

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**July 19, 2022**  
*Approved August 2, 2022*

**Members Present:** Ted Bloomhardt, Dick Jordan, John Lyman, Dennis Place, Mike Webb, Branden Martin (via Zoom).

**Members Absent:** Jonathan Slason.

**DRB Staff:** Mitch Cypes (Development Review Coordinator).

**Applicants:**

- **PR&R Development LLC (Ryan & Renee Mobbs):** Ryan Mobbs (Applicant); Renee Mobbs (Applicant – via Zoom); Jason Barnard (Designer for Applicant); Matt Montgomery (Ecologist for Applicant – via Zoom);
- **Robert Farrell & Zoe Livingston:** Robert Farrell (Applicant); Jason Barnard (Designer for Applicant); Scott Baker (Designer for Applicant– via Zoom);
- **Black Rock Construction/Haystack Crossing, LLC:** Ben Avery (Applicant); Mike Buscher (Designer for Applicant); David Marshall (Engineer for Applicant).

**Public Present (in person):** Pat Miner, Bob Minor, Rod Rivers, Jack St. Louis.

**Public Present (via Zoom):** Carl Bohlen, Janet Francis, Bob Hyams, Kate Kelly, Dale Wernhoff.

Dennis P. **called the meeting to order at approximately 7:10 PM.**

**1. Agenda Changes:** - None.

**2. June 21, 2022 Meeting Minutes:**

John L. **made a motion, and Dick J. seconded, to approve the June 21, 2022 minutes as presented. The motion passed 4-0 (Mike W. abstained).**

**3. PR&R Development LLC (Ryan & Renee Mobbs))** – 09-01-69.100 – Sketch plan application for an 8-lot subdivision of a 61-acre property located on Observatory Road and North Road in the Rural Residential 1 (RR1) Zoning District. *Continued from 6/7/22. Site visit at 6 PM: meet near observatory on Observatory Road.*

Mitch C. noted that the DRB had a site visit to PR&R's property. In attendance was the Owner Ryan Mobbs, their Designer Jason Barnard, DRB members John Lyman, Dennis Place, Michael Webb, Ted Bloomhardt, & Dick Jordan, neighbors Bob Minor and Rod Rivers, and Jack St. Louis from the Vermont Astronomical Society and myself. The DRB made observations and asked questions, but rendered no opinions.

DRB members briefly noted their observations from the site visit.

Dick J. said that the slopes were somewhat steep, so that the Applicants will need to pay attention to how the driveways are configured. He said that they looked at the Class 3 wetland area, which was minimal, and also the Class 2 wetland areas, which were expansive and not holding water at the time,

but were still damp. He said they saw the 100-foot corridor from the northern lot line, and noted that more toward Observatory Road it is sparse. He noted young growth trees and not a lot of cover, though it can grow up over time.

Ted B. noted that they looked at the house sites, building envelopes, driveway, cuts, and proximity to the proposed wetland corridor.

Mitch C. added that the site visit helped him better understand the proposed layout, especially the central driveway that will access 4 of the properties. He said that the 100-foot wildlife corridor was marked, but noted that it seems like there is flexibility based on where the house sites are. He said that he can see how the driveway access to Lot 2 could be feasible.

Jason Barnard said that they looked at the Lot 2 driveway and determined that it is manageable with some cut and fill. He said that in terms of final layout and design, they are able to make small tweaks if necessary, though this is the general layout. He said that they shifted everything in a southerly direction, made lots smaller, and added that 100-foot wildlife corridor. John L. asked how the 100-foot corridor's dimensions were determined. Jason Barnard replied that these dimensions were deemed adequate for the passage of wildlife and that he has used 100-foot corridors for other applications. Dick J. noted that the DRB has in the past approved of 100-foot wildlife corridors. Pat Miner noted that there is no written rule on the dimensions of a corridor.

Jason Barnard also noted that they included a 100-foot buffer around the vernal pools, based on the feedback of wildlife experts. He also noted that the Class 3 wetland is minor, and that the other more prominent wetlands are included in the 100-foot corridor.

Ted B. asked if Lots 7 and 8 could be shifted south, to free up more space to the north. Jason Barnard proposed maintaining 100 feet and shifting the building envelopes themselves (and Ted B. said that that would be acceptable). Ryan Mobbs also said that they should consider the distance between the two curb cuts and how far back Lot 6 is. He noted that even though it isn't designated as a wildlife corridor, it provides a good, forested area for wildlife and serves as a corridor. Jason Barnard added that one goal was to conduct limited tree clearing. He said that the building envelopes are positioned to take advantage of the smaller trees while preserving older and bigger growth. Ted B. asked who will own the wildlife corridor area, and Jason Barnard replied that it would be owned by each lot owner and be protected by deed. He said that each of the protected areas could be monumented on the ground, if needed.

Dick J. suggested stipulating in any approval that clearing would be limited to the building envelopes, driveways, and for utilities (such as stormwater and wastewater).

Dick J. asked whether wetlands are considered public access. Jason Barnard replied that no mowing, clearing, dredging, or filling are allowed in wetlands, but that the public are not prohibited from entering the wetlands.

Ted B. noted concerns about possible groundwater contamination in the area. Jason Barnard replied that there has been some contamination discovered in wells downslope from the area. He said that he has experience with groundwater sampling and movement, and that in his estimation, it looks like the primary groundwater flow is away from the site. He added that the Applicants sampled their well when it was put in and that it was clean. He recommended sampling one or two of the lots' wells to begin with

and then conducting routine sampling every 5 years or so. He said that he will be meeting with the State engineer to discuss the design and layout of wells in order to best protect the water quality. He noted that they have some flexibility with well location (at least for Lot 3), if they need to shift them. Renee M. spoke about the results of her water sample, noting that the yield was better than expected and that it was recommended that they conduct periodic testing.

John L. asked whether there will be issues with the site's proximity to the Observatory. Jack St. Louis of the Vermont Astronomical Society said that his biggest concern was light interference from Lots 3 and 4, but acknowledged that the issue may be mitigated by trees. He said another issue could be headlights coming on the road, but said that that doesn't occur too frequently. He asked whether the Town would allow the Observatory to put up a hedgerow for additional screening. Dick J. said that the angle of the road might help mitigate headlights shining on the Observatory itself.

Dennis P. opened the discussion up to the public.

Rod Rivers spoke about Lot 7 and the height and elevation of the house. He said that in the winter there is little screening from the trees and that he does not want complaints about his adjacent sugaring operation, especially during the spring when lights are on and equipment is running at night. He asked if the house location could be moved from 695 feet in elevation to 680 feet in elevation. Dick J. said that Mr. Rivers has the right to conduct his sugaring operation. Mr. Rivers said that if the elevation is moved, then he would only be able to see the roofline and the ridgeline would block the noise.

Matt Montgomery spoke about the groundwater quality concerns, noting that Stone Environmental installed a groundwater monitoring well on behalf of the Town of Hinesburg. He noted that there is a dearth of information about groundwater contamination from the landfill, but that this well will help provide data.

**Dennis P. made a motion, and Ted B. seconded, to close the public hearing and direct staff to write a decision of approval. The motion passed 5-0.**

**4. Robert Farrell & Zoe Livingston – 06-01-41.110** – Subdivision Revision to move the building envelope on a 38.7-acre property located at 1773 Texas Hill Road in the Rural Residential 2 (RR2) Zoning District. *Continued from 6/7/22.*

Scott Baker said that from the last staff report, they identified 4 main points that they would like to address. He said that the first was the question of steep slopes and how to define them. He provided a summary of the slope analysis that they conducted, saying that it shows where any slope greater than 25% exists. He said that they would use this analysis to locate building envelopes in flatter areas. He said that for the three building envelopes proposed, they positioned them to avoid those steeper slopes (though there may be overlap with a small number of steeper areas). He said that the second point was about the calculation of the impervious area to be removed. He said that they had surveyed the existing drive previously, and they calculated the area of the impervious to be removed at 5,912 square feet. He said that if they retain 18-20 feet of the existing drive to provide a turnaround area, it would put the impervious area to be removed at 5,546 square feet. He said that the third point was about wildlife habitat impacts. He said that shifting the building envelopes would reduce fragmentation as well as reduce impact to the pond and the clearing. He said that the fourth item was a comment about runoff and stormwater design. He said that the runoff from the driveway and building envelope 3 would be

diverted into filter strips, and that runoff from the other building envelopes, would be diverted into the existing drainage.

Branden M. joined the meeting at this time.

Robert Farrell spoke about the changes to the stormwater and runoff design since the previous submission, noted that he worked with an engineer on the new proposal. Mitch C. confirmed that building envelope 1 is where the house would be built, building envelope 2 would have a smaller structure such as a barn, and building envelope 3 would be a garage. Scott Baker said that the envelopes have been proposed to allow for flexibility in future for construction of structures on the property. He noted that the combined area of the building envelopes represent a 33% reduction from the building envelope area for the original proposal.

Ted B. asked about the 25% slope in the proposed location of the driveway. Scott Baker replied that there are small sections where slope is over 25%, and said that it will be cut for the driveway in Sections 4 and 5 of the driveway slope profile.

Dennis P. opened the discussion up to the public. There was no public comment.

**Dennis P. made a motion, and Mike B. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 5-0.**

**5. Black Rock Construction/Haystack Crossing, LLC – 16-20-56.500** – Final Plat for mixed use (residential, commercial, light industrial) development on a  $\pm 76$ -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. The Applicant will reintroduce the project and describe how it has been updated since Preliminary Plat review.

Mike Buscher, Architect for the Applicant, began by noting that this is Phase 1 of a larger Master Plan of 219 units. He said that the full buildout is 60 single-family houses, 40 townhouse-style houses, and 119 multi-family units split between several three-story buildings and smaller buildings. He said that there is also 10,000 square feet of potential commercial space, 10,000 square feet of senior support space in congregate housing, and 10,000 square feet of commercial/light industrial space. He said that the concept for the project is a smart growth community oriented toward walkable standards with interconnected green and open spaces. He said that they negotiated with the Town regarding the public open space next to the Bissonette Recreation Fields. He said that additionally, the developer has offered the Town the lands that surround the Bissonette Fields to the north, south, and west (a total of approximately 40 acres). Ben Avery specified that they negotiated with the Town around Lots 20 and 70, as well as the financial contribution for the public open space next to the recreation fields. He said that with regards to the 40 acres, he met with the Conservation Commission and proposed dedicating the land for conservation.

Dick J. asked about the potential solar fields contemplated in earlier versions. Ben Avery replied that they will have a smaller solar field than what had been proposed earlier, due to access and wetland constraints. Mike Buscher added that each of the multi-family buildings are proposed to have solar and that there are a lot of opportunities for solar in the project.

Dick J. expressed disappointment that there won't be a large, dedicated community garden area. Mike Buscher noted each of the areas that could have their own community gardens and noted that overall, there will be community gardens spread out around the development.

Mike Buscher noted that there are a series of multi-use recreation paths around the development, with the eventual goal of a connection with Route 116, as well as with other existing (and proposed) recreation paths in the Town.

Mike Buscher spoke about the development's energy proposal. He noted that they are trying to balance the difference required components of the zoning regulations with the compact nature of the design. He said that they are orienting the majority of the buildings to have a strong south-facing façade, as well as designed the landscaping such that tall trees will not be blocking the south-facing roofs. He said that there will be access on rooftops for rooftop solar, and that they have oriented the garages so that they do not block the sun. He said that other energy efficient elements in the project include a solar agreement with SunCommon so that every house has an option to have solar installed as part of original construction, every house will be EV-charger ready, and that every house will have the option to have cold-climate heat pumps installed instead of a furnace.

Mike Buscher then spoke about how the developer would take advantage of density bonuses. He noted that the development's base density is 99.68 units and that they are proposing 130 units as part of Phase 1. He said that they are required to dedicated 10% of the base density for inclusionary housing, which would allow them 20% additional units (which brings the total to 120 units). He said that in order to reach the 130 units in the phase, the Applicant is proposing to dedicate 20% of the base density for inclusionary housing. He said that for the buildout, they are proposing to take advantage of two of the density bonus incentives (unit size and 25% of the residential energy will be provided through renewable energy). He said that they would propose a 30% dedication for inclusionary housing in order to take advantage of the density bonuses that would allow them their full buildout.

Dave Marshall spoke about infrastructure for the development. He noted that they received approval from the State's Agency of Transportation (AOT) for the road and intersection on the east side of the development for ingress and egress. He said that Phase 1 primary access would be proposed from Haystack Road. He noted that this application includes a conditional use application in order to build infrastructure close to Patrick Brook to connect to the development on the south side of the brook. He also noted a new well that will be developed in coordination with the Town to serve the development (and excess will serve the Town). The DRB discussed the intersection of Route 116 and Riggs Road, noting that one would not be able to turn left into the development if coming from the south. Dave Marshall noted that this proposal is a temporary solution. Dave Marshall then noted that one of the requirements from previous DRB hearings was to review the configuration of the streetscape as far as parking, parallel parking, snow storage, and sidewalks. He noted that the highway administration told the developer to coordinate with the Town, and that they have done so. He said that the Town has acknowledged that this development would impact traffic in the Town. Mike Buscher noted that they do not have parking totals, but anticipates that parking will be able to meet the needs of the neighborhood. Dave Marshall then spoke about stormwater plans. He noted a gravel wetland near the ballpark. Ben Avery noted that they received approval for the stormwater design from the State, though they have not yet received a stormwater permit (pending review of sub-permits).

Dennis P. opened the discussion up to the public.

Bob Hyams of the Conservation Commission commended the Applicant for its planning for passive solar gain. He said that the Conservation Commission has been working on an ambitious conservation plan based in part on using those 40 acres of land cited earlier. He asked whether the DRB would approve this plan absent full DRC review. Mitch C. said that the Town has been reviewing the application for its own stormwater regulations (in addition to State regulations). He said that the Board does not necessarily have to wait for a stormwater permit from the State, but that the application must meet the Town's stormwater requirements. He said that some of the upgrades that the developer has made will help with approval from the State. Dave Marshall also noted that there has been the idea of trying to create a master plan for how the riparian corridor around Patrick Brook can be better managed. He noted that this application includes a proposed easement to the Town which would allow it to responsibly manage the area.

Carl Bohlen of the Housing Committee said that they would like to see the affordable units be a mix of bedroom sizes and a mix of rental versus homeowner arrangements. He said that they are hoping for collaboration with the Champlain Housing Trust.

Dennis P. **made a motion, and Ted B. seconded, to continue the application to August 2, 2022. The motion passed 6-0.**

## **6. Decision Deliberation**

- **Vermont Well & Pump – 12-01-12.200** – Conditional Use review for a roof with a higher than 35-foot elevation. Closed on June 21, 2022.

The DRB discussed a potential requirement to have a certain proportion of the tower structure be windows. They added a finding of fact to state that the Board feels that significant window area is important to reduce massing, a conclusion to state that establishing a significant window area on the walls of the higher roof would soften the appearance of the height of the building, thus not negatively impact the character of the area, and an order to include in the construction of the walls of the higher roof a significant amount of window area.

Dennis P. **made a motion, and Ted B. seconded, to approve the decision as amended. The motion passed 5-0.**

- **Kelley's Field Limited Partnership c/o Cathedral Square Corporation – 20-50-20.000** – Conditional Use application for development in a Village stream setback.

Minor amendments were made.

Dennis P. **made a motion, and Ted B. seconded, to approve the decision as amended. The motion passed 5-0.**

- **Kelley's Field Limited Partnership c/o Cathedral Square Corporation – 20-50-20.200** – Final Plat application for expand their existing 24-unit senior affordable multifamily housing development with 24 new additional units.

Amendments were made to further clarify energy efficiency findings, specifically around solar panels and heat pumps. Jonathan S. also provided edits via email.

Ted B. **made a motion, and John L. seconded, to approve the decision as amended. The motion passed 5-0.**

- **Kelley's Field Limited Partnership c/o Cathedral Square Corporation – 20-50-20.000 –** Conditional Use application for a 24-unit senior affordable housing multifamily residence.

Mitch C. explained that having a multi-family dwelling that is more than 6 units needs conditional use.

Ted B. **made a motion, and Dennis P. seconded, to approve the decision. The motion passed 5-0.**

- **Matti Vesterstein – 11-01-06-200 –** Site Plan application for commercial agricultural operations for cannabis cultivation.

Ted B. **made a motion, and John L. seconded, to approve the decision. The motion passed 4-0.**

**7. News/Announcements/Correspondence** - Mitch C. noted a number of applications coming up for review over the next several meetings, as well as Johansen and Haystack. The DRB discussed the outstanding items for the Haystack Crossing application.

**The meeting adjourned at 9:40 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary