

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

**Black Rock Construction / Haystack Crossing LLC  
Final 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 Final Plat approval for the first phase of a subdivision of a 75.56-acre undeveloped parcel located south of Shelburne Falls Road, west of Route 116, and north of Patrick Brook. 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), and non-residential space for commercial, office and light industrial uses in multiple buildings. 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 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. The Applicant’s design team at preliminary plat also included traffic engineer Corey Mack, and stormwater designer Andres Torizzo. Many items from the preliminary plat review were considered in this application.
3. The Applicant received approval for development in a stream setback on September 15, 2020. This development has applied for subdivision revisions for property adjustments with the Town and KB Realty, which will be addressed in a separate decision. The proposed connection to the Hinesburg Center 2 development will need approval for development in a floodplain/fluviol erosion hazard area. The Applicant has indicated that the work shown in the floodplain adjacent to Patrick Road will stop before reaching the floodplain. The Applicant stated the intent to only build Patrick Road from Shubael Street to Violet Circle, and to build a driveway to Building ‘H’ from that intersection. Work in the floodplain for the Patrick Road connection to the south will occur at a later date as described below, with permitting to be completed at that time. The stormwater system for the future Patrick Brook crossing will be required to accommodate a portion of the drainage area.

4. The subject parcel is currently undeveloped and in agricultural use, except for an access to the Town recreation field from Shelburne Falls Road, a Town well, 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 37± 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 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.
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. The Applicant received preliminary plat approval on September 15, 2020. This application was delayed due to the pandemic. The preliminary plat approval was extended on September 7, 2021 and on March 15, 2022.

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 buildable 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 Road 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, Patrick Road, between Shubael Street and Violet Circle. The Applicant has an agreement with HC2 to build the connector, when development is 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. 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.

18. 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.
19. 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 95<sup>th</sup> percentile, and not reviewing traffic impacts to intersections south of Riggs Road. The Applicant submitted an updated traffic review by WCG, same engineer different company, dated 7 February 2022. This updated review compared the average and 95<sup>th</sup> percentiles.
20. Most of the proposed internal roads either loop or have areas for vehicles to turn around, which provide good road interconnectivity. The areas of concern shown on the plans that may not have good interconnectivity are the east end of Hailey Lane and the southern end of Patrick Road. The Applicant plans to only build Patrick Road between Shubael Street and Violet Circle with an extended driveway for Building 'H' on lot #,8 until the Patrick Brook crossing is to be built. The Applicant will provide legal language to allow the Public to utilize the parking area on lot #68 for the Public and emergency vehicles to turn around.
21. 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 Patrick 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 the extended Haystack Road to the recreation fields. However, the Applicant clarified that these trails are meant to be easement areas for Town consideration and development – i.e., the developer will offer these as trail easements, but doesn't plan to improve/mow them. Locations of sidewalk and recreation paths are shown on drawing L-101.
22. The first phase of the proposed development will provide 144 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 Violet Circle and the 40 additional on-street parking spots on Patrick Road and Shubael Street. 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.

23. 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.
24. The proposed development will create more than 10-acres of 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.
25. 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.

26. 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.
  - Used a single 4,588-acre subcatchment area for downstream modeling that resulted in 100-year flooding to occur during a 1-year storm event to justify a proposed 10-year storm event waiver.
  - 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.
27. The proposed modeling for the 100-year storm event had peak stormwater discharge elevations that were significantly higher than the corresponding obvert on the stormwater discharge pipes. The Applicant's Engineer did not explain where the additional stormwater discharge was going. To address this concern, the Applicant's Engineer stated that he would certify the system and the Applicant agreed to place the single-family residences at least three feet above the top of curb elevation. Note, that the other buildings in this development will require site plan review, where this concern can be address for the other buildings.
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 and has a small drainage area discharging to it. If stormwater discharge bypasses CB#60 located at Station 1+83.7 on the west side of Patrick Road, then the area draining to gravel wetland #3 would increase significantly.
30. The stormwater modeling made assumptions on how much impervious area and corresponding stormwater discharge would occur from future development in phase 2. To ensure that the stormwater system operates as designed, the modeled stormwater discharges to be provided in phase 2 should not exceed what is shown in phase 1.
31. At preliminary plat, there were concerns about flooding on proposed lot #20, which is proposed to be dedicated to the Town because the proposed elevations of the southernmost portion of this lot was lower than the stormwater pipe obverts in that area

and the 100-year peak elevation of the main gravel wetland. The Applicant's Engineer addressed these concerns by proposing to regrade this area and eliminate the open pipe and end section in this area and instead propose the placement of a catch basin on the north side of Shubael Street by station 7+23.0 west. The plans were revised to reflect this proposed change.

32. The Applicant proposed to use a foundation wall of Building 'H' as part of the stormwater storage area for gravel wetland #2 in the preliminary plat submittal. Updated plans provided at final plat modified the grading to provide separation between Building 'H' and the peak stormwater discharge during a 100-year storm event. This will need to be further reviewed when a site plan application is submitted for Building 'H'.
33. 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. The Applicant received a letter of intent for a permit, but the letter questioned stormwater discharge that would occur during the post-development 100-year storm event.
34. 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.
35. 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 plans.
36. Concerns were raised at the preliminary plat hearing on the Town's ability to plow the proposed roads and sidewalks in this development. The Town Manager stated in an email that the Town would be able to provide this maintenance, if or when the Town takes over maintenance of the roads and sidewalks.
37. 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 proposed to start the build out with building 'H', which includes 50 congregate units for senior housing and at least 10,000sf of senior support and commercial space. The Applicant proposes to build up to 40 other residential dwelling units concurrently with the commercial space in building 'H' in order to comply with section 3.6. After these first 90-units are completed, 49 of the remaining 86 dwelling units would be in mixed-use buildings.



38. In addition to the 10,000sf of floor area proposed for Building 'H', the application proposes 7,356sf of commercial/light industrial space on proposed lot #3 (Building 'K'), 3,500sf of commercial space on proposed lot #5 (Building 'J'), 3,000sf of commercial/office space on proposed lot #38 (Building 'C'), 1,240sf of commercial/office space on proposed lot #44 (Building 'B'), and 1,920sf of commercial/office space on proposed lot #50 (Building 'A'). All these non-residential or mixed-use buildings will require site plan approval, where these minimums can be reviewed.
39. 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 addressed in Section 5.1.12 of the HSR. The Applicant submitted a renewable energy narrative and a 'solar package', which is listed as items #41 & #42 in Findings of Fact #55. This narrative also addresses related measure that will be taken to ensure the project meets the renewable energy density bonus provisions in section 2.9, which will be needed for phase 2 of the project. The Applicant is proposing several items in these submittals for conformance to these standards, which in part includes the following.
- a. Rooftop solar and cold-climate heat pumps as the primary heating/cooling systems on most multifamily and mixed-use buildings.
  - b. Provide all single-family residential buildings with the wiring and conduit for rooftop solar (aka 'solar ready').
  - c. Commit to incorporating roof-top solar generation on a minimum of one-third of all the single-family detached residential units (20 units).
  - d. That all garages will be equipped to support the installation of electric vehicle chargers.
  - e. A ground mounted solar array as shown on the plans in the vicinity of the new well. This array may be used to provide renewable energy to either multi-family or single-family units. The majority of proposed structure are oriented with a primary façade within 15-degrees of solar south to take advantage of passive solar gain. Only 12 single-family units do not have a primary façade within 15-degrees.
  - f. Establish or determine an entity that will manage the energy from the ground mounted solar array to provide solar power access to the 12-single-family residences that are not orientated to maximum solar gain and other owners that would like to utilize the power from the array.
40. The Energy Committee provided a letter and testimony at the hearing encouraging for the item listed in Findings of Fact #39 and for the use of cold climate heat pumps and committing to meet the energy efficiency stretch code for residential units.
41. 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.

42. The Applicant is negotiating a “recreation agreement” with the Town Manager and the Select Board, which will not only encompass phase one, but also phase two of this development. This agreement is only in draft form, and the Select Board is awaiting DRB approval of the subdivision before finalizing it with the Applicant. As noted in the draft agreement, the Applicant will transfer two parcels of land shown on the plan listed as #45 in Findings of Fact #55 (shown as lots 19/20 & 70 on the survey), and will pay \$30,000 into a fund for improvements to be made to the parcel adjacent to the Town’s Bissonette Recreation Area. The parcel adjacent to the Town’s recreation area is a portion of future community facility #31 on the Town’s 2020 Official Map. The other parcel aligns with future community facility #32 on the Official Map. In addition, the Applicant proposes to place sidewalk, trees and a gazebo on the 1.22-acre open space or central green centrally located in the project on lot #45, which will be owned and managed by the home owner association. This green area is the remaining portion of future community facility #31 on the Official Map.
43. 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. Inconsideration of mutual aid and that these buildings will be required to have adequate sprinkler systems, The Hinesburg Fire Chief Nicholas Baker stated that the proposed Haystack development “will not negatively impact the Hinesburg Fire Department’s ability to appropriately respond to and mitigate emergencies.”
44. 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 some estimated municipal revenues and expenses from this development as calculated during preliminary plat review:
- Revenue – one time:
    - \$182,231 - Fire impact fees (helps pay for fire station, and associated equipment and apparatus upgrades)
    - \$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:
    - \$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.)
    - \$24,000 – 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.
45. Champlain Valley School District (CVSD) has informed the Town that both Champlain Valley Union High School and the Hinesburg Community School should be able to accommodate the increases caused by this development. CVSD advised that that some upgrade to school facilities may be needed for development beyond the first phase. CVSD recommended that this should be re-evaluated at that time.
  46. The Applicant is proposing to place the first 10 affordable housing units in Building 'H' and the remaining 10-units in either the multifamily or single-family residences with a minimum of 4 being in the single-family attached or detached residences. The Applicant acknowledge the requirement that the units must be integrated with the rest of the development and that the average bedroom size must be similar to the market rate units per Section 5.21.5 of the HZR.
  47. To conform to the requirements of Section 4.5.7(2) of the HZR the Applicant is proposing to have 26% or 10.26 acres, as dedicated greenspace as described in the narrative prepared by T.J. Boyle Associates dated June, 17, 2022. This includes 6.68 acres, or 17% of the total area, located around the perimeter of the VG-NW area that is protected wetland, floodplain and riparian areas. This includes 3.61 acres or 9% of the total area, in the interior portion of the development that would include parks and playgrounds. Much of the interior proposed green space will be part of phase 1, except for an area for future community facilities on the east side of Haystack Road, east of the central green. The Applicant is also proposing to preserve 35.26 of the 36.81 acres, or 96% of the area in the AG, which would exceed the 50% requirement per Section 4.5.7(1) of the HZR.
  48. The Applicant has provided plans, L200 to L203, for a streetscape design with street trees in the entire neighborhood south of Riggs Brook. 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. Minimum landscaping specific to the single-family home lots is also specified in the plans. 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. The proposed landscaping cost of \$350,835 exceeds the minimum required landscaping budget of \$227,900 calculated from the standards of Section 6.5 of the HSR
  50. Per Section 5.29 of the HZR, the Applicant has provided lighting plans and calculations. The applicant is proposing that Haystack Road, Shubael Street, Violet Circle and Patrick Road will be continuously lighted streets. The rest of the project will only be illuminated at the intersections, crosswalks and parking lots. The Applicant's Landscape Architect

has provided a calculation showing conformance to the required standards. As noted above, the plan does not include lighting within lots that will require future site plan review. Lot-specific lighting plans will be prepared when specific uses/tenants are known, as part of the site plan review process. The lighting details on plan L-401 show a pole mounted lighting detail with a 21-foot-tall pole mounted light, which the Applicant agreed at the hearing to modify the design to show a 20-foot maximum pole height that would conform to Section 5.29.3(5) of the HZR.

51. 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 were provided to the Hinesburg Utility Department.
52. The Applicant has provided plans C5.0 to C5.11 that show the proposed underground gas and electric lines.
53. 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.
54. 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.
55. 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 the following documents, which are contained in the document file (16-20-56.500) in the Hinesburg Planning & Zoning office:
  - 1) Letter from David Marshall of Civil Engineering Associates dated March 14, 2022 and revised June 17, 2022 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) Preliminary Plat Conditions of Approval Response – Attachment 2, dated March 14, 2022.

Traffic

- 12) A traffic Report by RSG dated August 20, 2018.
- 13) An update to the traffic report by RSG dated April 22, 2019.
- 14) Additional updates to the traffic report provided and dated by RSG on April 17, 2020, May 18, 2020, and May 21, 2020.
- 15) Independent traffic reviews from Stantec dated April 30, 2020 and May 28, 2020.
- 16) Traffic queue assessment by WCG dated 7 February 2022.
- 17) V-Trans Letter of Intent (LOI) for the VT Route 116 access dated March 19, 2020.
- 18) A memorandum of understanding to share the costs of the Patrick Brook Crossing with the Hinesburg Center 2 development.

Allocation

- 19) A chart showing approved allocation for phase 1A dated September 17, 2018.
- 20) A chart showing approved allocation for phase 1B dated September 6, 2019.

Stormwater

- 21) Letter from Andres Torizzo, of Watershed Consulting, dated November 25, 2019 describing the proposed stormwater treatment system.
- 22) HydroCAD modeling by Watershed Consulting of existing and proposed conditions dated January 29, 2020.
- 23) Numerous earlier stormwater submissions that have been superseded or inconsequential.
- 24) A plan titled “Existing Conditions”, by Watershed Consulting dated 1/29/20.
- 25) A plan titled “Proposed Conditions”, by Watershed Consulting dated 1/29/20.
- 26) NOAA charts of stormwater precipitation for the project area.
- 27) 2 Vermont ANR maps for the Riggs Brook culvert crossing.
- 28) Stormwater criteria worksheets dated 05-29-20
- 29) HydroCAD modeling by Civil Engineering Associates of existing conditions dated April 21, 2020 and the proposed conditions dated August 4, 2020.
- 30) HydroCAD for Q100 dated 6/17/2022
- 31) Soils report by Watershed Consulting, dated November 15, 2019
- 32) An edited C2.0 plan showing the typical impervious area that is assumed on residential lots.
- 33) A map showing overflow paths that contradict the proposed subcatchment area map.
- 34) A set of plans showing potential overflow paths. (Replaced)
- 35) A narrative titled “Haystack Crossing Low Impact Development Narrative” dated March 3, 2020.
- 36) 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.
- 37) 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.

- 38) Letter from Winn Wilson of the Vermont Department of Environmental Conservation Watershed Management Division dated 2/10/2022.
- 39) An analysis by Staff using submitted 100-year HydroCAD that shows the invert, obvert, and the modeled peak stormwater elevation.
- 40) A riparian area assessment by Mike Kline, River Ecologist, of Fluvial Matters LLC, dated November 23, 2020.

Energy

- 41) Haystack Crossing – Energy Narrative, by T.J. Boyle Associates – revised dated 6/17/2022.
- 42) Haystack Residential Solar Package from Sun Common dated 05.25.21.

Other

- 43) 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).
- 44) A draft document titled ‘Recreation Agreement’.
- 45) An edited L-100 plan stated below highlighting the areas being dedicated to the Town for recreation.
- 46) Memorandum from Todd Odit, Town Manager, dated 3/29/2022, stating the Town will be able to maintain the roads and sidewalks, should these be dedicated to the Town.
- 47) A narrative titled “Senior Overview” providing some of the proposed description of Building ‘H’.
- 48) Memorandum from Fire Chief Nicholas Baker concluding that the proposed Haystack development “will not negatively impact the Hinesburg Fire Department’s ability to appropriately respond to and mitigate emergencies.”
- 49) Archaeological sensitivity map.
- 50) Haystack draft declarations.
- 51) Haystack draft bylaws.
- 52) Response from Applicant to comments dated 6/2/2022
- 53) 10 pictures of perspective single family residences and one picture of a multifamily residence.
- 54) From Staff, calculations of projected municipal expenses and revenues for annual municipal taxes, annual water and sewer fees, project impact fees, and water and sewer connection fees.
- 55) Letter from Champlain Valley School District dated March 16, 2020 regarding school capacity.

Plans

- 56) 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 06/17/2022.
- 57) 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 06/17/2022.
- 58) 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 06/17/2022.

- 59) 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 06/17/2022.
- 60) 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 06/17/2022.
- 61) 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 06/17/2022.
- 62) 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 06/17/2022.
- 63) 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 06/17/2022.
- 64) 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 06/17/2022.
- 65) 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 06/17/2022.
- 66) 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 06/17/2022.
- 67) 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 06/17/2022.
- 68) A plan titled “Hinesburg Center II Landscape Details”, by T.J. Boyle Associates., with sheet number L-402, dated 3/08/19 and a revision date of 03/14/2022.
- 69) A plan titled “Haystack Crossing – Greenspace Calculations”, by T.J. Boyle Associates, with sheet number L-EXH3, dated June 17, 2022. Calculation for the Village NW Zoning District.
- 70) A plan titled “Haystack Crossing – Greenspace Calculations”, by T.J. Boyle Associates, with sheet number L-EXH4, dated June 17, 2022. Calculation for the Agricultural Zoning District.
- 71) 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.
- 72) 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.
- 73) 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.
- 74) 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.
- 75) 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.

- 76) 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 3/4/22.
- 77) 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 6/7/22.
- 78) 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 6/7/22.
- 79) 3 plan sheets titled "Partial Site Improvements Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C2.3, C2.4 and C2.6, dated October 4, 2019 and last revised 6/7/22.
- 80) 2 plan sheets titled "Partial Site Improvements Plan", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C2.5 and C2.7, dated October 4, 2019 and last revised 3/4/22.
- 81) 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 3/4/22.
- 82) 7 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.4, C.7, C.9 and C.10, dated October 4, 2019 and last revised 6/7/22.
- 83) 4 plan sheets titled "Partial Site Plan, Grading & Drainage", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C3.5, C3.6, C.8 and C.11, dated October 4, 2019 and last revised 3/4/22.
- 84) 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 3/4/22.
- 85) 2 plan sheets titled "Partial Site Plan, Water & Sewer", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C4.1 and C4.2, dated October 4, 2019 and last revised 6/7/22.
- 86) 10 plan sheets titled "Partial Site Plan, Water & Sewer", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C4.3 through C4.12, dated October 4, 2019 and last revised 3/4/22.
- 87) 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 3/4/22.
- 88) 2 plan sheets titled "Partial Site Plan, Gas & Electric", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C5.1 and C5.2, dated October 4, 2019 and last revised 6/7/22.
- 89) 8 plan sheets titled "Partial Site Plan, Gas & Electric", by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C5.3 through C5.11, dated October 4, 2019 and last revised 3/4/22.
- 90) A plan titled "Plan & Profile – Shubael St. (East)", by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.0, dated October 4, 2019 and last revised 6/7/22.



- 91) A plan titled “Plan & Profile – Shubael St. (West)”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.1, dated October 4, 2019 and last revised 3/4/22.
- 92) A plan titled “Plan & Profile – Violet Circle - Private”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.2, dated October 4, 2019 and last revised 6/7/22.
- 93) A plan titled “Plan & Profile – Patrick Road”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C6.3, dated October 4, 2019 and last revised 6/7/22.
- 94) 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 3/4/22.
- 95) 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 3/4/22.
- 96) 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 3/4/22.
- 97) 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 3/4/22.
- 98) 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 3/4/22.
- 99) 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 3/4/22.
- 100) A plan sheet titled “Partial ESPC Plan”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet number C7.1, dated October 4, 2019 and last revised 6/7/22.
- 101) Three plan sheets titled “Partial ESPC Plan”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers C7.2 through C7.4, dated October 4, 2019 and last revised 3/4/22.
- 102) 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 3/4/22.
- 103) 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.
- 104) 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 3/4/22.
- 105) 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 3/4/22.

- 106) 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 3/4/22.
- 107) 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 3/4/22.
- 108) 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 3/4/22.
- 109) 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 3/4/22.
- 110) 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 3/4/22.
- 111) 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 3/4/22.
- 112) 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 3/4/22.
- 113) 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 3/4/22.
- 114) 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 3/4/22.
- 115) 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 3/4/22.
- 116) 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 3/4/22.
- 117) 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 3/4/22.
- 118) A plan sheets titled “Partial Signage & Striping Plan”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet number T1.1, dated October 4, 2019 and last revised 6/7/22.
- 119) Four plan sheets titled “Partial Signage & Striping Plan”, by Civil Engineering Associates, Inc., with project number 13127, and with sheet numbers T1.2 through T1.4, dated October 4, 2019 and last revised 3/4/22.
- 120) 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 3/4/22.

56. During the full application process, many email and letters of concern were received and reviewed. These became part of the project file. Additional comments on this application were provided at the hearings, which were included in the meeting minutes.
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. The Applicant provided a staking of the proposed stormwater system outlets to clarify areas of potential concern. Based on site visits by staff, there is some overlap between some of the projects proposed stormwater discharges and areas of gullying that demonstrate existing erosion in the riparian area. In addition, the Applicant has proposed a 25-foot-wide easement along the southern border of the property to provide access for riparian area restoration.
58. Per the purpose for the Village NW district and overall village growth area (Zoning, section 3.1 and 3.6), as well as the village design standards in section 5.22 and 5.6.8, a development of this density needs to be fully connected to the existing village sidewalk network. The Applicant proposes to make these connections at all three of the projects access points; however, sidewalk gaps exist immediately beyond the project area in all three locations. At the northern access, a segment of sidewalk is lacking along a portion of Haystack Road, just south of the UVM Medical health center. The UVM Medical project provided funds to the Town for completion of this sidewalk segment when appropriate. On the southern access along Patrick Road, pedestrian connectivity depends on the success of the Hinesburg Center 2 project that has not yet been approved. On the southeastern access along Route 116, pedestrian connectivity depends on completion of sidewalk and a pedestrian bridge over Patrick Brook that is the obligation of Hinesburg Center LLC from earlier approvals.
59. The following members of the DRB were present for 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.
60. The July 19, 2022 public hearing was warned in *The Citizen* on June 30, 2022.

## CONCLUSIONS

1. The Applicant has submitted a complete Final Plat application as required per Section 4.2 of the HSR.
2. The Applicant will require conditional use and site plan approvals for Building 'K' on proposed lot #3, three quadplexes on proposed lot #4, Building 'J' on proposed lot #5, Building 'H' on proposed lot #8, Building 'C' on proposed lot #38, Building 'B' on proposed lot #44, and Building 'A' on proposed lot #50. The Applicant will require site plan approval for a quadplex on proposed lot #55, and a quadplex on proposed lot #66.
3. The Applicant's change in the plans to delay permitting and construction of the Patrick Road connection in the flood hazard area, eliminates the need to obtain an approval for development in a flood hazard area at this time.
4. Additional approvals as described in Findings of Fact #3 are required for this development to be able to function.
5. As described in Findings of Fact #6, the submitted master plan conforms to the requirements of Section 4.5.5(3) of the HZR.
6. This project will preserve and protect much of the existing natural features described in Findings of Fact #9 as required per Section 5.1.2 of the HSR. Concerns were raised by the Conservation Commission about possible impacts to the Patrick Brook riparian area located on the southern edge of the property and the adjacent property to the south. This deserved consideration per Sections 5.1.2, 6.6.2(3)(a), and 6.6.2(4) of the HSR. The Applicant's staking of the level spreader locations helped identify where the areas of concern were located. The Applicant's offer to collaborate on remedying the issue, and to provide a 25-foot-wide easement along the southern property line to access this area for future conservation work, adequately addresses these concerns.
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 described in Findings of Fact 13, 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 the area in conformance with Section 5.1.5 of the HSR and Section 2.4.2 of the HZR.
9. The proposed development's water and sewer allocations described in Findings of Fact #15 are in conformance with Sections 5.1.8, 5.1.9, 6.7 and 6.8 of the HSR. Expansions of use, both residential and non-residential, which would require additional water and sewer allocations, but would not require DRB review for any other criteria, would not require an amendment to this approval.
10. As described in Findings of Fact #16, 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 need to be built with the initial construction, and should be available prior to the issuance of a certificate of occupancy for either Building H or J. As noted elsewhere, permitting for Building H is anticipated first, followed by permitting for up to 40 residential-only structures. As such, it is acceptable for the northerly access to be the sole access point for up to 40 residential-only structures in the interim – i.e., ahead of the issuance of a certificate of occupancy for Building H and the completion of the easterly Route 116 access. It is understood that construction of the southerly access would come later, in conjunction with development of the adjacent Hinesburg Center 2 (HC2) project. The Applicant has submitted a memorandum of intent agreement with the developers of the HC2 project to share the cost of the proposed southerly access with the Patrick Brook crossing. 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. Proposed public roads include Shubael Street as the east-west connector from Riggs Road to the recreation fields), Haystack Crossing (as part of the official map identification of north-south alternates to VT Route 116), Patrick Road (as part of the North-south connections depicted in the Official Map)

11. As described in Findings of Fact #17, #18 and #19, the Applicant provided a traffic review that used average queue lengths. The Applicant provided, as required in the preliminary plat review, an updated traffic review based on the 95<sup>th</sup> percentile standard queue. This review centered around the Shelburne Falls, CVU Road intersection with VT Route 116. The Board agreed with the Applicant at preliminary plat that no additional traffic review to the south of Riggs Road is required. The data showed a condition that was marginally acceptable. The Applicant agreed to a condition for post construction monitoring either 2-years after construction or prior to phase 2 of the development, whichever comes first, for conformance to Section 5.1.6(1) of the HSR.
12. As described in Findings of Fact #20, the proposed layout with only building Patrick Road between Shubael Street and Violet Circle, and the use of lot #68 as a turnaround would provide good interconnectivity in conformance to Section 6.1.5 of the HSR.
13. The proposed development provides more than adequate pedestrian access, as described in Findings of Fact #21, is in conformance with Sections 5.1.6, 6.2.2 and 6.2.3 of the HSR.
14. The proposed parking, as described in Findings of Fact #22, appears to be sufficient for the proposed development in conformance to Section 5.5 of the HSR.
15. As described in Findings of Fact #23, the proposed development is in conformance with the 2020 Official Map requirements with the inclusion of an agreement with the Hinesburg Center 2 development, shown in this application in a submitted MOI, to build a connector over Patrick Brook, which is essential for conformance with Section 3.6 of HSR, and Sections 5.1.6 and 6.1.12 of the HSR.

16. The project appears to be in general conformance with the recharge, water quality, channel protection, overbank flood protection (Q10) and LID stormwater standards of Section 6.6.2 of the HSR as described in Findings of Fact #24 & #34.
17. However, the Applicant has not been able to provide stormwater modeling that shows conformance to the extreme flood protection standard (Q100) as described in Findings of Fact #27 for full conformance to Section 6.6.2 of the HSR. The overland flow plans described in Findings of Fact #28 are not credible since they contradict the flow direct of the subcatchment area. The proposed solution of having the Applicant's Engineer, David Marshall, certify the design and the proposed structures to have a lowest floor elevation that is at least three-feet above the top of curb elevation that is certified prior to the issuance of a certificate of occupancy is reasonable and would provide conformance to Section 6.6.2 of the HSR.
18. The Applicant's Engineer's testimony that there will not be significant bypass stormwater discharge from CB #60 as described in Findings of Fact #29 is sufficient for conformance to Section 6.6.2 of the HSR. Should significant bypass discharge occur, then the Applicant should return to the DRB with a plan to ensure that CB#60 fully collects the stormwater discharge.
19. The modeled stormwater discharge for phase two of this proposed development should not exceed the phase one discharges as described in Findings of Fact #30.
20. The design changes listed in Findings of Fact #31 & #32 adequately address the concerns about flooding proposed lot #20 and keeping stormwater away from proposed Building 'H'.
21. The Applicant will need to obtain a State stormwater permit prior to the issuance of the first building permit for this project.
22. The plans described in Findings of Fact #35 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.
23. The proposed road network has been professionally designed with some tight turns, narrow roads and small vertical curves for traffic calming. The road design and the Town Manager's determination that the Town could maintain the proposed roads and sidewalks, as described in Findings of Fact #11 & #36 appears to show conformance to Section 6.1.10 of the HSR.
24. Finding of Fact #36 & #48 describing the collaboration between the Town Manager's office and the Applicant determining the amount of streetscape greenspace provides conformance to Section 5.1.11 of the HSR.
25. The Applicant's proposal to commence development on a 50-unit Senior Independent Living Facility which includes at least 10,000sf of senior support and commercial uses of

building 'H' on proposed lot #8, at the beginning of the development and obtain a certificate of occupancy for building 'H' prior to receiving a building permit for the 41<sup>st</sup> other residential dwelling units is reasonable. This 10,000sf of area will need to have true commercial uses (e.g., café, physical therapy center) and non-residential residential apartment building senior support service spaces (e.g., staff office, medical support space, etc.), and not typical amenities for a residential apartment building (e.g., exercise room, lounge area, etc.) to ensure a vibrant mix of commercial and residential uses as required in Sections 3.1 & 3.6 of the HZR. To comply with the construction sequencing or residential and non-residential uses in section 3.6, site plan approval and a zoning permit for Building 'H', should be acquired prior to the issuance of zoning permits for other purely residential structures. If site plan approval and zoning permits are obtained for buildings with non-residential spaces other than Building 'H', the Applicant is invited to seek a minor revision to this approval to adjust the proposed sequencing.

26. Since 49 of the remaining 86 dwelling units, after the first 90-units are completed as described in Conclusion #25, would be in mixed-use buildings, it is reasonable that the remaining non-residential development as described in Findings of Fact #37 & #38 would need to be built prior to any development in phase 2 as shown on the master plan to ensure a vibrant mix of commercial and residential uses as required in Sections 3.1 & 3.6 of the HZR.
27. The minimum non-residential floor areas listed in Findings of Fact #37 & #38 for Buildings 'A', 'B', 'C', 'J', and 'K' along with the minimum 10,000sf of Building 'H' as clarified in Conclusion #25, is needed and would provide a reasonable mix residential and non-residential and civic activities as required by Sections 3.1 and 3.6 of the HZR.
28. The Applicant's proposed renewable energy plan described in Findings of Fact #39 provides conformance to the standards of Section 3.6 of the HZR and Section 5.1.12 of the HSR for renewable energy.
29. The public open space requirements of sections 4.5.7(2) and 5.22.5 of the HZR have been satisfied for both phase 1 and phase 2 of this development, as depicted these final plans and the overall master plan. This is based on: the agreement described in Findings of Fact #42 between the Applicant and the Selectboard; green space areas to be provided with amenities; areas dedicated to the Town, and the funds provided to develop the greenspaces; proposed green space areas and plan to protect fragile features (riparian areas) as described by Findings of Fact #47.
30. The determination of the Fire Chief as described in Findings of Fact #43, the review of costs and fees described in Findings of Fact #44 and the agreement described in Findings of Fact #42, indicate that there will not to be an unreasonable burden on municipal services for conformance to Section 5.1.11 of the HSR.
31. As described in Findings of Fact #45, the school district can accommodate the student population growth from the first phase of the proposed development. This will need to be reevaluated for phase 2 of this development.

32. The Applicant's proposal described in Findings of Fact #46 for the plan for placement of affordable housing units would conform to the standards of Section 5.21.4 and 5.21.5 of the HZR. During permitting and construction, the Applicant needs to provide the Zoning Administrator with adequate information so that compliance with the requirements of section 5.21.5 of the HZR can be assured – e.g., number of bedrooms, access to amenities, etc.
33. The proposed greenspace described in Findings of Fact #47 conforms to the standards of Section 4.5.7 of the HZR.
34. The landscaping plans described in Findings of Fact #48 and the landscaping budget described in Findings of Fact #49 shows conformance to the standards found in Section 6.5 of the HSR. The Applicant's landscape architect will continue to coordinate as necessary with Staff on possible revisions to the species mix in the Patrick Brook and Riggs Brook riparian areas, which the Applicant is agreeable to having as a condition of approval.
35. The lighting plans, as described in Findings of Fact #50, with the exception of a 21-foot-high light pole for a parking area that the Applicant has agreed to modify to a 20-foot-high light pole for a parking area, satisfies the lighting standards of Section 5.29 of the HZR.
36. As described in Findings of Fact #51, #52 & #53, 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. The Applicant will need to coordinate the placement of utilities with the Town Manager's Office. Some changes due to on site conditions may require modification, which will not require further review from the DRB.
37. As described in Findings of Fact #54, The Applicant has agreed to provide to Planning and Zoning a signed letter describing the findings of the archaeological study from the Division of Historic Preservation, which is required for ACT250 review, when it is available, and satisfying any requirements in such letter, would provide conformance to Section 5.1.3 of the HSR.
38. The Applicant has submitted bylaws and declarations, listed as documents #50 and #51 in Findings of Fact #55. Concerns were raised in staff comments submitted to the Applicant. The Applicant responded by proposing to revise the bylaws and declarations, listed as document #52 in Findings of Fact #55. Updated bylaws and declarations were not provided during the hearing. The Applicant should resubmit the bylaws and declarations with these edits to the Planning and Zoning office prior to the issuance of the first building permit.
39. Pursuant to Section 4.2.2(3) of the HSR, the establishment of a performance bond, an escrow or a 3-party agreement is needed to secure the completion of critical project



infrastructure (public and private) listed below. Formal drafting of this legal agreement with the Selectboard will occur subsequent to this approval, and before any site work begins. It is appropriate to allow the details of this legally binding financial surety to be worked out with the Selectboard after final plat approval since additional permits (e.g., Act 250) may be required, and since construction costs cannot be fairly estimated until after all permits are obtained and the construction timeline and sequencing can be formalized. The 3-party financial surety agreement shall cover, at minimum, the following:

- a. Roads, sidewalks and related infrastructure, including the Patrick Brook crossing, in the road rights of way – e.g., street trees, street lighting.
- b. Water distribution lines, wastewater collection lines, fire hydrants, and related items – e.g., wastewater pump stations

40. A development of this density, even with greenspace for active and passive recreational uses, needs to be fully connected to the village in order to comply with the regulations noted in Finding of Fact #58. This connectivity is also needed to provide access to active recreation (playgrounds, recreation fields, etc. – see section 5.1.4, HSR) and to provide safe and convenient access to important destinations (schools, stores, restaurants, etc.) per the transportation planning standard (section 5.1.6, HSR). It appears that the sidewalk gaps outside the project area (per Finding of Fact #58) will be addressed by other entities. However, the build out of this project must be tied to this resolution in order to provide safe pedestrian connectivity.

### **ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants final plat approval to the proposed (70)-lot and 176-unit Haystack Crossing subdivision and PUD subject to the conditions listed below.

1. Irrevocable offers of dedication and related property and easement deeds (as noted in Finding of Fact #42 and Conclusion #29) shall be finalized with the Selectboard prior to submission and recording of the final plat mylar. The irrevocable offers of dedication shall be submitted to the Town Clerk for recording within 30 days of the subdivision survey mylar being recorded. *To cover: land dedications to the Town; proposed Town roads, sidewalks, trails (deeds, and easements to cover public use while these elements remain in private ownership; water and wastewater distribution lines; easements necessary for development of the new Town well; etc.*
2. Prior to any land development the Applicant shall record the survey in the land records and finalize the land transfers between the Town and the owner of the KB Realty property.
3. In accordance with State statute, the survey mylar, containing a date and signature of approval of the Development Review Board, of this subdivision 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.


4. The required performance bond, escrow or 3-party agreement (see Conclusion 39) shall be finalized with the Selectboard, and be fully in place (e.g., with 3rd party lending or bonding institution) prior to the commencement of any site preparation and manipulation, including but not limited to, earth moving, tree clearing, etc.
5. Prior to the placement of each building foundation, the surveyor of record shall certify that the building foundation is located with the required setback, and that the sidewalks/recreation paths have been placed per the approved plans. This certification sheet shall be presented to the Zoning administrator prior to the request for a certificate of occupancy/use for each building and for lot #45 prior to the issuance of a building permit for the 41<sup>st</sup> residential unit, excluding Building 'H'. Per section 7.2 of the HSR and note #14 of the Planning & Zoning Fee Schedule, at the request of the Zoning Administrator, the DRB reserves the right to hire an independent contractor/professional, at the expense of the applicant, to verify site layout any time prior to the issuance of a certificate of occupancy.
6. The Applicant shall cover the cost for the Town to hire a qualified professional to review the road construction and aggregate depth for each road segment for conformance to the approved plans.
7. Prior to the issuance of certificates of occupancy for each building, a qualified and licensed professional shall submit a letter to the Zoning Administrator certifying/documenting the following:
  - a. The structure location is within in the approved location, and that the necessary site improvements for the structure (e.g., stormwater/erosion control, landscaping, sidewalks, etc.) have been installed per the plan and this approval.
  - b. The first-floor elevation (lowest at-grade elevation) is three or more feet above the top of the curb elevation so as to protect the structure from flooding during a 100-year storm event.
8. No further subdivision nor development in the floodplain of this property shall occur without review and approval by the DRB.
9. The DRB approves the dimensional waivers from Section 2.4 of the HZR described in Findings of Fact #12.
10. Subject to Town and State approval of the adjacent Hinesburg Center 2 project and the necessary State stream alteration permit, the Applicant shall, in coordination with the developer of Hinesburg Center 2, build the Patrick Brook crossing. It shall be built when adjacent sections of Patrick Road are constructed in both projects, and in any case, no later than three years from the date of this approval. Note that Patrick Road is labeled as Center Road in some of the Haystack plans and as Road 'C' in the Hinesburg Center 2 plans.

11. Prior to the Patrick Brook crossing, Patrick Road shall only be fully built to and including all of the intersection with Violet Circle. The Patrick Road right-of-way shall be utilized for access to Building 'H'. When any portion of Patrick Road is built, catch basins #63 and #64, and gravel wetland #3 shall also be built. Stormwater discharge south of the Violet Circle intersection shall be routed to these catch basins and gravel wetland as shown on the plans.
12. Documents for the access on lot #68 to allow for a turnaround on Hailey Lane that would utilize the parking area on lot #68, shall be recorded in the Town's land records prior to any permits being issued for development on Hailey Lane.
13. The Shubael Street access to VT Route 116 shall be built prior to issuance of a certificate of occupancy for Building 'H' and/or Building 'J'. Pursuant to the construction sequence described, up to 40 other residential dwellings could be constructed concurrent with Buildings 'H' and/or 'J'. Therefore, the Route 116 access shall be built prior to the issuance of a building permit for the 41<sup>st</sup> residential dwelling unit outside of Buildings 'H' and 'J'.
14. The Applicant shall provide a post construction traffic monitoring either 1-year after the completion of construction of phase 1 or prior to phase 2 of the development, whichever comes first. Should this monitoring show a decrease in level of service (or other criterion), then the Applicant shall return to the DRB with a proposal to address the traffic concern.
15. Prior to any certificate of occupancy in the proposed development, the receiving stormwater infrastructure shall be built and certified by a qualified and licensed professional that the infrastructure was built in conformance to the plans. This certification shall be provided to the Zoning Administrator.
16. Should significant bypass discharge occur past CB#60, then the Applicant shall return to the DRB with a plan to ensure that CB#60 fully collects the stormwater discharge discharging to it.
17. The Applicant shall provide a 25-foot easement along the southern boundary to allow for access to the Patrick Brook riparian area to allow for conservation restoration. The Applicant shall collaborate with the adjacent landowner to the south to address existing erosion (i.e., gullies) near any proposed stormwater system discharge points.
18. As described on Findings of Fact #27, the lowest floor elevation for the proposed single-family residences, including garages and accessory structures, shall be at least 3-feet above the top of curb elevation. A licensed profession shall provide a certification of this requirement prior to the issuance of a certificate of occupancy.
19. If there are stormwater issues the Applicant shall return with solutions.

20. As described in Findings of Fact #30, the proposed stormwater discharge in phase two shall not exceed that shown in phase one.
21. The Applicant shall work with Town staff to clarify shared responsibility for maintenance of the stormwater system and payment of State stormwater operating fees and permit renewals, if/when the Town takes ownership of various lands and project elements – e.g., roads, sidewalks, development on lot 70.
22. Prior to site work and the issuance of any zoning permits, the Applicant shall have placed any required erosion control measures either as shown on the submitted plans or in conformance with a State CGP.
23. All Non-residential development described in Findings of Fact #37 & 38 and Conclusion #27 shall be built prior to the commencement of any development in phase 2.
24. The use of Building ‘K’ shall conform to the definition of commercial or light industrial use.
25. The use of Building ‘H’ shall conform to the definition of congregate housing found in Section 10.1 of the HZR.
26. The Applicant shall obtain site plan approval and a building permit to construct building ‘H’ prior to the issuance of any purely residential structures. The Applicant shall obtain a certificate of occupancy for Building ‘H’ prior to the issuance of a building permit for the 41<sup>st</sup> residential unit not including those in Building ‘H’.
27. Prior to the issuance of a certificate of occupancy for Building ‘H’, and no later than five years from the first certificate of occupancy in the project, sidewalk connectivity to the existing village sidewalk system as outlined in Finding of Fact #58 and Conclusion #40 shall be assured.
28. The proposed non-residential floor areas shall minimally be as described in Findings of Fact #37 and #38 and Conclusions #25, #26 & #27. Should the proposed floor areas be less than the proposed amount, the Applicant shall revise this approval to propose additional areas to place non-residential floor area.
29. Pursuant to section 3.6 of the HZR construction of non-residential or mixed-use buildings shall occur prior to or concurrent with residential buildings. The Applicant shall work with Planning & Zoning Department staff to develop a formula to help guide this, which is consistent with the Applicant’s testimony. The Zoning Administrator shall ensure compliance with this standard, while providing the Applicant with some flexibility. (Should be hashed out with the DRB.) EDIT No building permits for phase 2 without all the non-residential development in phase 1 commencing construction.
30. The Applicant shall provide renewable energy amenities as described in Findings of Fact #39.

31. The proposed affordable housing units shall be placed as described in Findings of Fact #46 and shall provide for the requirements outlined in Section 5.21 of the HZR, and as described in Conclusion #32. The affordable housing units shall be made available for occupancy on approximately the same schedule as the market-rate units per section 5.21.4(6).
32. Maintenance of project roads and sidewalks shall be the responsibility of the homeowner's association and will include winter snow removal and related treatment to ensure year-round vehicular, bicycle, and pedestrian access, until such time as the Town may assume ownership and these responsibilities.
33. Portions of Shubael Street and/or Haystack Crossing shall be constructed to provide access to the Town's recreation fields' parking area in conformance with the submitted plans prior to the removal of the current recreation field access.
34. As described in Findings of Fact #42 and Conclusion #30, the Applicant shall build the proposed amenities on lot #45 prior to a permit being issued for the 41<sup>st</sup> residential unit, excluding Building 'H'.
35. The Applicant shall confer with Planning and Zoning Staff prior to revisions to species mix as described in Conclusion #34.
36. The lighting shall comply with the outdoor lighting provisions in section 5.29 of the HZR, and be built per the plans and as modified per Conclusion #35.
37. The Applicant shall provide to Planning and Zoning updated bylaws and declarations as described in Conclusion #38, prior to the issuance of the first building permit.
38. The Applicant shall provide to Planning and Zoning a signed letter describing the findings of the archaeological study from the Division of Historic Preservation, which is required for ACT250 review, when it is available.
39. Plan L-401 shall be updated as described by Findings of Fact #50 and resubmitted to the Planning and Zoning Department prior to recording of the final plat.
40. All proposed structures shall be located in the building envelopes as shown on the survey plat.
41. The building envelopes shall be staked, if requested by the Zoning Administrator, prior to a building permit application being deemed complete and/or prior to a request for a certificate of occupancy.
42. Utility service shall be provided with underground lines as described on the plans. The proposed utility locations may be modified slightly when installed, due to unforeseen site constraints.

43. Prior to construction of any of the proposed roadways, all water and sewer lines shall be reviewed and approved by the Town's Department of Utilities and Facilities (or future equivalent). Changes to the design as shown on the submitted plans will be acceptable with Department of Utilities and Facilities approval.
44. All blasting shall be done by a licensed, insured contractor, utilizing all current industry safety standards. Any blasting or pounding shall occur only between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and not on holidays. Neighbors of any blasting and pounding to take place shall be given as much notice as possible.
45. The hours of construction shall be from 7:00am to 6:00pm, Mondays through Saturdays. Once a building has been enclosed, work can continue inside the buildings beyond the listed hours of construction that will not generate noise observable outside the building. This additional hour work can not include deliveries.
46. 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:
  - a. Approved by the designer, or equivalent, and
  - b. In conformance with the intent of this decision, and
  - c. 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

**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.