

Town of Hinesburg
Development Review Board Meeting Minutes
November 15, 2022
Approved December 6, 2022

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

Members Absent: Jonathan Slason.

DRB Staff: Mitch Cypes (Development Review Coordinator).

Applicants (all in person):

- **Paul Stanilonis/Stanilonis Family Trust:** Paul Stanilonis (Applicant), Scott Baker (on behalf of Applicant).
- **TART, LLC/Tony & Ruchel St. Hilaire:** Tony St. Hilaire (Applicant)
- **Hinesburg Center 2:** Brett Grabowski (Developer for Applicant), Mike Buscher (Landscape Architect for the Applicant), Roger Dickinson (Engineer/Surveyor for Applicant).

Public Present (in person): Andy Burt, Dan Jacobs, Drew Lepple.

Public Present (via Zoom): Carl Bohlen (Chair of the Affordable Housing Committee), Kyle Bostwick, Elizabeth Doran, Barbara Forauer, Steve Gladstone, Patrick Hertz, Kate Kelly, Merrily Lovell, Kyle Medash (Regional State Floodplain Manager), Andrea Morgante.

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

1. Agenda Changes:

Mitch C. recommended having decision deliberations ahead of the Hinesburg Center 2 application. He also provided news and announcements at this time.

2. News/Announcements/Correspondence

Mitch C. noted that at the next meeting there will be a conditional use expansion of a non-conforming structure and potentially a floodplain application, in addition to whatever else is continued from tonight's meeting.

3. Review minutes of the November 1, 2022 meeting:

John L. **made a motion, and Ted B. seconded, to approve the November 1, 2022 minutes as amended. The motion passed 5-0 (Mike W. absent for vote).**

The minutes were amended as follows:

- Note when applicants attend in person or via Zoom.

4. Paul Stanilonis/Stanilonis Family Trust – 14-20-06.100 – Subdivision Sketch Plan for a 2-lot subdivision to create a new 3-acre buildable lot from a 164-acre property located on the west side of Pond Road, north of Pine Shore Drive, in the Rural Residential 1 zoning district.

Scott Baker spoke on behalf of the Applicant. He noted that this is a resubmission of a 2006 sketch plan for a 3-acre lot along Pond Road on an existing clearing for one single-family residence. He said that they

are proposing to subdivide that 3-acre lot. He noted a bank of steep slopes behind the lot that act as a barrier between the proposed lot area and a large block of forest. He noted that they will work out the exact shape and configuration of the driveway when they go through final plat approval, but that in general the access will easily conform to setback requirements.

Scott Baker noted a handful of minor staff comments, which he reviewed. The first was to clarify whether access exists or if a Town permit is required, and he noted that he is not aware of an existing permit. He said that if there is not currently a permit, they will obtain one. He said that in terms of discharge and erosion control, they plan to work with staff to comply with Town regulations. He acknowledged the steepness of some of the slopes and implications for erosion, and added that they will consult with one of their stormwater engineers if needed. He said that in terms of a boundary survey, it is their intent to complete one for the proposed lot to ensure that it meets minimum lot size requirements. He requested a waiver of the requirement to survey the entire 164-acre property and only focus on the section in question. Finally, he said that as part of their state wastewater and water permitting process, they will produce a design with a building envelope that avoids the steepest slopes and will make that available to this body.

Dick J. asked if they plan to pinpoint the northernmost lot line in their surveying, acknowledging that they do not want to survey the entire property. Mr. Baker replied that yes, they will conduct a closed boundary survey around that proposed lot 2. He said that their entire northern line is around 2,000 feet long, so they would request not having to survey it in its entirety. Ted B. said that he does not think surveying the entire northern boundary line is necessary.

Dick J. asked whether emergency response crews would need to go around to the back side of the house or could approach it from the front. Mr. Baker said that they will likely extend the length of the driveway to traverse some of the slopes and may end up having access to the building from the driveway on the northern side of the building. He said that if the concept is approved, they will work to further refine the design and configuration to comply with regulations.

Dennis P. opened the discussion to the Public. No comments were received.

Dennis P. made a motion, seconded by Ted B., to close the public hearing and direct staff to draft a decision of approval. The motion passed 5-0 (Mike W. absent for vote).

5. TART, LLC/Tony & Ruchel St. Hilaire – 14-20-11.200 – Sketch plan review for a proposed 7-lot subdivision on a 48.47-acre property located adjacent to 83 Whitetail Ridge, in the Rural Residential 1 zoning district.

Tony St. Hilaire said that he is submitting this application in anticipation of potential changes to the Rural Residential 1 zoning district regulations that could impact density and ability to subdivide in that area. He noted that the subdivision would be on the back side of the steep slopes on his property and would be on areas of that land that are the most suitable for developable lots. He said that they are not interested in pursuing a Planned Unit Development (PUD). He said that he is here to explore how to get the most value out of his land prior to potentially more restrictive regulations. He acknowledged that some may have concerns about the deer yard area on this proposed subdivision, but noted that their property has not been reviewed as a deer yard since 1969. He said that they would be able to run power up to the proposed location. He acknowledged that there may be concerns about septic, but said that technological advances have allowed for more flexibility in the location of septic systems.

Tony S. provided Staff with an article about deer yards and the recorded deeded easement that he has on the Parkinson property. He does not believe that his property has a deer yard based on the type of trees located on his property.

DRB members did not have questions at this time, but said that they would like to conduct a site visit. They planned a site visit for December 3, 2022 at 9:00 AM.

Dennis P. opened the discussion to the Public.

Barbara Forauer expressed concern about access to water on that property, saying that water issues are going to start becoming bigger and bigger in future.

Dennis P. made a motion, seconded by John L., to continue the hearing to December 6, 2022. The motion passed 6-0.

6. Decision Deliberation

- **Rem & Meredith Keilman – Sketch Plan Review – 12-01-70.100** – For a two-lot subdivision to create a 1.3-acre lot from an 86.1-acre property located at 166 Fox Meadows in the Agricultural Zoning District. *Public hearing closed on October 4, 2022.*

Ted B. made a motion, seconded by Dennis P., to approve the decision as written. The motion passed 6-0 (Mike W. abstained, but Jonathan S. voted aye in writing).

- 7. Hinesburg Center 2 – Final Plat Review – 08-01-06.320** – For a mixed-use development on a 46.2-acre property located to the west of Kinney Drug and south of Patrick Brook and north of the Creekside development in the Village and Agricultural zoning districts. *Continued from DRB Meeting on October 4, 2022.*

John L. recused himself from this hearing and participated as a member of the public.

Kyle Medash, a Regional State Floodplain Manager with the State of Vermont, spoke about the State's analysis of the additional modeling details provided by the Applicant on October 4 and November 1. He said that the additional hydraulic information is showing a 0.22' (or 2.5-3-inch) rise in base flood water surface elevation. He said that the Base Flood Elevation (BFE) did not consider the construction of Hinesburg Center 1 (HC1) as well as concerns voiced from residents in the area about different flooding patterns than what the current maps show, the State is strongly recommending that the development adhere to the No Adverse Impact (NAI) level of no more than a 0.1' rise. Mitch C. noted that the concerns of the residents regarding flooding and potential flooding on lots #30 and #55 were different from the discharge in Patrick Brook. Mitch C. asked if the HC1 development was considered, wouldn't that raise the BFE and make what the Applicant has submitted more conservative.

Brett Grabowski said that the 0.1' recommendation is the minimum measurable amount on a FEMA map and does not have anything to do with the negative impact to Patrick Brook. He said that the studies that they (the Applicant) has conducted demonstrate that there is no negative impact except at one specific cross section, in the amount of 2.5 inches. He said that the impacts being shown for Phase 2

meet the requirements, as did the impacts for Phase 1. He said that they are well within the Town's conditional use requirements in the zoning regulations.

Ted B. asked if the State permit is tied to the 0.1' recommendation. Kyle Medash replied that 0.1' is the No Adverse Impact (NAI) standard, and that the State would hold the developer to that standard. Mitch C. said that the Applicant's River Engineer noted at a previous meeting that there would be a decrease in levels prior to movement of water through the culvert and then an increase afterwards and an evening out. Kyle Medash said that the culvert is not what is causing the rise, but the development footprint itself. Brett Grabowski said that they have demonstrated that there is no adverse impact upstream or downstream of the project.

Dennis P. opened the floodplain discussion to the Public.

Andrea Morgante said that it is important for the DRB and Town to consider the long-term impacts and implications of climate change. She said that they should take the information outlined by Kyle very seriously and that they should not be developing in a floodplain. She also said that this area is prime beaver habitat, and that beavers play a large role in an ecosystem's flood resiliency.

The DRB discussed inclusionary zoning requirements. Brett Grabowski noted staff concerns that the affordable units would be concentrated in three apartment buildings rather than spread throughout the development (which isn't integrated) and that the bedroom mix of the affordable units is not in the same ratio as the bedroom mix of the market units (there are no three-bedroom affordable units). He said that he believes that the development is not out of compliance with the regulations. He said that there is no definition of "integrated" within the regulations. He said that there is a mix of unit types in several different areas of the project.

Ted B. asked where the 9 affordable units would be. Brett Grabowski replied that they are proposing to have those 9 units in three of the apartment buildings, but that they are open to other configurations in HC1 or Building C. Mike Buscher added more detail on rationale for choosing the proposed locations. He said that there are 5 two-story townhouses and 1 flat townhouse. He said that they are larger than most of the market rental units. He said that the 3 units proposed for Building C are a mix of a studio, one-bedroom, and two-bedroom configurations. He said that this integrates the units throughout the neighborhood. Dick J. disagreed, saying that six of the units are in one building and three of them are in another building. Mike Buscher replied that they are nicer units, but they are happy to contemplate other location proposals. Dick J. asked about the six- and nine-plex units and whether any of those could be designated as affordable. Brett Grabowski replied that those are intended to be for-sale units. He said that the cost of constructing one of those 2-bedroom units would be around \$300,000, and that the combined costs of a mortgage, interest, taxes, and association dues would total to a \$3,200 per month payment. He said that the Town caps rent of affordable 2-bedroom units at \$1,900 per month (per federal standards). He said that the gap for a 3-bedroom unit would be even wider. He noted that there is around \$1 million worth of infrastructure that is being built through this project that does not directly benefit the project, which in turn increases the cost of constructing housing.

Dennis P. opened the affordable housing discussion to the Public.

Carl Bohlen, Chair of the Affordable Housing Committee, noted that the committee urged Mr. Grabowski to put as many of the affordable units as possible into Hinesburg Center 2 and to have them be a mix of rental and for-sale units.

Barbara Forauer asked a clarifying question around the affordable units.

The DRB discussed outstanding parking issues. Brett Grabowski noted staff's request for further detail and clarification around how shared parking between the apartment building lot #52 and the commercial lots #50 and #51 would be demonstrated (ex: deed easements), as well as a recommendation that the parking lot on lot #52 allow parking for the light industrial building on lot #54. Brett Grabowski noted that they can prepare legal documents and record in the land records the parking arrangements for shared parking, as well as parking availability for the commercial buildings.

The DRB discussed landscaping and the landscaping budget. Staff comments were noted pertaining to increasing the budget for landscaping around lot #70. Mike Buscher said that there is substantial investment occurring at lot #70 and that the intent is to keep the lot relatively open. Dennis P. also noted staff comments around increasing the budget for lot #53 from \$2,000 to \$6,000. Mike Buscher said that there is already planting being proposed in the stream corridor in that area. He said that they are also doing fairly elaborate landscaping on lot #52. DRB members agreed that landscaping at lot #70 is sufficient and that the current budget for lot #53 is sufficient.

The DRB discussed utilities. Roger Dickinson pointed out where the gas and power lines will be located on the plans.

The DRB discussed impacts on Hinesburg schools of this additional development in the community. Mitch C. noted that the impact was estimated to be an increase of 9 school-aged children, but will come to the next meeting with more information.

The DRB discussed legal documents (easements, HOA, etc). Brett Grabowski said that they will have legal documentation prepared.

Dennis P. opened the remaining discussion to the Public.

Kyle Bostwick asked about what the plans are for on-street parking. Mike Buscher pointed out the dedicated parking in HC2.

Dan Jacobs, president of the Creekside Association, noted that he submitted comments to be addressed by the developer. The Applicant agreed that Road 'A' will be used in the construction and not Farmall Drive. Mike B. discussed how parking between Creekside and HC2 will be shared. Mike B. stated that since Creekside does not have dedicated parking that will not infringe on the roadway, more Creekside residents will probably park in HC2 than HC2 residents will park in Creekside.

Dennis P. made a motion, seconded by Branden M., to continue the hearing to December 6, 2022. The motion passed 5-0 (John L. recused himself).

The meeting adjourned at 10:09 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary