

Town of Hinesburg
Development Review Board Meeting Minutes
January 16, 2024
Approved February 6, 2024

Members Present: Ted Bloomhardt, Jeff Daugherty (alternate via Zoom), Dick Jordan (via Zoom), Branden Martin (via Zoom), Dennis Place, Jonathan Slason

Members Absent: John Lyman, Mike Webb

DRB Staff: Mitchel Cypes, Development Review Coordinator

Applicants Present: Julie Rubaud, Scott Baker (via Zoom), Dennis Place

Public Present: Jackie Ross, Kathleen & David Newton, Valerie Spadaccini (via Zoom), Margaret McNurlan (via Zoom)

Dennis P. **called the meeting to order at approximately 7:01 PM.**

1. Agenda Changes: None.

2. Review minutes of the January 2, 2024 meeting: Jon S. **made a motion, and** Branden M. **seconded, to approve the minutes as written. The motion passed 6-0.**

3. 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.*

Julie R. explained that Red Wagon Plants (RWP) makes 85% of its annual revenue between Mother's Day and Memorial Day, and then during the remainder of the season she hosts gardening-related classes, which helps to employ the crew of six people (herself included) year-round, both full-time and part-time. With the addition of a new building that is equipped with a commercial kitchen, office space, and a small gathering area, RWP would like to expand their business by hosting more events and classes, during less busier months and during the off-season.

Julie R. explained her vision for the different events that could be hosted at RWP, and noted that the plan is a work-in-progress as she needs time to figure out what will work best for the business. Julie said the goal for this coming year would be to offer baked goods and coffee for their plant customers on the weekends, and continuing to offer garden education (generally 12 to 24 people per class) during the slower times of the season. Julie went on to describe some events might include a food truck, but she would also like to have the option to utilize the commercial kitchen to prepare and serve food. Jon S. asked whether there would be dedicated staff for the food service envisioned, and Julie said possibly.

Dick J. asked whether these proposed extra uses of the farm (farm café, classes, etc.) would change the primary farming use. Ted B. said that months of preparation go into farming regardless of whether a majority of the revenue is earned in a few weeks, and Jon S. said he felt pretty clear that the farm is the primary use and the additional offerings would be considered a secondary or subordinate use. Julie noted the primary reason for building a kitchen was to process herbs from the farm, not to use for event hosting. Dick J. also asked why the Zoning Administrator (ZA) deemed this to be agriculturally exempt, since it's office space and a kitchen and Mitch said the ZA considered the building to be a processing center for the agricultural products. Jon S. said the term commercial kitchen might seem

grandiose, but it just means you have to get licensed in order to be able to use the kitchen to create any value-added products on the farm. Dennis P. asked if the Board was comfortable that this application fits the definition of integrated agriculture, and the Board agreed.

There was a discussion regarding performance standards, and whether the proposed uses would have an adverse impact on the community. Dennis P. said he did not believe there would be any adverse impacts. Jon S. said that he was comfortable moving forward, and would like the decision to have some language in it that specified what the performance standards would be to avoid issues down the road, such as traffic concerns, queueing on the main road, etc. Mitch asked Julie to provide a bit more clarification on what type of events might be held at RWP – Julie said on their opening night they would like to have a jazz quartet play in the back of the greenhouse; she wants to be able to feed the customers a cup of coffee and scone; and occasionally rent the space to a caterer – she said she is not interested in hosting weddings or large crowds.

There was a discussion about hours of operation, and what times the business would be open. Julie said there are rare occasions (i.e., the opening party) that people have been there at 8pm, otherwise the events end earlier. Dick J. said he was concerned that 8pm in November and 8pm in July are very different, and perhaps the hours of operation should be limited to daylight hours. Jon S. suggested that the applicant be relied upon to keep the parking lot safe in terms of whether there is enough light, and Ted B. agreed that it felt like an overreach on the part of the DRB to limit the hours of operation for the very few events that might happen at RWP. Jon S. said it could be valuable to add a light to the sign at some point, so that people can see where they turn off. Dick J. added that he believes it's the job of the DRB to think about potential issues and address them, rather than wait for problems to occur.

The Board discussed the wastewater and water usage of the site, and Dennis P. said it looked like there was plenty of capacity. Julie said they historically have 2 to 3 port-o-lets available throughout the season.

There was a general discussion about the parking lot and parking spaces available at RWP, and Jon S. he recommended that there be clarity on how and where to direct customers during peak times.

The Board discussed screening along Shelburne Falls Road, and Julie said there are willows there now that do a good job of blocking the parking area from the road, and there is a drop in elevation from Shelburne Falls Road to the parking area, so the headlights should be pretty hidden.

Dennis P. reminded the Applicant that all lighting on the building needs to be downcast. Julie said there was one flood light on the northwest corner that is on a motion-detector and only stays on for 10 minutes and that is mounted under the porch roof and is not visible from the road.

Dick J. said he was in favor of approving the uses being asked for, and keeping the decision as specific as possible.

Dennis P. opened the hearing to the Public.

Mitch C. noted he received two emails from the Public (one from Steve Palmer and one from the Ross Family) indicating support for the 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 6-0.

Dennis P. recused himself from the Board.

- 4. 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.

Scott Baker, of Barnard & Gervais, described the project as infill due to the existing structures and uses occurring on the property. The proposal is a conventional two-lot subdivision, and the new lot (#3) would be a 3-acres and designed to fit into the existing development. In addition to a single-family home planned for lot 3, an Accessory Dwelling Unit (ADU) is being proposed for Lot 2 that utilizes the shared access, as an efficient way to provide infill development that meets the current regulations. Scott B. noted a protection area that was designated in 2007, that will be included in the Final Plat application. Scott B. noted he has not calculated the amount of impervious surface because it will depend on the existing gravel drive, but will be sure to coordinate with Mitch C. on the stormwater management system for the project. Scott B. said that they have several ideas for working out the details for the proposed access for the residual strip of Town Highway 18 and the need for the 50-ft right-of-way. Mitch said that the survey work that will be done for this project will help to clarify the details.

There was some discussion regarding the proposed ADU on lot 2, as that will only require a zoning permit and will not be reviewed by the DRB.

Scott B. said that the shape of lot 3 and the building envelope were based on the existing garage, home, and driveway, and the minimum lot dimensions.

Dick J. asked whether lot 2 was in a forestry maintenance program, and Dennis said it was not.

Branden M. asked why the ADU isn't included in the 10,000 ft of impervious surface threshold as a point of clarification. Mitch said this was an interesting question and added that the ADU is subject to a zoning permit and not DRB review. Mitch added that because the project is not considered a Planned Unit Development (PUD), it is not required to have a master plan as part of the review. Jon suggested a scenario in which the ADU is constructed first, and then whatever road is constructed for the ADU would be counted towards the starting impervious calculation. Mitch agreed that could be a possibility. Jon S. and Dick J. agreed that it was a strange situation, especially with the State taking jurisdiction over these types of things. There was additional discussion about the potentially problematic issue of state jurisdiction versus town planning authority. Scott B. said they would be counting the impervious area for the Final Plat, and suggested it be acknowledged as a question (whether the impervious surface associated with an ADU is counted as part of a subdivision project) and let the town staff or attorney weigh in.

Dick J. opened the hearing to the Public. Mitch noted that he received two emails of support for this application (one from John Little & Matt Giroux and one from Bill Scott).

David & Kathy Newton attended the meeting in support of the 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.

Dennis P. rejoined the Board as Chair.

5. News/Announcements/Correspondence:

Mitch C. shared what Applications will be heard on February 6th and 20th. He shared that the Town Hall roof restoration work would be beginning.

6. Decision Deliberation:

Sarah Harrington & Kathleen Morrissey - Development on a private right-of-way - 14-21-72.000: To build a year-round residence with the removal of an existing camp on a 0.81-acre property located at 147 Wood Run, utilizing the existing part of the 129 Wood Run driveway, in the Shoreline Zoning District. Ted B. **made a motion**, and Branden M. **seconded, to approve the draft decision as written.** The motion passed 6-0.

Dennis P. adjourned the meeting at 8:45 PM.

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