

**SUBDIVISION FINAL PLAT,
PLANNED UNIT DEVELOPMENT (PUD)
& TWO BOUNDARY ADJUSTMENTS**

Staff Report Part 2

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| 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 – Prior to the DRB hearing on August 2, 2022, a Staff Report dated July 29, 2020 was provided to the Applicant, the DRB and the Public. The July 29th report provided a detailed background, history and review for conformance of the project. There were 9 Staff Comments, which the Applicant addressed at the August 2nd DRB meeting. The review below is the responses to these comments and some additional items to be reviewed and discussed at the August 16th DRB meeting.

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. **Response – The Applicant, with support from the HAHC, proposes to place 10 of the required 20 affordable housing units in the congregate housing that would be built first, and the remaining 10 will either be in the multifamily residences or the single-family residences. The HAHC would like to see that at least 5 of these be sold as ownership dwelling units. The remaining 5 residences would most likely be rentals. The Applicant has requested flexibility in this do to the uncertain market. The Applicant has requested flexibility in the timing of placing the second 10 and to have up to 8 of the units be rentals. The DRB requested the Applicant recommend a schedule.**
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. **Response – The Applicant believes that additional detail is not needed and is fine with a condition spelling out this arrangement. Issue addressed.**

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. **Clarification – the 95th percentile is the second largest stacking out of a typical 20 that occurs during a typical day's peak hour. It usually happens once or twice per peak hour per weekday. The DRB at the hearing was clear that accommodating the CVU morning bus traffic was not going to be required. Response – The Applicant will provide more information at the next meeting as to where the stacking for the 95th percentile will be. The Applicant stressed that they have a V-Trans approval. They also said that they would accept as a condition for reasonable post construction monitoring and warrants.**
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. **Response – The Applicant stated that the State Division of Fire Safety defers to the Fire Chief. They also said that all the larger three-story buildings will have sprinklers. Issue addressed.**
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. **Response – The Applicant proposes to elevate the southern portion of proposed lot 20 above the peak storage elevation of the main gravel wetland, and place a catch basin to collect runoff**

from proposed lot 20 and to convey the runoff collected by the proposed catch basin located at the southern portion of the parking lot. The Applicant spoke of possible plans to realign the recreation field parking lot, which is not of concern here. Small portions of lot 20 will not be buildable as they need to be stormwater disconnects for the proposed residences on the adjacent west side of Jenna Drive. Very little proposed impervious area on lot 20 has been considered in the design. Some treatment could be provided at the southern end of lot 20 for development on lot 20. The question is should the DRB require the Applicant to provide some treatment for future Town development on lot 20?

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. **Response – The Applicant would like to clarify this at the site plan application for the congregate housing. They are proposing to have 8,000 to 12,000 square feet of food vender space, and exercise/personal training space. In addition, generally about 30% of the floor area is common space. The DRB could decide what minimum spaces should be required and allow the Applicant to clarify this at site plan review.**
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. **Response – The Applicant said they would provide a signed letter from the Division of Historic Preservation, which is required for the Act 250 review, when it is available. The investigation may require test pits and more detailed investigation should anything be found. Issue addressed.**
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. **Response – The Applicant proposes to have rooftop solar on the larger buildings, and provide all the residential buildings with the wiring and conduit for rooftop solar and EV charging. They stated that all but 12 of the residential single family residences will have good orientation for solar. These other 12 will have access to ground mounted solar in the project area. Issue addressed.**
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. **Response – The Applicant said they would flag the level spreader locations, which they did. Staff met Bob Hyams on Tuesday, August 9th. The area of concern is in the floodplain on the north side of Patrick Brook bounded by the brook and the south edge of the meadow, and about from where the new Town well is located to about 40-feet west of the proposed western most level spread of gravel wetland #1. In this area are eroded gullies that are as much as 2 to 3 feet deep. The question is should these gullies be filled with stone, the land be regraded, or should these areas be left alone. Draft language for an email to the floodplain manager has been provided. It is anticipated that comments on the draft email will be provided by the Conservation Commission after their Wednesday evening meeting.**

New

10. Subdivision Revision with the Town – This would allow for the recreation field property to expand to include lot #20. No concerns noted. The Board should bring this up at the hearing.
11. Subdivision Revision with KB Realty – This would allow for an access to VT Route 116 opposite Riggs Road. No concerns noted. The Board should bring this up at the hearing.
12. Bylaws – The Applicant has submitted a 9-page document. It comes into effect when the 39th lot is sold. The development is called Northridge-Hinesburg LLC in the documents. A 50% quorum may be difficult to reach.
13. Declaration – This is a 12-page document and the association is called the Haystack Crossing Homeowners Association, LLC. Maintenance of the common areas is described.
14. Lighting – The proposed lighting is required to be downcasting with a concealed light source per Section 5.29.3(1b&1c) of the Hinesburg Zoning Regulations (HZR). While both appear to be downcasting, it is unclear whether the pedestrian light is concealed. The proposed CRI of 70 conforms to Section 5.29.3(3) of the HZR. The proposed color temperature of 3000K conforms to Section 5.29.3(4) of the HZR. Section 5.29.3(5) of the HZR limits non-street lights to 20-feet in height. The luminaire schedule on plan L-300 lists the parking lights as having a height of 20-feet. The detail on sheet L-401 lists the pole height as 21-feet. As required by Section 5.29.4(2) of the HZR, a photometric plan has been provided. The lighting calculations are provided on plan L-300. Per Section 5.29.4(3) the maximum illumination of 6.0fc has been met. However, there are some average illuminations that are greater than 1.5fc and max/min ratios greater than 8:1. The placement at intersections and full lighting paths for Shubael Street east of Haystack Crossing, all of Haystack Crossing and Violet Lane seems reasonable.

15. Landscaping – The plans include riparian buffer plantings for the Riggs Brook crossing and the Patrick Brook area. The landscape architect would like to confer with staff further on possible revisions to the species mix in the Patrick Brook riparian area. This can be addressed with a condition of approval – i.e., requiring staff consultation and revisions to ensure the proposed species better match common riparian vegetation as well as species already present on the site.

16. The stormwater modeling is unclear 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.

Respectfully submitted,

Mitchel Cypes, P.E., Development Review Coordinator
Alex Weinhagen, Director of Planning & Zoning