

Town of Hinesburg
Development Review Board Meeting Minutes
August 3, 2021
Approved August 17, 2021

Members Present: Dennis Place, Dick Jordan, Ted Bloomhardt, Greg Waples, John Lyman, and Branden Martin.

Members Absent: Brian Currier (Alternate), Jonathan Slason.

DRB Staff: Mitchel Cypes (Development Review Coordinator);

Applicants:

- Robert Farrell: Robert Farrell (via Zoom)
- Rocky Martin & Cheryl Eichen: Rocky Martin & Cheryl Eichen
- UVM: Lani Ravin (via Zoom), Scott Goodwin (via Zoom)
- Brad Stetler/Palmer Family Trust: Brad Stetler, Susie Miller, Jason Barnard (Designer)
- Robert & Anne Frost: Robert Frost, Anne Frost, Jason Barnard (Designer), David Whitney (Engineer via Zoom)

Public Present: Robert Hedden, Ron Lavallee, Anita & Robert Dimke, Brenda Keenan and Glenn Enos (via Zoom)

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

1. Agenda Changes: Mitchel C. made the following statement: “due to the increased presence of the Delta variant in Chittenden County, the CDC has recommended that people wear masks for indoor meetings. Masks are mandated for non-vaccinated people. If you chose to not wear a mask, you will need to confirm that you are vaccinated.” Those in attendance that were unmasked confirmed verbally that they were vaccinated. The Board agreed to talk about how to proceed with future meetings at the end of this meeting.

2. July 20, 2021 Meeting Minutes: On page 3, the word ‘consisted’ was corrected to ‘consistent’.

Ted B. **made a motion, and John L. seconded, to approve the minutes for July 20, 2021 as amended. The motion passed 5-0** (Greg W. abstained).

3. Robert Farrell: Subdivision Revision for a 38.7-acre property located at 1773 Texas Hill Road in the Rural Residential 2 Zoning District to move the building envelope farther north (away from Texas Hill Road). *Continued from 7/20/21.* The site visit was postponed again.

Dick J. mentioned that last Tuesday, he, the two landowners, a Conservation Committee member, a neighbor and Staff attended the site visit. He decided it was best to reschedule. The Board decided to reschedule the site visit to August 10th at 6:00PM. Kate Kelly requested an earlier time for the site visit, which could not be accommodated. Staff was asked to provide the DRB with site visit reminders.

Dick J. **made a motion, and Ted B. seconded, to reschedule the site visit for August 10th at 6:00 pm and to continue the hearing to August 17th. The motion passed 6-0.**

- 4. Rocky Martin & Cheryl Eichen:** Sketch Plan review for a 2-lot subdivision of a 41-acre property located at 526 Fern Road in the Rural Residential 1 Zoning District. The Applicants wish to separate the principle residence and an accessory dwelling into separate lots.

Rocky M. described how they created an accessory apartment for themselves in 2017 and provided their primary residence to one of their sons, daughter-in-law and their two kids. They want to subdivide so they can sell the main house to them. He discussed the approval for development on a private right-of-way approval for his other son and daughter-in-law, where Fern Road was restored and in one place expanded to meet current standards. He is not proposing any development and will still be sharing the septic system with an easement. There was a discussion about ensuring the sugar house meets the required setback.

Rocky M. is requesting to not have building Greg W. mentioned how these can be modified. Ted B. believes that the steep sloped and core wildlife habitat area on the primary residence lot should be avoided. The board discussed different envelope options. There was agreement that lot #3A should have some restrictions, where lot #3B should not.

Dennis P. opened the discussion up to the Public.

Robert D. raised concern about location of development and its effect on his water and septic systems. Mitchel C. discussed the location of the Dimke septic system, plus some other easements on the Applicants' property. There was a discussion on having the building envelopes avoid the easements, and the possibility to have principal and accessory residences on both proposed lots.

Glenn E. mentioned his existing septic easement on the property. He wants to make sure that the proposed development does not affect his septic and water systems. Ted B. said the survey should show the easements and the well protection area. Rocky M. reiterated that there was no planned development at this time. Glenn E. spoke of concern about the phrase "at this time" and his concern about future development. Dick J. spoke well shield protection at the State level.

Ted B. made a motion, and Greg W. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.

Mitchel C. provided a reminder to those in attendance that if you are not vaccinated, you are required to wear a mask.

- 5. UVM:** Site Plan review to create a four parking space trailhead lot on the east side of Baldwin Road just south of Pinecrest Road in the Agricultural Zoning District.

Mitchel C. showed the overall location in comparison with the Pinecrest Road development. Greg W. raised concern that the development was going to disrupt a steep sloped area. Scott G. explained that the parking area is only four spaces. Lani R. said that they are limiting the development to a flat area adjacent to Baldwin Road, and that the design is to avoid going deeper into the lot with the greater slopes and a wetland in the area. She added that the location was picked to be close to the trail and pointed out the topo lines that show where the steep slopes begin. The Applicants confirmed there would be no blasting required. Greg W. asked if cars are parking on the side of the road, which the Applicants confirmed. Greg W. said he has never seen more than two cars parked on the side of the road in this area. Lani R. confirmed that the four spaces should be sufficient for the need.

Dennis P. opened the discussion up to the Public. Ron L. asked if the parking area would be open 24-7 and raised the concern of unsavory people using the facility at night. Lani R. said that all UVM parking areas, including this one, are open to the Public. It will not be locked. Scott G. stated their intent to put up a sign that says 'closed after dusk'. Lani R. said they have not had problems with people wrongly using their parking areas at night. She added that the property as it exist is open to the Public. John L. asked how hidden a car would be in the proposed parking area. Lani R. said you would be able to see a car parked in parking area. Greg W. agreed looking at the plan.

Mitchel C. mentioned that the applicant still needs to get their access permit, which can be a condition of approval. Lani R. confirmed that the application was submitted. Greg W. pointed out that there is a lot of vegetation in the area and did not see a need for any additional landscaping. Dick J. concurred saying that not having the proposed landscaping would improve visibility of the parking area. He suggested waiving the \$300 landscaping requirement. Ted B. said that since they are only clearing the curbcut area, he agreed with the proposed waiver. The board agreed to waive the landscaping requirement and that the Applicant should protect the vegetation behind the parking area. Dick J. suggested that there should be a condition to maintain the visibility of the parking area. Ted B. added that this would improve the site distances.

Ted B. made a motion, and Greg W. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.

6. Brad Stetler/Palmer Family Trust: Final Plat review for a 2-lot subdivision of a 43-acre property located at 642 Palmer Road in the Rural Residential 2 Zoning District. Both lots would have a single family residence and would be accessed from Palmer Road in the Town of Richmond.

Mitchel C. spoke of receiving a late storm submittal, which should be a minor adjustment to prior stormwater submittal, and a few late updated plans. Jason B. spoke of the history of this project, which included a sketch plan approval and a revised sketch plan approval. He spoke of the lot sizes, drilled wells & septic systems of both lots, shared driveway, turnaround location, stormwater treatment system and utility access and easements. He spoke of the existing culverts, which can not be modified and the new culvert for the stream. Jason B. also mentioned that Chief Barber provided a positive review by email, received in the last hour.

Jason B. acknowledge that the expansion of the 30-foot wide right-of-way between the Applicant's Hinesburg property and Palmer Lane in Richmond needs to be expanded to 50-feet and requested that this be a condition of approval. Mitchel C. said when visiting the site, that he did not see any impediment to widening the right-of-way. Jason B. explained the Richmond right-of-way width requirement is less than that of Hinesburg and expanding it, since the land is also owned by Palmer, would not be an issue. Mitchel C. explained that this right-of-way widening was for conformance to the development on a private right-of-way portion of this application, and required to amend Order #2 of the 2002 subdivision approval, which required that the Hinesburg portion of the Palmer property remain with the Richmond portion of the property.

Jason B. described how the building envelopes have been designed to stay out of steep slopes, wetland and wetland buffer areas, and stream setback areas. Mitchel C. stated that he and the Zoning Administrator visited the property a couple of weeks ago and confirmed that the waterway shown on the plans is a stream and that the building envelopes were revised to remove the areas in the stream setbacks. Jason B. spoke of how the 15 inch diameter pipe shown on the plans was increased to 36-inch diameter.

Brad S. spoke about how 35 acres of forested land will be preserved. He spoke of his cooperation with Andrea Morgante, who is an abutting neighbor, who is trying to preserve a large section of forest across several properties. Mitchel C. described how the decision would allow for an additional lot to be created from lot #1 should Richmond allow access for another lot. Greg W. asked and was provided confirmation that an updated survey showing the expanded 50-foot right-of-way will need to be provided.

Dennis P. opened the discussion up to the Public. There was no public comment.

Dick J. asked about the maintenance agreements. Brad S. stated there is one for Palmer Lane in Richmond for all the residences that use that access, and a second one that Don Palmer and himself will use for Don Palmer's existing lot and the proposed lots. Branden M. asked if there were any downstream culverts from the proposed 36-inch that needed to be upsized. Jason B. explained how there was not.

Greg W. made a motion, and John L. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.

7. Robert & Anne Frost: Preliminary Plat review for a four-lot subdivision of a 27-acre property located at 588 O'Neil Road in the Agricultural Zoning District. The Applicants want to place the farmhouse on its own lot, create two buildable lots for single-family residences, and transfer the remaining land to their 89-acre residential property located at 236 Boutin Road. *Continued from 7/20/21.*

Jason B. that from the last meeting that there was required stormwater updates, which included new modeling and plan changes, and a road profile. There is a new culvert proposed for the Boutin Road South crossing. Jason B. discussed with the Board conformance to the State's B-71 standard for driveways, specifically the length of the flat/negative slope area near O'Neil Road, which Jason said was just shy of 20-feet in length. David W. stated that the requirement is for a 12-foot flat area.

Jason B. confirmed that there were several new plans and information that was provided earlier today. The Board and the Applicant discussed the stormwater discharge flow direction along the north side swale of O'Neil Road. David W. spoke of the proposed stormwater treatment for lot #7 that is partially in the Boutin Road right-of-way, stating that it is now a stormwater pond instead of an infiltration basin. The size he said was increased and there is about a four-foot depth of water. Discharges are through a one-inch orifice and an 18-inch overflow.

Dick J. brought up that the proposed stormwater pond is in the Town right-of-way. He asked if this has been discussed with the Selectboard. Jason B. said they wanted a DRB approval with this proposed pond before going to the Selectboard. He added that the location was selected to be at the lowest point in that area. Dick J. had Jason B. confirm that it is still to be determined if the stormwater pond can be placed in that location. Jason B. stated that Mike Anthony, Hinesburg Road Forman, confirmed to him that currently the Town has no plans to build a road in the Boutin Road South right-of-way. Mitchel C. stated that there are other public right-of-ways in town that have roadways that are privately maintained, but there are no situations in town where a stormwater pond is in a Town owned right-of-way. He said to the Applicants that it may be in your benefit to get this resolved now. Ted B. asked if the pond would be lined. David W. said it wouldn't be. David W. discussed the discharge and confirmed that the modeling was sent only a few hours ago too late for a review.

Mitchel C. asked how the roof drainage for lot #6 would reach the level spreader. David W. said the intention is to take the roof drainage from the house and bring it to the level spreader. Greg W. asked if the plans can show this at final plat. David W. confirmed that the plans would. Mitchel C. asked and David

W. would confirm that the house and driveway to a break point between proposed lots #6 and #7 on lot #6 would discharge to and be treated by the proposed level spreader, and the house and driveway to the breakpoint on lot #7 would discharge to and be treated by the proposed wet pond.

Ted B. asked about the discharge to the public waterway. Mitchel C. clarified that the question at the last meeting was whether the proposed discharge goes directly into the LaPlatte, which the Applicants confirmed that it did not, which means the Applicants have to design for retention to meet the standards of the 10-year storm event. David W. confirmed and said the modeling submitted earlier in the day would show conformance. Branden M. asked if the change was due to test pit information considering that the wet pond would be storing four feet of water. David W. responded that it was a change of strategy, since there was less water that would be retained with a lower elevation outlet in a wet pond than in an infiltration basin, and they were not sure if they would get the planned infiltration rate.

Dennis P. opened the discussion up to the Public. Robert H. confirmed the stormwater flow direction along O'Neil Road. He expressed concerns regarding the use of Boutin Road South as an access, maintaining an existing turnaround on Boutin Road South, and a possible future where Boutin Road South is connected to the existing Boutin Road to the north. The Board and Staff stressed that the Town has not expressed any interest in making Boutin Road a through road, and any effort to improve Boutin Road in any way would require Selectboard approval.

The Board discussed whether to have the Applicants obtain the Selectboard approvals during preliminary plat review or require them to have the approvals prior to final plat. Mitchel C. brought up a concern regarding the location of the proposed wet pond being close to the road, which may deter Selectboard approval. David W. stated there was a berm separating the wet pond from Boutin Road South. Mitchel C. asked if they looked at areas south of the proposed shared access to place the proposed wet pond. David W. said they area would require excessive grading due to steep slopes. Robert F. emphasized that the proposed stormwater work would help maintain the Boutin Road South roadway. Greg W. said that the Board could craft language to let the Selectboard know the DRB's intent regarding the right-of-way work. Ted B. stressed that the decision should be clear that the DRB is not taking a position regarding the proposed development in the right-of-way.

Greg W. made a motion, and John L. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.

8. News/Announcements/Correspondence – Scheduled for the August 17th is the Farrell continuance, a subdivision revision to develop a conserved lot, which means fulfilling an entire subdivisions requirements into one application for a single property, and the Laster 55-unit subdivision. The Board decided that they would like to continue with in person meetings. They believe that large applications, like the scheduled 55-unit subdivision, need to be held in person.

The meeting adjourned at 8:54 PM.

Respectfully submitted,
Mitchel Cypes, P.E., Development Review Coordinator