

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

**Black Rock Construction / Haystack Crossing LLC, KB Real Estate, LLC  
and the Town of Hinesburg - Subdivision Revision  
Tax Map Numbers 16-20-56.500, 16-20-56.100 & 16-20-56.504**

Based on the above-mentioned public hearing and the documents contained in the “document” file for this proposal, the Development Review Board (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 subdivision revisions that are integral to their proposed final plat subdivision application to create residential 176-units and about 30,216sf of non-residential space. The Applicant is proposing to acquire 0.58-acres from KB Real Estate to Haystack to align the access from VT Route 116 aligned and opposite Riggs Road. The Applicant would provide about 0.28-acres from Haystack to KB Real Estate. In addition, a 0.15-acre area own by the Town that projected from the recreation field property will be dissolved and mostly become part of lot #19/20 with a small 0.014-acre portion becoming part of lot #18. Then lot #19/20 with about 1.43-acres will be transferred to the Town. All the areas to be transferred are located in the Village Northwest Zoning District (VG-NW). Portions of the Applicant’s and Town’s property are in the Agricultural Zoning District (AG).
2. This application was heard with in-person meetings with remote access via Zoom on July 19, 2022, August 2, 2022, August 16, 2022, September 6, 2022 and September 20, 2022. No testimony was taken at the September 6, 2022 meeting due to a lack of a quorum. Ben Avery of Black Rock Construction representing the Applicant, civil engineer David Marshall, P.E., and landscape architect Mike Buscher attended all the meetings.
3. The Applicant’s 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). Lot #5 is the Town property, which is being modified in this decision. This subdivision was further revised on October 18, 2016 to remove a portion of lot #4 that was an additional access strip that was to be a second road access from Shelburne Falls Road and add this land to lot #2. The KB Real Estate property was created as a free lot, from the lot now owned by the Applicant, which is recorded on map slide 117 dated May 30, 1989. The KB Real Estate property was revised on November 15, 1996, which is recorded on map slide 18.
4. This decision modifies the access to the recreation field property, lot #5, approved in the 2014 subdivision approval, from a gravel driveway leading from Haystack Road, south of the Riggs Brook crossing to the northern portion of the recreation field property parking area, to access using all of the existing and proposed Haystack Road and the proposed Shubael Street. This transfer of access shall occur when the remaining portion of Haystack Road, and Shubael Street west of Haystack Road, including the intersection is constructed.
5. Changing a lot line is by the definition in Article 9 of the Hinesburg Subdivision Regulations (HSR) a re-subdivision. Section 7.7.1 of the HSR requires a re-subdivision to obtain an approval from the Development Review Board (DRB) in a warned hearing.

6. There is no new proposed development in this application for the KB Real Estate property and the Town recreation field property. This decision is associated with a final plat subdivision described in Findings of Fact #1, which will have significant development. The Applicant's property is currently undeveloped and is farmed. The Town's recreation field property has several playing fields and parking. The KB Real Estate property has an old farm house, that has a duplex.
7. The final plat application was submitted on March 15, 2022 and deemed complete on June 21, 2022. The plans were revised several times as the Applicant worked with staff. This application included the application form, correspondences, and documents for the overall subdivision, which are contained in the document file (16-20-56.500) in the Hinesburg Planning & Zoning office. Relevant to this application are the following survey plats:
  - A survey titled "Unit 4 of Bissonette Revocable Trust Planned Community", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number P1, dated October 4, 2019 and last revised 03/24/22.
  - 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 06/07/22.
  - 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 06/07/22.
  - 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 06/07/22.
  - 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 06/07/22.
8. The Applicant will file one set of survey mylars for both the subdivision and subdivision revision.
9. The following members of the DRB were present for the subdivision revision hearing, which were concurrent with the final plat hearings, constituting a quorum, as follows. See the official meeting minutes for a list of others present at these meetings.
  - On July 19, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, Branden Martin and Michael Webb.
  - On August 2, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, Branden Martin and Michael Webb.
  - On August 16, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman and Branden Martin.
  - On September 20, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, Branden Martin and Michael Webb.
10. July 19, 2022 public hearing was warned in *The Citizen* on June 30, 2022.

### **CONCLUSIONS**

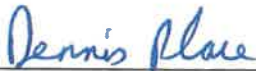
1. The proposed property boundary changes require DRB approval as a subdivision revision and will not change the original intent of the April 5, 2011, December 2, 2014, and October 18, 2016 subdivision approvals.
2. No new properties are created by this subdivision revision.
3. The proposed change to the property lines will not create any non-conformities.

4. Since this approval is concurrent with a final plat subdivision approval, which has reviewed the other subdivision regulations, this approval can differ to the final plat subdivision approval.

**ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB approves the proposed subdivision revision subject to the conditions listed below.

1. All provisions and conditions from the original April 5, 2011, December 2, 2014, and October 18, 2016 subdivision approval that have not been specifically revised shall remain in force.
2. In accordance with State statute, the survey mylars, containing a date and signature of approval of the Development Review Board, of this subdivision revision as described in Findings of Fact #7 shall be recorded in the Hinesburg Land Records within 180 days (or 270 days if permitted by the Zoning Administrator pursuant to the Subdivision Regulations, section 7.5) of this approval and before any property is transferred. This mylar shall be signed and dated by a licensed surveyor prior to approval by the DRB.
3. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval. Deviations may be made from these plans if they are:
  - Approved by the designer, or equivalent, and
  - In conformance with the intent of this decision, and
  - Determined by the Zoning Administrator that they are not significant enough to require a formal revision to the DRB decision.



Development Review Board

November 1, 2022

Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, Branden Martin and Michael Webb.

Vote to approve: 6-0

**This approval shall expire should the conditions of Order #2 are not met.**

**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 Applicant 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.