

## Haystack Crossing Project Subdivision Final Plat Application

Initial staff comments/questions by Mitch Cypes & Alex Weinhagen  
6/2/2022 (M.Buscher responses 6/17/2022)

### General:

1. Building envelopes cannot include stormwater easement areas. See lots 3, 4, 10 – 14.

We will adjust building envelopes accordingly.

2. Plans should show the 75-foot setback to Riggs Brook.

Understood TJBA plans already show Riggs Brook 75-foot setback, but it is mislabeled. TJBA to correct.

3. Plan C3.4 should show lot numbers

Understood

4. Will there be easements to use the turnarounds for the Hailey Lane and Center (Patrick) Road?

Yes, temporary easements

5. Per Order #3, how much space in building 'H' will be used for the physical therapy office/business and the café?

10,000 square feet +/-

6. What is the proposed order of development?

Initial infrastructure to be Haystack Crossing, Shubael St to Patrick and all of Jenna Drive. Initial building will be the Senior building followed by housing on the Jenna Drive loop. Connection to 116 envisioned to coincide with CO for Senior Building.

7. Many of the stormwater questions that Bryan was not sure of, have been answered by David. A full 100-year post development HydroCAD needs to be submitted.

David/Bryan

8. The response to Order#16 calls for a 50-foot-wide easement for maintenance of the western portion of the property. The plans only show a 25-foot-wide easement.

Where is he talking about? Beyond the power lines?

9. Per Order #17, KB realty application is not signed by someone at KB Realty.

Wrong copy, I have the correct one

10. The revised traffic study was not clear as to the build and no build scenarios. Do these include the new traffic layout? Is the build scenario for the entire Haystack project or phase 1.

Will forward to Corey Mack

11. Center Road should be renamed Patrick Road.

No problem

12. The Patrick Brook Crossing MOI (Attachment 6) is missing Exhibit A – i.e., the details of the cost sharing agreement. Further, the MOI is merely a statement of intent. It also stipulates that parties will not enter into a binding cost-sharing agreement until both projects have received all necessary permits. The timing for this cost-sharing agreement could therefore be many years away, and potentially only after all zoning permits have

been issued for every structure. The intent of Order #4 of the preliminary plat approval was to see more detail on a cost sharing arrangement.

It will be a 50/50, I can work with Brett to update that.

13. Road and sidewalk access easements. Until such time that the Town decides to take over some or all of the roads being offered, the Town will need an easement over those roads to ensure access to the Town recreation fields. This may be moot for Haystack Crossing, given the prior irrevocable offer and easement deed from Wayne Bissonette. An access easement over Shubael Road and Jenna Drive will also be important.

Fine

14. Stormwater System – future Town use and responsibility. Assuming the Town accepts lots 19, 20, and 70, we will likely make improvements in the future that will add impervious surface and require stormwater collection and treatment in the project's stormwater system. We need some detail on how much impervious surface can be added to these future Town lots, and still be accommodated without significant upgrades to the system. We also need clarity on what responsibility the Town would have for maintenance of the system if/when the Town accepted those lots as is with no improvements. The same clarity is needed if/when the Town accepted some or all of the proposed public roads. It seems that the Town should share in the maintenance of the stormwater system, proportional to the amount of impervious surface the Town owns/controls.

Dave?

**CEA Narrative (3/14/22):**

15. Page 2, letter f&o – The narrative is confusing as to whether lot 20 will be public or private open space. My understanding from the Town Manager is that all of the open space between the Town recreation fields and Jenna Drive will be offered to the Town – i.e., lots 19 & 20. If so, the narrative should be revised. Also, letter o refers to lot 14 as private open space, but this is a house lot.

Typo, 19&20 are being dedicated the town

16. Page 2, letter h – The narrative refers to open space/path along Route 116 as lot 1A. Is this supposed to be lot 1 and/or lot 2?

Dave?

17. Page 2, letter j&k – The narrative refers to access or recreation path easements to the recreation fields on the north and south side. Does the applicant intend to create trails in these locations as part of the development (e.g., mowed grass paths or improved trails), or is the intent to leave potential trail improvements for the Town to consider and complete? On a related note, the plat shows an easement to VAST along the west side of the Town recreation fields. Consider making this an easement offer to the Town instead.

The floating trail easements are meant to be for Town consideration and development. (My memory is that we were showing improvements, but during preliminary were specifically requested NOT to show improvements and simply show floating easements to be provided to the town)

18. Page 2, letter m – Please clarify what areas these refer to. Is the reference to lot 7 supposed to be lot 6?

Dave?

19. Page 2, letter n – Lot 8 is not the solar field and the well site. That is located on lot 9. Narrative needs to be corrected.

Understood

20. Page 3, letter q – The narrative refers to lot 4A as private open space, but there is no lot 4A. Is this meant to be lot 6? Narrative needs to be corrected.

Dave?

21. Page 3, letter r&s – Additional lots should be listed as lands reserved for future development – i.e., lot 6, lot 7, lot 70, lot 72.

Do these lands have lot numbers? I believe this should be lots 6, 7, 71, & 72

22. Page 3, letter t – Please clarify what the plan is for the remaining lands to the west of the Town recreation field, and how access will be maintained to this portion of the subdivision.

Do we currently show an access?

**Landscaping - Section 6.5, Subdivision Regulations and Section 5.6.6, Zoning Regulations:**

23. Cost information is needed to assess compliance with the minimum landscaping spending requirements in section 6.5 of the Subdivision Regulations. Please provide cost estimates for: overall subdivision site improvements (grading/fill, roads, stormwater system, utilities, etc.), construction of the single family homes, and the proposed landscaping per the plan. Costs related to construction and landscaping on non-single family home lots can be dealt with in subsequent site plan applications for those lots.

Mike? The current proposed landscape budget significantly exceeds the minimum required landscape budget. The surplus budget will be counted towards future landscape requirements with site plan permitting of future multi-family, mixed-use and commercial development.

|  |                     |  |
|--|---------------------|--|
| <b>Total Construction Cost Estimate</b>  | <b>\$21,290,000</b> | <b>Minimum Required Landscape Budget</b> |
| 3% of first \$500k                       | \$500,000           | \$15,000                                 |
| 2% of second \$500k                      | \$500,000           | \$10,000                                 |
| 1% of remaining budget                   | \$20,290,000        | \$202,900                                |
| <b>Minimum Required Landscape Budget</b> |                     | <b>\$227,900</b>                         |

|  |                  |
|--|------------------|
| <b>Proposed Landscape Cost Opinion</b> |                  |
| Street Trees                           | \$117,282        |
| Common Lots                            | \$124,333        |
| 47 Single-Family Lots                  | \$109,220        |
| <b>Total Proposed Landscape Budget</b> | <b>\$350,835</b> |

24. The lot chosen for the single family home planting plan on sheet L-203(1) is not representative of most of the single family home lots. Adding another example to the plan would be helpful to depict the 23 single family home lots on the perimeter of the project – i.e., lots 10-18, 21-30, 59-62. More substantively, this single family home

planting plan only shows one ornamental tree per lot (beyond the street trees). Large canopy yard trees are expected and should be added where appropriate, as noted in section 6.5 of the Subdivision Regulations (landscaping standard #3). Large canopy yard trees would be appropriate in the back yards of the 23 lots noted above. They would also be appropriate on the north side of lots 32-35 and 46-49.

**Mike?** Two 'Typical' SFD planting examples are now provided on sheet L-204. One or two shade trees and one or two ornamental trees will be provided for each SFD, however, large shade trees should not impede solar

25. Patrick Brook riparian plantings. It's great to see plantings to help restore this riparian area, but the species selection doesn't seem to reflect that this is a stream buffer area. Consider revising the proposed tree species to better match common riparian vegetation as well as species already present on the site.

**Mike?** An alternate selection of native riparian plantings has been proposed for the Riggs Brook crossing. TJB would prefer to review these plantings with staff prior to revising proposed plantings within the Patrick Brook Riparian area.

26. Riggs Brook crossing riparian plantings. Consider adding riparian plantings in the stream setback area around the crossing of Riggs Brook. These plantings need not extend along the full length of the stream, but could be helpful ecologically and aesthetically around the crossing area.

**Mike?** Sheet L-203 has been revised to show plantings within the Riggs Brook riparian near the Haystack Crossing road crossing.

27. Add evergreen plantings on the north side of lot 9 to help screen the solar array pursuant to section 5.6.6 of the Zoning Regulations. This screening need not hide the solar array, but should help it blend with the surroundings, and be effective year round.

**We want to be sure this counts toward our overall requirement and pull back in other places to balance if need be** The layout of the conceptual solar array has been revised and evergreen plantings have been added to meet screening requirements per section 5.6.6.

28. Provide landscaping options/ideas for lot 58. This is a small open space lot at the northern entrance to the project. It deserves some sort of landscaping, hardscape, or public art. It could be a really fun space to welcome residents home those visiting or passing through.

**Same as 27** A bench, additional plantings, and several large boulders have been added to Lot 48 and an enlargement of this area is shown on sheet L-204.

**Village Design Standards - section 5.22, Zoning Regulations:**

29. Looks good! Only items to note are the need for waivers as a PUD:

- a. 5.22.2(3) – Waive the requirement for sidewalks (and street trees?) on the alley roads.
- b. 5.22.3(5) – Waive the 10' garage setback requirement for homes accessed by the alley roads. Note – will this be a problem for the town homes proposed on lot 4 (Violet Circle)?

**Understood**

**Lighting - section 5.29, Zoning Regulations:**

30. Consider more lighting at the Shubael Street and Violet Circle intersection crosswalk. Could be accomplished by simply shifting the V3 light closer to the intersection. Favor more illumination of the crosswalk area rather than the parking area.

**Mike** Exterior lighting has been adjusted to increase lighting levels at the Shubael Street and Vilet Circle intersection crosswalk. Revisions are illustrated on sheet L-301.

31. There appear to be unnecessary lights along the north side of the initial/eastern portion of Shubael Street. Illuminating the south side of this section of road is sufficient – where the on-street parking and sidewalk are. Consider eliminating three OR2 lights on the north side.

**Mike** It is necessary to include light fixtures along both sides of the roadway when preparing the photometric analysis to meet IESNA standards for full build-out. However, the lighting plans have been revised to call-out future fixtures that would not be installed as part of phase 1.

32. The lights on the east side of Haystack Crossing (frontage of lots 70, 71) don't appear to be needed in phase 1 of the development? Consider eliminating six or more lights on the east side.

**Mike** See response above

33. The pole height indicated for the Viper lights on sheet L-401(7) is too high by six inches. The pole-mounted height limit is 20 feet. Minor revision needed.

**Mike** This was an error on the detail, which has been corrected.

#### **Energy – Preliminary Plat Approval, Order #13:**

34. The materials presented were helpful, and do provide a good analysis to address the first portion of Order #13. We will provide these to the Hinesburg Energy Committee for review.

35. No information was provided on the large solar array and how energy from it will be allocated to the development. Order 13 requires this information.

**Ben/Mike** Energy produced from the ground mounted array (lot 9) will be net-metered with mixed-use and multi-family rental building or will potentially be offered as a community solar buy-in option to any potential for-sale multi-family units.

36. No information was provided on solar readiness and electric vehicle charging readiness for the base level build package for the single family homes and the town homes. Order 13 required this information. Since an Act 250 permit will be required, the project will need to meet the Residential Building Energy Standard (RBES) Stretch Code. The stretch code requires solar ready roofs and infrastructure to support electric vehicle charging. Seems like an easy note to add to the narrative.

**Ben/Mike** This was an omission within the energy narrative, which has been revised to include the following:

“All buildings within Haystack Crossing will be constructed with ‘solar ready roofs. All single-family homes will be constructed to support electric vehicles charging. Electric vehicle charging infrastructure will also be incorporated into multi-family garages and within off-street parking areas.”

#### **Greenspace – section 4.5.7, Zoning Regulations:**

37. The required greenspace as a PUD appears to be met, but some clarification is needed. In addition to the green/open spaces discussed during the preliminary plat review (see Finding #47 of the decision), the project appears to be providing much of lot 31 as greenspace. This is important, since the calculation of the required greenspace submitted during the preliminary plat review did not factor in the portion of the property in the Agricultural zoning district. As a PUD, the greenspace calculation should include the entire property – at least 10% of the property in the Village NW district, and 50% of the property in the Agricultural district. Per section 4.5.7(7), at a minimum, the designated greenspace shall be indicated with appropriate notation on the final plat. The plats do in fact note which lots are “open space”. It would be very helpful to add a note to the plat clarifying which of these lots, or which portions of these lots, are meant to be greenspace pursuant to section 4.5.7.

**Mike** An updated Greenspace calculation has been prepared and illustrates proposed greenspace being provided in both, the Village NW district and the Agricultural district.

38. Will any portion of the central green (lot 45) be accessible to the public? No public easements are shown on the plat or described in the CEA narrative. It was my understanding that there would at least be public access over the sidewalks that run on the north and south sides of the central green, if not some sort of public access over the entire area (subject to HOA limitations).

**Yes on the sidewalks**

**Recreation Agreement – Preliminary Plat Approval, Order #14:**

39. Per input from the Town Manager, both he and the Select Board will await the conclusion of the DRB review before finalizing this agreement.

**Understood**

40. Section 1 and Section 2. Our normal practice is to receive draft irrevocable offers of dedication and easement deeds as part of the DRB final plat review. The DRB will then condition the approval on finalizing these with the Select Board and signing the irrevocable offers of dedication prior to recording the mylar to seal the subdivision. Once the subdivision survey mylar is recorded, the subdivision exists in perpetuity. We should discuss this.

**Ok**

41. Section 3. The DRB decision can stipulate that the applicant has provided sufficient land dedications and greenspace (per section 4.5, Zoning Regulations) to satisfy those requirements for the overall master plan – i.e., including phase 2. However, it would be premature to exempt future phases of the project from potential improvements for recreational or other purposes. Phase 2 of the project is substantial, as shown on the master plan, and could require improvements pursuant to the regulations in place at that time. The project’s land dedication in phase 1 is substantial, valuable, and appreciated. However, the actual improvements beyond sidewalks are limited to the central green 16’x16’ shelter, four benches, community garden space, and a large grassy lawn. We should discuss this.

**That was not the deal. The dedication of Lot 70 (which is really intended as a component of Phase 2) is being dedicated now in an effort to give the Town a leg up on planning and**

fundraising for a future community recreational component. I spoke to Todd and we are on the same page.

#### **Homeowners Association – Declaration of Covenants:**

42. Stormwater System. As noted above, we need clarity about shared stormwater system maintenance responsibilities between the HOA and the Town, in the even the Town accepts land and/or roads. Section 4.8 compels the HOA to maintain the stormwater system but refers to old permits and doesn't contemplate shared responsibility with the Town.

#### **Ben/Stark**

43. Please clarify if the Town would become part of the HOA by accepting lots 19, 20, 70, and/or the roads. I don't think that would be advisable.

#### **Not intended**

44. The HOA should acknowledge that fact that certain lots and certain roads have been offered to the Town. It should also put HOA members on notice that the Town may seek to develop these lots for public uses, including but not limited to: recreational facilities, parking, community buildings and facilities, spaces for public gatherings, etc.

#### **No Problem**

45. The HOA Declaration needs a section that enumerates the Common Elements and the Limited Common Elements – e.g., roads, sidewalks, street trees, central green (lot 45), various open spaces, stormwater system, etc. This section should also describe the purpose of these elements to help guide the HOA in their future use and maintenance. Section 5.3 compels maintenance of “the access right of way”, but doesn't detail which ones or provide any specifics of what maintenance includes. This section should provide more specificity on regular maintenance – e.g., road and sidewalk snowplowing, street lights, street trees, stormwater system inspections, etc.

#### **Ben/Stark**

46. General Covenants, Section 7.1. These are very restrictive, and should be updated to provide more flexibility for the future. Specific concerns:
- a. #1 - Limits each lot a single-family residence, which doesn't account for the variety of housing types and non-residential uses. Let's not dip this new neighborhood in amber and force it to stay exactly the same forever. It also doesn't address accessory dwelling units, which must be allowed under State statute. It also restricts short term rentals of less than 30 days, which has pros and cons in the era of Airbnb.
  - b. #2 - Why is there a 1000 square foot minimum size for dwellings? What is the harm in someone building a smaller home, or even a tiny home, on one of these lots?
  - c. #7 – The off-street parking minimum is geared toward single family home lots, and doesn't acknowledge other lots (e.g., senior housing building) that may have less than two off-street parking spaces per dwelling.
  - d. #11 – I can understand restricting some livestock given that it is a densely-settled neighborhood, but all chickens too? I live in a densely-settled part of Burlington, and the city allows residents to have backyard chickens within reason (e.g., no roosters, possibly a maximum number of hens).
  - e. #14 – The sign prohibition is unnecessary given that the Town regulates signs. If it stays, it at least needs to make an exception for signs for home occupations.

- f. #15 – The prohibition on parking commercial vehicles seems overly broad – i.e., an HOA could go too far with enforcing this restriction. What about someone who drives a business vehicle home – e.g., regular car, pickup truck.

Our HOA doc's are fairly boilerplate. I will review and adjust these points accordingly.

- 47. Architectural Controls, Section 8.1. This provision should be deleted. It requires Zoning Administrator approval for some improvements that are exempt from needing a zoning permit – e.g., fences, walls. The HOA declaration doesn't need to require ZA approval for structures or additions, as this is governed by the Zoning Regulations.

Will make that change

**Homeowners Association – Bylaws:**

- 48. I think there is a typo in section 3.1, where it references the Northridge-Hinesburg LLC.

Will correct