

Town of Hinesburg
Development Review Board
February 18, 2020
Approved March 3, 2020

Members Present: Ted Bloomhardt, Greg Waples, John Lyman, Branden Martin (alternate), and Dick Jordan

Members Absent: Dennis Place, Sarah Murphy, Jonathan Slason, Bryan Currier (alternate)

Applicants: Jim Donovan, Ben Avery, Dave Marshall, Michael Buscher

Public Present: Danielle Adé, Dan Jacobs, Eric Spivack, Carl Bohlen, Brian Yarwood, Wendi Stern, Nina Friscia, Luke Valentine, Mike Loner, Merrily Lovell, Barbara Forauer, Chuck Reiss, Andrea Sambrook, Johanna White, Andrea Morgante, Robert Hyams

Also Present: Mitchel Cypes (Development Review Coordinator), Alex Weinhagen (Director of Planning & Zoning), and Kate Kelly (Recording Secretary)

Dick J. called the meeting to order at 7:32 PM.

Agenda Changes: The Board moved the Donovan decision deliberation to directly after minutes.

Review minutes of the February 4, 2020 meeting: Ted B. **made a motion to approve the minutes of February 4, 2020 as written.** Greg W. **seconded the motion.** The Board **voted 4-0**; John L. abstained.

Decision Deliberation – Jim Donovan & Patricia O’Donnell:

Mitchel C. clarified that the decision was amended to read a 3-lot subdivision, and changed word preliminary to final in the order of the draft provided. He said that Dennis P. approved the decision, and Bryan C. approved the decision as amended.

Greg W. **made a motion to approve the decision as amended.** John L. **seconded the motion.** The Board **voted 5-0**, including votes from Dennis P and Bryan C. John L. and Branden M. abstained.

Haystack Crossing, LLC/BlackRock Construction, LLC:

Dick J. said this discussion will likely be continued to March 17, and Mitchel C. mentioned it will also include a conditional use for work in a stream setback, to be reviewed for this application.

Greg W. asked Ben Avery if he was anticipating any further submittals. Ben A. answered that this is a complete packet. The only additional information at final would be a site plan application for senior housing.

Branden M. disclosed that he was employed by Civil Engineering Associates that did the design work for this project for a year; but hasn’t been employed by them for 3.5 years. The Board agreed that he did not need to recuse himself. No concerns were raised by the Applicant nor the Public.

Michael Buscher with T.J. Boyle, Dave Marshall from Civil Engineering Associates, and Ben Avery from BlackRock introduced themselves.

Michael Buscher displayed the project parcel and existing conditions (which doesn't include the corner at 116, Bissonette Recreation Fields, or the existing white farmhouse). He displayed the existing sketch plan (which Greg W. mentioned was approved by Environmental Court, not by this Board). They are requesting approval for phase 1 (southeast lots, western and northern sections). Mike B. described changes to the prior plan: they've removed single family residences at the southern end of project to create a well protection zone. They removed and reconfigured slightly the central green, and removed a single family lot on the west side of the development, to create a connection to the fields. A request for more greenspace around homes led to the movement of townhouses. He then displayed the mixed use bicycle path along CVU Rd., and described how this could be continued to form a network of trails that would continue along LaPlatte to Ballard's corners. Paths would connect up to Riggs Rd., west to ballfields, and north to Ballard's corners from Hinesburg Center II. He clarified that this would be a separate shared use path (not an on-street bike lane). Dick J. asked if this was discussed with Hinesburg Center II. Mike B. answered that they will be incorporating this bike path into their preliminary plat application.

Mike B. continued that this is a walkable community. Although they are maximizing density, generally 6.3 units/acre is considered the minimum for smart growth, which this community doesn't meet, so it doesn't support walkable commerce. You need higher densities to support smart growth. It is mixed use, and has a variety of income brackets (large to small single family homes, larger to smaller single family attached townhomes, and multi-family units (3-5 units, up to 36 units). There is an emphasis on green space and recreational amenities. Interior alleyways allow for rear access garages and clean curbs. They propose structured parallel parking with designated parking.

He mentioned that zoning regulation section 3.1 talks about the village growth area in general. He quoted several aspects of these zoning regulations, including "To encourage a vibrant mix of...", and he felt this proposal is hitting the nail on the head. He also mentioned several other aspects of the overall design that fit well with this proposal.

Mike B. then displayed phase 1, and what they'd be reviewing tonight/under this preliminary proposal. There will be site plan review to approve some of the larger buildings. Dick J. asked for clarification. The white buildings shown on the screen, everything but the single family residences, will require individual site plan review. Dave Marshall said they are seeking approval for the roadways, utilities, stormwater management, knowing there are a large number of buildings that will require site plan review (landscaping, aesthetics, etc.). They only want to discuss how the infrastructure is created, and they understand the rules of the road going forward, to make sure the PUD as discussed complies with rules. Their intent is not to only build the single family homes. They understand, as per Hinesburg's regulations, that commercial needs to be built prior to or at the same time as the residential. They will fine tune with staff to make sure these regulations are met.

Dave M. continued that the staff report does a good job of summarizing materials and how they'd like to handle future discussions. About 1/3 of the way through the report are the major issues that staff has identified to make sure everything occurs properly.

Issue #1: Residential/non-residential mix: they've carried the original sketch plan concept forward with the buildings shown (commercial/industrial). This is to make sure there's a tool in place to make sure residential doesn't get out in front of commercial. They've been considering crafting a condition with Town Staff stating that they have to build x number of feet of commercial before building residential. Greg W. asked if they're asking that we kick that can down the road. Dave M. said his understanding was that they'd have to have this for final plat review, but they're willing to have it embedded in the preliminary review. They are working with staff to have a tool that is available for all to review.

Ted B. asked if they will need site plan review of certain buildings because they won't be built until they know what business will go in there? Ben A. said yes. He clarified that for senior housing (building H), they will retain control of the building, so this will come concurrently with final review. The commercial buildings won't be built speculatively, only once when they know what businesses will go there. Greg W. said you can't anticipate that, but are they hoping to build residential before that gets resolved. Dave M. said they'll commit to a condition that says the amount commercial built relates to how much residential can be built.

Alex W. said this issue (of commercial vs. residential timing) is different than what is discussed in the staff report, which is in regards to overall mix of residential and non-residential, and if this is appropriate. Staff wanted to make sure the Board is OK with the mix as it is. Greg W. asked, and Mike B. displayed phase 1 vs. phase 2. He said they've put in potential commercial vs. dedicated commercial, the proceeded to explain the amounts of dedicated commercial for each building: A: 2000 sq. ft. B: 1200, C: 3000, D: 2000 (phase 2), F: 6000 (phase 2), G: now fully commercial 6100 (phase 2), J: 3500 (phase 1) (mixed use), K: 7350 (phase 1), I: 10,000 (phase 2). Congregate housing (H): 100% commercial use (senior housing). The Applicant explained that residents are paying for services there, so it is a commercial use. Ben Avery explained they have a commercial kitchen on site, they contract with PT and OT to provide services on site, and have full time staffing and activities. It checks every point in the town's definition of congregate housing. Dick J. felt commercial is where someone comes off the street to buy something. Ben A. said they've done this in many places; everyone's definition is a little different, and zoning and state regulations haven't caught up with that. Many towns consider it a commercial use because the going rate for a 2 bedroom apartment might be \$1500, but at the facility, it is \$3900. This is a package of services, food, and amenities that are being provided. Dick J. countered that it is a business, but not a business for the community.

Alex W. said the staff report clarified that there may not be enough light industrial/light manufacturing uses that may require a bit more space, and may not be appropriate next to a residential home. Alex W. said they may wish to have more of one of this type of use here. Ben A. asked if in this type of community (fronting on 116, walkable), dropping a metal industrial building in the middle, is the best use of land? The Applicant pointed out that there is almost 300,000 sq. ft of light industrial sketch plan approval across the street (NRG). Ben A. felt there's value in a community that lays itself out as aesthetically pleasing, etc. Alex W. said staff didn't have a strong feeling about this, but that this was continued from the earlier court process that didn't rule on this. Mitchel C. asked if the Board, looking at this first phase, believes this has the right kind of mix. Ben A. said as part of phase 1, they will be building 58% of the residential units. If you count congregate housing as 100% commercial, they will be building 77,000 sq. ft of commercial = 76% of commercial. If they lower this number to 10,000 sq. ft. commercial = they'll be building 53% of commercial.

Greg W. asked if phase 1 buildout will be complete by the time they begin phase 2. Ben Avery said yes. Greg W. asked about a timeline. Ben A. said this is unknown. Mike B. asked how quickly they could build out. Ben A. said senior care would be the first building, and a healthy proportion of these homes are of a size that will lead to sweet spot in pricing that would make them very popular, so he'd estimate based on Williston 10 units per year.

Greg W. asked about the capability of VT's infrastructure (schools) to absorb this type of development. Ben Avery asked for a report from CSSD (at sketch plan review); the response was to please bring the students.

Mike B. said housing is the shortage right now; we have a plethora of vacant commercial space (~25% vacancy rate) (e.g., it's taken years to rent out the Hinesburg Center II commercial areas). He said our world is moving away from brick and mortar service industry. Ben A. said they feel they can make this type of commercial space work, and it is appropriate in the neighborhood setting that has been created as part of master plan.

Dick J. said mixing industrial with residential never made much sense to him; but where they are proposing the industrial buildings makes sense. The Board has to decide if they think that's enough.

Branden M. asked about how would they propose to build the infrastructure, given the approach of constructing the commercial then residential? The Applicant replied they would build the main road off Shelburne Falls Rd., then put in infrastructure to convey water to stormwater treatment. Next would be the area to the east that supports commercial use, then west side residential. They propose getting everything in place to minimize disruptions after. Dick J. assumed they'd be putting roads in first. Ben A. said based on their current (phase 1A) allocation they would put in the main roadway, T at the south, and short section of residential roadway to the west. He clarified that under the terms of the well source agreement, they can't construct anything in phase 1B (orange on the display) until the water comes online (Alex W. said this is estimated end of 2021 in best case scenario, which requires testing then a positive bond vote). The Board asked about the area in green (phase 1A); the Applicant felt that based on the ratio, they'd have more ability to build residential than what they propose (based on commercial building).

Greg W. asked about their application a number of years ago, and the regulations involving access/egress on 116. He asked if the regulations have changed since then. Alex W. replied that the regulations haven't changed. The access across from Riggs Rd. is still in existence, and the applicant has been meeting with stakeholders, landowners, and VTrans staff to make this work. Dave M. clarified that the right-in right-out won't have a traffic light; there may be further agreements as more building occurs. This development will interconnect to Shelburne Falls Rd. as well. They have an agreement (which will entail boundary adjustments) to facilitate the roadway as proposed. UVM has purchased the corner of 116, and has now eliminated the road at the corner, so they now have a single point of access from Shelburne Falls Rd. (as opposed to earlier proposal).

Issue #2: three story buildings and fire protection. Dave M. said there are currently limitations to the fire department's ability to get people off the top floor of tall buildings. The staff report shows the purchase of ladder truck in the future, and they will work with the Town to calculate impact fees and how this will fund the purchase of this truck. Dick J. clarified that H and J are the only buildings that are tall enough to have this problem. Ben A. quoting the Staff report stated that there are 58 buildings in town that already have this issue, according to the Fire Chief.

Dick J. asked about underground parking – is water table an issue? Dave M. said that they can deal with this with proper perimeter drainage and appropriate daylighting. They will create their own elevation change on roadways (raising 3-5 feet), and tying into existing 116 roadway. Secondary benefit of this filling is that underground parking that is shielded without getting down below water table. Ben Avery mentioned that the pooling in this area is not a natural condition; water and sewer lines that went through created a berm that blocked and held water here.

John L. asked about the phasing of H, and asked at what point will there be two ways to access this building? The Applicant described the main access road from Shelburne Falls Rd., and the road which will connect to Hinesburg Center II. They will be prepared to propose an agreement where they would, on a trigger date, share a pro rata amount of crossing of creek. This is not part of phase 1. The Applicant will spell this out in an MOU. Dick J. asked if the connection to 116 would be built later (not in phase 1A); Ben A. said this is correct, so there will only be the one access off Shelburne Falls Rd. Ben A. said they would have a discussion with emergency services to see about connecting to the existing access road to the ballfields at the end of phase 1A, as a temporary fix. Dick J. said it seems the road to 116 should be part of phase 1A. The Board agreed.

Issue #3: street greenbelt width and snow storage. They discussed snow storage. Dick J. said his experience was that there was a ton of snow at Hinesburg Center after this recent storm. Snow storage areas shouldn't be underestimated.

Michael B. quoted regulations stating that internal streets should make pedestrians comfortable and welcome, and should accommodate on street parking. He mentioned that he went to Parkside Café just before the meeting, and they parked on Farmall Dr. If there was a 10 foot green strip full of snow, he wouldn't have parked there. There is increased maintenance with the design as is sidewalk directly next to the road), but incorporating 10 foot green strips isn't a good idea; it is a safety problem (because when there is snow, you walk down the middle of street to get to an area where you can get to the sidewalk). Successful mixed use communities don't have those 10 foot strips. They are providing structured on-street parking that faces the central green, with rear parking. Guests will need a place to park, so can park along the side of the road (Jenna Drive). Mike B. continued that he said he can see events where parking for Bissonette Rec Fields doesn't accommodate cars that come; there should be parking for them in the neighborhood. Dick J. asked where the snow goes. Mike B. answered that there is a green strip on the outside of the sidewalk – the plow (as in other communities with downtown mixed use areas) puts snow on the sidewalk, and the sidewalk plow comes through and puts it on the green strip. In South Burlington, they snow blow along curb. Ben Avery said they've heard through the sketch process that folks don't want to see a giant suburban community. You can't have it all (a more dense walkable community plus 10 foot green strips). Mike B. said they are providing 8 and 9 foot green strips everywhere else. He feels the way they've designed it is good. Ted B. asked if the streets are fully curbed. The Applicant replied it is.

Issue #4: Southern Connectivity (addressed under Issue #2).

Issue #5: Solar gain. Dave B. said they are willing to place garages to the north and east side so that they are appropriate for solar gain. 75% of these units should meet this, as a starting point for any future infill of these homes to get started in the right direction. They also discussed with staff that every residential home will be offered a solar package to be included in financing of house. In regards to their density bonuses, phase 1 doesn't rely on solar, but phase 2 does. So, it makes sense for the Applicant to get as much solar put in at phase 1 as possible, in order to make phase 2 viable.

Ted B. asked how the Applicant would feel about a condition re: roof orientation. He said many are designed so that no roofline is facing south. Is there a way to force that design so that there is available roof area for solar? Ben A. said re: housing, they don't want to create giant rows of housing that look exactly the same. As soon as they say all garages will be on one side, they start moving towards that. When they start designing this way, they could end up with rows of houses that look almost identical. Ted B. felt they are selling their architects short saying they couldn't design unique houses with these requirements. Ben A. said they build plenty of custom homes, but if they are delivering homes at an affordable price point, tens of thousands of dollars of architecture fees are not incorporated in this. He said that fees such as this all go into the cost of housing, increasing consumer cost. If they were proposing 20 custom homes in the middle of a field, he could make it look different. These small lots don't provide options for angling of homes. It would be tough to not make all houses look similar. Ted B. asked, given this, how they will meet that design standard. Mike B. said you can put solar on a west facing roof, and may need to put a few extra panels on it. The intent would be to provide rooflines that accommodate solar. He said these houses will be very efficient. It will be in their interest to get as much solar on the roofs as possible for when they go into phase 2 to be able to get the density bonus they will need. Dave M. pointed out the solar array within the well isolation area. They need to vet that placement of the array with the state to make sure it is ok to have it within the well isolation area. They will put this array in prior to start of phase 2.

Issue #6: traffic impact study. Dick J. said staff recommended an independent engineer study traffic. Alex W. said they'd like to have this for preliminary review (at a future meeting). Ben A. said it generally takes 2-4 weeks to turn around comments by an independent party. The Board agreed it makes sense to do this.

Issue #7: Access to Route 116 (right-in right-out). Dave M. said VTrans is reviewing the latest design, and the Applicant is also asking VTrans to entertain a crosswalk at that intersection, to connect to the new sidewalk across 116. Mitchel C. said they have been in contact with VTrans as per regulations regarding development next to state highways.

#8: stormwater low impact development. Dave M. said low impact design looks at spreading out collection areas. Disconnection allows drops of water to reintroduce to the groundwater regime. Impervious surface doesn't allow water to enter groundwater. With disconnection, you can have water slide across surface, then provide green space area so water can infiltrate. The stormwater consultant has identified areas of backyards to disconnect. The Applicant will have to identify what BMP is identified for each lot, to show how they demonstrate compliance for the low impact development (LID) component. They don't want to concentrate the flows, but in areas where there is high density and no other options, rain barrels for homes looking to maintain flowers/planting area, rain gardens (this property has high groundwater at times of the year – high in the spring, lower in summer - could have a rain garden with underdrain especially where contaminated surfaces going to larger facilities). Dave M. continued that water runs in southwesterly direction across the lot. Along Patrick Brook, it is naturally running off by sheet flow to Patrick Brook. The will have collection areas that minimize concentrated discharge areas. They will work on this in the next two weeks so they can discuss at the next meeting. Greg W. asked if they will be filling on the floodplain. They said no; Mitchel C. clarified that there is one small area of fill on the Center Road near the bridge over Patrick Brook, and that it may be good for them to stop short of the floodplain. Dave M. said Mitchel C. is correct, and they will stop it short of that.

Mitchel C. said in addition to public comments received via email and in Dropbox, they've received an additional letter from some members of the Conservation Commission, Kate Kelly, Barbara Forauer, and Johanna White, and these will be on the Dropbox tomorrow and available for review.

Dick J. opened the meeting to the public for comments, and noted that the meeting will be continued, so requested comments only on what's been discussed today.

Chuck Reiss, Hinesburg Energy Committee, made a comment on behalf of the Energy Committee, and noted that they will submit something in writing to the board regarding the proposal.

- 1) Regarding the orientation (as per regulations section 5.1.12, projects should be oriented due south, and he quoted sited and designed...to take advantage of passive solar gain as well) – this doesn't meet that regulation, because they don't allow for passive solar gain.
- 2) Regarding % renewable of the project, they will need more information regarding how buildings will be built. If based on electrical and energy use, we have to have understanding of how buildings are built. The factor used from active systems seemed higher than the Committee would normally use.
- 3) Regarding solar field, how will this be assigned to the buildings?
- 4) Town plan has a goal of us reaching 90% renewable by 2050, and a state goal of reaching 90% renewable by 2030; we could do better with this project than 25% to reach density bonus.

Dan Jacobs asked about the new well coming online, how it will be connected to the plant and who will pay for this connection. He also asked about upgrades to the treatment facility that will be needed to accommodate new water. Also, he asked what kind of impact this will have on the sewer plant and if there's capacity for it. Mitchel C. answered that the allocations for the sewer and water usage must be obtained from the Select Board; the Applicant has obtained these allocations (part of which is contingent on the new well coming online). The new well will be for both this and other developments. This applicant has

allocation for water for 1A, and sewer for 1A and 1B. Alex W. responded that yes, the town is on the hook to connect to the plant and to pay for it. We will have to go for a bond vote to approve this. The Select Board has committed to having allocation fees at a pretty high amount so that the new development will pay for the connection through fees. As for the wastewater system, he noted that we have a fair amount of capacity in the wastewater system now. We are facing an upgrade to that system to help with Lake Champlain clean-up, which is a mandate from the state. We have to pay for this regardless of whether we add users or not. One could argue that by adding users we are spreading the cost around to minimize per user bills.

Brian Yarwood said his property abuts across the road from their major egress point on Shelburne Falls Rd. How will it be feasible to add more traffic volume to Shelburne Falls Rd.? What improvements could be made to that road to make this viable as a primary point of egress for this development? Dave M. said VTrans has put together a proposal for new turning lanes at the Shelburne Falls Rd/116 intersection to make movement through this intersection to work more efficiently. Mike B. pointed out that they moved the electric this year, which would be the first step towards implementing this project. Ted B. pointed out they will have a detailed discussion about traffic at a later meeting, likely in April. Alex W. clarified that the improvements VTrans is planning to make will mollify any additional problems on Shelburne Falls Rd. according to their study. The Board has requested a third party review of this.

Andrea Morgante had several questions for the Board to consider:

- 1) She requested a projection of how many people we are talking about adding. Greg W. said 5 years ago it was about 500. Mitchel C. said on Dropbox, on the allocation, there is a breakout of the number of bedrooms. She asked what percentage of our population is this? She felt this is important to calculate what kind of services will need to be added, and what impact fees will be required.
- 2) Do we have an understanding of public open space in this development compared to public open space in other existing village (acres per unit or per person)? What will quality of life be there? Could staff make a projection of this? Ben A. replied anecdotally, if you include the rec fields as well as greenspace set aside for this community, between 1/3 and 1/2 is community or open space compared to development area, so this is substantial.
- 3) She pointed out that the most densely developed portion is the furthest away from the public open space. Apartments (33 units) is furthest from green and ball fields, which makes it feel like there are “sides of the tracks”. Could the multi-family housing be incorporated with better access to rec area?
- 4) She questioned if larger structures can be supported on these soils. It would additionally be helpful to see a profile or section through to see cut and fill that is proposed on the site.
- 5) Stream buffers: need to protect existing town infrastructure (ball fields). Riggs Brook is a highly manipulated waterway, and she requested that the Board think about how we can make that stream be more natural (sinuous) to protect ballfields and roads. The Board should look at how the land west of the ballfield could help to provide better channel protection, so we don't have to riprap the ballfield.

Carl Bohlen with Affordable Housing Committee mentioned that they are anxious to have the developer meet with them to get details on affordable housing (they meet the first Wednesday in March).

Dick J. asked and Mike B. said they've conceptually put in a community pool area. Ben A. said they've had discussions regarding open space and how any features on that space would be used. They are open to developing some community features there, developing them then dedicating them to the town, but they can't develop them then have them as association-owned features for public use (for legal reasons). Mike B. noted that there is only one playground in town (behind community school, which is unusable during school hours). But there are other proposed locations for playgrounds, so it makes sense to make structures cooperate with one another (not duplicate).

Barbara F. said early in the meeting, smart growth was mentioned. She can understand this in the city, but not sure how this applies to rural community. She felt road names should pertain to Hinesburg in some way.

She wondered if residents will have their own homeowners' association for each phase. Mitchel C. said they'd had suggestions for other road names and these may be modified. Mike B. said smart growth is definitely applicable to a project like this; in his opinion, smart growth is one of the most effective ways to combat climate change. Consolidating into walkable village centers is how we need to move development forwards. Chittenden County is in a housing shortage; he said he loses applicants to his jobs as a business owner because they don't want or can't afford to live here. Ben A. said it is efficient to have 10% of the population of the town on 34 acres, in a space the town has identified where they want growth. Greg W. asked if this changed the town too much. Mike B. said they are working on a similar development in Burlington where they are putting ~900 units on ~25 acres. He feels this lower density (than Burlington proposal) is appropriate. Ben A. said it is important for the board to keep in context that this proposal is scaled for this community. He replied that regarding associations, there will be a master association which will maintain any community-wide benefit green spaces, features, obligations for snow removal prior to what town will take over; the single family homes will shovel their own driveways. (He added that it is often the developer who is responsible for maintenance until the development is substantially complete.) There will be sub-associations for senior housing, apartments, etc.

Andrea M. felt the concept and proposal has a lot of good points to it. She wondered if our regulations have considered accessory apartments or conversion of single family homes to duplexes. People have concern about this happening all at once, and we want to have the ability for this to grow organically over time. Family sizes change over time. We want this to be in compliance with regulations to change from single family home to duplex if it comes about. Ben A. said an association declaration is submitted to the town; town attorney reviews, so it's in accordance with existing zoning bylaw. Mitchel C. said you'd also have to modify water and sewer allocations over time. Andrea M. said we'd like to have to have flexibility to modify homes over time.

Bob H. said the Conservation Commission is interested in learning more about stormwater management system, which will be under detailed review on March 17.

Johanna White said this is prime agricultural land; years ago when she was on Planning Commission, their thinking was to have an agricultural center at this end of town that the village could extend into.

Greg W. made a motion **to commission an independent traffic review**. Ted B. **seconded the motion**. The Board **voted 5-0**.

Greg W. asked if there are any other studies they need (e.g. regarding schools). They requested updated information. Alex W. said they are happy to request new information from CVSD.

Ted B. **made a motion to continue to the March 17 meeting**. Greg W. **seconded the motion**. The Board **voted 5-0**.

Other Business: None.

News/Announcements/Correspondence:

Mitchel C. said there will be three new applications at the next meeting, an accessory apartment, farm café, and final subdivision meeting.

The meeting adjourned at 9:53 PM.

Respectfully submitted,
Kate Kelly, Recording Secretary