

Town of Hinesburg
Development Review Board
July 21, 2020
Approved August 4, 2020

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

Members Absent: Bryan Currier (alternate)

Applicants: **Black Rock Construction/ Haystack Crossing, LLC:**

Michael Buscher – TJ Boyle Associates
Ben Avery- Black Rock Construction
Dave Marshall
Andres Torizzo- Stormwater

Public Present: Merrily Lovell, Kate Kelly, Barbara Forauer, Carl Bohlen, Andrea Morgante, Johanna White, Robert Thiefels, Robert Hyams, Michael Bissonette,
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: Mitchel Cypes (Development Review Coordinator), Alex Weinhagen (Director of Planning & Zoning), Al Barber (Hinesburg Fire Chief) and Laura Sau (Recording Secretary)

Dennis P. called the meeting to order at 7:35 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 by Jon S. to move Russell Deliberation to the beginning of the meeting. The Board members approved.

III. Review minutes of the July 7, 2020 meeting:

- a. Greg W. **made a motion to approve the minutes of July 7, 2020 as amended.** John L. **seconded the motion.** The Board **voted 6-0**; Ted B. and Jon S. abstained.

IV. Russell Family Trust Deliberation

- a. Edits were made to the draft decision.
- b. Jon S.- Have heard that 15% is appropriate for other driveways—*Proposed Language:* 'that driveway has to meet current regulations'
 - Alex W.- Current regulations are in flux- last iteration is pushing for 10% by wish of Emergency Services. Select Board hasn't made official decision, making it hard for Town Staff to advise

- Jon S.- “Grades as Required “- with approval by Emergency Services
- Alex W.- Nothing formally written today. Old Standard, New Draft and Emergency-requested are all different.
 1. Select Board is in process of updating. Last proposal calls for 10%, 15% in certain circumstances **with** proper engineering. Fire Dept. is pushing for 10%
 2. Regulation says to refer to DRB to set.
 3. Dick J.- 2006 approval- 13%
- Ted B.- 15% has been consistently used for driveway maximum, so DRB should follow, with encouragement of doing better. Several board members agreed.
- c. *Concern:* Jon S.- Is driveway long enough to require 40’ of passing width for emergency vehicles?
 - Mitch C. - Going off of recommendation in the past.
 - *Clarification:* Alex -500’ or longer needs a turn-around, 500’ or less is satisfied with turnaround at top of driveway.
 - Dick J.- Does it matter how many people live on that lane? Concerned lane is already constricted.
 - Mitch c.- Thinks it’s under the 500’
 - Alex W.- Recollects a previous meeting discussion of the split in the driveways sufficing turnaround.
 - Mitch C.- Edited Decision Draft (*Minimum width of 14’, with grades no greater than 15%*)
- d. Dick J.- Wants a line added for the inclusion updated PUD Waivers. Normally an order not a conclusion.
 - Alex W. - Usually it’s in Plat or the plat references where to find it. Edit makes sense.
 - Greg W. - This is sketch plan, so we just have to make a requirement to include waivers and a list.
- e. Jon S.- Easements #7- Top and bottom bullet identify easements (duplication) of Lot 9’s eastern and western sides. Sketch plan doesn’t show eastern side pedestrian easement.
 - Easement of energy generating- Labeled as wind turbine but was told it could be used for alternative sources of renewable energy as well—which appears to be not documented.
 - Pedestrian easement that parallels access driveway-- Maybe don’t need to document since no one has shown it on a map yet.
 - Mitch- Will take this list out because there is a requirement to list easements on plan.
 1. Greg W. - Wouldn’t take anything out but with a clause that Draft Decision doesn’t include everything that may need to be disclosed.
 2. Mitch C.- Language change-- “Additional easements include but are not limited to...”
 3. *Proposed language:* Greg W.- “uncertainty about east side trail easement, and to clarify at final plat.”
- V. Greg W. **made a motion to accept the drafted decision and Ted B seconded. The board voted 7-0**
- VI. **Black Rock Construction/ Haystack Crossing, LLC**- 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, 3/17, 4/21, 5/5, 5/19, 6/2, 6/16/20, and 7/7/20.
Topics to be addressed at this meeting include stormwater, traffic, and other issues. The Haystack hearing may close at this meeting

Jon S. recused himself from the hearing.

VII. Mitch put a call out for public comment, 2 of which ended up in the report. Mitch voiced topics of concern:

- Barbara F.- Thoughts on Village Setting, Stormwater, Green space, Parking, Schools, Tax Base, and Road Maintenance.
 - 2 emails from Marine Barnard- Concerns about Development Size, Municipal Impacts, Traffic, and ensuring that what is approved is what is developed.
 - Carl B.- Would have been nicer to have in person meetings
 - Andrea M. – letter submitted in 2014 – 3 supporting documents for a need of an archeological study
 - Catherine Goldsmith- Developmental mix of residential and non-residential, mix of sizes of non-residential units, Sufficient Pedestrian Access especially to Hinesburg Center 1, Historic Wetlands being restored,
 - Johanna White- Concerns of Traffic mitigation, solar energy, 3 story buildings, Concerns with Developer, Density Bonuses and more
 - Suzanne Shulman- Affordable Units that will not be distributed, or look like existing units and pedestrian bike access- Ben had addressed
 - Ray Mainer- Concern about Downstream Flooding
 - All in the Dropbox. Some are featured in the supplemental staff report. Those that come after are labeled “Very New”
- b. Mitch put a call out that this may be the last time for comment, and it worked.
- c. Ted B. – Clarified that these could be the last comments for the Preliminary Plat application.
- d. Alex W. - There will be a final plat review open for comment where final things will be resolved and approved.
- e. Ben A.- Pointed out that vast majority of comments are coming from folks who attend meetings, not newly interested folks

VIII. Stormwater

- a. Mitch C.- Read off of Supplemental 7 report- What applicant is required by regulations, state, infiltration soil, drain patterns mimicked, 100-year storm, low impact design
- b. April 21st meeting- Dave Marshall Presentation of Low Impact Design- Will meet new 6 criteria on soil conservation
- c. Currently, water mostly drains to SE, proposed new drain pattern mimics existing direction of flow.
- d. Soil test shows high water table- part of request for exemption due to recharge (1 of 5 criteria items).
- e. There was questioning of timing of test of water table- **Dennis opened up for discussion. No comment.**
- f. Proposed providing treatment for other 5 criteria. Q10 and Q100- utilizing Gravel Wetlands
- g. Review of Water Quality Treatments- seem to be sufficient volume in wetlands to accommodate water quality treatment.
- *Question:* DAC 6 – sub-catchment area- limited amount of impervious surface area. No treatment placed on it. Is this due to limitation on amount of impervious surface?
 - Andres T.- Very limited if not just a small patch by Solar Panels

IX. Channel Protection

- a. Mitch C.- Holding of Water- Warm water (24 Hours/1440 Min) and cold water habitats (12 Hours/ 720 Min)
- There was Discussion on Warm vs Cold water fish habitat. Hinesburg Center 1, was designed for a warm water fish habitat, a decade ago.
 - Andres T- Good reasons for cold vs warm, not necessarily one is better than the other. Stuck with 12 hours to match cold water fishery.
 - Mitch C.- Could ask the state or if this is something that can wait to be pushed to final.
 - Andres T.- If it was just changing the width from 1.5” to 1” – would be easy to tweak

- b. Dick J. - Wasn't clear on warm water vs. cold water. What is the difference? Isn't most of Vermont Cold Water?
- Andres T.-. Streams defined in VT water quality standards
 1. Wetlands are defined as warmwater. Some fisheries. Most of VT is cold water. Sometimes it changes periodically
 2. Determined by biological surveys
 3. Alex and Mitch mentioned making sure that it is correct.
 4. Andrea M.- When rivers were first classified—all were cold. Slowly has changed. A section of La Platte, Leavensworth to Silver St (was a wetlands at one time, hundreds of years ago), and some nearby are all warm water fishery. And that was determined when sewage plant was updated. It has to do with the volume of discharge.
- c. Mitch C. - Q100- mentioned edits of post development peak. Storage volumes have changed to reflect external topography. Needs re-evaluation of water going into pipe.
- Expressed concern with Building H
 - Questions regarding modeling—on 100 year
 - Correspondence after report with Andres. A lot have been addressed but since round of changed were submitted today, has not had a chance to check everything.
- d. Ted B.- Overland Stormwater flows- concern – that we know this is being accommodated in site grading and other provisions to keep area functioning. If not done well, will be a subject of angst when floods come. Concerned on how grading and overland works.
- Mitch C. displayed Stormwater OVF Paths maps zoomed in on gravel wetland #2
 - Ted B.- Pointed out that overland flow is planned in other areas of development as well.
 - Dick J.- along with underwater and pond- will water remain in swales or expect to flow out?
 - Andres T.- In modeling – included swales. Evaluated in 100-year storm with depth and velocity to carry water. Further revised plan sent today. When water overflows catch basin, will flow to low point in street. If overflows street, will go over curb into swales.
- e. Greg W.- Could swales not re-channelize like Patrick brook or other tributaries?
- Andres T.- No – these are engineered with 2' grass on the bottom- like on roadsides. Swales are only 1' deep in the model and the water is at 6". In any development, this is what will happen in 100-year storm. It's a normal thing for system like this to surcharge. Will not convey all events.
 - Mitch C. - The modeling should be able to confirm that nothing bad will happen in extreme storms.
- f. Dick J. - If something does washout, it will be incumbent on who ever is maintaining subdivision to put back swales in working order? At point between 10 and 100 year, when do you expect overflow.
- Andres T.- 25 year storm- No overflow, 50 year- 4.45" of rain, there would be a couple inches over the catch basin
 - Mitch C.- 50-year, 2% chance on any given year.
 - Dave M.- This exercise is intended for any overflow is rerouted away from any property damage.
 1. Proactive- usually looked at during construction phase.
 2. Biggest issues have been addressed
 3. Conveyance is via natural flow or supplemental stabilization
 - Dick J. – Asked about rain gutters
 - Dave M.- Only if homeowner wanted to take advantage of rain barrel. Otherwise redistributing runoff into landform.
 - Dick J.- gutters to spreaders? No gutter and water will shoot off roof?
 - Dave M.- gutters will downspout to dissipater if they have it
- g. Mitch C. - Concern about using Building 'H' as a wall for gravel wetland #2.

- Andres T. Building will be significantly higher than 330, 100-year storm is at 329'6"
 - Dennis P.- During wet years, where soil can't take any more water (maximum saturation) and a 100-year storm happens?
 - Andres T.- Testing of soil – heavy soil. Would be some variability but not much- Not expecting infiltration to begin with
- h. Dick J.- "Future dry pond"- is that part of Black Rock stormwater system or future development of that landowner? C3.5
- Andres T.- Mitigate peak discharge before it gets into our stormwater system, to account for future addition. Area designed to back flow and meter out before introduced into our stormwater system.
 - Mitch C. - Not uncommon to assume a certain development and predict discharge downstream so the stormwater system wouldn't have to be redesigned after some of the development has been built.
 - Dick J.- Overflow swale goes over common/ green area. Instead of following sidewalk, it wanders into green. Does it make sense?
 - Andres T. - Pretty high up in system but showing for due diligence.
 - Alex W. - would want a swale designed there if it's not needed.
 - Dave M.- Don't disagree. Anything being done in public space would be very gradual
 1. Can move in any direction.
 - Dick J. – Concern of discrepancy if things are shown in plan but not built.
- i. Mitch C.- Andres has commented on all other things. Finishing up stormwater, asked if he should review and simply comment at next meeting and close then? How to proceed?
- Ted B.- Yes.
 - Dick J. - Thinks Mitch should definitely look at it before its closed.
 - Mitch C. - Could just be minor tweaks with Andres and meeting could be closed at that point.
- j. Alex W. - Reminded the board that this hearing is for public comment outside of stormwater as well.
- k. Branden M.- How are you proposing 1" orifices on structure? Maintenance? Not seen in plan.
- l. Andres T.- Drill hole in cap which is accessible if it gets clogged.
- m. Dick J.- What is the frequency of maintenance for whoever is managing?
- n. Andres T.- Typical maintenance is every year to every other year. Cleaning out forebay wouldn't be every year. Gravel wetlands typically do well without maintenance. – Vegetation, sediment removed with vacuum truck or by hand. Would be able to access underdrain. Not annual routine- several years.
- *Clarification:* Mitch C. – annual inspection, 3-year certification – State rule
 - Dennis P. - do you need permit for maintenance from the state?
 - Mitch – No. regular maintenance is expected to be done as a condition of a State permit

X. Dennis opened the hearing to public comment. (Regarding proposed Stormwater)

- a. Kate Kelly- Maintenance- vac truck, urged board to consider cost of renting vac truck or borrowing from another town.
- Removing dead vegetation- rain gardens cut and maintain at end of grow season? Andres T. had not heard of this but expressed wishes of further discussing with Kate K. post-meeting.

-----Greg Waples announced his phone, his only source of accessing the meeting, was dying. He announced his intentions of voting to continue the hearing on stormwater. -----

- b. Ted B.- Tax payer stormwater impact?
- Alex W.- We partner with Farmall Dr for stormwater due to police station discharging there.
 - If town might partner- might be a cost association- Select Board decision.
 - Good to recognize cost but not definite. Town does not have a stormwater department.
- c. Mitch – Asked Andres if the stormwater pipes are designed to be self-cleaning

- Andres T.- Sumps will collect material and will need to be cleaned, just like the gravel wetland forebay
- d. Carl B. - Meeting tonight on stormwater. Asks to continue hearing for written comments to be submitted to staff to be able to respond to newly posted public comment.
 - Ted B.- any continuance would be continued on its entirety not one subject.
- e. Robert H - How often will stormwater discharge of Patrick brook buffer?
 - Andres T.- Orifice – will be flowing even at .5” of rain steadily. Even in 2” rain, will be metered out through small holes. Only will see high rate of flow at 3+” of rain.
- f. *Concern:* Robert H.- Asked about monitoring of buffer
 - Andres T.- Annual inspection required to report to state based on permit
- g. Barbara F.- Building H-- 3 story building with underground parking?
 - Ben A.- correct
 - *Concern:* Barbara F.- for pond-- water would never come up to first floor of building. Is parking area first floor?
 - Dave M- First floor is 341+. Garage is above 330’ elevation of storm
- h. *Concern:* Barbara F. - Rain gutters optional doesn’t make sense. Is this just avoiding expensive excavation?
 - Ben A. - didn’t understand excavation comment. Regardless rain will work its way down the roof. Different communities there is a different preference. Water will make its way into stormwater system regardless.
 - Barbara F. – Commented on town’s desire for most up-to-date design
- i. *Concern:* Kate Kelly- Reiterated concern of water discharge into Patrick Brook and maintenance. Buffer not already in good condition. Requested a management plan before final plat approval including both sides of Patrick Brook, and which party will be designated to maintain that system to protect water quality of Brook downstream and La Platte River downstream.
 - Ben A. - Don’t own or control other side of brook. Can’t image the challenges associated with managing both sides.
 - Kate Kelly- requested the development to commence that conversation with the adjacent landowner.
 - Alex - Not just south side of Patrick Brook, also north. Proposed storm water system discharges into riparian buffer area that project doesn’t control. Property line is on the north side of the brook. Also adjacent to property which has suffered from agricultural abuse over the years. No one has invested into it because they’re on other side of brook.
 - Ben A. - Conversation for Dave before final Plat
 - Alex W. - Outreach to other landowners and watershed protection collaboration between Plat Reviews
 - Dick J. - State level or town permission to go into stream buffer?
 - Alex W. - Both. Say on vegetation area. State- How much excavation or stream. But not jurisdiction on riparian not in stream.
 - *Clarification:* Dave M. - River Corridors Act take over stream when project is subject to Act 250 permits.
 - *Alex confirmed that this project will go through Act 250*
 - Dave M. - any activity in buffer by River Corridors Act and VT Fish and Wildlife
- j. Andrea M- Town taking over stormwater management – town needs to be aware of any changes in classification or status, of Patrick Brook or La Platte, in terms of becoming impaired for storm water will be a burden of town and taxpayers. Take responsibility in directly of taking over roads and storm water catch basin, cognizant of water quality being maintained in Patrick Brook because it does impact town. Alex made a reference that there is no stormwater department. Example: Shelburne developments. – town now facing huge financial burden taking over systems. She expressed the critical nature for boards and staff get a handle on ultimate responsibility of system, and on taxpayers, if there is a degradation.

XI. Traffic and Energy

- a. Mitch C. - Listed items in Supplemental Staff Report that could be done in deliberate session.
- b. Dick J. - New westbound from Shelburne rd. with new right turn lane and straight thru-
 - Like Hannaford's, modeling doesn't match actual backups. If right turn lane is useless because intersection is blocked by people trying to go straight to CVU in the morning.
 - Traffic with buses- does traffic analysis take account of type of vehicle?
 - Ben A. - Doesn't have an answer. Traffic is math with a report of pass/fail. Could look into answer but overall, they didn't sidestep anything in analysis.
 - Dick J. - Understands no build is 100 something and build adds 40.
 - Ben A. - It is CVU that manages congestion. Doesn't make sense to overbuild for 10 min of the day. Especially for school, not homes and businesses.
 - Ted B. - If anything it is better than today, but not being reduced by development.
 - Mitch C. - There has been coordination with the state. Will contact that person back for final answer.
- c. Alex. - Not time to deliberate but rather ask questions if had any
- d. Mitch C. - Received e-mail question from Catherine Goldsmith - in favor of sale of shared equity of affordable homes. Which organization will manage sale of affordable homes? Not just a matter of language of deed but also mechanisms for buyer to recoup investments made into property. How does Black Rock plan on managing this process? Champlain Housing Trust or another Non- Profit?
 - Ben A.- Current project in Williston with deed restrictions. Association manages worksheet and it's presented to town. Part of review with Planning and Zoning, but not a shared equity program, 100% of equity gain goes to buyer. Aware of shared equity programs in the past. Have looked at other projects but volume of units didn't seem to make sense to them. This is a larger volume of units, so will have discussions again.
 - Affordability is a much bigger problem today
- e. Alex W.- Inclusionary Zoning provision—Section 5.21 Zoning Regulation of 2009 - Details all of this.
 - Encouraged others/ Applicant to familiarize with section.
 - Meadow Mist project just pulled building permit for 3rd building this week for affordable with Champlain Housing Trust
 - Deals with deed restrictions and equity gain of property vs what goes to landowner.
 - Depends on interest from Champlain Housing Trust—given first option when up for sale.

XII. Dennis P. opened the hearing to the public. (regarding Traffic)

- a. Carl B- Does staff/DRB feel 2 traffic studies done give enough information to move forward?
 - Alex W. - between two studies, we have sustainable data to render at preliminary stage with condition of fine tuning.
 - Mitch C. -Subject will be brought up again in final after any revisions are made.

XIII. Energy

- a. Mitch C. - Enough information?
- b. Ted B. - Referenced language of regulations and developer saying that he can't meet it.
- c. Alex W. - sufficient information but definitely interesting back and forth conversation that may result in deliberation.

XIV. Dennis P. opened the hearing to the public

- a. Barbara F.- Regulation of no new natural gas connections in town?
 - *Clarification:* Alex W. - Only advisory motion voted at town meeting.
- b. Carl B. - friction between energy, climate change and affordable housing. 3rd party energy expert? Feb 14th memo of solar gain. Treat back and forth issue like traffic. See if there's a way to make it more

affordable but with significant strides toward energy goals. Climate change ties into storm. Huge project and wants to work with affordability but recommends third-party evaluation like with traffic.

- c. Andrea M. - Wants to echo Ted's comment of area of town zoned to take advantage of solar and renewable energy. Very important and appreciates Carl's comment about affordability. Is subdivision laid out is compatible with requirements?
 - Branden M. - Asked for clarification: Will installing heat pumps will make units unaffordable? Solar and orientating all south will make it look undesirable?
 - Alex W. - Pointed out there's a gray area as well. Yes, orientating every building in same direction of passive solar, might not be aesthetic, which is why there is ground mounted solar. Mix of building design. Cold Climate heat pumps- larger buildings will have and single family probably will not due to affordability.
 - Dick J. - aren't there ways that solar panels can be mounted at an angle facing south even if building isn't orientated that way? Why does everything have to perfectly orientated in the same direction. Described neighborhoods of Ohio, houses lined up perfectly, but not aesthetic.
 - Ben A. - mosaic of different contributions of renewable energy. High percentage of success. Affordability issue.
- d. *Concern:* Johanna W. - Wonders about Carl B's 3rd party into looking into energy development. – Key point of world. Second home of orientating in line with natural environment. Does work and does cost a little more money but that's the way climate change is making us go.
- e. Dennis P.- Satisfied with information from energy committee?
 - Dick J.- is fine, need to find balance
 - Ted B.- Energy committee ask to go well beyond regulations. In perfect world we could, but we have to go by regulations.
 - John L.- Enough information is there.
- f. **Dennis P. opened the hearing for Public input for topics not covered** Reminded everyone that hearing will be continued.
- g. Carl B. – as the chair of affordable housing committee- Made recommendations, if preliminary is plat is closed and recommendations aren't accepted- will be able to present between preliminary and final?
 - Dennis P.- yes
- h. Andrea M. - Mitch said she submitted email and letter in sketch plan in 2014. Although DRB did adequately address potentially significant archaeological
 - Pattern of how we see history in Vermont
 - Geographically idea location for Native American settlements
 - Asked in 1999 and now in 2020 that the DRB at least acknowledge the archaeological significance, and there were archeological sites identified in 1991-92. It is our duty to recognize that there were people here. Doesn't know whether developer will be required in act 250 to bring attention to this.
 - Sent a letter to town in 2014 when Recreational Fields were being developed.
 - Would like DRB/Public to recognize that history goes back beyond settlers from CT
 - Dennis P.- act 250 will definitely take into consideration
 - Andrea M- Developer could have identified conditions ahead of time and make accommodations in development design – with how much excavation happens. Requests open discussion that it is here. Required that some attention is paid and an Archaeological dig to not bury it.
 - Mentioned Champlain pipeline in 91
 - Ben A.- acknowledge Dennis is correct that archaeology and historical preservation is required by act 250. UVM will conduct survey.

- Andrea M.- Information is important at beginning before design. (Rule 4) Just like identifying wetlands and natural features before sketch plan. State Historic Preservation asks developers to get ahead of plan.
- Ben A. – That should be a recommendation to planning commission
- Andrea M.- DRB could've reviewed before Sketch Plan
- Ted B.- Didn't look at sketch plan in detail
- John L.- suggested review but not required?
- Andrea M- section 3.1.1- required to identify that stuff in sketch plan

XV. Ted B. moved to continue Black Rock Preliminary Plat hearing on Aug 4. Dick J. seconded. Board voted 7-0

Dennis P. **moved to adjourn the meeting, Dick J. seconded.**
The meeting adjourned at 10:00 PM.

Respectfully submitted,
 Laura Sau, Recording Secretary