

**SUBDIVISION FINAL PLAT
& PLANNED UNIT DEVELOPMENT (PUD)**

Applicant: Black Rock Construction LLC c/o Ben Avery, 68 Randall Street, South Burlington, VT 05403	Owner: Haystack Crossing LLC c/o Joseph Bissonette 12721 VT Route 116, Hinesburg, VT 05461
Engineering / Survey: David Marshall P.E., Civil Engineering Associates LLC, 10 Mansfield View Lane, South Burlington, VT 05403	Stormwater Design: Andres Torizzo, Watershed Consulting Associates LLC, 208 Flynn Avenue, Suite 2-H, P.O. Box 4413, Burlington, VT 05406
Landscape Architect: Mike Buscher, T.J. Boyle Associates LLC., 301 College Street, Burlington Vermont 05401	Property Location, Tax Number, Area and Zoning District: West side of VT Route 116 opposite Riggs Road. 16-20-56.500 75.56-acres. Village Northwest and Agricultural Zoning Districts.

BACKGROUND - Black Rock Construction, hereafter referred to as the Applicant is requesting final plat approval for the first phase of a subdivision of a 75.56-acre undeveloped parcel located south of Shelburne Falls Road, west of Route 116, and north of Patrick Brook. This application would create 176 dwelling units (50 of which would be congregate, senior housing), and 12,860sf of commercial/light industrial space, 7,356sf of light industrial space, and 10,000sf of commercial space in the 50-unit senior housing building (including senior supportive services). The 126 non-congregate housing units would include 47 single family residences, 20 attached townhouse units, a ten-plex apartment building, and 49 units in mixed use buildings (buildings A, B, C & J).

The property is lot #4 from a 4-lot subdivision approval granted to Wayne and Barbara Bissonette on April 5, 2011. The survey for this subdivision is recorded on map slides 191A & 191B in the Hinesburg Town Records. This property was further subdivided on December 2, 2014 to create lot #5 for the Town’s Bissonette Recreation Area (survey recorded on map slide 208C). This subdivision was further revised on October 18, 2016 to remove a portion of lot 4, and eliminate an access strip that was to be a second road access from Shelburne Falls Road.

The original sketch plan application by the Applicant was denied on August 27, 2014 for a number of compliance and design issues. The Applicant submitted a new sketch plan application in October 2014. That sketch plan addressed many of the issues from the earlier review, but was ultimately denied on March 31, 2015 for two reasons. First, the full project build out required more wastewater treatment capacity than the Town had available. Second, the Board felt the plan was dominated by residential uses, and did not have the right mix of uses – particularly spaces available for light manufacturing and other non-residential uses that require space for loading areas, storage, mechanical equipment, trucks, etc. The Applicant appealed this denial to the VT Superior Court, Environmental Division, which ultimately overturned the DRB decision because the wastewater capacity issue was not raised by the DRB in its first denial, and therefore, couldn’t be the basis of the second denial. The Environmental Court approved the sketch plan on April 21, 2016. Subsequently, the DRB approved several sketch plan approval extensions as the Applicant collaborated with the Town to drill a well to address the Town’s municipal water supply issue.

The DRB approved the preliminary plat application on September 15, 2020. Extensions were approved by the DRB on September 7, 2021 and March 15, 2022.

During the sketch plan review the Applicant provided a master plan that is required per Section 4.5.5(3) of the Hinesburg Zoning Regulations (HZR), for the entire buildout of the development, which would include 269 residential units, of which 50 would be congregate housing, 23,680sf of designated commercial space, 10,600sf of potential commercial space, 10,000sf of senior support space and 17,756 light industrial/commercial space. The Applicant phased this development on what they could obtain in water and sewer allocations.

The Applicant received DRB approval for development in a stream buffer on September 15, 2020 for expansion of the Haystack Crossing roadway, a recreation path over Riggs Brook, a culvert extension in Riggs Brook, a portion of a Patrick Brook crossing for a road and recreation path, gravel wetland #3, and the discharge pipe and end section for the main gravel wetland. The Applicant will need to partner with the Hinesburg Center 2 project to the south on development in a floodplain for the Patrick Brook crossing that will connect these two projects. Permitting for this connection is being handled as part of the Hinesburg Center 2 project. For now, the Applicant will not build the portion of the proposed Patrick Road in the Patrick Brook floodplain. The Applicant does need to obtain subdivision revision approvals from the Town for realigning the boundary of the recreation field property and with KB Realty to align the proposed Shubael Street with Riggs Road.

Order #16 of the preliminary plat approval required that the Applicant collaborate with staff to evaluate the Patrick Brook riparian area, and address concerns about possible impacts and long-term management options. The Applicant is amenable to providing riparian conservation easements to allow the Town or another conservation group to help manage the area along Patrick Brook. The Applicant also allowed a riparian consultant (hired by the Town) to evaluate the Patrick Brook corridor. The assessment was done by Mike Kline of Fluvial Matters, and is dated November 23, 2020. This report is included with the public comments for the application. Near-term recommendations include removing berms where vegetation is minimal and creating floodplain benches in selected locations. These vegetated, inset features may be useful in further diffusing treated stormwater discharges and avoiding further gullying and erosion in the stream corridor, which the Conservation Commission has expressed concern about.

The subject parcel is currently undeveloped and in agricultural use, except for an access to the Town recreation field from Shelburne Falls Road, and a water and sewer line that runs north/south through the property. The parcel has two frontages along VT Route 116 of 781 feet and 458 feet. These are separated by a 6-acre parcel owned by KB Realty.

The property is in two zoning districts. The eastern 39± acres are in the Village Northwest Zoning District (VG-NW). The western 45± acres are in the Agricultural Zoning District (AG). With the exception of some stormwater infrastructure and an access to the Town's recreation fields, all the proposed development is in the VG-NW district.

For the overall project, the most significant natural features are the floodplain, fluvial erosion hazard area and stream setbacks along Patrick Brook and Riggs Brook, and Agricultural soils

throughout most of the property. The stream setbacks along Patrick Brook and Riggs Brook are 100-feet and 75-feet respectively. There is a wetland area near the confluence of Riggs Brook and Patrick Brook. Much of the western part of the property, which is not being developed is floodplain. There is a knoll along the northern property line near the western edge of the property that has some steep and moderate slopes. The overall development largely avoids the flood hazard and fluvial erosion areas, except for several stormwater outlet pipe discharges, the road that will connect to the Patrick Brook crossing, and stormwater treatment related to this small area. The floodplain and fluvial erosion area boundaries are near the 100-foot stream setback location for Patrick Brook.

The Applicant has provided a density narrative detailing the density calculation based on the residential base density (3 units/acre) in the VG-NW per Section 3.6.3 of the HZR. The area of the property in the VG-NW that is not in a stream setback area is 33.228 acres. The base density is 99.684 units. The Applicant proposes in phase 1 to provide 20% of the base density (20 dwelling units) as affordable housing for a 40% bonus per Section 5.21.5 of the HZR. This bonus would allow the Applicant to develop 139 residential units, which is greater than the proposed 126 non-congregant units. Congregant housing per Section 3.6.3, is not counted towards density limits. The Applicant proposes 50 congregant, independent-living, senior apartments in the first phase of development (building H). In their master plan, the Applicant is proposing to use smaller dwelling unit sizes, renewable energy and more affordable housing units for bonuses to obtain its full buildout density. The Applicant plans to implement some smaller dwelling unit sizes and renewable energy technology in the first phase, so as to be eligible for the density bonuses needed in future phases.

The Applicants have met with the Hinesburg Affordable Housing Committee. Per their July 11, 2022 memo, they support the Applicant's plan of having 10 affordable units in the congregate housing and the other 10 affordable units integrated throughout the project as rental and ownership units ranging from studio and one-bedroom units to two-bedroom units, three-bedroom units, and possibly even a four-bedroom unit. They recommend the bedroom mix be varied and able to meet different market needs. Section 5.21.4(2) of the HZR requires that the bedroom mix of affordable units be in the same ration as market rate units. They also recommend that at least five of the affordable units be ownership units rather than all 20 being rental. They note that 38% of the proposed units are home ownership, so it seems reasonable that at least 25% of the affordable units be home ownership units. Note – a perpetually affordable ownership unit was created and successfully sold in the last year in the Meadow Mist project, without any involvement or subsidies from Champlain Housing Trust. The Applicant should discuss this at the hearing.

The proposed development is located in the Town's water and wastewater service area. The Applicant has been working with the Town to bring online a new well. The Select Board has granted water and wastewater allocation based on the available water from both the existing and proposed wells. The proposed development matches this allocation. The development based on the allocation from the existing well is described as phase 1A and was approved by the Select Board on September 17, 2018. The development based on the allocation from the proposed well is described as phase 1B and was approved by the Select Board on September 6, 2019. Plan L-101 shows the limits of the two phases. The intent of providing the allocation for phase 1B was to allow the DRB to fully review the application. The new well received final State permits this

year. The Town is working with the Applicant, in the hopes of collaborating on installation of the necessary connection to the Town's water treatment facility – i.e., during site work for the Applicant's project.

Access into this development will be from an extension of the Haystack Crossing roadway from Shelburne Falls Road, and a right in and right-out intersection with VT Route 116, both of which will be part of phase 1A. A future access that crosses Patrick Brook would connect this neighborhood with the Hinesburg Center 2 (HC2) neighborhood. The Applicants are proposing to build the HC2 connection to the floodplain boundary and have provided an agreement with HC2 to build the connector, when development on both sides of Patrick Brook has occurred. V-Trans has provided a Letter of Intent dated March 19, 2020 to the Applicant for the right in and right-out intersection with VT Route 116.

The current access to the property is only from Shelburne Falls Road through a 50-foot-wide access strip, in conformance with Section 5.7.1 of the HZR, which was part of the 2011 DRB approval.

A traffic study by Resource Systems Group (RSG), dated August 20, 2018, and an addendum dated April 22, 2019 were initially submitted with the preliminary plat application. The trip generation in the 2018 study was for a smaller first phase than that which is being proposed. The 2019 addendum was submitted to match the criteria proposed first phase of this development. The traffic analysis would later be updated with three additional addendums dated April 17, 2020, May 18, 2020 and May 21, 2020.

The Applicant's traffic engineer stated that the proposed State upgrades to the Shelburne Falls Road/CVU Road/VT Route 116 intersection should fix the school day morning problem of buses backing up on Shelburne Falls Road. The RSG traffic studies find that the Shelburne Falls Road access (including the aforementioned State upgrades) and the proposed right-in and right-out to VT Route 116 opposite Riggs Road would be sufficient access for this development. The Applicant's traffic engineer stated that a separate left turn lane from Haystack Crossing on to Shelburne Falls Road is not warranted. The May 18, 2020 RSG addendum indicated that the proposed increase in traffic south of Riggs Road was smaller than the amount V-Trans requires for an analysis, and could be within the daily variation in traffic, and thus did not warrant further study of traffic impacts south of Riggs Road.

Per Section 7.2 of the Hinesburg Subdivision Regulations (HSR), the Board authorized the use of an independent consultant, Stantec, to review the traffic studies. Stantec questioned using traffic generation with the average queue instead of the 95th percentile, and not reviewing traffic impacts to intersections south of Riggs Road. The width of Haystack Crossing at the Shelburne Falls Road intersection is large enough for three lanes of traffic, which can include one lane into the development, one lane to make a right onto Shelburne Falls Road and one lane to make a left onto Shelburne Falls Road.

Order 19 of the preliminary plat approval required a 95th percentile evaluation. The Applicant has submitted an updated traffic study by Corey Mack of the Wall Consultant Group, dated February 7, 2022. This study provides the peak AM and PM 95th percentile queue lengths for the Shelburne

Falls Road/ CVU Road / VT Route 116 intersection. The 95th percentile queue lengths are substantially longer than the average queue lengths discussed in the RSG study. With that said, the Wall assessment indicates that the east-bound approach on Shelburne Falls Road is the only potentially problematic approach. The engineer notes that the 95th percentile queue is estimated to extend beyond the Haystack Road intersection. Although the assessment notes that these queues are not expected to significantly impact vehicle operations or safety, the engineer recommends that the queuing situation be evaluated after the project is built to consider if approach lane reconfiguration is warranted. This could be incorporated as a condition of any final approval.

Evaluating phase 1 as a whole, there is road interconnectivity. The internal roads have some loops for vehicles to turn around. If there is a delay between the building of phases 1A and 1B, the Applicant has proposed to connect Jenna Drive with the existing recreation field road.

The proposed phase 1 development will have 10-foot wide recreation paths in the following locations: along the east side of Haystack Crossing to the proposed central green, a direct path from Haystack Crossing to the recreation fields on the north side of the central green, on the south side of the access road between VT Route 116 and the recreation fields, on the west side of ‘Center Road’ to the floodplain, and along the west side of VT Route 116 from the VT Route 116 access south to the southern property line. Five-foot wide sidewalk access is provided along most of the other streets on the sides that are part of phase 1, and in the central green. Additional mowed grass recreation paths are proposed on the north side of Patrick Brook from VT Route 116 to the Town recreation fields, and on the south side of Riggs Brook from Haystack Crossing to the recreation fields. Locations of sidewalk and recreation paths are shown on drawing L-101. The Board discussed eliminating a sidewalk area on the north side of ‘Field Crest Lane’ between ‘Jenna Drive’ and the recreation fields.

The first phase of the proposed development will provide 173 on street parking spaces. In addition to this parking, the plans show off-street parking for most of the larger multifamily and for the non-residential uses. The largest buildings, ‘H’ and ‘J’ are proposed to have underground parking. Building ‘K’, which does not have onsite parking, and buildings ‘H’ and ‘J’ are adjacent to 59 parking spots on South End Circle and the 40 additional parking spots on Center Road and Harvest Lane. There are 19 proposed parking spaces located behind the proposed 10-plex. There are also on-street parking spaces in front of the proposed 10-plex. There are parking areas on the proposed lots for Buildings ‘A’, ‘B’ and ‘C’ and adjacent on-street parking. The single-family residences and the quadplexes appear to have at least two parking spaces per unit. With the exception of the single-family residences, the other development will require a site plan review where specific designs will be evaluated.

This application is a PUD per Section 4.5 of the HZR. Section 3.6 of the HZR requires that all residential development in the VG-NW be reviewed as a PUD. As a PUD per Section 4.5.6(4) of the HZR may request modification or waivers of sections of the HZR. In a PUD, the Applicant is required to provide a master plan per Section 4.5.5(3) of the HZR and conform to the greenspace standards per Section 4.5.7(2) of the HZR.

The Applicant has requested waivers per Section 4.5.6(4) of the HZR from road standards, which are no longer current. The Applicant’s Engineer has provided plans and profiles that show the

road alignments. He testified how these proposed roads have been professionally designed to function adequately and calm traffic. The waiver list describes how the proposed roads will be narrow, with tight horizontal and vertical curves to calm traffic. Road geometry and road profiles are shown on plans C6.0 through C6.10. Road sections are shown on plans C8.0 to C8.3. Road details are shown on plans C9.0, C9.0A and C9.1. Updates made to other plan sets have not yet been reflected in these road plans.

Dimensional waivers the Applicant will need per Section 4.5.6(4) of the HZR as described by the lot numbers provided in the survey are as follows:

- A waiver from the minimum lot size of 6,000sf per Section 2.4 of the HZR for lots 36, 37, 46, 53, 54, 56, 57, 58, 63, 64 and 65.
- A waiver from the minimum lot width of 60ft per Section 2.4 of the HZR for lots 32, 35, 43, 46, 56, 57, 63, 64 and 65.
- A waiver from the minimum lot frontage of 60ft per Section 2.4 of the HZR for lots 43, 47, 48, 56, 64 and 65. Note that there may be a text error on the frontage for lot 64; shown as 57.50' but likely should be 87.50'.
- A waiver from the minimum lot depth of 100ft per Section 2.4 of the HZR for lots 36, 37, 56, 57, 58 and 63.
- A waiver from the minimum distance between intersections of 200ft per Section 6.1.6 of the Hinesburg Subdivision Regulations (HSR) for the southwest access road.

The proposed lots will have building envelopes based on setbacks. No setback waivers have been requested.

The Applicant has provided landscaping plans and greenspace calculations to show conformance to Sections 4.3.8 and 4.5.7(2) of the HZR. However, landscaping plans have not been provided for individual lots that will go through site plan review at a later date. The Applicant will create landscaping plans for such lots as a part of future site plan reviews, when specific uses/tenants are known and site-specific plans are then possible. The Applicant has provided plans for a streetscape design with street trees in the entire neighborhood minus a couple of areas that will connect to phase two of this development. In these areas there are trees placed on the far side of a roadway or in the fields between the roadway and VT Route 116 that will provide screening. Shade trees are also proposed for the proposed walks along Patrick Brook and the central green area. The Applicant has calculated that approximately 26% of the total project area will be green space. In addition, the design provides for a view shed from the new development roads westerly to the Town recreation fields.

The Hinesburg Official Map, last updated in February 2020, shows a variety of future community facilities on the subject property (listed below). Since the preliminary plat application was deemed complete prior to adoption of the 2020 Official Map updates, the 2009 Official Map would normally be in force for review of the project. However, many of the 2020 Official Map revisions on this property were made to better align future community facilities with the development's master plan.

- A community park (#31 and #32) that closely aligns with the central green area, and the connection from the green to the existing Town recreation area, shown on the plans.

- A linear green/park (#30), with associated pedestrian infrastructure, along the Route 116 frontage.
- Vehicular and pedestrian connections between Shelburne Falls Road as an extension of Haystack Crossing, the Town recreation facilities, VT Route 116 opposite Riggs Road, and south to Hinesburg Center with a bridge over Patrick Brook. Facility numbers 10-14.
- A new VT Route 116 intersection opposite Riggs Road, which does not limit future improvements to this intersection.
- A proposed trail along Patrick Brook
- A proposed path along Riggs Brook

The proposed development will create more than 10-acres on new impervious surface, which will require a State stormwater permit and mitigation for a 100-year storm event. This project is required to meet the stormwater standards found in Section 6.6.2(1) of the HSR. The Applicant's stormwater designer has provided soil analysis showing a high-water table, which would be cause for a waiver of recharge requirements. The Applicant's stormwater designer proposed gravel wetlands that would provide water quality and channel protection treatment, and provide retention resulting an overall smaller discharge for the post-development 10-year and 100-year storm events than the pre-development condition. The proposed development will collect stormwater into catch basins connected to drainage pipes that will discharge into one of the several gravel wetlands.

The existing drainage condition of most of the property is a long and relatively flat meadow, which discharges stormwater to the south and west to Patrick Brook. There is also an area near 'Riggs Brook' which discharges there. The only impervious surface on the property is the access to the Town recreation fields.

The stormwater modeling provided by the Applicant's stormwater designer generally describes the proposed conditions and general conformance to the stormwater standards found in Section 6.6.2(1) of the HSR. However, several concerns were raised during preliminary plat review. The following have been addressed:

- Draining the low area at the southern portion of the parking area.
- Raising the ground around the inlet between lots 32 and 33 and providing minimum floor elevations for the lots in that area.
- Creating a lot north of Shubael Street and east of the recreation field parking area for stormwater ponding. This will allow the proposed HOA to maintain this area. The area would not be part of the Town recreational property.
- A modification of the grading, shown in the contours, of the building 'H' property to keep the peak discharge away from building 'H' and not to use building 'H' as a boundary for gravel wetland #2.
- The Applicant's Engineer has stated his belief that there would not be significant stormwater discharge bypassing CB#60 on Patrick Road. Such a bypass would double the drainage area discharging to gravel wetland #3.
- Corrected an overflow plan that show discharge traveling in a direction that did not match the subcatchment area plan.

The concern that remains is whether there will be structures or embankments that could be flooded and potentially damaged during a 100-year storm event. This is seen in modeling in peak elevations that are greater than the obvert of a pipe, which the pipes are the only storage shown. Rather than modify the modeling to show the catchbasins and surrounding areas as ponding areas to determine the peak elevation of stormwater discharge, the Applicant's Engineer is proposing to increase the elevation of the residences that may be affected and provide erosion control to the areas that may be flooded. The Applicant's Engineer, who is a licensed professional engineer is willing to certify the design. This should be codified in any final approval, with conditions requiring certification and as-built first floor elevations prior to certificates of occupancy being issued for each structure.

At preliminary plat the Applicant proposed to obtain a State stormwater permit prior to final plat. The Applicant received a letter from the former State Environmental Analyst, which is part of their submittal, stating "the stormwater practices have been designed in compliance with the required treatment standards and stormwater practice criteria." The letter acknowledges that "the peak elevation of the storm drain network exceeded in a number of locations during the Extreme Flood Event (Q100). An evaluation of the ponding area or a more specific analysis of the actual pipe network would help understand what potential impacts to structures there are." The reason the permit has not been issued, according to the letter is "given the wetlands and potential floodplains impacts we will wait for the applicant to initiate the review from those programs and the flooding analysis before we put this permit authorization out for public notice." A subsequent email from the current State Environmental Analyst, Terry Purcell, reiterated the need for an evaluation of the ponding during the 100-year storm event and the need for the Applicant to proceed with the review from the Rivers Program and Floodplain Program.

The Applicant's Engineer provided a summary and plans demonstrating the projects conformance to the low impact development (LID) requirement found in Section 6.6.2(5) of the HSR by clustering development, open space preservation, site fingerprinting, preserving a vegetated buffer, impervious area disconnection, proposed reforestation, soil conservation, and encouragement of use of rain barrels and cisterns where gutters are used on the project.

The widening of the existing road over Riggs Brook will require a culvert extension. The Applicant's Engineer is proposing that the extension be a larger pipe that connects to the existing smaller pipe and has provided modeling to show that this would be sufficient to discharge stormwater on Riggs Brook during a 100-year storm event.

The proposed development will disturb more than 1-acre of area, which will require the Applicant to obtain a State construction general permit (CGP) for erosion control. The Applicant's Engineer has provided plans and details, C7.0 through 7.11, to show how erosion control protection will be provided and for use to obtain a State CGP. Proposed treatment includes stabilized construction entrances, inlet controls, sediment traps, silt fencing, limits tapping, erosion control blankets, check dams, grass swales and straw.

The Town Highway Department (responsible for road plowing) and the Utilities Department (responsible for sidewalk plowing) raised concerns regarding snow storage during preliminary plat review. The Applicant's team met with the Town Manager, who concluded as described in a

memo dated 3/29/2022, that the Town will be able to maintain the roads and sidewalks, should these be taken over by the Town, with changes in practices, personnel and equipment. The Applicant has amended the design per the request of the Town to have the curb radii expanded to 20-feet.

Section 3.6 of the HZR requires that “the non-residential space in a PUD shall either be constructed first or concurrently with the residential space in a PUD.” The Applicant feels that the senior housing (building H), with its services and dining, is both a commercial and residential use. The Applicant intends to have the building’s 10,000 square feet of commercial space serve both the residents of the building and the general public – e.g., café and food service; physical therapy for residents and non-residents. To conform with the non-residential space first requirement, the Applicant proposes the following sequence:

- The first permit issued will be for building H.
- Before any development of phase 1B, mixed use buildings B and C will be permitted and built.
- Prior to any development on phase 2, mixed use building A and light industrial building K will be permitted and built.

At preliminary plat, the Applicant stated that there would be 10,000sf of senior support space and 10,400sf of commercial space in the senior building. It’s our understanding that this has been clarified, and that the senior building will include 10,000sf of commercial space that is both supportive of the senior residences and the general public. The Applicant should confirm this at the meeting; however, details can be further addressed when the Applicant applies for conditional use and site plan approval for the building.

The purpose statement for the VGNW in Section 3.6 of the HZR requires development be “designed, sited, and constructed” to take advantage of passive and/or active solar resources. This is also required in Section 5.1.12 of the HSR. The Applicant’s Landscape Architect prepared an extensive energy narrative (last revised 6/17/22), which addresses compliance with the standards in section 3.6 and 5.1.12, as well as the DRB’s preliminary plat approval. The narrative states that only 12 of the single-family units, proposed to be located on the northern portion of Jenna Drive, will not have a primary façade within 15-degrees of south. Active solar will be encouraged for all buildings, and will be guaranteed for one-third of all the single-family detached residential units (i.e., at least 20 units). All buildings will be constructed with solar-ready roofs per the State RBES & CBES codes. All single-family homes will be constructed to support electric vehicle charging. Electric vehicle charging infrastructure will also be incorporated into multi-family garages and within off-street parking areas. Most multi-family and mixed-use buildings will be constructed with rooftop solar, as well as cold climate heat pumps as the primary heating and cooling systems. Energy produced from the ground mounted array (lot 9) will be net-metered with mixed-use and multi-family rental building or will potentially be offered as a community solar buy-in option to any potential for-sale multi-family units.

This project proposes to have buildings H and K be three stories. Concerns were raised whether the Hinesburg Fire Department could provide service to this area. The Fire Chief has stated that these buildings need to be fully sprinklered and that a fire to one of these building would result in a mutual aid response. Plans were made for the Town to have in the near future its own ladder

truck. However, the Fire Chief stated that it is unlikely that the Town would have the ability to staff a ladder truck with appropriately trained people.

The Applicant has met with the Selectboard and proposes to dedicate to the Town lot #20, which has an area of about 1.4-acres and 1.22-acre lot #70, and a \$30,000 payment to develop these areas. The Applicant is also proposing to place a HOA maintained greenspace as lot #45. Lot #20 will be slightly small than that shown on the submitted survey, that will not include an area on the southern end, which will be utilized for stormwater maintenance. Lot #70 is in an area that would be part of phase 2 of this development. Lot #45 will be improved with walking paths, benches and landscaping. The Applicant’s goal in the agreement with the Selectboard is that this contribution would satisfy the open space requirements of Section 5.22.5 of the HZR. These areas match the locations shown as facility #31 of The Official Map.

To conform to the requirements of Section 4.5.7(2) of the HZR the Applicant is proposing to have 26% or 9.87 acres, as dedicated greenspace as described in the narrative prepared by T.J. Boyle Associates dated 10/4/2019. This includes 5.54 acres, or 15% of the total area, located around the perimeter of the VG-NW area that is protected wetland, floodplain and riparian areas. This includes 4.33 acres or 11% of the total area, in the interior portion of the development that would include parks and playgrounds. Much of the interior proposed green space will be part of phase 1, except for an area for future community facilities on the east side of Haystack Road, east of the central green.

The Applicant has provided plans, L200 to L204, for a streetscape design with street trees in the entire neighborhood minus a couple of areas that will connect to phase two of this development. In these areas there are trees placed on the far side of a roadway or in the fields between the roadway and VT Route 116 that will provide screening. Shade trees are also proposed for the proposed walks along Patrick Brook and the central green area. The plans include typical landscaping plans for a couple “sample” single-family home lots. In addition, the design provides for a view shed from the new development roads westerly to the Town recreation fields. The non-single family residential lots will require additional landscaping to conform to site plan review at a later date. In response to staff questions, the landscape architect provided details on overall construction and landscaping costs. Landscaping spending exceeds the minimum required in section 6.5 of the HSR. The Applicant would like the surplus spending to be counted toward future landscaping spending requirements for site plan permitting of the multi-family, mixed-use, and commercial lots.

Total Construction Cost Estimate	\$21,290,000	Minimum Required Landscape Budget
3% of first \$500k	\$500,000	\$15,000
2% of second \$500k	\$500,000	\$10,000
1% of remaining budget	\$20,290,000	\$202,900
Minimum Required Landscape Budget		\$227,900

Proposed Landscape Cost Opinion	
Street Trees	\$117,282

Common Lots	\$124,333
47 Single-Family Lots	\$109,220
Total Proposed Landscape Budget	\$350,835

Per Section 5.29 of the HZR, the Applicant has provided lighting plans and calculations. The applicant is proposing that Haystack Crossing, ‘Shubael Street, ‘Violet Circle’ and ‘Patrick Road’ will be continuously lighted streets. The rest of the project will only illuminate the intersections, crosswalks and parking lots. The Applicant’s Landscape Architect has provided a calculation showing conformance to the required standards. As noted above, the plan does not include lighting within lots that will require future site plan review. Lot-specific lighting plans will be prepared when specific uses/tenants are known, as part of the site plan review process.

The Applicant has provided plans C4.0 to C4.12 that show the proposed water and sewer lines and plans C9.4 to C9.9 with details and notes for the proposed water and sewer lines. These plans have been provided to the Hinesburg Utility Department for comment.

During the preliminary plat review, concerns were raised that there may be items of historic significance on the property (e.g., Native American archeological artifacts). The Applicant has provided an archaeological sensitivity map, which shows a low factor of sensitivity. The Applicant indicated that additional work is likely to be done on this in support of the project’s Act 250 application.

A LISTING OF SUBMITTALS WILL BE PROVIDED SEPARATELY FROM THIS REPORT.

STAFF COMMENTS

1. The Applicant should discuss the mix of perpetually affordable dwellings, particularly the bedroom mix and split between rental and ownership, as outlined in the Hinesburg Affordable Housing Committee’s (HAHC) memo.
2. The Patrick Brook Crossing MOI (Attachment 6) is missing Exhibit A – i.e., the details of the cost sharing agreement. In our pre-application staff meeting, the Applicant clarified that the cost sharing agreement will be 50/50 with the Hinesburg Center 2 project developer (Brett Grabowski). The HC2 developer confirmed this is also his understanding. With that said, the MOI submitted is merely a statement of intent. It stipulates that parties will not enter into a binding cost-sharing agreement until both projects have received all necessary permits. Any final approval should include conditions requiring a finalized agreement and/or financial surety prior to the issuance of any zoning permits.
3. The Applicant should review the average and 95th percentile queue lengths. Traffic impacts were not deemed significant, but the Board and the Applicant should discuss the morning, eastbound Shelburne Falls Road queuing, and the engineer’s suggestion for post-construction monitoring and lane reconfiguration if necessary.

4. In a February 28, 2022 memo, the Hinesburg Fire Chief (Nick Baker) indicated that in his opinion, the construction of the proposed buildings (i.e., three-story buildings) will not negatively impact the Fire Department’s ability to respond to and mitigate emergencies. The chief has expressed that sprinklers in these buildings and mutual aid response from surrounding towns are factors. It should also be noted that the Town is re-assessing the need for an aerial/ladder truck, given higher priorities (e.g., fire station expansion) and staffing limitations that forced the Town to hold off on local ambulance service. The Applicant provided no perspective from the State Division of Fire Safety, but we assume that the Hinesburg Fire Chief’s input is primary. Given the earlier conversations, the DRB should discuss this to aid in crafting any final approval.
5. The green space and open space proposal has been vetted by the Town Manager, the Recreation Coordinator, and the Select Board. The proposed agreements with the Select Board still need to be finalized, pursuant to the DRB review. The Applicant and the DRB should discuss this, given that the proposal is quite different from what was presented during the preliminary plat review. It appears to be mutually advantageous to the Town and the Applicant, while still conforming to the Official Map. The Applicant indicated to us that public access easements would be provided for the sidewalks that run along the north and south side of the central green, even though this greenspace will remain in private ownership. The only potential issue is how much development the proposed stormwater system will support on lot 20 – the land being donated to the Town adjacent to the Bissonette Recreation Area. The project engineer indicated that only 0.03 acres of impervious surface was modeled on lot 20. If this is a limit for lot 20, the usefulness of that land for additional recreational uses may be significantly diminished.
6. The Applicant provided a “Senior Overview” that helps clarify the plan for the senior building – particularly the residential vs. commercial/support uses. The Applicant should review this with the Board. If more clarity or details need to be worked out, these could be addressed in the Applicant’s subsequent conditional use and site plan application for the building.
7. The Applicant should review the archaeological studies that are underway, and what sorts of relevant conditions, if any, are typically included in Act 250 approvals. This could help the Board determine if similar conditions should be included in any final approval.
8. Given the strong language in section 3.6 of the HZR regarding taking advantage of passive and/or active solar energy, the Applicant should clarify which larger buildings will have rooftop solar. The Board and the Applicant should discuss what sorts of final approval conditions on this front make sense, to ensure both compliance and flexibility.
9. The Hinesburg Conservation Commission expressed a concern as to whether the stormwater discharge from the proposed gravel wetlands would create an erosion concern on the Hinesburg Center 2 properties, in areas that have been bermed and eroded. Recommendations in the November 23, 2020 assessment by Mike Kline provide some recommendations on this front. Granted the discharges from these gravel wetlands are spread out with level spreaders. It would be good to locate these areas to see if any

problems would exist. Perhaps the Board can condition any final approval on collaboration between the Applicant, the Hinesburg Center 2 project, and the Conservation Commission to further study and address this situation. It may be easier for the Town to acquire the required permits for restorative work within the riparian area (and associated floodway). At the same time, it will be easier for the Applicant to implement any restoration work, when equipment is there for other site work.

10. We will add to the review maintenance deeds, bylaws, and lighting at the next meeting.

Respectfully submitted,

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