

Town of Hinesburg
Development Review Board Meeting Minutes
January 4, 2022
Approved January 18, 2022

Members Present: Ted Bloomhardt (via Zoom), Dick Jordan (via Zoom), John Lyman, Branden Martin (via Zoom), Dennis Place, Jonathan Slason (via Zoom).

Members Absent: Greg Waples.

DRB Staff: Mitch Cypes (Development Review Coordinator).

Applicants:

- **Russell Family Trust:** Anne Donegan, Howard Russell (Applicants)

Public Present: *Via Zoom* - Beverly Knight, Margaret McNurlan

Dennis P. **called the meeting to order at approximately 7:05 PM.**

1. Agenda Changes:

Mitch C. recommended an item related to Board Reorganization, to take place before News and Announcements.

2. December 21, 2021 Meeting Minutes:

John L. **made a motion, and Ted B. seconded, to approve the December 21, 2021 minutes as presented. The motion passed 6-0.**

3. Russell Family Trust – 09-01-50.000 – Development on a private right of way application for the creation of a new lot with no road frontage that is accessed via a private right of way for their 94.5-acre property located at 10643 VT Route 116 in the Village Zoning District. The proposed access would be from Buck Hill Road West.

Anne D. said that they have been working to sell the farm to their son, but there is interest and enthusiasm in the family in the sugaring operation. She said that in 2005 they conserved most of the sugarbush with Vermont Land Trust, and now they would like to make that conserved land into a lot. She noted that the lot would still not be able to be developed, but could be separately owned by a group that would continue sugaring. Mitch C. added that in order to do that, they will be creating an interior lot, for which they need an approval from the DRB for development on a private right-of-way. He said that the Applicants have expanded the 30-foot right-of-way, which was created by their recent subdivision revision approval, into a 50-foot right-of-way.

Howard R. spoke about current maintenance agreements. He noted that there are no residences on the right-of-way section, and that the only residences are by the road cut, which they share with Chuck Reiss. He said that the only current agreement stipulates that if they damage that beginning section through farming action, they need to restore it. He said that the road itself will require little maintenance. Anne D. noted that surrounding property-owners wouldn't be using the right-of-way, in which case it would not make sense to have them pay for a portion of its maintenance. Mitch C. noted that surrounding property-owners would have the right in future to request a subdivision approval to create a second lot and utilize that right-of-way. He asked the Board if a maintenance agreement for a

private right-of-way is needed. Jonathan S. suggested an order that would put protections in place restricting other property owners' liabilities for the right-of-way until those property owners utilize the road. John L. said that no improvement to the road would be needed until the other lots become developed, unless the farming activity damages the road.

Beverly K., an adjoining property-owner, asked if she would become liable for the right-of-way if other lots were developed. Ted B. said that there wouldn't be an expectation that she help maintain it, if other owners decide to develop other adjoining lots.

Dick J. said that protections should be in place should conflict arise in future over road use and damage for the two farms that currently use it. Howard R. noted that current operations include sugaring, grazing cattle and growing produce in greenhouses. Dennis P. said that they could place conditions on the farms stipulating that they are responsible for damages to it as a result of their actions. The DRB recommended language stipulating that both property owners would have joint authority over the shared facilities (i.e., the farm road).

Dennis P. opened the discussion up to the public.

Margaret M., an adjoining property-owner, said that she doesn't have responsibility over the road since she does not use it. DRB members acknowledged this.

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

- 4. Extension Request – Rocky Martin & Cheryl Eichen – 17-22-36.200** – 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 principal residence and an accessory dwelling into separate lots. The application was approved on August 17, 2021.

Mitch C. noted that the approval expires in about 6 weeks, and he recommended granting the Applicants a six-month extension.

Dennis P. made a motion, and Ted B. seconded, to grant a six-month extension for Rocky Martin and Cheryl Eichen. The motion passed 6-0.

- 5. Decision Deliberation – Kelley's Field Limited Partnership-20-50-20.000** – Sketch plan application After DRB discussion, Mitch C. amended Order 3C to read "...and an engineered design that will accommodate up to 48 parking spaces with all required infrastructure, grading, and stormwater design shown, should this be necessary in the future."

The DRB also agreed to amend Conclusion #8 to read "Confirmation from the Town Fire Chief that the access for emergency vehicles, the ability for these vehicles to turn around and maneuver, that the vehicles have adequate space to park, and there is adequate emergency personnel and equipment access to the building, should be required as part of the preliminary plat application for conformance to Section 5.1.6(2) of the HSR."

Ted B. made a motion, and John L. seconded, to approve the decision as amended. The motion passed 6-0.

6. Board Reorganization

Ted B. made a motion, seconded by John L. to approve the slate of DRB officer as follows: Dennis P. as chair, Dick J. as vice-chair, and Jonathan S. as clerk. The motion passed 6-0.

7. News/Announcements/Correspondence

Mitch C. said that at the next meeting, there will be three small applications and a continuance of the Farrell application (which may not be ready in time).

The meeting adjourned at 8:00 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary