

Town of Hinesburg
Development Review Board Meeting Minutes
August 16, 2022
Approved September 6, 2022

Members Present: Ted Bloomhardt, Dick Jordan (via Zoom), John Lyman, Branden Martin (via Zoom), Dennis Place, Jonathan Slason (via Zoom).

Members Absent: Mike Webb.

DRB Staff: Mitch Cypes (Development Review Coordinator, via Zoom), Alex Weinhagen (Director of Planning & Zoning).

Applicants:

- **Daniel Baldwin:** Daniel Baldwin (Applicant); Noah Mulcahy (Property owner).
- **O'Donnell & Donovan:** Jim Donovan (Applicant); Patricia O'Donnell (Applicant, via Zoom).
- **Haystack Crossing/Black Rock Construction:** Ben Avery (Applicant); Mike Buscher (Designer for Applicant); David Marshall (Engineer for Applicant).

Public Present (in person): Scott Johansen.

Public Present (via Zoom): Barbara Forauer, Maggie Gordon, Brett Grabowski, Alex White.

Dennis P. **called the meeting to order at approximately 7:03 PM.**

1. Agenda Changes: - None.

2. Review minutes of the August 2, 2022 meeting:

John L. **made a motion, and Ted B. seconded, to approve the August 2, 2022 minutes as presented. The motion passed 4-0** (Jonathan S. **abstained**, Branden M. **absent for vote**).

3. Daniel Baldwin – 11-01-05.003 & 11-01-02.100 – Subdivision revision to transfer 4.78 acres from a 10.55-acre lot located at 420 Drinkwater Road to a ±250-acre located at 34 Drinkwater Road.

Daniel Baldwin said that the purpose of this change is to better utilize the best access points to the properties. He noted that the property was subdivided around 15-20 years ago and that it is now owned by his father-in-law. He said that the property has a 25–30-foot setback from the pond and a 100-foot setback from the septic system.

Ted B. confirmed that no new lots are being created, but area is being transferred from one lot to another.

Mitch C. suggested a condition requiring communication from the State's Agency of Natural Resources (ANR) that the setback change for the pond would not require an updated/amended permit for wastewater. Jonathan S. expressed support for including this condition.

Dennis P. opened the discussion up to the public.

There was no public comment.

Dennis P. **made a motion, and Jonathan S. seconded, to close the public hearing and direct staff to draft a decision of approval. The motion passed 6-0.**

4. O'Donnell & Donovan – 17-22-62.300 – 3-lot subdivision preliminary plat & PUD – 23.35-acre parcel on the south side of CVU Road.

Jim Donovan said they are moving ahead with Phase 1 of the previously-approved sketch plan from June of 2021. He said that they are seeking approval for 2 lots close to CVU Road, on the 23.55-acre property before the wetland crossing. He said that these are Lot 4, which is 1.12 acres and Lot 5, which is 2.23 acres. He noted that Lot 3 (the remainder of the parcel) is around 20.2 acres. He said that each lot would be reached by a 50-foot right-of-way from CVU Road. He noted that they currently have a driveway permit. He said that the right-of-way would have access to Lot 3, which could have additional lots on it. He said that coming into the parcel, the right-of-way is 14 feet wide, but it narrows down to 12 feet as it continues on to serve Lot 5. He said that they are putting a T turnaround at the end of the driveway on Lot 5. He said that if they extend further, they will put in a cul-de-sac to serve additional lots. He said that they are capturing stormwater in grass-covered swales on both sides of the driveway which would lead down to rain gardens, which will be big enough to handle runoff from the roof and impervious surfaces on Lot 4, and that Lot 5 will have an additional rain garden. He spoke about sewer connections, noting a sewer manhole in the right-of-way on Lot 5, which will connect to Town sewer. He said that it would also be able to handle flow from the higher areas. He said that they will bring in a water main from Town water on the north side of CVU Road, which will be large enough to service six units. He noted a trail easement, which will coexist across the existing driveway and will be extended along the Peace of Mind property line, at the request of the Trails Committee.

Jim Donovan briefly talked about staff comments. He said that they did not receive a notice of acceptance for sewer, but received a bill, which serves as proof of allocation for two lots. He said that they will provide the narrative and modeling for stormwater treatment. He said that there is a silt fence for erosion control, and would be happy to discuss with staff. He said that Doug Hanson will be conducting the survey and that he has done the initial work on the project. He said that they are preserving the floodplains along Patrick Brook, as well as the steep slopes and forested areas on Lot 6 (which is around 11 acres). He said that they will delineate it and describe how it will be preserved. He said that in terms of waivers, they requested setback waivers for the right-of-way for the front setbacks for Lots 4 and 5. He also set they requested a waiver for the 20% lot coverage. Mitch C. suggested allowing the Applicant to build whatever they can in the building envelope, and asked Jim Donovan to calculate the coverage area they are requesting. Jim Donovan noted a comment from Mitch C. regarding the possibility to have duplexes on the lots. He said that they are supportive of that possibility, but pointed out that they do not have the sewer allocation for it. Mitch C. said that they could actually reserve the duplex right for future development, even if they don't currently have the sewer allocation for it, but noted that that would require returning to the DRB in future.

Jonathan S. asked how many units are planned in the Master Plan. Jim Donovan replied that they are planning for 6, but could have more if duplexes are allowed. Jonathan S. said that he would be supportive of allowing the Applicant to maximize the number of units and is supportive of allowing duplexes. Dick J. said that as long as they have the appropriate acreage, they should be able to have the number of units allowed for that acreage.

Jonathan S. asked for confirmation that the trail easement will be officially included in this subdivision, whether there would be maintenance done by the developer, and whether it would end as the property

lines. Jim Donovan said that they are granting it now, and that it's actually comprised of two continuous easements. He said that the Trails Committee would put in and maintain the trail, and that the biggest issue currently is getting across the wetlands, especially in the spring and fall when it is wetter. He said that the easement would be included in the final plat.

Dick J. asked if the T turnaround is adequate for a 32-foot fire truck. Jim Donovan replied that it is, since the T is 45 feet long and can accommodate emergency responders. Dick J. asked if there are plans for fire hydrants along the roads, and if not, where is the closest fire hydrant on CVU Road. Jim Donovan replied that they have not planned to install fire hydrants, and that he can find out where the nearest one is located. Patricia O'Donnell said that there is a fire hydrant currently located across the street from Lot 4. Dick J. said that if this is built out further, there will be a need for fire hydrants further up the road. He asked if there are plans for laying in pipes for hydrants up the road for later expansion. Jim Donovan replied that the fire hydrants use the same water main as the Town water, so there are pipes already laid. Alex W. suggested that the Applicant check in with the Fire Chief between preliminary and final to ensure that the water line is long enough to accommodate any future expansion. DRB members agreed that this should be a condition of approval.

Dennis P. opened the discussion up to the public.

Alex White, a neighbor on CVU Road, asked about whether there are sewer easements that cross this property. Patricia O'Donnell replied that they had asked the engineers to check on any sewer easements that cross the property and that they did not find any. She said that there is a sewer easement that crosses CVU Road, but that there is not one on the property.

Ted B. made a motion, and John L. seconded, to close the public hearing and direct staff to draft conditions of approval. The motion passed 6-0.

5. Haystack Crossing, Black Rock Construction – 16-20-56.500 – Subdivision final review – 60 lots, 176 dwelling units, 27,000 square feet of non-residential space (commercial, light industrial), and greenspace. Haystack Road, 76-acre parcel. *Continued from the August 2, 2022 meeting.*

Jonathan S. recused himself from the hearing and left the meeting at this time.

Ben Avery began the review of staff comments. He said that they are open to conditions around the request from the Affordable Housing Committee for the non-congregate housing perpetually affordable dwellings being a mix of 5 rentals and 5 ownership-dwelling units, but asked for flexibility around the timing of their construction during buildout. Board members agreed with this.

Ben Avery then spoke about the stacking for the 95th percentile queue lengths. He said that they are amenable to updating the traffic study and queueing once full buildout of the project occurs. He said that they will need to update the traffic study for Phase 2 anyway, so they would be amenable to a condition about updating the study prior to Phase 2. Dick J. said that feedback on the resulting traffic impacts for Phase 1 will be important to have (just in case Phase 1 is where the project ends). David Marshall said that the traffic study itself recommends returning in 5 years to document how well the intersection in Phase 1 is working, but they would be open to a condition to return in 1 or 2 years to look at traffic impacts. Dick J. said that he would be fine with either 2 years after Phase 1 or right before Phase 2, whichever comes first.

Ben Avery then discussed the staff comment around stormwater to support Lot 20 and treatment for future Town development on that lot. David Marshall said that a portion of Lot 20 is being dedicated to stormwater management best practices. He spoke about opportunities for stormwater treatment on the lot, which include putting in a catch basin at the lowest point in the lot, which would provide more area for the Town's use. Alex W. asked if the large gravel wetland has capacity for some additional impervious surface, or whether more would be detrimental. David Marshall replied that there is currently not. Mitch C. said that there is likely room to develop treatment on Lot 20, but the Town would need to design it. Mike Buscher said that the Town is contemplating a slightly larger parking area, tennis courts, basketball courts, a pavilion area, hardscape walkways, and restrooms. He said that these would increase the overall impervious area than what was originally incorporated into the stormwater design. Ben Avery said that what the Town proposes on that secondary lot could be a discussion for Phase 2 of the project. Dick J. said that the stormwater plans currently seem sufficient for what is proposed for Phase 1.

The Applicant and Board then discussed the plan for the senior building. Ben Avery said that they would like to discuss this at site plan review for congregate housing. He said that they are planning on having 8,000-12,000 square feet of food vendor space and exercise space, as well as 30% of the floor area dedicated as common space. Mitch C. asked whether the DRB would like to stipulate minimum spaces required for each of these. Ben Avery said that he would like to wait for site plan review to determine those areas, since it depends on program design and staff for the senior and commercial services that will not be fully known until later in the construction process. Dick J. and Ted B. agreed with this approach.

David Marshall brought up the next staff comment, which was around concerns raised by the Conservation Commission that stormwater discharge from the proposed gravel wetlands would create an erosion concern on the Hinesburg Center 2 properties in areas that have been bermed and eroded. He noted that they went back and flagged the level spreader locations and examined conditions downstream from each of them. He noted that there were eroded areas below the level spreaders which were 2-3 feet deep. He said that their recommendation is to correct that erosion issue to recreate a level flow of water across the landform. He said that they would like to engage the Conservation Commission in that activity as well as include it in the erosion control permit application for the State. He said that they are very open to fixing the situation, and suggested a condition of approval from the DRB saying that the Applicant is obligated to correct the existing erosion prior to additional work. Alex W. said that this sounds like another opportunity to collaborate with the Hinesburg Center 2 development and the State. He said that this is likely to come up in the Act 250 review. Dick J. said that the remediation and repair suggested by the Applicant seems like the right approach. David Marshall said that another option would be to take the level spreader and put it in a different location on the property that doesn't have erosion issues, but added that it seems that the simplest solution would be to remediate and repair where the level spreaders are currently.

Mitch C. then outlined new staff comments. He noted that there would be a subdivision revision with the Town to include Lot 20. He also noted that there would be a subdivision revision to adjust a boundary line with KB Realty to allow access to VT Route 116 opposite Riggs Road. He then noted the draft bylaw and declarations that were submitted. Ben Avery said that the Town attorney would review the draft bylaws before closing on the first property sold. He said that the HOA documents are meant to conduct the business of the HOA (and not get into requirements around home occupations, for example, that are better handled through zoning regulations). Mike Buscher then discussed the staff comments around lighting. He noted that the pedestrian light is downcast and dark sky compliant. He

also noted that the lighting meets the average/min ratio requirements and are not over-illuminating at the surface level. The group then spoke about landscaping, and Ben Avery said that they are comfortable with a condition of approval to consult with staff to ensure that proposed species match common riparian vegetation. The group finally spoke about stormwater modeling and whether structures or embankments would be at risk of being damaged during a 100-year storm event. Alex W. said that they are suggesting a condition of approval that the Applicant's engineer certify the design to increase the elevation of residences and provide erosion control to areas that could flood. Ben Avery said that they use a 3-foot above curb standard, which gives good drainage away from residences. He said that it should be relatively easy to achieve that goal, given that this development would be on a flat field. Mitch C. also noted a comment from the Conservation Commission about curbs along Patrick Brook that would allow for amphibian and other wildlife passage. Ben Avery said that as long as they could use a mountable curb in those targeted locations, they would be amenable to a condition around that. Alex W. said that they should hold off on a specific condition until the highway foreman has had a chance to weigh in.

Dennis P. opened the discussion up to the public.

There was no public comment.

Dennis P. made a motion, and John L. seconded, to continue the hearing to September 6, 2022. The motion passed 5-0.

6. Decision Deliberation

- **Robert Farrell & Zoe Livingston – 06-01-41.110** – Subdivision Revision to move the building envelope. *Hearing closed July 19, 2022.*

Dennis P. made a motion, and John L. seconded, to approve the decision as written. The motion passed 5-0.

- **David & Danielle Johansen – 09-01-47.170** – Final plat application for a 2-lot subdivision of a 14.1-acre property located on the east side of Lavigne Hill Road and the Rural Residential 1 Zoning District. *Hearing closed August 2, 2022.*

Mitch C. noted that he had neglected to include detail around development on a private right-of-way, and noted that he added a conclusion stating that the application meets the regulations for development on a private right-of-way.

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

7. News/Announcements/Correspondence

Mitch C. noted that at the next meeting the wastewater treatment facility is returning for a limited site plan review. He also said that they will hear an application for a conditional use for a farm market.

The meeting adjourned at 9:28 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary