

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**April 19, 2022**  
**Approved May 3, 2022**

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

**Members Absent:** Jonathan Slason.

**DRB Staff:** Mitch Cypes (Development Review Coordinator); Amy Coonradt (Recording Secretary).

**Applicants:**

- **Rocky Martin & Cheryl Eichen:** Rocky Martin (Applicant, in person)
- **Robert Farrell:** Zoe Livingston (Applicant, in person), Robert Farrell (Applicant, via Zoom)

**Public Present (via Zoom):** None.

Dennis P. **called the meeting to order at approximately 7:03 PM.**

**1. Agenda Changes:** - None.

**2. April 5, 2022 Meeting Minutes:**

Greg W. **made a motion, and John L. seconded, to approve the April 5, 2022 minutes as presented. The motion passed 5-0 (Dick J. and Branden M. absent for vote).**

**3. Rocky Martin & Cheryl Eichen – 17-22-36.200 –** Final plat review for a 2-lot subdivision of a 43.82-acre property located at 526 Fern Road in the Rural Residential 1 (RR1) Zoning District.

Rocky M. said that there are two existing houses on this lot, and it will be subdivided into two separate lots. Dennis P. asked the Board had any questions. Hearing none, Dennis P. asked the Board if they reviewed the draft approval.

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

Dennis P. **made a motion, and Greg W. seconded, to close the public hearing and approve the draft decision as written. The motion passed 5-0 (Dick J. and Branden M. absent for vote).**

**4. Robert Farrell – 06-01-41.110 –** Subdivision Revision to move the building envelope on a 38.7-acre property located at 1773 Texas Hill Road in the RR2 Zoning District. Continued from 3/15/22.

Mitch C. said that between the last hearing and this hearing, there has been a better understanding of what is being proposed as well as some additional questions based on the information that has come in.

Zoe L. said that they addressed the building envelope and have not had a lot of communication with the Development Review Coordinator between the last hearing and this one. Mitch C. told the Board that he provided eight separate reviews for the Applicants since their last meeting four week ago.

Dick J. joined the meeting at this time on Zoom. He was delayed due to a power outage.

They discussed a conversation with the fire chief. Zoe L. said that they reached out to him and asked about the turnaround for emergency vehicles. Robert F. noted that the Board had expressed concern about the turnaround dimensions in their application and that they suggested that the Applicants reach out to the fire chief. He noted that the chief recommended a 30 foot by 12 foot backing area, which is reflected in the current plan. He said that if the fire chief now wants a different dimension, they would like to work with him about this, but do not believe it should hold up the application.

Ted B. asked about the grades for the parking lot area. Robert F. replied that the average grade is 18% and that they intend to make the parking lots flat. He said that the grading would likely be a 2.5-3-foot cut, but acknowledged that he did not show this on any of his plans.

Branden M. joined the meeting at this time on Zoom. He too was delayed due to a power outage.

Zoe L. also noted that when she last spoke to the Fire Chief (last Thursday) she asked if further information was required or if there were further issues, and the Fire Chief had replied that there were no further issues or questions. Greg W. noted that there has been no affirmation from the Fire Chief that the plans were satisfactory to the Fire Department. Robert F. noted that he had forwarded communication from the Fire Chief to Mitch C. and the DRB. Mitch C. said that the Planning and Zoning Department also spoke to the Fire Chief, and that was only part of the communication. Mitch C. stated that the Fire Chief also said that he would like to see a full set of plans in order to evaluate them, specifically on the grading of the driveway. Zoe L. expressed frustration that there are no guidelines for their requests and that they have reviewed applications with similar grades to theirs that were approved. She said that it is unclear what the requirements are. Greg W. said that he does not have an assessment from the Fire Chief saying that the plans sufficiently meet requirements. Robert F. said that he has discussed with the Fire Chief what requirements are needed and that he as an Applicant has met those requirements. He cited the Frost property subdivision that was just approved, noting that they have similar grades and a smaller turnaround area. Mitch C. clarified that the proposed grades on Boutin Road South for the Frost application was 12%, but that their driveway was 18 feet wide, rather than the 12 feet that is being proposed in this application. He also noted that the building envelope locations for the Frost application were on relatively flat areas and not in a core wildlife habitat. He also noted that the Frost application had professionally prepared plans that made what was proposed very clear.

Dennis P. suggested that the Applicant should hire a certified engineer to help them prepare their application. He added that the DRB has denied only two or three applications in the last several years, and that they strive to work with Applicants to reach an agreement for approval. He reiterated that the Applicant should hire a certified engineer to help them with their application. Robert F. acknowledged that this application has taken a long time, and also noted that the Town regulations do not seem to capture all that is truly required for an application. He said that his application has almost exactly what the Frost application has in terms of requirements for the Fire Chief. He said that the narrative in the staff notes does not accurately reflect what has been submitted. Dennis P. reiterated that members of the DRB are not professional engineers and neither is the Applicant, and that they all need to rely on their expertise in order to properly review applications. Mitch C. said that there have been issues with the Applicants' plans. Some examples include the survey had dimensions for the building envelope that did not match the scale on the plan, the bearings and distances describing the envelope did not close, the grading shown on the driveway plan did not match the cross section, and the driveways were shown differently on different plans.

Greg W. suggested developing an action plan with the Applicant that includes specific goals and requirements in order to move forward. Mitch C. recommended that the DRB deny the application and let the Applicants secure the expertise of an engineer at their own pace, since denying the application would not require the Applicant to come back at a specific date. Robert F. said that there is no specific requirement that applications be reviewed by a professional engineer.

Ted B. said that he does not believe this application needs to be denied and would be comfortable continuing it. Greg W. agreed. Dick J. said that it seems like there are some pieces that are missing and that an engineer would be able to help add those in and align the plans so that they are consistent with each other.

Mitch C. asked if the DRB is comfortable with the building envelopes as proposed. Ted B. said that he would be comfortable with them. Branden M. agreed as well, and advised the applicant that they may need to have their plans reengineered in order to receive approval from a professional engineer. Dick J. said that they should also receive approval from the Fire Chief prior to returning to the DRB.

**Ted B. made a motion, and Greg W. seconded, to continue the hearing to June 7, 2022. The motion passed 7-0.**

#### **5. Decision Deliberation:**

- **Hinesburg Center 2 – 08-01-06.320** – Sketch plan application with a request for a waiver for preliminary plat approval for the remaining 50 units of the overall 73-unit master plan for the subdivision.

Greg W. asked about phasing in for residential and commercial spaces, noting that the Applicant had said that they would prefer phasing the residential construction in first and then construct the commercial spaces. Dennis P. said that he thought the Applicant had already constructed several commercial spaces in the first phase of Hinesburg Center, and so had thought that they satisfied the commercial first requirement. Ted B. said he is comfortable letting the Applicant propose the phasing and timing of it during their final plat approval hearing.

Mitch C. added Conclusion #9 to the draft decision, which reads: “Commercial phasing was not discussed during this application and should be clarified at final plat.”

Mitch C. added Order #11 to the draft decision, which reads: “The Applicant shall provide a proposal for how and when the commercial units will be phased into the development.”

Dennis noted Statement of Fact #8 and said that he is concerned that the Patrick Brook crossing won't happen. Dick J. said that the State requirements seem too stringent. Ted B. noted that the developer had requested that the Town talk with the State about the requirements, since they may have more political clout with the State than developers would.

**Greg W. made a motion, and Ted B. seconded, to approve the decision as amended. The motion passed 7-0.**

#### **6. News/Announcements/Correspondence**

Mitch C. said that they have received a number of new applications. He said that on May 3, there will be a proposed 4-lot subdivision on a 140-acre property on Gilman Road that also includes land trust

restrictions and resource restrictions, a 2-lot subdivision off of Shelburne Falls Road, and maybe a development on a private right-of-way application for someone who owns two adjacent properties. He said that other unscheduled applications include Donovan O'Donnell's property on CVU Road that will be coming in for a preliminary plat for 2 units, Mobbs that will come back for a sketch plan application, and a preliminary plat application for the Laster property.

**The meeting adjourned at 8:25 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary