

**TOWN OF HINESBURG
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**Black Rock Construction / Haystack Crossing LLC
Preliminary Plat Approval for a 176-unit, Mixed-Use Subdivision
& Planned Unit Development (PUD)
Parcel Number 16-20-56.500**

Based on the above-mentioned public hearing and the documents contained in the “document” file for this proposal, the DRB enters the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

1. Black Rock Construction, hereafter referred to as the Applicant, is requesting Preliminary Plat approval for the first phase of a subdivision of a 76±-acre undeveloped parcel located south of Shelburne Falls Road, west of Route 116, and north of Patrick Brook. The property is owned by Haystack Crossing LLC, represented by Joseph Bissonette. This application would create 176 dwelling units (50 of which would be congregate, senior housing), a variety of commercial and light industrial space in multiple buildings, and 10,000 square feet (sf) of senior support space. 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 four mixed use buildings.
2. This application was heard at an in-person meeting on February 18, 2020. The meeting scheduled for March 17, 2020 was canceled due to the covid-19 state of emergency. The application was then heard remotely using Zoom on April 21, 2020, May 5, 2020, May 19, 2020, June 2, 2020, June 16, 2020, July 7, 2020, July 21, 2020 and was closed on August 4, 2020. Ben Avery of Black Rock Construction attended all the meetings. The Applicant’s design team at these meetings included civil engineer David Marshall, P.E., landscape architect Mike Buscher, L.A., traffic engineer Corey Mack, and stormwater designer Andres Torizzo.
3. The Applicant has also applied for approval for development in a stream setback. This will be addressed in a separate decision. This development will need subdivision revisions for property adjustments with the Town and KB Realty coincident with the final plat review. The proposed connection to the Hinesburg Center 2 development will need approval for development in a floodplain/fluvial erosion hazard area. The Applicant has indicated that the work shown in the floodplain adjacent to ‘Center Road’ will stop before reaching the floodplain.
4. 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. Part of this application will include a boundary adjustment with the KB Realty property to allow an access to be built opposite Riggs Road on VT Route 116.
5. 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.
6. The Applicant provided a master plan that is required per Section 4.5.5(3) of the Hinesburg Zoning Regulations (HZR), which is largely consistent with the sketch plan. This plan shows a full

buildout of the portion of the property in the Village Zoning District as shown on plan L-100. This preliminary plat application is not for the entire buildout discussed during the sketch plan review. Instead, the Applicant proposes to move forward with a first phase as shown on plan L-101, with other phases to be reviewed in the future. Except for some of the stormwater treatment, all of the proposed development in the first phase would be located in the VG-NW district.

7. 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 (surveys recorded on map slides 224 & 225).
8. 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.
9. 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 a floodplain area. 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.
10. 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, the Applicant can obtain density bonuses described in Sections 2.9 and 5.21 of the HZR, and 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.
11. 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.

12. 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.
13. 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.
14. The proposed lots will have building envelopes based on setbacks. No setback waivers have been requested.
15. 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.
16. 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. 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 offered to provide 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.
17. The Applicant has proposed to access the phase 1A of the development with the Haystack Crossing extension and then add the right in and right out intersection with VT Route 116 during phase 1B. The Applicant stated a willingness to build the right-in and right out intersection during phase 1A.
 18. 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.
 19. 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.
 20. Per Section 7.2 of the 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.
 21. Evaluating phase 1 as a whole, there is road interconnectivity. The internal roads either loop, or have areas 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.
 22. 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.

23. 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 off-street parking, and buildings 'H' and 'J' are adjacent to 59 on-street parking spots on South End Circle and the 40 additional on-street 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 off-street 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.
24. 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.
 - A proposed trail along Patrick Brook
 - A proposed path along Riggs Brook.
25. 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 have the potential to 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.
26. 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.
27. The Applicant's stormwater designer submitted several versions of stormwater modeling. The intent of the modeling is to provide treatment for the full buildout of this development. Corrections to the modeling over the length of the review had to be made for the following:
 - Excessive times of concentration of over 200 minutes, which would significantly under evaluate the size of stormwater discharges.

- Use a downstream analysis modeling upstream Patrick Brook as a single 4,588 acre subcatchment area that was much larger than lag method rules allow, dwarfed the 57 acre development area and showed 100 year flooding on a 1 year storm event.
 - Modeling that did not match the treatment structures.
 - Discharge pipes that would convey water located above the elevation of the top of the pipe.
 - Stormwater discharges that were not shown being conveyed by their receiving pipes.
28. The Applicant's stormwater designer submitted several versions of drainage plans to explain where stormwater discharge would flow in a 100 year storm event. The plans showed overland flow in areas that would bypass treatment systems, which the modeling for smaller storms would show as being collected or going to a different treatment system. The last versions of these plans showed stormwater being retained on sloped road surfaces without anything to keep the water in place.
29. Proposed gravel wetland #3 is in the 100 foot Patrick Brook stream setback area, is small and has a small drainage area discharging to it. If stormwater discharge bypasses CB#60 on 'Center Road', then the area draining to gravel wetland #3 could double.
30. The Applicant proposed to use a foundation wall of Building 'H' as part of the stormwater storage area for gravel wetland #2 in the 100-year storm event.
31. The Applicant proposed to obtain a State stormwater permit prior to submitting a final plat application in order to better demonstrate compliance with section 6.6.2(1) of the HSR, particularly the State's extreme flood protection treatment standard.
32. The proposed elevations shown on the plans in areas outside of the roadway areas and on the proposed lots to be developed were limited. The Applicant submitted updated grading plans that showed drainage swales with pipe inverts that were lower than the elevation at the top of drainage pipes that the modeling shows as full flowing during a 100-year storm event.
33. 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.
34. 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 taping, erosion control blankets, check dams, grass swales and straw. Updates were made to other plan sets, which were not reflected in these plan.
35. The Town Highway Department (responsible for road plowing) and the Utilities Department (responsible for sidewalk plowing) have requested that there be more room between the proposed streets and sidewalks for snow storage. The Highway Foreman indicated that snow removal is problematic in other recent village area developments (e.g., Farmall Drive neighborhood), and requested that this development include more room for snow storage – both along streets and along private driveways to help reduce conflicts with street plowing. Current plans show a variable greenbelt width of zero to eight feet. The Applicant countered that a larger greenbelt where there is

on-street parking would discourage use of the parking and create unsafe conditions for pedestrians during winter conditions.

36. 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. To conform with the non-residential space first requirement, the Applicant proposes the following sequence:
 - 1) The first permit issued will be for building H.
 - 2) Before any development of phase 1B, mixed use buildings B and C will be permitted and built.
 - 3) Prior to any development on phase 2, mixed use building A and light industrial building K will be permitted and built.
37. The actual amount of non-residential space within building H is unclear due to a discrepancy between sheet L-100 and sheet L-101. Sheet L-101 indicates that building H will have 10,000 square feet of senior support space. Sheet L-100 indicates that there will be 10,000 square feet of senior support space, as well as another 10,400 square feet of “commercial/light industrial space.”
38. 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 bulk of the proposed lots appear to have dimensions suitable for structures that can comply with this standard. A potential solar array is also indicated on the plans to help provide additional active solar, and potentially to account for some lots that may not be conducive to south facing windows and/or roofs. The Applicant indicated that the commercial and mixed use buildings would likely have rooftop solar, and that the single-family residential homes would have rooftop solar as an optional feature. The Applicant during the hearing stated that the larger buildings would have cold-climate heat pumps to provide primarily electrically-powered heating and cooling.
39. The Energy Committee provided a letter and testimony at the hearing. Relevant comments included the following:
 - 1) The plans should show the orientation of each conditioned building to ensure compliance with solar gain provisions in regulations.
 - 2) The developed should encourage the use of cold climate heat pumps and rely less on natural gas for heating in the single-family and multi-family residences.
 - 3) They support the project’s proposed use of cold climate heat pumps in larger buildings.
 - 4) This development should do a more detailed review to determine the feasibility of achieving the project’s proposed renewable energy density bonus target.
 - 5) The Applicant should clarify the status and planned use of the project’s proposed ground-mounted solar in advance of a final approval.
 - 6) They support the project’s commitment to meeting the energy efficiency stretch code for residential units, and encouraged the developer to consider going beyond for a significant number of units – e.g., Efficiency VT high performance standard.
 - 7) It should be noted that meeting the stretch code for commercial and mixed-use buildings will likely be required when the project is reviewed in the State Act 250 permitting process.
 - 8) They recommend that all new homes be designed to accommodate electric vehicle charging, along with the provision of some public or common charging stations.

40. The Energy Committee noted the long term saving to homeowners through energy efficiency measures. The Applicant responded stating that many homeowners, especially those buying into the affordable housing, may not be able to afford the initial costs of the greater energy efficiency measures.
41. This project proposes to have buildings H and K be three stories, which is higher than the 28 feet in height that the Hinesburg Fire Department has equipment to service. The Hinesburg Fire Department is planning to purchase a 100-foot ladder truck capable of reaching 70 feet in height in the next few years. Without the ladder truck, fire service would be dependent on mutual aid, which may not be dependable. According to the Fire Chief there are currently 58 buildings in Town that are either too high or too remote for the Fire Department to remove a person trapped in the top floor. Fire impact fees from this project may help the department obtain a ladder truck sooner.
42. This project proposes to have a 1.22 acre open space or central green centrally located in the project. Consistent with the Town's 2020 Official Map, the project also proposes substantial greenspace to the west of this central green, in order to provide both a visual and physical connection to the Town recreation area. The Applicant wants to make improvements to the greenspace area, indicating that were this a project with privately owned common space, amenities like a swimming pool and/or similar facilities would be likely. The Official Map shows this as a future community park (#31), including "robust amenities to encourage community use – e.g., benches, picnic tables, playground facilities, shade trees, public art, bocce courts, volleyball courts, hard surface courts (e.g., tennis and/or pickle-ball, basketball), etc. Also to accommodate room for a future community center (e.g., multi-generational center) or indoor recreational center that could benefit from sharing existing parking with the Bissonette Recreation Area." The Applicant supports the creation of a community park, but has raised concerns regarding liability should improvements be installed while still in private ownership. The Applicant agreed that this is a matter of discussion with the Select Board regarding the use and ownership of this central green.
43. Section 5.1.11 of the HSR requires the DRB to determine whether the proposed development will place an unreasonable burden on municipal services. Below is a review of the anticipated municipal revenues and expenses from this development:
- Revenue – one time:
 - \$182,231 - Fire impact fees (helps pay for an aerial/ladder truck and fire station expansion)
 - \$41,089 - Police impact fees (helps pay annual bond payment for 2014 police station construction)
 - \$1,467,561 - water allocation and connection fees
 - \$981,468 - sewer allocation and connection fees
 - Revenue – ongoing:
 - \$210,781 - municipal taxes (does not include statewide property tax for education)
 - \$193,986 - water/sewer usage fees
 - Expenses – upfront capital costs:
 - \$350,000 - \$900,000 - fire aerial/ladder truck (already recommended by fire department, and shown as a potential purchase in Town capital budget in FY24 or FY25)
 - \$168,500 - Smaller highway plow truck (if Town takes over main roads)
 - \$100,000 - Second sidewalk plow (if Town takes over sidewalks)
 - Expenses – ongoing:
 - \$79,000 - Administrative personnel (water/sewer billing, land records, etc.)
 - \$12,000 – Road maintenance. (if the Town takes over the roads.)

- \$2,000 - central green maintenance (if Town takes over central green area)
 - In addition there is anticipated potential increases in first response call volume, in personnel for additional sidewalk plowing, and in annual stormwater maintenance.
44. The Town Highway Foreman indicated that the curb to curb turning radius of the largest Town plow trucks is 59-feet.
 45. Champlain Valley School District (CVSD) has informed the Town that both Champlain Valley Union High School and the Hinesburg Community School (HCS) should be able to accommodate the increases caused by this development. CVSD advised that that some upgrade to HCS may be needed for development beyond the first phase. CVSD recommended that this should be re-evaluated at that time.
 46. The road names used in this project have not been approved. Some may remain and others will change between this report and final approval. There will be one road name for the road between VT Route 116 and the recreation fields.
 47. 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.
 48. The Applicant has provided plans, L200 to L203, 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. 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.
 49. Per Section 5.29 of the HZR, the Applicant has provided lighting plans and calculations. The applicant is proposing that Haystack Crossing, 'Harvest Lane', 'South End Circle' and 'Center 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.
 50. 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.
 51. The Applicant has provided plans C5.0 to C5.11 that show the proposed underground gas and electric lines. These will be reviewed at final along with the updated stormwater, and other underground utilities to see if there are any spatial conflicts.

52. The Applicant has provided plans T1.0 to T1.5 that show the proposed signing and striping. This includes parking areas, which are proposed to be modified.
53. Concerns have been raised that there may be items of historic significance on the property (e.g., Native American archeological artifacts). The Applicant has indicated that they will have an archaeological study performed during the state ACT250 review.
54. The preliminary plat application was submitted on October 8, 2019 and deemed complete on October 17, 2019. The plans were revised several times as the Applicant worked with staff to address various concerns and compliance issues. A full set of plan revisions was received on January 10, 2020. Revisions to specific plans were submitted thereafter on various dates. Many of these revised plans did not have revision dates. These are specified below by the date received. This application included the application form, correspondences, and the following documents, which are contained in the document file (16-20-56.500) in the Hinesburg Planning & Zoning office:
 - 1) Letter from Ben Avery of Black Rock Construction dated October 7, 2019 introducing the project.
 - 2) A narrative from T.J. Boyle Associates, dated October 4, 2019, which introduces the project, provides a density calculation for the entire project and phase 1.
 - 3) Letter from David Marshall of Civil Engineering Associates, Inc dated October 8, 2019, which introduces the project, describes the phasing of the project, lists the regulations the subdivision satisfies, discusses offers to Public lands, lists lands to remain undeveloped and private, lists submittals, describes their traffic analysis, and other required applications.
 - 4) Article 4 of the HSR edited with compliance responses.
 - 5) Article 5 of the HSR edited with compliance responses.
 - 6) Article 6 of the HSR edited with compliance responses.
 - 7) Vermont Agency of Natural Resources maps showing endangered species, streams, and wetlands.
 - 8) Haystack Crossing lot characteristics summary, which lists the proposed lots with corresponding acreage, use and applicable setbacks.
 - 9) A memorandum of understanding with KB Real Estate LLC on the land swap to allow an access to VT Route 116 opposite Riggs Road.
 - 10) A waiver request dated October 3, 2019, specifically from road standard criteria, which are no longer valid in Hinesburg, and alley right-of-way widths.
 - 11) A narrative describing the projects compliance with Sections 4.3.8 (landscaping plan), 4.5.7 (green space), 5.22.4 (northern gateway area), and 5.29 (exterior lighting).
 - 12) 10 pictures of perspective single family residences and one picture of a multifamily residence.
 - 13) A traffic Report by RSG dated August 20, 2018.
 - 14) An update to the traffic report by RSG dated April 22, 2019.
 - 15) Additional updates to the traffic report provided and dated by RSG on April 17, 2020, May 18, 2020, and May 22, 2020.
 - 16) A chart showing approved allocation for phase 1A dated September 17, 2018.
 - 17) A chart showing approved allocation for phase 1B dated September 6, 2019.
 - 18) Letter from Andres Torizzo, of Watershed Consulting, dated November 25, 2019 describing the proposed stormwater treatment system.
 - 19) HydroCAD modeling by Watershed Consulting of existing and proposed conditions dated January 29, 2020.
 - 20) Numerous earlier stormwater submissions that have been superseded.
 - 21) A plan titled "Existing Conditions", by Watershed Consulting dated 1/29/20.
 - 22) A plan titled "Proposed Conditions", by Watershed Consulting dated 1/29/20.

- 23) NOAA charts of stormwater precipitation for the project area.
- 24) 2 Vermont ANR maps for the Riggs Brook culvert crossing.
- 25) HydroCAD modeling of existing and proposed conditions for the Riggs Brook crossing by Civil Engineering Associates dated December 27, 2019.
- 26) Soils report by Watershed Consulting, dated November 15, 2019
- 27) A plan titled "Existing Conditions Overall Site Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C1.0, dated October 4, 2019 and last revised 1/10/20.
- 28) A plan titled "Proposed Conditions Overall Site Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C2.0, dated October 4, 2019 and last revised 1/10/20.
- 29) A plan titled "Proposed Conditions Overall Lot Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C2.1, dated October 4, 2019 and last revised 1/10/20.
- 30) 5 plan sheets titled "Partial Site Improvements Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C2.3 through C2.7, dated October 4, 2019 and last revised 1/10/20.
- 31) A plan titled "Overall Site Plan, Grading & Drainage", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C3.0, dated October 4, 2019 and last revised 1/10/20.
- 32) 10 plan sheets titled "Partial Site Plan, Grading & Drainage", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C3.1 through C.11, dated October 4, 2019 and last revised 1/16/20.
- 33) A plan titled "Overall Site Plan, Water & Sewer", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number 4.0, dated October 4, 2019 and last revised 1/10/20.
- 34) 11 plan sheets titled "Partial Site Plan, Water & Sewer", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C4.1 through C4.12, dated October 4, 2019 and last revised 1/10/20.
- 35) A plan titled "Overall Site Plan, Gas & Electric", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number 5.0, dated October 4, 2019 and last revised 1/10/20.
- 36) 10 plan sheets titled "Partial Site Plan, Gas & Electric", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C5.1 through C5.11, dated October 4, 2019 and last revised 1/10/20.
- 37) A plan titled "Plan & Profile – Harvest Lane", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.0, dated October 4, 2019 and last revised 1/10/20.
- 38) A plan titled "Plan & Profile – Field Crest Lane", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.1, dated October 4, 2019 and last revised 1/10/20.
- 39) A plan titled "Plan & Profile – South End Circle - Private", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.2, dated October 4, 2019 and last revised 1/10/20.
- 40) A plan titled "Plan & Profile – Center Road", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.3, dated October 4, 2019 and last revised 1/10/20.
- 41) Two plans titled "Plan & Profile – Jenna Drive", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C6.4 & C6.5, dated October 4, 2019 and last revised 1/10/20.

- 42) A plan titled "Plan & Profile – Southwest Alley", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.6, dated October 4, 2019 and last revised 1/10/20.
- 43) A plan titled "Plan & Profile – Northwest Alley", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.7, dated October 4, 2019 and last revised 1/10/20.
- 44) Two plans titled "Plan & Profile – Haystack Crossing", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C6.8 & C6.9, dated October 4, 2019 and last revised 1/10/20.
- 45) A plan titled "Plan & Profile – Haley Lane", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.10, dated October 4, 2019 and last revised 1/10/20.
- 46) A plan titled "Overall Site Plan -ESPC", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.0, dated October 4, 2019 and last revised 1/10/20.
- 47) Four plan sheets titled "Partial ESPC Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C7.1 through C7.4, dated October 4, 2019 and last revised 1/10/20.
- 48) A plan titled "Partial ESPC Plan – Center Road & Patrick Brook", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.5, dated October 4, 2019 and last revised 1/10/20.
- 49) A plan titled "Partial ESPC Plan – Haystack Crossing & Riggs Brook", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.6, dated October 4, 2019 and last revised 1/10/20.
- 50) Two plans titled "ESPC Narrative", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C7.7 & C7.8, dated October 4, 2019 and last revised 1/10/20.
- 51) A plan titled "ESPC Narrative & Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.9, dated October 4, 2019 and last revised 1/10/20.
- 52) A plan titled "ESPC Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.10, dated October 4, 2019 and last revised 1/10/20.
- 53) A plan titled "ESPC Details & Specifications", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.11, dated October 4, 2019 and last revised 1/10/20.
- 54) Four plan sheets titled "Road Sections", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C8.0 through C8.3, dated October 4, 2019 and last revised 1/10/20.
- 55) Three plan sheets titled "Site Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C9.0, C9.0A & C9.1, dated October 4, 2019 and last revised 1/10/20.
- 56) Two plan sheets titled "Storm Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C9.2 & C9.3, dated October 4, 2019 and last revised 1/10/20.
- 57) Two plan sheets titled "Sewer Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C9.4 & C9.5, dated October 4, 2019 and last revised 1/10/20.
- 58) Two plan sheets titled "Water Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C9.6 & C9.7, dated October 4, 2019 and last revised 1/10/20.

- 59) A plan titled "Pump Station Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C9.8, dated October 4, 2019 and last revised 1/10/20.
- 60) A plan titled "Pump Station Specifications", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C9.9, dated October 4, 2019 and last revised 1/10/20.
- 61) A plan titled "Gravel Wetland Details", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C9.10, dated October 4, 2019 and last revised 1/10/20.
- 62) Five plan sheets titled "Specifications", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C10.0 through C10.4, dated October 4, 2019 and last revised 1/10/20.
- 63) A plan titled "Overall Phase 1 Proposed Conditions Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number T1.0, dated October 4, 2019 and last revised 1/10/20.
- 64) Four plan sheets titled "Partial Signage & Striping Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers T1.1 through T1.4, dated October 4, 2019 and last revised 1/10/20.
- 65) A plan titled "Entrance/Egress Intersection at Route 116 & Harvest Lane", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number T1.5, dated October 4, 2019 and last revised 1/10/20.
- 66) A survey titled "Existing Boundaries", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P1, dated October 4, 2019 and last revised 11/22/19.
- 67) A survey titled "Overall Lotting Plat", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P2, dated October 4, 2019 and last revised 11/22/19.
- 68) A survey titled "Lotting Plat (South East)", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P3, dated October 4, 2019 and last revised 11/22/19.
- 69) A survey titled "Lotting Plat (West)", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P4, dated October 4, 2019 and last revised 11/22/19.
- 70) A survey titled "Lotting Plat (North East)", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P5, dated October 4, 2019 and last revised 11/22/19.
- 71) A plan titled "Haystack Crossing Approved Master Plan", by T.J. Boyle Associates., with sheet number L-100, dated 10/04/2019 and a revision date of 1/10/20.
- 72) A plan titled "Haystack Crossing Approved Master Plan", by T.J. Boyle Associates., with sheet number L-100, dated 10/04/2019 and a revision date of 1/10/20.
- 73) A plan titled "Haystack Crossing Phasing Plan", by T.J. Boyle Associates., with sheet number L-101, dated 10/04/2019 and a revision date of 1/10/20.
- 74) A plan titled "Haystack Crossing Street Tree Planting Plan", by T.J. Boyle Associates., with sheet number L-200, dated 10/04/2019 and a revision date of 1/10/20.
- 75) A plan titled "Haystack Crossing Common Lots Landscaping Plan - Southwest", by T.J. Boyle Associates, with sheet number L-201, dated 10/04/2019 and a revision date of 1/10/20.
- 76) A plan titled "Haystack Crossing Common Lots Landscaping Plan - Southeast", by T.J. Boyle Associates, with sheet number L-202, dated 10/04/2019 and a revision date of 1/10/20.
- 77) A plan titled "Haystack Crossing Common Lots Landscaping Plan - North", by T.J. Boyle Associates, with sheet number L-203, dated 10/04/2019 and a revision date of 1/10/20.
- 78) A plan titled "Haystack Crossing Overall Lighting Plan", by T.J. Boyle Associates, with sheet number L-300, dated 10/04/2019 and a revision date of 1/10/20.

- 79) A plan titled "Haystack Crossing Street Lighting Plan", by T.J. Boyle Associates, with sheet number L-301, dated 10/04/2019 and a revision date of 1/10/20.
 - 80) A plan titled "Haystack Crossing Lighting Enlargements - Intersections", by T.J. Boyle Associates, with sheet number L-302, dated 10/04/2019 and a revision date of 1/10/20.
 - 81) A plan titled "Haystack Crossing Lighting Enlargements – Parking Lots", by T.J. Boyle Associates, with sheet number L-303, dated 10/04/2019 and a revision date of 1/10/20.
 - 82) A plan titled "Haystack Crossing Landscape Details", by T.J. Boyle Associates, with sheet number L-400, dated 10/04/2019 and a revision date of 1/10/20.
 - 83) A plan titled "Haystack Crossing Lighting Details", by T.J. Boyle Associates, with sheet number L-401, dated 10/04/2019 and a revision date of 11/22/19.
 - 84) A plan titled "Hinesburg Center II Landscape Details", by T.J. Boyle Associates., with sheet number L-401, dated 3/08/19 and a revision date of 5/17/19.
 - 85) A set of 12 plans of the titled "Proposed Conditions Overall Site Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C2.0, dated October 4, 2019 and last revised 1/10/20, which each show a different LID standard.
 - 86) A narrative titled "Haystack Crossing Low Impact Development Narrative" dated March 3, 2020.
 - 87) Several sets of the 12 grading plans, C3.0 to C3.11, that have been modified to show, upgrades to the stormwater system, overland flow and stormwater retention locations.
55. Documents provided by Staff include the following:
- 1) A Site Map and two Resource Maps.
 - 2) Independent traffic reviews by Stantec dated April 3, 2020, and May 29, 2020.
 - 3) Email from the Fire Chief dated March 12, 2020
 - 4) Calculations of projected municipal expenses and revenues:
 - a) 16-20-56-500-AnnualTax-022420.pdf
 - b) 16-20-56-500-AnnualWater&SewerFees-031220.pdf
 - c) 16-20-56-500-ImpactFeeAnalysis.pdf
 - d) 16-20-56-500-Water&SewerFeeCalc-022820.pdf
 - e) 16-20-56-500-water&SewerUsageFees.pdf
 - 5) E-MAnthony-HaystackTownTruck-2020-0616.pdf
 - 6) E-RMarshall-Haystack-2020-0622.pdf
 - 7) schoolcapacity_cvsd_jensen_031620.pdf
 - 8) school_capacity_review_cssu_020515.pdf
 - 9) 05-29-20 GWworksheets.pdf
 - 10) 07-13-20 Haystack_SWmemo.pdf
 - 11) 07-17-20 OverflowPaths_HaystackMap.pdf
 - 12) Stormwater OVF Paths - 7.17.20.pdf
 - 13) Haystack 7-17-20 Post HC.pdf
 - 14) Haystack Post HC 7-13-20.pdf
 - 15) Haystack Post HC 7-21-20.pdf
 - 16) Stormwater OVF Paths - 7.21.20.pdf
56. 43 email and letters of concern were received in this project. Additional comments on this application were provided at the hearings.
57. Both the Conservation Commission (CC) and Robert Hyams (one member of the CC) raised concerns about possible impacts to and long-term management of the Patrick Brook riparian area. Robert Hyams noted that the project plans to discharge stormwater to an unstable riparian area that the applicant doesn't own or control. He said that existing streambank erosion and stream course adjustment will continue, and that without long-term management, the project's stormwater

treatment system could be threatened and could adversely impact Patrick Brook. Both the CC and Robert Hyams recommended creating a management plan to address this.

58. The following members of the DRB were present for Preliminary Plat hearings, constituting a quorum, as follows. See the official meeting minutes for a list of others present at these meetings.
- On February 18, 2020: Dick Jordan, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin.
 - On April 21, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin.
 - On May 5, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, John Lyman and Branden Martin.
 - On May 19, 2020: Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin.
 - On June 2, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, John Lyman and Branden Martin.
 - On June 16, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, John Lyman and Branden Martin.
 - On July 7, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Greg Waples, John Lyman and Branden Martin.
 - On July 21, 2020: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin.
 - August 4, 2020: Dennis Place, Dick Jordan, John Lyman and Branden Martin.
59. Jonathan Slason recused himself from this review because he and his firm (RSG) are providing traffic engineering services to the Applicant for this project. Bryan Currier recused himself from this review because of potential perceived conflicts of interest because his engineering firm has done work for the Applicant in the past. Neither Jonathan Slason nor Bryan Currier participated as Board members during the public hearings, and neither participated in decision deliberations.

CONCLUSIONS

1. The Applicant has submitted a complete Preliminary Plat application as required per Section 4.1 of the HSR.
2. The proposed residential density, which includes a 40% density bonus per Section 5.21.5 of the HZR for providing 20 affordable housing units, is allowable and compatible with the Town Plan for in the area in conformance with Section 5.1.5 of the HSR and Section 2.4.2 of the HZR.
3. The master plan conforms to the requirements of Section 4.5.5(3) of the HZR.
4. As required in Sections 3.1 and 3.6 of the HZR, this proposed development will provide a “vibrant mix of commercial, residential and civic activities”.
5. This project generally gives due regard to the preservation and protection of existing natural features per Section 5.1.2 of the HSR. Concerns raised about possible impacts to the Patrick Brook riparian area located on adjacent property (Finding of Fact #57) deserve consideration per Section 5.1.2, Section 6.6.2(3)(a), and Section 6.6.2(4). Collaboration with the Conservation Commission and the adjacent landowner is warranted, and may help clarify the issue and potential partnerships for long-term solutions that will benefit both the development and the natural resource.

6. The proposed road network has been professionally designed, but with some tight turns, narrow roads and small vertical curves for traffic calming. The road design appears to be in conformance to Section 6.1.10 of the HSR, pending final plans and any final input from Town Highway Department staff and/or the Select Board.
7. The proposed list of dimensional waivers listed in Findings of Fact #12 are reasonable and approvable per Section 4.5.6(4) of the HZR.
8. As noted above, the development is generally designed to protect natural resources and ensure compliance with various design standards. As such, building envelopes based on setbacks are reasonable and in conformance to Section 6.10.7 of the HSR.
9. The proposed development's water and sewer allocations are in conformance with Sections 5.1.8, 5.1.9, 6.7 and 6.8 of the HSR. The Board acknowledges that construction of phase 1B depends on bringing the new well online. Given the Applicant's collaboration with the Town, and the Town's continued work on this new well, review of both phase 1A and phase 1B should continue. With that said, the Board is cognizant that various conditions with triggers tied to phase 1A may be needed to ensure completion of critical project elements. This will be discussed and decided as part of the final plat review.
10. The three proposed access points (north to Shelburne Falls Road, east to VT Route 116, and south to the Hinesburg Center neighborhood) will provide safe, adequate and convenient access in conformance with Section 5.1.6 of the HSR. Both the northerly and easterly access points are necessary to meet this standard, and need to be constructed with the initial construction (i.e., phase 1A). It is understood that construction of the southerly access may come later, in conjunction with development of the adjacent Hinesburg Center 2 project. Timing for this southerly access will be discussed and decided as part of the final plat review. The number of access points to the existing road network is not excessive and conforms to Section 6.1.12 of the HSR. Also, the access points and proposed roads, sidewalks, and trails accommodate and help implement the future community facilities shown on the Official Map.
11. The entire phase 1 development has good interconnectivity and limited dead end areas. These areas would have areas to turnaround and be in conformance with Section 6.1.5 of the HSR. However, if phase 1A is built without phase 1B, Jenna Drive would be a dead end street without the required turnaround. As described in Findings of Fact #21, the Applicant proposed a temporary connection to the recreation field access, but did not provide a plan showing this. Plans showing an appropriate turnaround, and any connectivity with the Town recreation area (e.g., Jenna Drive, Field Crest Lane) should be clarified in the final plat application.
12. The Applicant's traffic review uses average queue and does not provide an analysis for areas south of Riggs Road on VT Route 116. The Board agrees with the Applicant that no additional review to the south of Riggs Road is required. Per the Town's independent traffic engineer's recommendation, the traffic review should be updated to include the 95th percentile standard queue in order to better address conformance with Section 5.1.6 of the HSR for phase 1. Concerns regarding access and egress from this development on to Shelburne Falls Road need to be explored. Improvements (e.g., Haystack Crossing turn lanes, intersection striping/signage on Shelburne Falls Road) may be warranted given observed queuing during peak times. The Applicant should discuss possible improvements with the Town Highway Foreman and the Selectboard.

13. The proposed development provides more than adequate pedestrian access, as described in Findings of Fact #22, is in conformance with Sections 5.1.6, 6.2.2 and 6.2.3 of the HSR. As noted in the finding, some sidewalk segments may not be necessary, and may be eliminated from the final plans pursuant to collaboration with staff.
14. The proposed parking, as described in Findings of Fact #23, is generally more than sufficient for the proposed development. Building K (lot 3) appears to be the only lot with no room or plan for off-street parking. This may be appropriate given that the access road (South End Circle) is proposed to be privately owned and managed. However, conformance with the off-street parking requirements in Section 5.5 of the HZR is not assured, and warrants more discussion. The Applicant is encouraged to discuss minor lot, building, and road layout revisions for this corner of the project that might allow for a larger lot 3 with room for off-street parking.
15. This project is in conformance with the 2020 Official Map requirements with the inclusion of an agreement with the Hinesburg Center 2 development to build a connector over Patrick Brook is essential for conformance with Section 3.6 of HZR, and Sections 5.1.6 and 6.1.12 of the HSR.
16. It was difficult to adequately review stormwater conformance because the grading on the proposed lots was not adequately shown as described in Findings of Fact #32.
17. The project appears to be in general conformance with the stormwater standards of Section 6.6 of the HSR, including LID conformance as described in Findings of Fact #33, with the exception of conformance to the 100-year storm standard and the lack of a complete grading plan as described in Conclusion #16. A model for the 100-year storm event must describe where stormwater will travel, pond and discharge during a 100-year storm event. The direction that stormwater discharges outside of ponds has to be consistent for all storm events. Stormwater treatments should keep stormwater away from structures and not use the structures to retain stormwater.
18. As described in Findings of Fact #29, the grading of 'Center Road' should be modified to ensure better containment of stormwater.
19. The plans provided appear to show adequate proposed erosion control required per Section 6.6.1 of the HSR. This project will need to obtain a State CGP approval.
20. The amount of streetscape greenspace that would be provided in most of the proposed development between the curb and the sidewalk is sufficient. However, areas that have on street parking would have smaller greenspaces that could negatively impact pedestrian safety, street tree plantings, and snow storage needs. Some areas of parking and sidewalk could be eliminated from the plans without changing how this project conforms to required standards. Other areas may need wider sidewalks or other modifications to ensure pedestrian safety and adequate sidewalk plowing. Collaboration with Town staff is necessary to find suitable compromises to adequately address the provision of future municipal services (e.g., snow plowing, streetscape maintenance, etc.) per Section 5.1.11 of the HSR.
21. The Applicant has not fully demonstrated how project phasing described in Findings of Fact #36 could be in conformance with Section 3.6 of the HZR. More information on the senior support and commercial uses of building H is required, including clarification of the discrepancy between sheet L-100 and L-101 as noted in Finding of Fact #37. Amenities typical in a residential apartment building (e.g., exercise room, lounge area, etc.) should not be counted as non-residential space to satisfy the construction sequencing standard in Section 3.6. However, truly commercial uses (e.g.,

- café, physical therapy center) and non-residential senior support service spaces (e.g., staff office, medical support space, etc.) could be counted.
22. The development needs to be designed, oriented, and constructed to take advantage of passive and/or active solar energy resources to conform to the standards of Section 3.6 of the HZR and Section 5.1.12 of the HSR. The Applicant stipulated to certain design and construction elements for the larger buildings (buildings A, B, C, H, J, K) to address these standards – e.g., roof-top solar, use of cold-climate heat pumps for heating/cooling. The Applicant indicated that many of the lots have the flexibility for proper building orientation, and that building features like rooftop solar will be offered to prospective homeowners at the time of construction. The regulations require far more than just ability and intention. More needs to be done, particularly regarding commitments to high percentages of windows on south-facing facades, solar-ready roofs and electric service, and electric vehicle charging. The Applicant needs to do more to demonstrate that the development will comply with the standards – particularly the single-family homes and four-plex townhomes that comprise 67 homes (over half of the 126 dwelling units exclusive of the senior, congregate units). Additional analysis/modeling and construction commitments are needed. With that said, it is acknowledged that a limited number of structures may comply with the standard through means other than ideal solar orientation. One way to do this would be to have the lots that are not well suited for maximum solar gain to have better access to the proposed solar array.
 23. How fire and rescue services to the three-story buildings (H and J) are going provided, and whether sufficient service to these buildings can be provided, has not been adequately demonstrated. A discussion with the Selectboard on possible solutions is warranted given that the Town's capital budget anticipates the purchase of a ladder truck. Input from the State Division of Fire Safety after further consultation with the Town Fire Chief is also warranted. Given the Town Fire Chief's testimony, there may be more than one solution – e.g., expedited purchase of a ladder truck; mutual aid agreements and building review/approval by the State Division of Fire Safety; etc.
 24. The 1.22 acre green space in the middle of the development shall be developed into a park. Prior to final plat application the applicant shall discuss with the Selectboard on how this would be developed and financed.
 25. Pending resolution of the issues mentioned above (three-story building fire protection, streetscape/snow-storage issue, central green improvements), it doesn't appear the project will place an unreasonable burden on the ability of the Town to provide services and facilities per section 5.1.11 of the HSR.
 26. As described in Findings of Fact #45, the school district can accommodate the student population growth from this proposed development.
 27. Overall, the Applicant has proposed a robust greenspace plan with areas that protect fragile features (riparian areas) and other spaces that provide for gathering and outdoor recreation. As noted in Finding of Fact #42, coordination with the Select Board is necessary to determine an improvement plan for the central green. Regardless of coordination with the Select Board, a project of this size warrants additional improvements to the central green to ensure it serves the green space and outdoor recreation functions noted in Section 4.5.7(2) of the HZR.
 28. The overall landscaping and lighting plans were submitted, but not discussed in any depth during the preliminary plat review. These plans will be evaluated more fully during the final plat review.

29. The Applicant provided plans for proposed lighting, water & sewer lines, underground gas & electric lines, and signing & striping. Placing the utilities underground conforms to Section 6.9.1 of the HSR. Changes have been made during the hearing process, and further changes will be required by this decision. The Applicant will need to update these plans accordingly.
30. The Applicant indicated that an archaeological study will be required as part of the state ACT250 review. The same information should be provided with the final plat application to better inform to Section 5.1.3 of the HSR.
31. Additional approvals as described in Findings of Fact #3 are required for this development to be able to function.
32. The Applicant should ensure that the proposed roads are able to accommodate the plow truck turning movement described in Findings of Fact #44.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants Preliminary Plat approval to the proposed 176-unit Haystack Crossing subdivision and PUD subject to the conditions listed below.

1. The Applicant shall provide all the documentation required for Final Plat review as stated in Section 4.2 of the Hinesburg Subdivision Regulations.
2. The Applicant shall provide updated plans and documents based on the changes required by this decision.
3. The Applicant shall clarify how much non-residential space will be in building H, and shall provide details on these spaces – e.g., how they will be used, whether they will serve the larger neighborhood.
4. The Applicant shall provide a plan or a memorandum of intent (MOI) to share in the financing of the Patrick Brook Bridge connection. This MOI shall address cost sharing, the need for any further permitting, and timing of construction.
5. Plan L-101 shall be updated to show the VT Route 116 right-in and right-out intersection and all of ‘Harvest Lane’ as part of phase 1A.
6. The Applicant shall provide a plan for phase 1A that includes a an appropriate turnaround at the end of Jenna Drive, as well as any proposed connectivity with the Town recreation area access road (e.g., Jenna Drive, Field Crest Lane).
7. The Applicant shall provide evidence of coordination with the Town Road Foreman regarding further improvements to the Haystack Crossing and Shelburne Falls Road intersection – e.g., appropriate striping and signing and what turn lanes that should be shown on the plans.
8. Realistic contours to approximate the grading of the areas outside of the roadways shall be added to the grading plans.
9. The Applicant shall redesign the proposed stormwater system to show and better address conveyance of the 100 year storm event. The design shall avoid the errors described in Findings of

Fact #29, through #32. The Applicant is required to obtain a State stormwater permit prior to submittal of final plat application.

10. The grading of 'Center Road' shall be modified as described in Findings of Fact #29.
11. The sidewalk area on the north side of 'Field Crest Lane' west of 'Jenna Drive' shall be removed from the plans.
12. The Applicant shall propose plan changes to address the streetscape greenbelt and snow storage issues discussed in Finding of Fact #35 and Conclusion #20. The Applicant shall collaborate with Town Staff to find compromises that address and balance sometimes conflicting needs – e.g., snow plowing and storage, pedestrian safety, street tree planting, and on-street parking. .
13. Per Conclusion #22, the Applicant shall provide additional analysis/modeling and construction commitments to better demonstrate how each property will conform to the energy standards found in Section 3.6 of the HZR and 5.1.12 of the HSR. This analysis shall include details about how power from the solar array will be allocated within the development, especially to any properties with suboptimal solar orientation. The Applicant is encouraged to consult with a company that specializes in solar energy facilities, in order to provide clarity/certainty on the proposed solar array. The Applicant shall detail how the base-level construction package for the single-family homes and four-plex townhomes will take advantage of solar energy resources (e.g., solar-ready roof and electrical service; active solar; etc.) and provide infrastructure for electric vehicle charging.
14. Pursuant to Conclusion #27, the Applicant shall coordinate with the Hinesburg Selectboard and propose a plan regarding how to develop the 1.22 acre lot 45 central green. This plan shall address planned improvements, cost sharing, timing of construction, and ultimate ownership and management (private/public).
15. The Applicant shall provide an archaeological study and a narrative on how any significant cultural resources will be addressed as part of the final plat application.
16. Pursuant to Conclusion #5, the Applicant shall collaborate with Staff to evaluate the Patrick Brook riparian area, and address concerns about possible impacts and long-term management options. The Applicant shall work with Staff, the Conservation Commission, and the adjacent landowner/developer to explore potential partnerships for long-term management solutions.
17. Additional applications described in Findings of Fact #3 shall be submitted along with the final plat application.
18. The Final plat application shall include deed, legal, easement, right-of-way and homeowners Association language that details responsibilities for the maintenance of shared infrastructure as required in the regulations and as stated in this approval.
19. The traffic studies shall be updated to evaluate traffic generation to the 95th percentile standard. The updated study will be reviewed at final.
20. The Applicant shall provide evidence of coordination with the Select Board and the State Division of Fire Safety to address adequate fire protection and life safety for the three-story buildings (buildings H and J). Pursuant to Conclusion #23, there may be multiple solutions to ensure these

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buildings can be safely occupied given available resources in Hinesburg and surrounding communities.

21. The road design shall either be confirmed or upgraded to allow the plow truck turning radius described in Findings of Fact #44.
22. The final plans shall show one road name for the road that goes between VT Route 116 and the Town recreation fields. The Applicant shall coordinate with the Town's E911 coordinator on appropriate road names prior to final plat.



Development Review Board

September 15, 2020

Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin.

Vote to approve: 7-0

This approval expires one year from the approval date unless a complete final plat application has been submitted or an extension has been granted by the DRB.

30-day Appeal Period: - An "interested person", who has participated in this proceeding, may appeal this decision to the Vermont Superior Court, Environmental Division within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an "interested person".

Notice of the appeal, along with applicable fees, should be sent by certified mail to the Vermont Superior Court - Environmental Division. A copy of the notice of appeal should also be mailed to the Hinesburg Planning & Zoning Department at 10632 VT Route 116, Hinesburg, VT 05461. Please contact the Court for more information on filing requirements, fees, and current mailing address.

State Permits: - It is the obligation of the Applicants or permittee to identify, apply for, and obtain required state permits for this project prior to any construction. The VT Agency of Natural Resources provides assistance. Please contact the regional Permit Specialist at 879-5676 (111 West St, Essex Jct., VT 05452) for more information.

All new residential and/or commercial construction including additions, alterations, renovations, and repairs are subject to either the Vermont Residential Building Energy Standard (RBES) - 21 V.S.A. § 266, or the Vermont Commercial Building Energy Standard (CBES) - 30 V.S.A. § 53. A certificate of occupancy cannot be issued until the required RBES or CBES certification has been filed in the town records.