

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**November 1, 2022**  
Approved November 15, 2022

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

**Members Absent:** None.

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

**Applicants (all in person):**

- **Frank Babbott & William Chatoff:** Frank Babbott (Applicant), Kim Chatoff (Applicant)
- **Hinesburg Center 2:** Brett Grabowski (Developer for Applicant), Mike Buscher (Landscape Architect for the Applicant), Daniel Heil (Engineer for Applicant), Roger Dickinson (Engineer/Surveyor for Applicant).

**Public Present (in person):** Kyle Bostwick, Brian Hunter, Greg Tomaczyk.

**Public Present (via Zoom):** Kate Kelly, Merrily Lovell, Kyle Medash.

Dennis P. **called the meeting to order at approximately 7:02 PM.**

**1. Agenda Changes:**

Put Haystack decision at the end, after news/announcements/correspondence. Remove Rem Kielman.

**2. Review minutes of the October 18, 2022 meeting:**

Ted B. **made a motion, and John L. seconded, to approve the October 18, 2022 minutes as presented. The motion passed 7-0.**

**3. Frank Babbott & William Chatoff – Sketch Plan Review – 04-01-14.300/04-01-14.100 –** For a 2-lot subdivision to create a 6.3-acre lot from parts of two properties on Rocky Mountain Lane in the Rural Residential 1 Zoning District. *Continued from DRB meeting on October 18, 2022.*

Mitch C. stated for the Public record that the DRB had a site visit to the Babbott's and Chatoff's properties on Rocky Mountain Lane. In attendance were the Owners Frank Babbott and Kim Chatoff, DRB members Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt & John Lyman, and himself. The DRB made observations and asked questions but rendered no opinions. Mitch C. said he explained at the site visit how regulatorily a shared right-of-way creates a setback, which may create a challenge in creating a conforming building envelope. The Applicants proposed several options on whether to have one or two new lots and how these lots would be accessed.

Each DRB member shared their observations from the site visit. Ted B. said that they experienced the steep grades of the driveway and that they also walked through a potential building envelope. He noted that there is a relatively flat and accessible area for that envelope, with steep slopes upslope and downslope. He agreed that rights-of-way could pose a challenge, since they create their own setbacks. He said that for a single-lot subdivision, the topography appears appropriate for the proposed location for a building envelope. John L. said that the proposed building envelope location seems appropriate, but expressed concern about access to the site for safety equipment and personnel due to the

steepness of the slope. Dick J. commented on the steepness of the slopes for access. He said the building envelope area seemed reasonable. He added that the building envelope area seemed adequate for one house, but if two houses were placed on it, they would need to be relatively close to each other. He noted sight distance concerns to the north when pulling out of the driveway. Jonathan S. agreed with the sight distance concerns, especially given the location of the driveway right off of higher-speed stretch of Route 116. He said that he appreciates the efforts to consolidate the subdivision close to Route 116. He noted that the location of the driveway is steeper than he would prefer, but would welcome safety personnel and engineering personnel to comment on that. He encouraged the Applicant to explore secondary access further downslope. Mike W. agreed with these observations and concerns.

Frank Babbott acknowledged concerns about turning out of the driveway onto Route 116. He said that they try to have brush trimmed as much as possible to increase sight and visibility. He said he would prefer not to have to put in another driveway, but acknowledged that that may be the DRB's preference.

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

Dennis P. **made a motion, seconded by Ted B., to continue the hearing to January 3, 2023. The motion passed 7-0.**

**4. Hinesburg Center 2 – Final Plat Review – 08-01-06.320** – For a mixed-use development on a 46.2-acre property located to the west of Kinney Drug and south of Patrick Brook and north of the Creekside development in the Village and Agricultural Zoning Districts. *Continued from DRB Meeting on October 4, 2022.*

Jonathan Slason and John Lyman recused themselves for this application and participated as members of the Public.

Mike Buscher said that this is a planned mixed-use development in the Village Growth Area and is the second phase of the Hinesburg Center project. He said that they are proposing 73 residential units, 9 traditional lots on the west side of the project, 6 alley lots, 24 multi-family condominium units, two 9-plexes and one 6-plex, and a 34-unit multi-family building, 2 commercial buildings with both retail and office space, and a 2,5000 square foot light industrial building in the northern part of the project. He noted a strong emphasis on pedestrian connectivity through sidewalks, recreational paths, and recreational trail easements on the west side of the property. He said that there is a series of greenspaces and connectivity to the Creekside neighborhood and the planned Haystack Crossing neighborhood.

Mike W. asked about approval for future buildings. Mike Buscher replied that any building other than a single-family home will need to go through site plan review, and that the Applicant is proposing the use for these future buildings now but will need to return to the DRB for approval.

Roger Dickinson provided an overview of the traffic components to the project. He said that they provided an updated traffic study as part of this application (from April 2022), which included the proposed commercial building. He said that the trip generation rates totaled to 103. He noted that they had originally predicted that trips would be traveling in and out of Farmall Drive, but that with the proposed connections to Haystack Crossing and Shelburne Falls Road, more trips would be going through those areas instead. He said that the study determined that the Farmall Drive/Route 116 intersection has plenty of extra capacity and would operate at service level b. He said that having

connectivity between these neighborhoods will be beneficial to traffic. He acknowledged some increased delays on side streets (service level c). He said that they will return with an updated trip generation showing the impacts of the additional 2,000 square feet of commercial space.

Mike Buscher spoke about residential versus non-residential use and the sequencing of it. Mitch C. asked if the Board is comfortable with the Applicant's proposal to do the residential portion of development first, as well as the modified mix of residential to commercial development. Ted B. asked what percentage of the non-residential development has been constructed as part of the Hinesburg Center 1 phase. Brett Grabowski replied that 23,000 square feet of commercial space has been developed as part of HC1 so far. The DRB agreed that they will need to discuss further whether they want to condition the full residential buildout of HC2 on a certain proportion of commercial buildout.

Mike Buscher then spoke about affordable housing in the project. He said that they are proposing to exceed the minimum number of affordable units. He said that 9 total affordable units are being proposed, 3 of which would be in the residential building #2, 3 in residential building #3, and 3 in residential building C. Dennis P. asked if the affordable housing would be rental units, and Mike Buscher replied that they would.

Daniel Heil then spoke about the stormwater systems for the project. He said that the site is split into 5 drainage areas and 4 discharge points. He noted the proposed and existing impervious surfaces and where they each drain. He said that all drainage areas are meeting the 1-, 10-, and 100-year storm events. He said that drainage areas #3 and #4 are discharging into the Creekside storm system. He said that for drainage area #3, the predevelopment flow is 1.77 feet cubic feet per second, and the post-development flow is 0.05 cubic feet per second for a 10-year storm event. He said that for drainage area #4 the predevelopment flow is 0.42 feet cubic feet per second, and the post-development flow is 0.02 cubic feet per second for a 10-year storm event. Ted B. asked where the predevelopment discharge is going. Daniel Heil replied that there is a culvert that currently has low functionality and eventually the water will make it down to the La Platte. He said that as proposed, they will send the majority of that to the gravel wetland, which will discharge into the floodplain and be diverted from Creekside. He said that this project will require a State stormwater discharge permit and that they are working with the State on this. He noted that an analysis was not conducted on the Creekside neighborhood's capacity to take on additional flow, but emphasized that this additional flow is extremely modest. Dick J. noted that there was a request from the president of the Creekside neighborhood association that the Applicant should be required to conduct a study of the Creekside system to ensure that it has the capacity to take on additional flows. Ted B. asked how a 100-year storm event would affect the system. Daniel Heil replied that it is currently undefined in the model, but that there is potential for a 100-year storm event to overflow the roads, particularly in the low points of two of the roads. He said that they could provide swales to accommodate that and guide the flow into the gravel wetlands. He said that they are trying to obtain a waiver from the State for the 1-, 10-, and 100-year storm event retention requirements by proving that they are discharging into a drainage area of more than 10 square miles. He also noted that they are also seeking a recharge waiver from the State, since soil testing indicated that the seasonal high ground water was within 24 inches of the surface and is considered hydrologic Class D, meaning that the State does not require meeting the recharge requirement.

Mike Buscher then discussed renewable energy. He said that they are proposing to meet 25% of all residential energy demand through renewable energy sources. He walked through the residential energy calculations they used to determine how much of the energy should be sourced from renewables (approximately 347 kW). He said that every residential unit would have the option to install solar panels

on the roof, and every building would be solar-ready. He said that based on their calculations, they could generate around 404 kW of potential rooftop solar (which would meet that 25% requirement). He said that they also found a space where they could generate up to 500 kW through a ground array. Dick J. said that these calculations make the assumption that single-family homes will elect to put solar panels on their homes, which might not always be the case. Mike Buscher replied that there are more ways to meet the 25% requirement than relying on the single-family homeowners electing to install solar panels on their homes, such as through a ground array. Dick J. advised not including single-family homes in the projection calculations around demonstrating meeting that requirement (though they can still be counted in the actual calculations). Mitch C. asked about phasing. Mike B. noted that they could build all but four of the proposed units without the bonus. He recommended a condition that they would have to have the solar in place before obtaining a building permit for the last four units.

Dennis P. opened the discussion up to the Public.

John Lyman asked for clarification around the waiver of the 1-, 10-, and 100-year storm event retention requirements, and whether that waiver is for filtering in addition to storage. Daniel H. explained that since the stormwater discharge being treated by the gravel wetland goes directly to the LaPlatte, which has a large drainage area, the discharge from this development is considered small and can obtain these waivers. The filtration unit supplies water quality treatment. The outfall for this treatment will go to a retention area. The peak discharge from retention would be 0.05cfs that will discharge to the Creekside system

Greg Tomaczyk, a resident at the southwest corner of Lot 30, asked if the stormwater permit encompasses a 100-year analysis. He said that water is a big factor and concern of his. Daniel Heil replied that drainage areas #3-4 are meeting those 100-year retention requirements, and that there are waivers for the 100-year storm event (such as areas that drain into the gravel wetland). Greg Tomaczyk asked if there will be runoff flowing into the Creekside development. Daniel Heil replied that runoff will flow into the Creekside retention pond. Greg Tomaczyk requested that the maple trees near his property be left alone, since they are helping to suck up and retain some of the water from Lot 30. Mike Buscher explained why they are proposing to remove one of the maple trees.

Kyle Bostwick had several comments and concerns about water and runoff during storm events. He is especially concerned about any development on lot #55.

Jonathan Slason spoke about traffic. He said that traffic has returned to pre-pandemic levels and that there is a downstream bottleneck occurring on Route 116. He said that this is not the fault of any one development, but suggested that the DRB think about whether multiple developments could contribute to solving traffic problems at a network level.

Mitch C. noted written comments from Dan Jacobs, president of the Creekside Homeowner's Association, and that Carl Bohlen of the Affordable Housing Commission have submitted comments for review.

Kyle Bostwick expressed concern about the "berm road" (Road B) and water pooling on that road. He asked where that water would go. Roger Dickinson replied that to the south of Road B is a high point that would contain that water, and that they would like to have a secondary relief path out into the gravel wetland. Kyle Bostwick expressed concern that development will negatively impact his lot, and

asked for assurances that the developer not develop the lot adjacent to his, in order to maintain some natural protection against flooding.

Merrily Lovell echoed concerns about traffic, and said that it may benefit from additional DRB discussion.

Kyle Medash, who is the area's floodplain manager with the State of Vermont, said that many of the State's concerns about floodplains align with the comments and concerns expressed tonight.

**Dennis P. made a motion, seconded by Ted B., to continue the Hinesburg Center 2 hearing to November 15, 2022. The motion passed 5-0.**

## **5. Decision Deliberation**

- **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. *Public hearing closed on September 20, 2022.*

Ted B. asked if the Applicant has received their State stormwater permit yet. Mitch C. replied that they have not. Ted B. asked for language to be added that to Finding of Fact #36 to condition the Town's ability for maintenance of road and sidewalks on whether the Town decides to take over that maintenance. The DRB discussed modifications to Finding of Fact #44. The DRB added clarifying language to Conclusion #12. The DRB modified Order #14 to require provision of a post construction traffic study 1 year after construction (rather than 2 years after construction). The DRB made slight changes to Order #20. The DRB made slight changes to Order #40. The DRB modified Finding of Fact #30.

**Ted B. made a motion, seconded by John L., to approve the final plat decision as amended. The motion passed 6-0.**

**Branden M. made a motion, seconded by Ted B., to approve the subdivision revision decision as written. The motion passed 6-0.**

- **Rem & Meredith Keilman – Sketch Plan Review – 12-01-70.100** – For a two-lot subdivision to create a 1.3-acre lot from an 86.1-acre property located at 166 Fox Meadows in the Agricultural Zoning District. *Public hearing closed on October 18, 2022.*

No discussion at this time, as a draft decision has not yet been written for DRB consideration and approval.

**6. Giroux & Besaw – Minor site amendment – 17-22-63.000** – To change two duplexes to four single family residences on a property on the north side of Richmond Road adjacent to Ernest Way.

Mitch C. explained the changes being proposed in this minor site amendment, which would take two duplexes and make them into four single-family homes. He said that the amendment doesn't change any of the requirements, that the building envelope is the same, and that the impervious surface is slightly smaller.

## **7. News/Announcements/Correspondence**

Mitch C. said that there will be two sketch plan applications at the next meeting, one of which will be relatively simple, and the other which may be more complex. He said that they will also resume discussion on Hinesburg Center 2.

**The meeting adjourned at 10:16 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary