

Preliminary Plat Conditions of Approval Response - Attachment 2

March 14, 2022

Key: Original Narrative , **Applicants Response**, *referenced material*

1. The Applicant shall provide all the documentation required for Final Plat review as stated in Section 4.2 of the Hinesburg Subdivision Regulations.

SECTION 4.2 FINAL PLAT

4.2.1 The final plat for a subdivision shall conform in all respects to the preliminary plat as approved by the Development Review Board. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Subdivision Plat shall show:

*(1) Identifying title for the proposed subdivision, the name of the town, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point. **These are included both on the Plat of subdivision and the civil plans.***

*(2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use. **The street names have been updated and are included on the Plat Plans. The easements are depicted on the detailed Plat Plan sheets for clarity.***

*(3) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority. **The project is georeferenced and the proposed subdivision lines are tied into the existing conditions perimeter boundary lines. The proposed street alignments include meets and bounds suitable for the purposes of current and future layout. The Street geometrics plan included in the preliminary plat application reflects the proposed conditions in this final plat application.***

*(4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street. **The proposed street alignments include meets and bounds suitable for the purposes of current and future layout. The Street geometrics plan included in the preliminary plat application reflects the proposed conditions in this final plat application.***

*(5) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider. **The proposed open space to be dedicated to the Town of Hinesburg is identified on the plat while the remaining open spaces are designated for control by the Homeowners Association.***

*(6) Lots within the subdivision numbered in numerical order. **Acknowledged and in place.***

*(7) Permanent reference monuments and lot corner markers. **The Plat plans call for concrete monuments along the roadways at all points of deflection and iron pins at property corners.***

*(8) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by town specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer. **The Plat plans call for concrete monuments along the roadways at all points of deflection and iron pins at property corners. The surveyors are reticent about disturbing the existing historical perimeter boundary information in favor of new monuments.***

*(9) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge). **We will include the utility easements***

that encumber the property. The actual utility lines, not yet installed are typically not shown on the plans. We offer that the site utility plans for the project can be filed in the land records if the Town so chooses.

4.2.2 There shall be submitted to the Development Review Board with the final plat the following supporting documents:

(1) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.

ARTICLE 6: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

See Attachment 3

*(2) Copies of proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas and school site areas, are to be dedicated, reserved, and maintained and if requested by the Development Review Board, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Hinesburg of any areas proposed to be dedicated to the Town. **Please find attached Attachments:***

4A -Blackrock Haystack -Recreation Development Agreement [draft]

4B - Water Easement Deed – Draft

*(3) If requested by the Development Review Board, a certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Development Review Board, or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider. **This is acceptable as a condition of approval.***

(4) Any other documents required by the Development Review Board as a result of preliminary plat approval

2. The Applicant shall provide updated plans and documents based on the changes required by this decision. **The plan set has been updated to reflect the conditions of approval. Those requirements are outlined later in this document.**
3. The Applicant shall clarify how much non-residential space will be in building H, and shall provide details on these spaces – e.g., how they will be used, whether they will serve the larger neighborhood. **Please see Attachment 5.**
4. The Applicant shall provide a plan or a memorandum of intent (MOI) to share in the financing of the Patrick Brook Bridge connection. This MOI shall address cost sharing, the need for any further permitting, and timing of construction. **This has been completed. This is being added as Attachment 6.**
5. Plan L-101 shall be updated to show the VT Route 116 right-in and right-out intersection and all of 'Harvest Lane' as part of phase IA. **The plans have been updated to show the most current design for the RIRO at VT Route 116 and the landscaping plans have been updated to reflect the elimination of the Phase I sub-phasing.**
6. The Applicant shall provide a plan for phase IA that includes an appropriate turnaround at the end of Jenna Drive, as well as any proposed connectivity with the Town recreation area access road (e.g., Jenna Drive, Field Crest Lane). **The Phase 1A and 1B breakpoints have been eliminated as all of the infrastructure on Jenna Drive will be constructed as part of Phase I.**
7. The Applicant shall provide evidence of coordination with the Town Road Foreman regarding further improvements to the Haystack Crossing and Shelburne Falls Road intersection – e.g., appropriate striping and signing and what turn lanes that should be shown on the plans. **In accordance with the Highway Department we were directed to coordinate these issues with the Town Manager's office. The plans have been revised to reflect the as-built**

conditions of the recent VTrans improvements to the Route 116 – Shelburne Falls Road intersection. The RSG Traffic studies did not indicate the need to make any further improvements at the Haystack Crossing intersection with Shelburne Falls Road.

8. Realistic contours to approximate the grading of the areas outside of the roadways shall be added to the grading plans. **Sheets C3.1 to C3.11 include the tie-in contours from the back of the sidewalk/recreation path into the existing grade. As each individual lot will require Site Plan approval, the applicant proposes to demonstrate how these issues are to be addressed with each Site Plan. A master grading plan has been developed for internal understanding and management of these areas of concern. However, as actual tenants and needs come forward these layouts and grading concepts will be updated and submitted to the Town for each respective Site Plan approval.**
9. The Applicant shall redesign the proposed stormwater system to show and better address conveyance of the 100 year storm event. The design shall avoid the errors described in Findings of Fact #29, through #32 (**Outlined below**). The Applicant is required to obtain a State stormwater permit prior to submittal of final plat application. **A determination has been made by the State that the Stormwater system as recently updated and proposed complies with the State Stormwater Rules (Attachment 7).**

29. Proposed gravel wetland #3 is in the 100 foot Patrick Brook stream setback area, is small and has a small drainage area discharging to it. If stormwater discharge bypasses CB#60 on 'Center Road', then the area draining to gravel wetland #3 could double. A gravel wetland stormwater feature is compatible with near stream environments. It will be a planted depression that will remove fill from the setback area.

The surcharge behavior is depicted in the modeling was reviewed and given preliminary approval by Winn Wilson of the Stormwater Program. Runoff draining to CB#60 is depicted in the model as part of DA_1C, which is routed to CB#52 and to DMH#2. When DMH#2 is overwhelmed, we have routed surcharge directly to GW#3 which passes the 100-year storm with 1' of freeboard.

30. *The Applicant proposed to use a foundation wall of Building 'H' as part of the stormwater storage area for gravel wetland #2 in the 100-year storm event. **GW#2 does not utilize Building H as part of extended detention storage during the 100-year storm. Grading on Sheet C3.2 with revisions dated 1/27/2022 shows a 330' contour and 330.5' spot elevations to the east of GW#2, along the edge of Building H. An overflow of GW#2 is provided at a low-point in the recreation path at 329.5'.***

31. *The Applicant proposed to obtain a State stormwater permit prior to submitting a final plat application in order to better demonstrate compliance with section 6.6.2(1) of the HSR, particularly the State's extreme flood protection treatment standard. **The Stormwater Program issued a preliminary approval pending review by other natural resource programs (Wetlands, Rivers, and Floodplains).***

32. *The proposed elevations shown on the plans in areas outside of the roadway areas and on the proposed lots to be developed were limited. The Applicant submitted updated grading plans that showed drainage swales with pipe inverts that were lower than the elevation at the top of drainage pipes that the modeling shows as full flowing during a 100-year storm event. **The C3.X series of plans include general information on the potential grading with the understanding that the lots which will require subsequent Site Plan approvals are still in flux. So showing a proposed grading plan will be conceptual at best. This is what is depicted on the plans relative to the 5' contour mapping and narratives which outline the general approach on how the single family home areas will be graded out.***

10. The grading of 'Center Road' shall be modified as described in Findings of Fact #29.

29. *Proposed gravel wetland #3 is in the 100 foot Patrick Brook stream setback area, is small and has a small drainage area discharging to it. If stormwater discharge bypasses CB#60 on 'Center Road', then the area draining to gravel wetland #3 could double. **A gravel wetland stormwater feature is compatible with near stream environments. It will be a planted depression that will remove fill from the setback area.***

The surcharge behavior is depicted in the modeling was reviewed and given preliminary approval by Winn Wilson of the Stormwater Program. Runoff draining to CB#60 is depicted in the model as part of DA_1C, which is routed to CB#52 and to DMH#2. When DMH#2 is overwhelmed, we have routed surcharge directly to GW#3 which passes the 100-year storm with 1' of freeboard.

11. The sidewalk area on the north side of 'Field Crest Lane' west of 'Jenna Drive' shall be removed from the plans. **This has been completed.**

12. The Applicant shall propose plan changes to address the streetscape greenbelt and snow storage issues discussed in Finding of Fact #35 and Conclusion #20. The Applicant shall collaborate with Town Staff to find compromises that address and balance sometimes conflicting needs- e.g., snow plowing and storage, pedestrian safety, street tree planting, and on-street parking. . **In accordance with the Highway Department we were directed to coordinate these issues with the Town Manager's office. WE have met with Mr. Todd Odit, Town Manager concerning the Town's position on the proposed layout of the project and are adding as Attachment 8 which outlines the Town's position.**

13. Per Conclusion #22, the Applicant shall provide additional analysis/modeling and construction commitments to better demonstrate how each property will conform to the energy standards found in Section 3.6 of the HZR and 5.1.12 of the HSR. This analysis shall include details about how power from the solar array will be allocated within the development, especially to any properties with sub-optimal solar orientation. The Applicant is encouraged to consult with a company that specializes in solar energy facilities, in order to provide clarity/certainty on the proposed solar array. The Applicant shall detail how the base-level construction package for the single-family homes and four-plex townhomes will take advantage of solar energy resources (e.g., solar-ready roof and electrical service; active solar; etc.) and provide infrastructure for electric vehicle charging.

22. The development needs to be designed, oriented, and constructed to take advantage of passive and/or active solar energy resources to conform to the

*standards of Section 3.6 of the HZR and Section 5.1.12 of the HSR. The Applicant stipulated to certain design and construction elements for the larger buildings (buildings A, B, C, H, J, K) to address these standards - e.g., roof-top solar, use of cold-climate heat pumps for heating/cooling. The Applicant indicated that many of the lots have the flexibility for proper building orientation, and that building features like rooftop solar will be offered to prospective homeowners at the time of construction. The regulations require far more than just ability and intention. More needs to be done, particularly regarding commitments to high percentages of windows on south-facing facades, solar-ready roofs and electric service, and electric vehicle charging. The Applicant needs to do more to demonstrate that the development will comply with the standards - particularly the single-family homes and four-plex townhomes that comprise 67 homes (over half of the 126 dwelling units exclusive of the senior, congregate units). Additional analysis/modeling and construction commitments are needed. With that said, it is acknowledged that a limited number of structures may comply with the standard through means other than ideal solar orientation. One way to do this would be to have the lots that are not well suited for maximum solar gain to have better access to the proposed solar array. **Please find attached the applicants response as found in Attachments 13 and 13A.***

14. Pursuant to Conclusion #27, the Applicant shall coordinate with the Hinesburg Selectboard and propose a plan regarding how to develop the 1.22 acre lot 45 central green. This plan shall address planned improvements, cost sharing, timing of construction, and ultimate ownership and management (private/public).

*27. Overall, the Applicant has proposed a robust greenspace plan with areas that protect fragile features (riparian areas) and other spaces that provide for gathering and outdoor recreation. As noted in Finding of Fact #42, coordination with the Select Board is necessary to determine an improvement plan for the central green. Regardless of coordination with the Select Board, a project of this size warrants additional improvements to the central green to ensure it serves the green space and outdoor recreation functions noted in Section 4.5.7(2) of the HZR. **Please find attached a letter of understanding with the Town regarding this item (See Attachment 4A). The application now proposes the ceding of newly created Lot 70 and the reconfigured open space between the recreation fields and the residential lots on***

the west side of Jenna Drive along with a payment of \$30,000 to the Town.

15. The Applicant shall provide an archaeological study and a narrative on how any significant cultural resources will be addressed as part of the final plat application. **Initial work undertaken by the University of Vermont Consulting Archaeological Team has identified that the proposed project limits falls outside of area of high archaeological sensitivity (See Attachment 9)**

16. Pursuant to Conclusion #5, the Applicant shall collaborate with Staff to evaluate the Patrick Brook riparian area, and address concerns about possible impacts and long-term management options. The Applicant shall work with Staff, the Conservation Commission, and the adjacent landowner/developer to explore potential partnerships for long-term management solutions.

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

We have added an environmental easement in favor of the Town of Hinesburg that runs parallel to the property line with a suitable width to envelope all of the 50' riparian corridor setback from the top of bank of Patrick Brook. The intent is to give the Town space to implement a comprehensive riparian corridor management plan in cooperation with the abutting property owner where most of the buffer is located. Until the Town has assembled the proposed management program for this area, a note has been added that indicates that "agricultural mowing will be ceased in this area to enable natural regeneration of the buffer area vegetation".

17. Additional applications described in Findings of Fact #3 shall be submitted along with the final plat application.

3. The Applicant has also applied for approval for development in a stream setback. This will be addressed in a separate decision. This

*development will need subdivision revisions for property adjustments with the Town and KB Realty coincident with the final plat review. The proposed connection to the Hinesburg Center 2 development will need approval for development in a floodplain/fluvial erosion hazard area. The Applicant has indicated that the work shown in the floodplain adjacent to 'Center Road' will stop before reaching the floodplain. **The proposed boundary line adjustment applications with KB Realty (East Access Road alignment with Riggs Road) and the Town of Hinesburg (Recreation Field) are being submitted under separate cover.***

18. The Final plat application shall include deed, legal, easement, right-of-way and homeowners Association language that details responsibilities for the maintenance of shared infrastructure as required in the regulations and as stated in this approval. **The Draft HOA Declaration and Bylaws are included as Attachment 10A and 10B. The Deed and easement information is included as attachments 4A and 4B.**
19. The traffic studies shall be updated to evaluate traffic generation to the 95th percentile standard. The updated study will be reviewed at final. **Please find attached the updated traffic memorandum (Attachment 11)**
20. The Applicant shall provide evidence of coordination with the Select Board and the State Division of Fire Safety to address adequate fire protection and life safety for the three-story buildings (buildings H and J). Pursuant to Conclusion #23, there may be multiple solutions to ensure these buildings can be safely occupied given available resources in Hinesburg and surrounding communities.
 23. *23. How fire and rescue services to the three-story buildings (H and J) are going provided, and whether sufficient service to these buildings can be provided, has not been adequately demonstrated. A discussion with the Selectboard on possible solutions is warranted given that the Town's capital budget anticipates the purchase of a ladder truck. Input from the State Division of Fire Safety after further consultation with the Town Fire Chief is also warranted. Given the Town Fire Chiefs testimony, there may be more than one solution - e.g., expedited purchase of a ladder truck; mutual aid agreements and building review/approval by the State Division of Fire Safety; etc. **Please find attached the correspondence from the Fire Chief (Attachment 12)***

21. The road design shall either be confirmed or upgraded to allow the plow truck turning radius described in Findings of Fact #44.

*44. The Town Highway Foreman indicated that the curb to curb turning radius of the largest Town plow trucks is 59-feet. **The plans have been revised to make all of the intersections with 20' curb radii in accordance with the Town's Roadway Standards.***

22. The final plans shall show one road name for the road that goes between VT Route 116 and the Town recreation fields. The Applicant shall coordinate with the Town's E911 coordinator on appropriate road names prior to final plat. **The proposed road names have been updated to reflect the latest input from the Emergency 911 Coordinator.**