new developable 3-acre lot, located at 190 Place Road West in the Rural Residential 1 Zoning District.* Jon S. **made a motion**, and Dick J. **seconded, to approve the draft decision as amended.** The motion passed 6-0.

Dennis P. adjourned the meeting at 8:14 PM.

Respectfully submitted,
Danielle Peterson
Administrative Assistant, Planning & Zoning Department