

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**December 20, 2022**  
*Approved January 3, 2023*

**Members Present:** Ted Bloomhardt, Jeff Daugherty (alternate), Dick Jordan (via Zoom), John Lyman, Branden Martin (via Zoom), Dennis Place, Jonathan Slason (via Zoom), Mike Webb (via Zoom).

**Members Absent:** None.

**DRB Staff:** Mitch Cypes (Development Review Coordinator).

**Applicants (all in person):**

- **Allen & Andrea Lavalette:** Allen Lavalette, Andrea Lavalette, Dakota Lavalette, (Applicants), Roger Dickinson (Engineer for Applicant).
- **Hinesburg Center 2:** Brett Grabowski (Developer for Applicant), Mike Buscher (Landscape Architect for the Applicant), Roger Dickinson (Engineer/Surveyor for Applicant), Daniel Heil (Engineer for Applicant).

**Public Present (in person):** Kyle Bostwick, Joyce Boyer, Ryan Boyer, Bob Hyams, Bob Linck, Peter Modley, Phyllis Modely.

**Public Present (via Zoom):** Carl Bohlen, Griffin Brady, Nasha Duarte, Kristin Dykstra, Barbara Forauer, Kate Kelly, Klyza Linck, Merrily Lovell, Andrea Morgante, Michael Patterson, Tobi Schulman, Andrea, Tony.

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

**1. Agenda Changes** - None

**2. Review minutes of the December 6, 2022 meeting**

John L. made a motion, and Ted B. seconded, to approve the December 6, 2022 minutes as drafted. The motion passed 5-0 (Mike W., Branden M. absent for vote).

**3. Allen & Andrea Lavalette – 06-01-44.000:** Conditional use review for a Home Occupation commercial cordwood operation, on a 10.1-acre property located at 126 Beaver Pond Road in the Rural Residential 2 zoning district.

Roger Dickinson said this is for a conditional use permit for a commercial wood-processing operation that would process log loads of firewood, which would be delivered to the site and then processed using machinery that the Applicant owns. He said that they would process 100 cords of firewood on an annual basis, which would take place during the winter months, for delivery to customers in the spring. He noted that they would use the southeastern portion of their property to conduct this activity, since it is relatively flat and has been used for firewood processing in the past. He also noted that the property has a small amount of frontage on Texas Hill Road, but that it primarily fronts onto Beaver Pond Road. He said that the operation will likely employ just one person, with occasional help from the family. Andrea Lavalette said that in terms of hours of operation, she is proposing 9AM to 5PM, and that processing

would occur over a two-to-three week period over the winter, and delivery would occur in the summer and fall.

Dick J. asked what kind of trucks would be delivering logs to the Applicant's home.

She confirmed that she would be meeting the weight limits on the roads.

Jonathan S. asked how the occupation would impact the road in terms of traffic, whether the Applicant has been in communication with the other owners of the road, and whether there is adequate turning radius going in and out of the site for the trucks. He also asked what the Applicant will do with the wood chip waste generated by the occupation. Allen Lavalette said that they have gotten trucks into the occupation before and that they unfortunately do not have good communication with all of the neighbors. He said that they maintain from their driveway out and would take on any necessary upkeep that results from the truck traffic. He said that he is planning to take the wood chip waste to the McNeil Plant in Burlington, and that he estimates that they will generate around four one-ton loads.

Jonathan S. said that no excessive noise should be registered by other property-owners in the vicinity, and that they have received complaints from neighbors when the site's previous home occupation wood processing company was active. Allen Lavalette said that they use a processor that runs on hydraulics, which is generally pretty quiet. He also noted that they would be processing the logs close to the ground, so they will not make as much noise when they are dropped.

Mitch C. noted that a property in the Rural Residential 2 zoning district cannot have more than one principle use, so they can only obtain approval as a conditional use home occupation. In response to concerns regarding the regulations, he explained that the same criteria would be used for review whether this was a home occupation or not.

Ted B. noted that the home occupation regulations require that the occupation not cause a disturbance to other surrounding properties. He noted that some of the comments submitted regarding this application note that this type of activity causes a disturbance. He asked if the Applicant will be conducting activities differently so that they don't cause a disturbance. Dennis P. asked if they could conduct a site visit to listen to the machinery.

John L. asked about the road maintenance agreement and how that is being worked out. Roger Dickinson replied that the deed for the property states that the Lavalettes are responsible for their proportion of the road. He said that they have historically maintained the road, including bringing in gravel. He said that if this were to be approved, their responsibility would need to extend to the site of the wood processor. He said that the Lavalettes are already bearing a disproportionate share of the road's maintenance responsibilities, though there is no formal arrangement.

Mitch C. asked about the trucks delivering lumber to the site and how they are able to access it. Roger Dickinson replied that the vehicles are able to access the site and that there is plenty of space to turn. He said he estimates the road to be between 18 and 20 feet in width.

Mike W. asked if there has been damage to the road caused by these larger trucks in the past. Allen Lavalette replied that not to his knowledge, no. Dick J. said that comments submitted from others note that there has been road damage in the past and that the road has occasionally been blocked while a wood delivery is taking place. He also asked why the home occupation is sited where they are proposing

to site it. Andrea Lavalette replied that the other flat area on the property has a stream, which has a buffer. She also said that the proposed site is surrounded by more trees, which acts as a noise buffer.

Jonathan S. asked about the distance between the home occupation site and the nearest abutter. Andrea Lavalette replied that it is around 300 feet.

Mitch C. noted that 7 letters of concern were submitted regarding this application.

Dennis P. said that they will conduct a site visit to listen to the machinery. He opened the hearing to the Public.

Bob Linck, a resident on the other side of Texas Hill Road, said that this home occupation would affect the entire neighborhood, not just the adjacent neighbors on Beaver Pond Road. He said that both Texas Hill Road and Beaver Pond Road both contribute to runoff on streams that affect the wetland it feeds. He said that the conditions of the wetland will deteriorate if there is additional runoff and material.

Kristin Dykstra said that the Lavalettes have refused to contribute to costs for the maintenance of the road and that neighbors have been seriously affected by the noise. She said that the Applicants have acted unilaterally in saying they will do road maintenance without the consent of their neighbors. She said that this will only be exacerbated by more vehicle traffic. She noted that there is noise not only from the wood processing equipment but also the trucks themselves.

Peter Modley said that the steep portion of Beaver Pond Road runs over a number of springs and that they have had to replace culverts. He said that the road was built to serve residential housing, not this more commercial activity.

Michael Patterson, an abutting property-owner, said that the operation is not 300 feet from his property, as the Applicant states. He said that he has estimated it at around 220 feet, and that it is visible and audible from their front deck/lawn.

Barbara F. expressed concern that large logging trucks would be using Texas Hill Road, which is a Town road, and which taxpayers will pay for if there needs to be maintenance.

Mitch C. suggested continuing this hearing to January 17<sup>th</sup> and holding a site visit on January 14<sup>th</sup>.

Dennis P. **made a motion, and Dick J. seconded, to continue the hearing to January 17<sup>th</sup> with a site visit on January 14<sup>th</sup> at 9:00 A.M. The motion passed 7-0 (Branden M. absent for vote).**

**4. 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 December 6, 2022.*

John L. and Jonathan S. recused themselves.

Daniel Heil began by discussing the drainage areas for the stormwater component of the application. He noted that drainage area 1 is being treated by disconnection during a storm event. He said that the bulk

of the development's stormwater is going to the gravel wetland on the western portion of the site. He noted drainage area 3 is being collected by two Filterra units and will discharge into an existing stormwater system. He said that drainage area 4 is being collected into a retention basin near Lot 30, in the right-of-way. He said that drainage area 5 is a proposed sidewalk along Route 116 that is being treated by a disconnect and reforestation.

Mr. Heil then reviewed the items that were recently submitted. One question was how erosion will be controlled and how the stormwater would reach the LaPlatte River. Roger Dickinson said that the plans show a 9-inch-high level spreader at the outfall, which would discharge into the meadow and make its way to the river. He said that the level spreader would be a U-shaped rock apron and would help dissipate the energy from the flow as it is discharged (to decrease erosion). He said that they could provide further detail on how the flow would be spread. The DRB determined that this detail is necessary. Another question was how the Filterra bioretention system is being maintained and how often. Mr. Heil said that the project is subject to a State stormwater permit, which requires annual inspections. He said that Filterra will maintain the units for the first year and that the HOA will be responsible for maintenance after that. He described how the unit is maintained and replaced. He noted another request from staff about modeling to demonstrate that the underground storage tank would reduce the discharge to Creekside. He said that this modeling was sent to the Town today and was also included as part of the State stormwater application. He said that the modeling shows 0.05 CFS being discharged to Creekside during a 10-year storm event, which would also be delayed. He also noted that they revised plans showing swales between units 58 and 61.

Brett Grabowski noted that they have submitted draft legal documents, including draft homeowners association documents. He noted that they will reference the trails on the plan and irrevocable offers of dedication for certain components. He said that in terms of parking, there are no shared agreements between the buildings and the lots will be owned by Hinesburg Center Investments. He explained the thinking behind not assigning parking.

Mr. Dickinson spoke about the updated traffic study, which includes the additional commercial space, adds in Haystack Crossing traffic and Patrick Brook crossing, which creates a new traffic pattern up to Shelburne Falls Road. He said that it also analyzes Farmall Drive and Route 116.

Mr. Grabowski spoke about discussions they had with the Affordable Housing Committee. He said that they agreed to a proposal where they would place one affordable unit in each building in HC1, they will convert one of the units in the multi-family building into a 3-bedroom unit and give it direct outside access, and they will place 6 affordable units in the 34-unit building. Mike B. mentioned the need for a waiver of the minimum square footage for an affordable housing unit. The Board stated they could provide such a waiver.

Mr. Grabowski then spoke about the western portion of the property, as there was an outstanding staff question about its planned use and whether the Applicant has discussed placement of the solar array with the State or solar companies. He said that they have not looked into the logistics of getting the solar array permitted yet.

Mr. Grabowski said that in terms of trails, they will submit an irrevocable offer and they don't anticipate making improvements or maintaining them, other than mowing them.

Mitch C. said that they will conduct the site plan reviews at the DRB's following meeting.

Dennis P. opened the discussion up to the Public.

Carl Bohlen spoke on behalf of the Affordable Housing Committee. He noted that they met with Mr. Grabowski at their November meeting, at which they developed and agreed to the proposal that Mr. Grabowski outlined earlier. He said that they feel that it is a good compromise.

Kate Kelly spoke on behalf of the Conservation Commission. She noted concerns from the State regarding the no adverse impact statement, since the Applicant has not shown that there will be no adverse impact. She requested that the Applicant submit a hydraulic model that shows full buildout including all infrastructure, abutments, stormwater treatment, and fill to show that new and existing development won't be adversely impacted by base flows. She said that the western portion of the property is an important undeveloped flood buffer, since it absorbs impacts from flooding. She said the Conservation Commission recommends that that portion of the property be included in some sort of conservation designation and remain undeveloped.

Bob Hyams, a member of the Conservation Commission, asked if the bridge across Patrick Brook is part of the application. Mitch C. replied that it is, and Mr. Grabowski added that they have received a design-specific permit from the State. Mr. Hyams asked if there are performance measures around the stormwater systems. Mr. Heil said that there are inspections to ensure that the systems are maintained. Ted B. noted that there will be conditions of approval that require the Applicant to develop remedies, should the systems not work as intended. Mr. Hyams strongly recommended conserving the western portion of the property.

Andrea Morgante of the Lewis Creek Association said that the uses of the western portion of the property should be more seriously considered and discussed, since this parcel plays an important role in protecting the environment and water quality, as well as reduces phosphorus runoff to Lake Champlain. She noted that the parcel also serves as a buffer to protect the Town's water treatment plant across the river. She also advocated for restoration opportunities to make that parcel a wooded floodplain.

Jonathan Slason requested a visual on assumptions for how the Haystack Crossing traffic flows through this development. He asked about who owns and maintains Lot 30. Mr. Grabowski said that his company still owns Lot 30 but that it is maintained by the Creekside homeowners association.

Barbara Forauer spoke about parking in HC1, noting that it is often crowded and difficult to get into and out of spaces. She asked whether parking spaces could be enlarged. Mr. Grabowski replied that they build the parking lots according to Town and other standards. Ms. Forauer expressed concern about the traffic study, and Mr. Dickinson offered to meet with her and review the traffic study further. Ms. Forauer finally said that she urged the DRB to review the proposed stormwater systems carefully. Mitch

C. noted that the project is large enough that the stormwater components warrant review by both the Town and State (as well as requiring a state stormwater permit).

Kyle Bostwick, an adjacent property owner, asked for clarification about how water flows and is dealt with on Road A, and Mr. Dickinson provided clarification. Mr. Bostwick asked for an update on Lot 55, and Mr. Grabowski said that it will remain undeveloped. Mitch C. said that the Applicant will need to return to the DRB to amend a final plat approval to develop lot 55.

Dennis P. **made a motion, and Ted B. seconded, to continue the hearing to January 3, 2023. The motion passed 5-0** (John L. and Jonathan S. **recused themselves**).

## **5. Extension Requests**

- **PR&R Development LLC (Ryan & Renee Mobbs) – 09-01-69.100:** Sketch plan application for an 8-lot subdivision approved on 8/2/22 and will expire on 1/29/23.

Dennis P. **made a motion, and John L. seconded, to grant a six-month extension for PR&R Development LLC. The motion passed 7-0.**

## **6. Decision Deliberation – to be conducted in closed session**

Dennis P. **made a motion, and Dick J. seconded, to close the public hearing and go into deliberative session to discuss Linda & Donald Kirkpatrick and TART, LLC. The motion passed 7-0.**

**7. News/Announcements/Correspondence** – In addition to the continuance of HC2, there is the Babbott/Chatoff sketch plan continuance and a preliminary plat application for Ross & Cornish.

**The meeting adjourned at 9:39 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary