

**Town of Hinesburg**  
**Development Review Board Meeting Minutes**  
**August 2, 2022**  
Approved August 16, 2022

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

**Members Absent:** Jonathan Slason.

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

**Applicants:**

- **David & Danielle Johansen and Scott & Kimberlee Johansen:** Scott Johansen (Applicant), Danielle Johansen (Applicant), David Johansen (Applicant), Jason Barnard (Designer on behalf of Applicant)
- **Black Rock Construction/Haystack Crossing, LLC:** Ben Avery (Applicant); Mike Buscher (Designer for Applicant); David Marshall (Engineer for Applicant).

**Public Present (in person):** None.

**Public Present (via Zoom):** Mike Bissonette, Carl Bohlen, Deniese Bouchard, Maggie Gordon, Merrily Lovell, Travis.

Dennis P. **called the meeting to order at approximately 7:01 PM.**

**1. Agenda Changes:** Mitch C. noted that a draft decision of the Farrell/Livingston application is not yet available for review, and thus cannot be approved tonight.

**2. Review minutes of the July 19, 2022 meeting:**

John L. **made a motion, and Ted B. seconded, to approve the July 19, 2022 minutes as amended. The motion passed 6-0.**

The minutes were amended as follows:

- P6: for the Well/Pump decision, modify “certain portion of structure” to read “certain portion of tower structure”

**3. David & Danielle Johansen and Scott & Kimberlee 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 in the Rural Residential 1 Zoning District.

Jason B. reviewed the staff comments. He noted that they moved the westerly line further to the west to ensure that proposed Lot 4 would have sufficient acreage. He said that the Johansens are seeking to subdivide a 14.1-acre property into a 3.3 acre lot with one single-family home added. He noted that there is an easement on Lot 3 required for the wastewater system for Lot 4. He said that the wastewater permit has been issued for the site. He said that they are proposing to widen the driveway access from 14 to 16 feet where it branches off for the first driveway and then continue with a 14-foot width. He noted that Matthew Montgomery delineated the wetlands, that there are Class 2 and Class 3 wetlands on the property, and that there are buffers around each. He noted that agricultural soils are protected

and that the remaining land will stay as agricultural. He said that the Applicant is requesting a waiver to not have to survey the entirety of the property, since boundaries are clearly delineated with hedgerows and other markers. He stated that the entire 3.3 acre lot has been fully surveyed. They are also requesting a waiver to create a non-developable lot.

Board members said they are comfortable with granting the waivers as requested and with the 16-foot width between Lavigne Hill Road and the first driveway because of the short distance.

Dennis P. opened the discussion up to the public.

There was no public comment.

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

**4. Black Rock Construction/Haystack Crossing, LLC – 16-20-56.500** – Final Plat for 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. *Continued from the July 19, 2022 meeting.*

The Board reviewed staff comments with the Applicants.

They began by discussing affordable dwellings and feedback from the Hinesburg Affordable Housing Committee. Ben Avery noted that they are committed to 10 affordable units in the senior care building and 10 affordable units spread throughout the first phase. He noted that they support perpetually affordable units but noted that that type of unit is difficult to construct, since interest rates have increased, which decreases the developer's ability to keep costs low and affordable. He noted that Carl Bohlen has put them into contact with Champlain Housing Trust and they are exploring the possibility of shared-equity housing in the perpetually affordable units. He said that if they are not able to construct perpetually affordable units where they break even on costs (or come close to it), then they will do them as rentals. He said that in terms of mix, demand is high for 3-to-4-bedroom units, though there is also demand for 2-bedroom units.

Dick J. asked whether they could phase the perpetually affordable housing in after building a certain number of market-rate houses. Ben Avery replied that ten of the units would be in the senior building, which will be the first to be constructed. He stressed that one of his goals is to build high-quality housing. He said that they would like to wait until conditions are more favorable to build those units.

Mike W. noted that one of the sets of affordable units would be in a building with other units as well. He asked how they would hold off on building the affordable units in the building, while constructing the rest of the building. Ben Avery replied that in the senior care building, the affordable units would be constructed immediately, which is the requirement for the base density. Mitch C. pointed out that the project has a density bonus of 40% and confirmed that this proposal would meet the base density.

They then discussed the Memorandum of Intent (MOI) with Hinesburg Center 2 regarding the Patrick Brook Crossing. Ben Avery said that they could also submit a Memorandum of Understanding (MOU), but it would need to have flexibility for termination unless both projects are approved. Mike Buscher

said that he is working with Hinesburg Center 2 and that there is a plan in action to get the Town involved that seems like a positive path forward to get the crossing permitted through the State process.

They then discussed the traffic impacts. David Marshall noted that staff has suggested monitoring the post-construction performance of the intersection and that they could require the applicant to make further improvements if warranted. He also noted that initially, Phase 1 calls for traffic to utilize the Haystack crossing out to Shelburne Falls Road until the Route 116 corridor study is accepted by the State Agency of Transportation (AOT). Dick J. asked what the options for improving traffic would entail. David Marshall replied that they could explore alternate routes, such as secondary roads, instead of using Route 116. They then discussed queue lengths and how they relate to the roads and intersections.

Branden M. said that he is comfortable with placing conditions of approval upon the Applicant to monitor traffic conditions and make improvements if needed. He said that they could establish these conditions and options during the decision deliberation process.

The Board and Applicant then discussed fire safety and emergency response. Ben Avery noted that the State's Division of Fire Safety only establishes and regulates fire code but does not respond to emergencies. He noted that the Hinesburg Fire Chief's position since he drafted a memo weighing in on the development remains unchanged and that the development will not negatively impact emergency response.

They then discussed the green space/open space proposal and specifically Lot 20 and its stormwater capacity. David Marshall spoke of placing fill on the southern portion of Lot 20 to bring it above the elevation of the gravel wetland. He said that the southern portion of Lot 20 was not utilized in the stormwater modeling. Mike Buscher said that the configuration of the existing parking lot is not ideal, and it was suggested to rotate that parking lot and bring it closer to Lots 15 and 16. He said that he has been working with the Town Manager on different options, with the goal of preventing water from flowing over the road. Mitch C. said that if the lot is graded and filled in, that should work. He also suggested areas where catch basins could be installed. He spoke of the past concerns about the hundred-year storm, noting that the Applicant had proposed to increase the elevation of some of the houses in that particular area to make sure these do not flood.

The Board and Applicant then discussed the plan for the senior building, particularly around the residential versus commercial/support uses. Ben Avery said that for food services, they would have an institutional kitchen and would partner with a vendor for that but could also look into partnering with a vendor who does catering services or a café that is open to the public. He said that they are looking to have a more restaurant-like experience for the kitchen and the potential for residents being able to interact with others in the public. Mitch C. asked how much of a space would be provided for that type of use. Ben Avery replied that it would be approximately 10,000 square feet, ranging from 8,000 to 12,000 square feet. He said they would know more during a site plan application. Dick J. said that he is supportive the idea of a public component and the opportunity for interaction between residents and the public.

The Board and Applicant then discussed the archaeological studies and Act 250 approval. David Marshall said that archaeology is handled in three steps for Act 250: tabletop review (modeling and background history review) to identify sensitive areas, investigation of those areas which could include individual test pit excavation or tilling of a larger area, and then either avoiding the area to preserve sensitive areas or continuing to investigate them and potentially exhume artifacts. He showed the State's

tabletop review and map of potentially sensitive areas for the project. The proposed development is located in less sensitive areas. He said that they could offer as a condition of approval a signed letter from the State Division of Historic Preservation as evidence that they have done due diligence with regards to archaeological activities.

They then discussed steps taken with the project around active and passive solar energy. Mike Buscher said that 15 of the single-family homes do not have a façade that is oriented for passive solar, with garages on the north side and smaller trees on the south side to maximize solar exposure. He said that in terms of active solar, they are proposing to use renewable energy as one of their density bonuses for the full buildout. He said that they have provided a building-by-building scenario of active solar potential. He said that for the multi-family and nonresidential buildings there is a potential capacity of 735 kW, and a ground array of 150kW for a total of 885kW, which would need to be supplemented with installed roof solar on at least 18 single-family homes. He said that they would ask for as much flexibility as the DRB can provide, given that it is difficult to nail down specifics at this conceptual phase. Dick J. asked how they would be able to claim the solar for the single-family homes if they cannot compel those residents to install and use solar. Mike Buscher replied that they would keep a tally of those who have elected to install solar and submit it with the building permit. Ben Avery said that in other developments they have seen a healthy uptake of solar from single-family homes.

They then discussed the Hinesburg Conservation Commission's concerns that stormwater discharge from the gravel wetlands would create an erosion concern on Hinesburg Center 2 properties that have seen historic erosions. David Marshall said that they would like to stake every level spreader location and examine the conditions downhill of them, and then develop a plan of appropriate measures to put in place. He said that they will invite staff to visit those areas when they are staked out, and they can move forward from there with further engaging the Town and the Hinesburg Center 2 project. He said that they are aiming to conduct the staking activities next week. Mitch C. said he would coordinate with the Conservation Commission, prioritizing their involvement to locate the areas of concern in relation to the level spreaders.

Mitch C. discussed next steps and a list of further items to review at the following DRB meeting.

Dennis P. opened the discussion up to the public.

Carl Bohlen spoke as chair of the Affordable Housing Committee. He asked how many of the non-senior affordable units in the development would be delayed, noting that later timing would work well with Champlain Housing Trust being able to obtain shared-equity funding for them. Ben Avery replied that they need to delay the construction of the perpetually affordable units, to either partner with CHT or allow interest rates to fall enough that direct-perpetually-affordable purchasing would be feasible.

**Dennis P. made a motion, seconded by Branden M., to continue the hearing to August 16, 2022. The motion passed 6-0.**

## **5. Decision Deliberation**

- **PR&R Development LLC (Ryan & Renee Mobbs) – 09-01-69.100** – Sketch plan application for a 8-lot subdivision. *Hearing closed July 19, 2022.*

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

Amendments were made, which included a modification to Finding of Fact #4, to replace “this” with “the acreage” and add “The resources on this property would likely limit the potential units to a smaller amount;” as well as an addition to Conclusion #4 to add “and areas that should not be cleared” to a requirement to show more detail at preliminary plat.

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

No discussion at this time. Decision postponed.

## **6. News/Announcements/Correspondence**

Mitch C. noted that at the August 16 meeting they will hear a small preliminary plat application and a small subdivision revision, in addition to the continued Haystack hearing.

**The meeting adjourned at 9:24 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary