

Town of Hinesburg
Development Review Board Meeting Minutes
June 7, 2022
Approved June 21, 2022

Members Present: Ted Bloomhardt, Dick Jordan (via Zoom), John Lyman, Dennis Place, Jonathan Slason, Greg Waples, Mike Webb (via Zoom)

Members Absent: Branden Martin.

DRB Staff: Alex Weinhagen (Director of Planning & Zoning); Amy Coonradt (Recording Secretary – via Zoom)

Applicants:

- **PR&R Development LLC (Ryan & Renee Mobbs)** – Ryan Mobbs, Renee Mobbs, Pat Miner (Applicants), Jason Barnard (Engineer for Applicant)

Public Present (in person): Henry Benis, Pat Miner, Matt Montgomery (AOT), Rod Rivers, Jack St. Louis.

Public Present (via Zoom): Ray Bouchard, Susan Brean, Janet Francis, Terry Francis, Kate Kelly, Roger Kohn, Sally Mead, Robert Mello, Priscilla Reidinger, Chuck Reiss, James Robinson.

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

1. Agenda Changes:

Greg W. **made a motion, and Ted B. seconded, to continue the Farrell application to July 19, 2022. The motion passed 7-0.**

2. May 17, 2022 Meeting Minutes:

John L. **made a motion, and Greg W. seconded, to approve the May 17, 2022 minutes as amended. The motion passed 7-0.**

The minutes were amended as follows:

- Page 4, paragraph #4: Add a sentence prior to the last sentence of paragraph that reads “The Applicant said that Phase 1 will not preclude street lighting in the future.”

3. PR&R Development LLC (Ryan & Renee Mobbs) – 09-01-69.100 – Sketch plan application for a 8-lot subdivision of a 61-acre property located on Observatory Road and North Road in the Rural Residential 1 Zoning District.

Greg W. recused himself from the application.

Jason Barnard said that there was an amendment to the property last fall, and they have come back to seek a subdivision. He said that it is a 61-acre parcel with a total of 8 lots being created. He said that the lots range in size from 31.5 acres for existing Lot 1, 9.25 acres for Lot 2, and then six additional residential properties ranging from 2 acres to 2.66 acres. He said that each would have a single-family home and individual on-site wastewater systems and drilled wells. He said that the approximate locations of each the wastewater systems and wells are depicted, but are based on field observations (not topographically surveyed). He said that there is currently a single-family dwelling on Lot 1. He said that the well and wastewater systems for Lot 1 have been installed previously. He said that access would

be from Observatory Road and there would be three residential drives: an individual drive for Lot 8, a shared drive to serve 4 individual lots, and a second shared drive to serve Lots 2 and 3. He noted that Observatory Road is in the Town's right-of-way but is not a Town road. He said that the goal was to tuck development close to Observatory Road and North Road to keep impervious surfaces to a minimum and allow for flexibility of design. He noted that this is located in the RR1 zoning district and that they are requesting to subdivide at 2 acres (and RR1 has a 3-acre minimum). He noted that there are several vernal pools on the property, and that a wetland ecologist will speak further to that, since he conducted studies on the pools this spring. He said that there are some concerns with wildlife corridors and forest block habitat. He said that they discussed these concerns with the Hinesburg Conservation Commission last week. He said that in terms of stormwater, they have conducted rough calculation of the impervious surfaces, and because it is over an acre, it will trigger a Town permit, a state stormwater permit, and an erosion control permit. He said that the soils are well-draining. He said that a lot of the systems should be conventional systems. He said that there were concerns with the House 2 driveway from the staff report, but it is not as steep as it looks on the contours. He said that they are in the design phase, and this is the first step in that process.

Matt Montgomery, an environmental compliance officer for the State's Agency of Transportation (AOT), identified jurisdiction wetland areas for the site plan and identified amphibian species that are using these habitats for reproduction. He pointed out an area that is significant for amphibian reproduction. He said that there was one species (wood frogs) that he found at the site, and that they were abundant in the vernal pool that spans Lots 3 and 5. He said that the other vernal pool did not support amphibians. He said that the smaller wetland area closer to Observatory Road is not significant enough to be offered legal protection, but could confirm this with a site visit from the State wetland ecologist.

Jonathan S. expressed surprise at the intensity of use in the one wildlife corridor between the two ridges. He said that he is opposed to the sketch plan as is and needs to see it reimagined to allow that wildlife corridor to exist. He said that there is a lot of flexibility for rearranging development due to the size of the parcel, and said that an acre around each house would be adequate. Jason B. replied that they have looked at various ways to realign the lots and they have some alternative configurations to present. Jonathan S. said that this is the last opportunity in this forest block area to try and consolidate development.

Ted B. asked for the reasoning for the current configuration. Jason B. replied that they tried to stick with a two-acre lot size to get the infrastructure on each lot. He said that once they change to smaller lots, it gets tighter in terms of infrastructure placement. He acknowledged that the geometry of the lots will need to be reconfigured. Matt Montgomery said that he also has suggestions in terms of how the lots could avoid those primary resource areas. He suggested the creation of a 100-foot wide band of intact forestland around the northern border that would maintain east-west connectivity, while also shrinking the lot size and shifting the lots to the south. He also suggested isolating the significant wetland area into its own lot and creating a 100-foot buffer around that as well. Jonathan S. said that having evidence that the 100-foot buffer is adequate would help this application move along. He said that additional analysis from Mr. Montgomery would be good.

Dick J. said that when they looked at this property 7 or 8 years ago, they held the line that there needs to be a wildlife corridor along that northern border. He said that he understands the appeal of having larger lots with a little more space, but that perhaps several of the lots can be smaller as a compromise.

Ted B. asked how the applicant would protect the corridor. Jason Barnard replied that they could employ the use of open space agreements or covenants to protect the corridor. Alex W. added that because this is going to be done as a Planned Unit Development (PUD), a certain portion needs to be green space, and this would be a great way to satisfy that requirement.

Jonathan S. confirmed the sight distance coming out of Observatory Road, noting that the Road is a Town right-of-way. Jason B. replied that they have not focused much on sight distance yet. Alex W. noted that Observatory Road is a bit awkward, in that it is not an accepted Town highway, but it is maintained by the Town and is in the Town right-of-way. Alex W. said that the Town will need to figure out its relationship to Observatory Road during this process.

Rod Rivers spoke about the volume of wildlife going through that property, including deer and other animals.

Henry Benis read a statement from neighbors and abutters of the property, citing concerns regarding the subdivision and PUD. He said that their broadest concern is around water, specifically around periodic and storm runoff as well as potential contamination of water due to the property's location near the old Town dump, as well as the potential negative impact to the vernal pools and habitat corridors located on the site. He cited a handful of more specific concerns. In terms of suitability for development, they believe that the area currently experiences flooding and runoff from the property, and that development will make it worse. They also highlighted concerns in the areas of open space and recreation, compatibility and transportation, soil erosion and stormwater runoff, water supply, negative impacts to agriculture/forestry, the cost to the Town of additional housing on the road, and the lack of apparent provisions around energy conservation or "green" homes.

Jack St. Louis (president of Vermont Astronomical Society) said that as an adjacent landowner, he hopes that lighting will be downcast so as to minimize light pollution. He said that their biggest concern is the lighting. Dick J. asked if from a lighting standpoint, there was a noticeable effect when the Town Garage went in. Jack St. Louis said that they have not noticed much of an impact.

Kate Kelly (of the Conservation Commission) said that when the Commission met with the developer they expressed concern about the wildlife corridor and the vernal pools, and that they want to ensure that those areas are fully protected. She said that they may want to recommend that the Town invest in a consultant to look at those areas and confirm that the recommended wildlife corridor width is adequate. In terms of the wetland consultant's report, she noted that the analysis was conducted somewhat late in the season for pool-breeding amphibians, and recommended that one be conducted in late April. She said that they would like to see more clustering of houses and less infringing on resources of concern. Matt Montgomery noted that he conducted his analysis in the middle of amphibian breeding season.

Dennis P. made a motion, and Jonathan S. seconded, to continue the PR&R Development LLC sketch plan to July 19, 2022. The motion passed 6-0 (Greg W. abstained).

There will be a site visit for this application on July 19, 2022 at 6:00 PM. Building envelopes and driveway access will be staked out.

4. Decision Deliberation:

- **Roger & Miriam Kohn – 08-01-79-000** – Development on a private right-of-way. Hearing closed on May 17.

The DRB discussed blocking access to the original driveway and other ways to prevent people from accessing it, given safety concerns. They noted that the Applicant said he would block the driveway access with a sign, but could block it off with a log if people still try to use it and it becomes a problem. The DRB created Order #6, which states that based on Finding of Fact #2, the original driveway should be rendered unusable.

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

- **David Quaglietta – 11-01-06.100** – Conditional Use review for a motorcycle repair home occupation. Hearing closed on May 17.

Greg W. made a motion, and Jonathan S. seconded, to approve the decision as written. The motion passed 7-0.

- **Joseph Laster – 17-22-62.100** – Preliminary plat application for a 9-lot 8-unit subdivision. Hearing closed on May 17.

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

5. Zoning Revision Training – Village Design Standards, Contractor Yards, Vehicle Repair Services
 Alex W. said that he would like to spend time reviewing the Village Area Design Standards, since the Contractor Yards/Vehicle Repair Services have already been reviewed by the DRB. He noted that the Selectboard adopted the design standards on May 18 and that they will go into effect on June 8.

He noted that the Town has had design standards since the 1980s, which entail site level and building level design standards. He noted that Hinesburg does not have a historic district. He said that the Village Growth Area comprises 8 districts, from Ballards Corner in the north to Buck Hill Road in the south, the LaPlatte River in the west, and through the Russell property in the east. He said that the design standards only apply to the Village Growth Area (500 acres out of approximately 25,000 acres).

He said that the standards include both site level and building requirements. He said that the DRB would be more likely to review and weigh in on the site level standards than the building standards. He said that the building level standards are not likely to be reviewed for a subdivision regulation, though the DRB could review them for site plans except for those pertaining to single-family homes or duplexes. He noted that the Zoning Administrator is a key player in ensuring that these regulations are met. He noted that these changes only apply to applications moving forward.

He briefly outlined several of the more substantive changes, beginning with streets, roads and streetscapes. He noted that newly-constructed streets need to include sidewalks (or multi-use paths) street trees, and accommodations for safe bicycle travel. He said that the DRB needs to ensure that developers have thought about these items. He said that the Town has typically advocated for narrower roads to limit runoff, but that there are safety issues if bicycles and cars are trying to use the road together. He noted that the Planning Commission's intent for these changes was an increased focus on the streetscape, both functionally and aesthetically.

Jonathan S. asked when on-street parking is triggered. Alex W. replied that it is triggered by any three-unit (or more) buildings. Jonathan S. asked if there is a preference for dedicated bicycle lanes or shared use lanes. Alex W. said that the regulations allow for flexibility and are silent on what specific bicycle accommodations could be used.

Alex W. noted several changes to the site level review standards. These include a requirement around minimum frontage buildouts that requires lots to be configured such that the structures on them will occupy no less than 40% of the space. He said the intent of this is to accommodate the type of development that the growth area is intended to facilitate, as well as ensure that the Growth Area has vibrant streetscapes. Another change is around landscaping, noting that the new standards are looking for a variety of landscaping, though it is silent about specific types of landscaping (as long as they are not invasive species). Dick J. said that if frontage is being maximized, then the landscaping area would be minimized, and said that this seems conflicting. Alex W. displayed the design standard illustration that shows examples of 40% lot frontage and a variety of landscaping. He noted a further requirement that utility and mechanical equipment be minimized along the street frontage.

Alex W. then began outlining several changes to the building level standards, beginning with changes to the building footprint limit. He said that the entire Growth Area has a footprint limit of 15,000 square feet (sq ft) for retail and service establishments, 25,000 sq ft for grocery stores, and 40,000 for all other non-residential uses (with conditional use review). He noted that if the building is mixed-use, then the footprint limit applies to the entire building. He said that the intent is to limit the size of new non-residential buildings in the Village Growth Area so that they don't overwhelm the Village.

Alex W. then outlined the building façade requirements. He said that façades need to have articulation and architectural detail. He said that the intent was to avoid monotonous building construction. He said that the standards require a building with a frontage of wider than 30 feet to address these requirements every 30 feet. He said that there are also new requirements for windows—windows and doors must constitute no less than 15% of the building area that faces the street. He said that for retail uses and restaurants, windows need to provide the ability to see into the building. Dick J. expressed concern that this would limit stores' abilities to display their wares along the walls, since this would limit the area of the front of the building that can be used for that. He also said that there could potentially be issues around light pollution spilling from the windows.

Alex W. then outlined changes in building form and variability standards. He said that the intent of these was to ensure that there is variety in terms of development. He said that there are building orientation variability requirements and requirements that no more than two buildings of the equivalent form are constructed next to each other. Dick J. noted that the DRB does not usually weigh in on orientation of buildings. Alex W. agreed, saying that the onus for much of this will fall on the Zoning Administrator, but that these new building orientation requirements can affect lot shapes.

Alex W. then outlined a prohibition on corporate branding, building material requirements, and building height requirements. He noted that there was concern that the 1.5-story minimum requirement could be exclusionary or create accessibility issues, but the requirement does not prohibit single-level living but does say that some kind of second story or half story be constructed. He said that the majority of buildings in the Village are already multi-story, but this may impact non-residential buildings (which are more likely to be single-story). Dick J. said that this would prohibit a ranch-style home, which seems to conflict with the requirement for a variety of house designs in the Town. Alex W. replied that part of the

design standards tried to reflect and respect what is occurring in the Village today, such as houses with more than one story. He said that members of the Planning Commission surveyed the Village and its current aesthetic and found that most homes had at least 1.5 stories.

Alex W. then walked through changes in maximum yard frontage setbacks. He said that in Village and downtown areas there is a desire to have buildings interface with the street more effectively. He said that the regulations were changed to a minimum setback of 10 feet and a maximum setback of 40-60 feet, depending on the road. He said that this will impact building envelope creation.

He then spoke about the waiver option, which gives the DRB the ability to waive any specific design standard if there's a good reason, if they agree with the exception, and there is either suitable mitigation by some other design element, or the project addresses a specific goal outlined in the Town Plan that necessitates this waiver.

6. News/Announcements/Correspondence

None at this time.

The meeting adjourned at 9:22 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary