

Town of Hinesburg
Development Review Board
May 19, 2020
Draft

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

Members Absent: Dennis Place and Bryan Currier (alternate)

Applicants: Russell Family Trust

Jason Barnard- Barnard & Gervais LLC

Black Rock Construction/ Haystack Crossing, LLC:

Michael Buscher – TJ Boyle Associates

Dave Marshall – Civil Engineering Associates, Inc.

Ben Avery- Black Rock Construction

Corey Mack- RSG- Presenting Traffic Study Results

Andres Torizzo

Jim Donovan and Patricia O'Donnell

Public Present: Carl Bohlen, Merrily Lovell, Bev Knight, Phil Pouech, Kate Kelly, Catherine Goldsmith, and Margaret McNurlan

Since this was a remote meeting, it is possible there were other members of the Public in attendance, who did not speak nor make themselves known.

Also Present: Al Barber (Hinesburg Fire Chief), Mitchel Cypes (Development Review Coordinator), Alex Weinhagen (Director of Planning & Zoning), and Laura Sau (Recording Secretary)

Dick J. called the meeting to order at 7:33 PM.

I. Meeting Procedures:

Mitch C.- Displayed Meeting Procedures. Meeting was held remotely due to the current State of Emergency in our best conformance with the Governor's executive order.

- a. Everyone will be muted. Please stay muted until the Public portion of the meeting when it is appropriate for you to speak.
- b. Place yourself in a *well-lit room*, use headphones if possible, and let your family know not to disturb you.
- c. **Please Identify Yourself When You Speak**
- d. Chat and file sharing has been disabled.
- e. If watching via VCAM, you can e-mail Mitch with questions or comments.

II. Agenda Changes:

- a. Request from Ben Avery to move Ratio of Residential and Commercial Sequencing to the end just before public input. Public and Board has been preparing for Stormwater and Traffic for tonight. Move those two topics to the top of discussion. Board confirmed.

III. Review minutes of the April 21, 2020 meeting:

- a. Minor spelling adjustments were made.

- b. Ted B. **made a motion to approve the minutes of May 5, 2020 as amended.** John L. **seconded the motion.** The Board **voted 6-0**; Greg W. abstained.

IV. Dick J. addressed concerns of virtual public involvement in hearings of complex subject matter

- a. Dick J. - Understands the method is to break it down the larger projects into smaller bites.
- *Concern:* Could big discussion topics be appealed because of alternative style meeting, which is difficult for some members of public to participate. Is there any input from town legal counsel?
- b. *Clarification:* Alex W.- Staff has not asked Town Council, therefore no input.
- Planning and Zoning took lead from Select board, who initiated remote meeting setting.
 - New Law (a couple weeks ago) from VT Legislature, signed by Governor: Allows municipal boards to meet in remote/ virtual manner, to comply with COVID-19 restrictions—provides legal rationale for meeting in provided setting.
 - Most towns across the county and state are following same suit of remote/ virtual meetings
 - No specific answer on whether or not an appeal could take place down the road.
 - *Proposal:* To speak with Town Administrator
- c. Greg W.- No doubt on validity of meeting setting, but board should have own discretion with proceedings of hearing, due to it being the most extensive project in Hinesburg history. Referenced board members' previous preferences of public, in-person hearing.
- *Proposal:* Prior to final resolution, should host public forum in person.
 - *Not in favor* of making final decision via remote setting.
- d. *Concern-* Ben A.- Reached out to town 1.5 months ago when remote concerns were brought up.
- Town's structured holding fees for water is costing \$15-20,000 per quarter.
 - Town shouldn't expect fees to be paid during process if board will later decide to extend hearing until public hearing can occur, which is currently an uncertain timeline.
 - Ben had proposed to Town Manager in March to delay hearing, but with fees not being paid.
 - Town Staff level had made the decision to proceed.
 - Ben is willing to delay hearing, if fees will also be delayed till that time, but that decision isn't up to DRB.
 - Respectfully requests that application is continued to be heard while holding fees are being paid. Town by-laws don't reference varying procedure dependent on project size. Willing to work with town but not at great financial expense.
- e. Greg W.- Tone deaf response to legitimate town concerns for a huge development in town.
- Ben A.- Reiterated the paying of fees during this process.
- f. Alex W.- Referenced board majority opinion, expressed at April 7th, of not being comfortable proceeding with any larger project hearing due to difficulty of remote format. After said meeting, there was conversation between Ben, Town staff and Town Administrator; it concluded with the indefinite timeline of when everyone could meet in the same room in a traditional in-person format. Timeline currently is as indefinite as conversation 1.5 months ago.
- Pointed out that it is an important conversation for the DRB to have, given the comments from the Village Steering Committee and other members of the community which oppose the remote format.
- g. Mitch C. - Added that there was DRB input prior to continuing. Remote format is slower but progress is still being made. It may work out that if things start to open-up, the hearing format can transition to in-person meetings. Reminded the public to communicate directly with him if joining the Zoom meeting isn't possible.
- h. John L.- Future is uncertain, it is best to continue. Jon S. and Branden M. agreed.
- i. Greg W. - Doesn't see a legal issue with continuing, but maintains objection to a remote final decision.
- j. Ted B. - Agreed that Town Council doesn't need to be involved.

V. Dick Jordan opened the discussion to the public

- a. Phil P.- Will have discussion with Town Administrator about needing to reach out for legal grounds. This is the new normal—not going to go away in 3 months.

VI. Russell Family Trust

The Russell Family Trust, c/o Phil Russell, is requesting sketch plan approval of a 3-lot subdivision to create two new dwelling units located on lot #9 of a subdivision that was approved on May 26, 2006 that is in the Rural Residential 1 (RR1) Zoning District. The two proposed lots, lot #10 with 0.50 acres and lot#11 with 0.57 acres were anticipated in the 2006 approval and are located on the western most part of lot #9. The Applicant proposes that the remaining portion of lot #9 merge with their 91 acre property located north of lot #9. Lot #9 is located outside, but adjacent to the Village Growth District. It fronts VT Route 116 at a point and has 334.65 feet of frontage on Buck Hill Road. – *Sketch Report, DRB Staff Report*

---Site was staked out by Barnard & Gervais LLC, and was available for Public Site Visit---

Dick J. commenced site visit related discussion

- a. *Concern:* John L.- Somewhat steep
- b. Jon S.- Appreciated extra slope analysis- proposed minor tweaking of building envelope. Good to see connectivity and paths.
- c. Dick J.-
- Elevation of portion of driveway seems okay. Slope to upper lot seems steep. Can it maintain a max of 15%?
 - Share driveway appears to conflict with several intentional plantings and blueberry pot. Was this area originally part of common land for residents of South Farm such that they had expectations of permanence?
 - Upper corner of upper lot also has significant conflict with existing greenhouse and garden area. Is this area maintained by Russell family or South Farm residents? Same question as #2
 - Town sewer manhole in the middle of shared driveway ROW. Issues?
 - Lower lot and building envelope seem small/ narrow. Triangular shape from front to back of lot doesn't help things. Not much availability for yard if small to Medium sized house fills building envelope.
 - Building envelopes for each site do appear to utilize relatively flat areas.
 - Upper lot seems significantly higher than lower lot. Water run-off control? Will it just run down to lower lot?
 - Observed mowed walking path to Route 116 with reasonable grade.
 - Car headlights of proposed lots will disrupt lot of which the driveway wraps around. Headlights will hit 3 of 4 sides.
- d. *Reminder:* Mitch C.- Are these buildable lots and is the access appropriate? Does access seem appropriate?
- e. *Concern and Proposal:* Jon S.- Upper Lot is right on the edge of acceptable grade slope. Is it possible to shift house further south or cut for driveway? How does that fit and stormwater concerns?
- Jason B.- Did get everything staked out. Driveway to Lot #10 is steep but can be done. By pulling house forward, it would be more challenging to lessen slope. Slope does stay within Regulations. This was the last developable area. ROW was already in place per original plat. Proposal of tweaking entrance where it connects to South Farm Rd. There will be some cutting and filling.
 - Storm water- Rain gardens, driveway pitched back into land—away from lot #11. Potential of moving lot 10 to get back from 25%. Thinks changes can be done.
- f. *Proposal:* Mitch C.- Building Envelope- Original PRD, had waivers for lot size and setbacks and other restrictions such as height —use said front yard setback waiver to bring building envelope closer to driveway to avoid steep areas?

- Jason B.- For Lot 11 would be beneficial, maybe Lot 10 south a bit. With Lot 11, wouldn't be such a triangle envelope if shifted.
 - *Clarification:* Mitch C. - Front yard setback were reduced from 65' to 25' for lots 1-6. This also assumes Lot 10 and 11 will have to meet same requirements that Lots 1-6 had to.
- g. Ted B.- Height waiver?
- *Clarification:* Mitch C.- Height Restriction
- h. Jason B.- Sewer manhole will be addressed when driveway is designed/ graded. Services South Farm Rd. as well as 2 proposed parcels.
- *Proposal:* Spoke with owner of blueberry bushes and plants- maybe shift Right Of Way to not on center for minimal impact. ROW was pulled off original approved survey plat.
- i. Jon S.- Seems like number of changes may happen—Potential Front yard waiver and their effects on building envelope, new proposed access to South Farm Rd. They should be submitted for DRB review
- j. *Concern:* John L.- Driveway radius and width needs to be addressed for emergency vehicles—make wider
- Access to 116 via sidewalk?
 - Jon S. - Current informal walking path works and there's no sidewalk to tie into on 116. Proposal doesn't need to have designated path.
 - Mitch C. - Walking path is on lot 8- Common lot. Existing walking path easement?
 - Jason B. - Hasn't researched walking path easement. Path is currently on proposed ROW. Agrees to keep path as-is beside driveway, with potential of greenspace in-between. Will research when gets survey.

VII. Dick J. opened the Russell Family Trust hearing to the public

- a. Phil P.- Believes path is part of easement, as a part of original project.
- South Farm Residents are for the development and have respect for the Russell's. There was cooperation with the Russell's when South Farm was created, with the understanding that the Russell's would eventually develop on either side of the development.
 - Shared property, which the easement goes through, has stipulation for agricultural use.
 - Better if driveway was pushed down a little for better access.
 - Would like screening from driveway
 - Trail access does get used and needs to be very visible.
 - Field is used, so it is requested for driveway to remain relatively flat for access.
 - Concerned about stormwater and blasting effects on the shared well for lots 1 & 2.
- b. Merrill L.-
- Lot 8 is designated for common use for South Farm Residents- owned by Chuck Reese
 - Greenhouse is Russell's
 - South Farm Rd detailed Declaration—states 2 new lot owners would be a part of HOA. Would future residents have to abide by same rules?
 - Jason B.-Yes
- c. Margaret M.- Tie into 116?
- Jason B.- It's too steep to access
- d. Dick J.- Jason, suggesting continuation hearing for updated drawings with front yard setback?
- e. Jason B.-If these parcels become a part of HOA would they fall into waiver setback of South Farm Rd?
- f. Ted B.- Small Subdivision?
- Mitch C.- Would go to final, not preliminary, because it is minor subdivision and the original subdivision happened over 10 years ago.
 - Ted B.- Suggests keeping in sketch survey, but is leaning towards allowing a proposal of building envelope closer to front property line if it improves slopes.
 - Wouldn't fall under South Farm waiver because it's a separate subdivision, still part of PRD because lots were anticipated. Each waiver needs to be specifically defined.
 - Mitch C.- Another waiver for small lot sizes

- Jon S.- Was expecting refinement towards sketch plan.
- Jon S. and Dick J.- Provided encouragement for plan refinement towards small lot waiver and setback waiver.
- g. Mitch C.- 2006 stipulations should be retained?
 - Greg W.- Design should remain in place
- h. Jason B.- Will come back in July with updated drawings.
- i. Mitch C.- Available meetings are June 16th and July 7th
- j. John L. **made a motion for the continuation of the Russell Family Trust hearing to June 16th.** Greg Waples **seconded. The board voted 7-0**

VIII. Black Rock Construction/ Haystack Crossing, LLC- Continuation of Hearing

Preliminary Plat and Conditional Use review for Phase 1 of a major mixed use (residential, commercial, light industrial) development on a +76-acre property located on the west side of Route 116 north of Kinney Drug and Patrick Brook in the Village Northwest and Agricultural Zoning Districts. Hearing continued from 2/18/20, 3/17/20 and 4/21/20. Topics to be addressed include: density bonus calculation, affordable housing, the Central Green, connection to Hinesburg Center II, building heights, residential and commercial phasing, a needed subdivision revision, and public input on other topics.

- a. Traffic Assessment
 - **Jonathan Slason recused himself from the hearing, being a member of the consulting team RSG, but remains on the line as a member of the public.**
- b. Corey Mack – RSG
 - Submitted a revised traffic assessment following additional board comments
 - Agreed with and addressed comments from the independent review for the most part, but not all were addressed in way recommended
 - Biggest change in report was the withdrawal of Hannaford's Application. – All of those volumes pulled out.
 - Looked at latest development program of Black Rock, and what's changed south.
 - Most traffic North and Shelburne Falls Rd. Cut out access north of Riggs Rd.
 - Geographic study usually receives a minimum of 75 trips. Most of the traffic is heading north. He believe not study to the south is needed because only 37 trips or less are heading south.
 - The reductions of vehicular trips generated due to public transit and sidewalks, and reduced volumes based on internal capture produce a change that was not significant. Because of this, they omitted the TDM.
 - Phase 1 study was done in the current state of the Shelburne Falls Road and VT Route 116 intersection. Phase 1 A and B was done assuming the proposed State intersection improvements would be completed.
 - The State Shelburne Falls Road and VT Route 116 intersection improvements will include the addition of right and Left turn lanes
 - Shelburne and Riggs high crash location was reviewed in the report.
 - Access considerations for Riggs rd. – Ex. Right in and Right out was also described in the report.
 - Analysis originally included Lantman's. With reduction of geographic scope, the analysis in the report doesn't reach Lantman's.
 - Phase 2 is still in flux—will be treated as separate project. A traffic analysis for phase 2 will be addressed at later date. Did look at integration with various phases. Circulation reviews.
 - Phase 1A does work well. Original assessment had congestion at Shelburne Falls Rd and 116 but greatly reduced with Hannaford's.
 - The proposed phased turn lanes that are proposed as part of the State improvements will also relieve backups.

- Crashes will be reduced due to the protected turn lanes.
 - Based on time of day of crashes at Riggs Rd.--7 Rear end crashes during PM peak hours. Because it's during PM, no need to left turn. Due to queue from Commerce. Doesn't think 'Right-in, Right-out' will fix or add to the problem.
- c. Ben A.- Original Traffic Report- 200 pages
- Discussion tonight encourages comments/questions 3rd party can comment on.
 - Alex W.- Referenced items independent peer review asked to address, but weren't-- Should DRB's independent traffic engineer re-review?
 1. 1. Route 116 Charlotte Rd. intersection- Lantmans bottle neck, and 2. Discussion of phase 2 development
 2. Would not add 75 trips per day during peak hours doesn't suffice. Lantmans is a failed bottleneck of traffic. It is actually a key intersection that backs up all the way to Shelburne Falls Rd.
 -
 - Corey M- Tried to follow typical calculation. Believes 30 additional trips won't change much. If report shows over capacity, it's because there's already over capacity. Not due to failures from Black Rock Project.
 - Ben A. - Doesn't think that this project should have to be responsible for existing problem.
 - Alex W.- Cost sharing would be from this project to go towards Rt. 116 Shelburne Falls Rd improvement. Potential state Act 250 review-- would be shocked if fair share provision for Charlotte Rd. / Route 116 improvements wouldn't be included for impact. Studies estimate \$88,000 project- which is small for transportation standards. To not acknowledge impact from this project makes conversation harder to have with Act 250, or anyone else, on their share provisions on improvement.
 - Corey M.- State 140 Impact Fee—assessed value based on capacity building on this project state has developed. Opportunity here but would be developed in a state level cost-estimate and capacity planning—to then put cost on developer. Hannafords improvement were generated without Lantman's no longer in operation. No longer appropriate with Lantman's continuing to operate at location.
 - Alex W. - Hannafords review did account for Lantman's no longer existing, but held same trip generation to account for another use in the location. Hannafords
 - Jon S.- On behalf of client-
 1. Helped develop Act 145 for state, reviewed VTrans proposals
 2. Set up for Shelburne Falls Rd.
 3. Hannafords had 75+ additional vehicles therefore was central to impact had proposed contribution.
 4. Under 75 vehicle trips is small scope and not typical to contribute
- d. Dick J.- Internal Traffic- Phase 1 and Phase
- Corey M.- Circulation in general with stop signs, slow speeds and raised crosswalk.
 - Dick J.- The Riggs Rd. access is shown in Phase 1 B, and should be considered for Phase 1 A
 1. Ben A.- Open to it.
- e. Dick J.- Referenced Alex's suggestion of having a professional look at it again. Give time to let the board digest the Traffic Report for further discussion later on.
- f. Alex W. – Phase 2- Would lines accommodate for phase 2?
- In favor of stop control intersection- Wondering about small scale roundabouts?
 - Corey M.- Big fan of roundabouts. Depends on how the area should be designed. Both stop control and roundabouts are good options. Roundabouts do take up more space, but can't speak on matter because not site designer.
 - Alex W.- Professional opinion of roundabouts vs. stop control to prepare for phase 2

- Corey M.- Stop control will always work on the small scale. Don't want it too easy that people don't use it as a cut through. From a capacity standpoint, roundabout isn't necessary.
 - Corey M. - Hannafords adds 140 trips, so that's what's removed from current study. It also shows the difference in traffic impact between the two projects.
- g. Greg W. - In support of board's independent traffic engineer immediately re-reviewing.
- h. Ted B.- More about phase 2 and traffic threshold.
- IX. **Dick J. opened the Haystack Crossing Traffic Study hearing to the public-** No comment
- X. **Dick J. opened the meeting for public comment**
- a. *Concern:* Andrea Morgante- Asked DRB to look more closely into the **purpose of district** as written by the town. Purpose of Village NW is to recognize *renewable energy and passive solar*. Andrea understands that Haystack is offering housing packages for renewable energy but wants the masterplan as a whole to speak more so to the districts purpose.
- b. Alex W.- Received additional public comments expressing concern of hearing process via Zoom.
- c. Mitch – Tentative June 2nd agenda will be pushed off, to resume 2 items not discussed today.
- d. Ted B. **made a motion to continue the Haystack public hearing and conditional use for setback buffer on June 2nd.** Branden M. **seconded the motion.** The Board **voted 6-0.** Jon S. recused himself.

XI. **Jim Donovan and Patricia O'Donnell:** Decision Deliberation- Final Plat review for a 3-lot subdivision located at 613 Mechanicsville Road.

- a. Alex W.- no additional structure proposed however one (single family or duplex) may replace where mobile home was sitting.
- b. Andrea M. – Mobile Home was removed yesterday.
- c. Ted B. **made a motion to approve Final Plat as drafted by staff.** John L. **seconded the motion.** The Board **voted 5-0.** **Greg W. & Jon S. abstained.**

II. **News/Announcements/Correspondence:**

- a. Only thing scheduled for next meeting is the continuation of the Haystack Crossing hearing.

Dick J. **moved to adjourn the meeting,** John L. **seconded.**
The meeting adjourned at 9:50 PM.

Respectfully submitted,
 Laura Sau, Recording Secretary