

**SUBDIVISION & PLANNED UNIT DEVELOPMENT FINAL PLAT
REVIEW FOR THE NOVEMBER 1, 2022 DRB MEETING**

Applicant: Hinesburg Center Investments, LLC c/o Brett Grabowski, 32 Seymour Street, Williston, VT 05495	Owner: Estate of David Lyman c/o Barbara Lyman, 368 Read Ave. West, St. Albans, VT 05478
Landscape Architect: Mike Buscher T.J. Boyle Associates LLC., 301 College Street, Burlington Vermont 05401	Engineering & Survey: Roger Dickinson, Trudell Consulting Engineers 478 Blair Park Road, Williston, VT 05495
Property Location, Tax Numbers, Zoning Districts and Areas: Located to the west of Hinesburg Center 1 / Kinney Drugs, between the Creekside development and Patrick Brook. Tax Map #08-01-06.320. 9.7 acres is located in the Village zoning district (VG). 36.5 acres is located in the Agricultural zoning district (AG). Total Area is 46.2 acres.	

NOVEMBER 1, 2022 DRB MEETING REVIEW – The Applicant should provide a general overview and describe how the application has been updated to address the orders from the February 9, 2021 and April 19, 2022 approvals.

BACKGROUND – Hinesburg Center Investments, LLC, hereafter referred to as the Applicant, is requesting a final plat approval for a 22-lot/73 residential unit subdivision, referred to as the Hinesburg Center Phase II development (HC2), which includes 15 single family residential lots, a 24 residential unit lot in two 9-plexes and one 6-plex, a 34 residential unit lot in one building, two commercial/office use lots, one light industrial use lot, two remaining land lots, and four proposed right-of-ways, three of which are proposed to be dedicated to the Town. The non-residential development includes 12,000sf of office/commercial space and 2,800sf of light industrial space. This proposed subdivision is located in the Village zoning district (VG) directly to the west of Kailey’s Way and north of the Creekside development.

On July 16, 2019 the Applicant received sketch plan approval, and on February 9, 2021 the Applicant received preliminary plat approval, for 13 single family residences, one 9-plex and one commercial building. During this review the master plan for the entire development, which is required to be provided per Sections 3.1.1 and 4.5.5(3) of the Hinesburg Zoning Regulations (HZR), was extensively reviewed. These approvals were limited by available water and sewer allocations, which were obtained in August 2018. Additional allocations became available and were obtained February 16, 2022. The Applicant returned to the DRB and were approved on April 19, 2022 to revise their sketch plan application and for a waiver of preliminary plat to apply for the entire development shown in the master plan. The proposed development was then reduced in size due to requirements from the Department of Environmental Conservation’s River Program, which eliminated one single family residence, reduced one of the proposed 9-plex to a 6-plex and reduced the light industrial building from 4,600sf to 2,800sf.

The property is lot 32, the remaining land from several earlier subdivisions of the original Lyman property done by the Applicant. The proposed development is concentrated in the eastern 9.7 acres of the subject parcel that is located in the VG. The western 36.5 acres is located in the AG.

HC2 is an expansion of the Hinesburg Center Phase I (HC1) project. The Applicant is utilizing the land in the HC1 development to assist with the developmental density of HC2.

The original Lyman property has been subdivided numerous times. Its first subdivision approval was on August 5, 2004 to create a 37-unit residential neighborhood on Farmall Drive and Fredric Way, which created the Creekside neighborhood. This initial subdivision/PUD also separated off the Lyman Storage Barn property and two parcels (on the east and west sides of the property) that were subsequently donated to the Town by David Lyman. Not including minor revisions, the next major subdivision approval was on September 7, 2010 for the HC1 project. This subdivision was revised several times and required additional site plan, conditional use, and sign approvals. The construction of HC1 is complete. HC1 is owned by Hinesburg Center LLC. HC2 is still owned by the estate of David Lyman.

A proposed subdivision for HC2 received sketch approval on April 27, 2015, but was denied preliminary approval on December 6, 2016 because sufficient water and sewer allocations were not available for the proposed development. The Applicant received a new sketch plan approval for a partial build out of HC2 on February 21, 2017. That approval was extended several times, and expired on May 22, 2019. The Applicant received conditional use approval for fill in the flood hazard area for the HC1 project on September 7, 2010. Ahead of the first HC2 project sketch plan approval, the Applicant received conditional use approval for fill in the flood hazard area on December 17, 2013. This approval was based on a detailed analysis by a qualified consultant (Milone & MacBroom) that demonstrated that the proposed development would not result in any undue adverse impacts, pursuant to the flood hazard provisions in Article 6 of the Zoning Regulations. This approval expired on December 17, 2015.

The subject parcel is currently undeveloped and in agricultural use. There are some trails used by the Public. The property borders HC1 to the east, the Creekside development to the south, Patrick Brook and the proposed Haystack Crossing development to the north and the LaPlatte River to the west. HC1 consist of multiple business and 18 residential dwelling units. Currently, businesses include Kinney Drugs (11,766sf), Dee Physical Therapy (2,928sf), Parkside Café (formally Bristol Bakery w/2,952sf), Blue Cottage (gifts), and Ma & Pembum (leather goods).. There is one vacant commercial space in the building where Blue Cottage and Ma & Pembum is located. The total floor area for these commercial spaces in HC1 is approximately 20,846sf.

Access to the HC1, the HC2 property and the Creekside development is currently only from VT Route 116 through Farmall Drive and the access drive by the police and fire stations. The proposed development will be connected to Creekside in two locations from Farmall Drive and to HC1 through a parking area to Kailey's Way. There is a proposed future connection to the proposed Haystack Crossing (Black Rock Construction) development to the north that would go over Patrick Brook. The proposed roads within HC2 loop and will not have any dead-end streets. The application proposes sidewalk and street trees on most of the roadways. Proposed is an 18-foot wide "alley way" for rear access to the carriage homes, the two 9-plexes and the 6-plex.

To provide pedestrian connectivity, the Applicant is proposing to place a 10-foot-wide recreation paths on the south side of Road 'A' and on the west side of Road 'C'. In addition, 5-foot-wide sidewalks are proposed on both sides of Road 'B', on the north side of Road 'A', on the east side of Road 'C' and on both sides of the parking area between Road 'C' and Kailey's Way. Road 'C'

includes the Patrick Brook crossing and a connection to the proposed Haystack Crossing development. All the proposed streets will have 6-inch curbs.

The Applicant has calculated that the combined areas of HC1 and HC2 outside of the stream setback/buffer area as 11.47 acres. The base density per Section 3.6.2 of the Hinesburg Zoning Regulations (HZR) in the Village Zoning District is 4 units per acre. The number of units allowed per the base density is 45.88. The Applicant is proposing to utilize 2 incentive points, one for 50% small dwelling size and one for 25% renewable energy, to obtain a 75% density bonus per Section 2.9 of the HZR. The Applicant is proposing to meet the inclusionary bonus requirement of 40% by providing 20% of the base density units as being perpetually affordable. This would require 9 affordable housing units in the full buildout of this development. The Applicant, with past concurrence from the Hinesburg Affordable Housing Committee and the DRB, is proposing to utilize some of the existing HC1 units to meet this requirement. With a base density of 45.88 units and a bonus factor of 115%, the total number of units allowable would be 98. HC1 has 18 units. The Applicant can propose up to 80 units in HC2. Proposed for HC2 is 73 new residential units.

This project is in the municipal water and sewer district. In August 2018, the Applicant received water and wastewater allocation for the previously approved sketch plan. The water and sewer allocations approved in 2018 were 7,452gpd and 5,004gpd respectively. The Applicant received an additional 11,463gpd of water allocation and 9,803gpd of sewer allocation on February 16, 2022 for the full buildout of this development, which is consistent with the plans provided. Does the Applicant now have excess capacity with the reduction in the size of the development?

The most dominant natural feature is the flood hazard areas associated with the LaPlatte River and Patrick Brook riparian areas, which includes the entire area on the property located in the AG zoning district, and a portion of the area proposed for development in the Village zoning district. Within the flood hazard areas are fluvial erosion hazard areas, stream setback areas, wetland areas and a wildlife corridor area. Good agricultural soils are present throughout much of the property. The property is relatively flat with no steep or moderate slope areas. The Applicant has applied concurrently with this application for conditional use for development in a floodplain/stream setback area.

Proposed lot 55, which is located in the southwest corner of the proposed development, has a class 2 wetland. The Applicant will need to obtain additional State approvals to develop this lot. The Applicant would like to reserve the opportunity to place a housing unit on this lot in the future with additional State approvals and DRB review.

The proposed development requires conformance with the Planned Unit Development (PUD) requirements found in Section 4.5 of the HZR. The Applicant has provided greenspace coverage calculations in past applications to show conformance to the greenspace standards per Section 4.5.7(2) of the HZR. As a PUD per Section 4.5.6(4) of the HZR, the Applicant may request modification or waivers of sections of the HZR. The Applicant has requested the following waivers:

- A smaller minimum lot depth of 95-feet instead of the 100-foot required depth required in Section 2.4 of the HZR.

- A smaller minimum lot size of 4,250sf instead of the 6,000sf required in Section 2.4 of the HZR.
- A smaller minimum lot frontage of 45-feet instead of the 60-feet required in Section 2.4 of the HZR.
- A smaller building side yard setback of 7-feet instead of the 10-foot setback required in Section 2.4 of the HZR for the 15 single family residents.
- To allow for the odd shape lot #70 property with the two 9-plex buildings and the 6-plex building a waiver from Section 2.5.6 of the HZR.
- To allow for road intersections that are less than 200-feet distant centerline to centerline a waiver from Section 6.1.6 of the Hinesburg Subdivision Regulations (HSR).
- A waiver from Section 5.22.3(5) of the HZR, for the properties that have garages that access alleyway Road ‘D’.
- 7-foot front yard setbacks, instead of a 10-foot setback to Road B for the 9-plex that fronts Road ‘A’.
- A waiver to reduce the setback for lot #70 to Road B from 10-feet to 7-feet.
- A waiver to reduce the setback for lot #52 to the Kailey’s Way right-of-way from 10-feet to 7-feet.

There are eight proposed single-family residences on the west side of proposed Road ‘B’ and six on the east side of Road ‘B’. These have lot #56 through #69. The units on the east side would have garages that would be accessed from Road ‘D’, which would remain a private right-of-way. The proposed building envelopes would have 10-foot front and rear setbacks and 7-foot side yard setbacks. Section 5.22.3(5) of the HZR requires garages or other accessory buildings to be set back at least 10 feet farther back from the front property line than the principal structure. The Applicant is showing on the plans a further setback to Road ‘D’ to stated at preliminary plat requested flexibility in where the driveways they will be placed and will accept a condition to ensure that this regulation is followed.

The two proposed nine-plex and the six plex on lot #70 are proposed to front either Road ‘A’ or Road ‘C’, and to have a one car garage adjacent to Road ‘D’. The second required parking spot for these units would be between the garage and Road ‘D’. To be able to have a car parked off of the Road ‘D’ right-of-way, the Applicant agreed to have at least 20-feet between the right-of-way and the garage. The Applicants are requesting a waiver of the 10-foot setback to 7-feet for the 9-plex described as building ‘G’ from Road ‘B’.

The commercial lot #50 will front proposed Road ‘A’. Commercial lot #51 will front both proposed Road ‘A’ and Road ‘C’ (Patrick Road). At preliminary plat review these lots were provided parking in the rear of the building that would be on proposed lot #52. Proposed lot #52 is proposed to have a 34-unit multifamily residence. Parking for this residence would be on the southern part of the property, which would be accesses from proposed Road ‘C’ and the existing Kailey’s Way. Lots #50 and #51 have the required 10-foot setbacks. The 34-unit multi-family apartment building meets the setbacks on the north, west and south sides of the property, and has requested a waiver, with concurrence from the DRB to have a 4-foot setback from the Kailey’s Way right-of-way. The Applicant has proposed a private community space for the 34-unit apartment building, which would include grills and benches on a patio for conformance to community space requirements.

The Hinesburg Official Map shows that a variety of future public infrastructure is planned for the subject parcel. These elements include:

- a) A north/south through road connecting the Haystack Crossing property with this property – i.e., future community facility #14 & #15.
- b) An east/west through road from the intersection of Kailey’s Way and Farmall Drive west to the existing end of Farmall Drive – i.e., future community facility #16.
- c) Sidewalks along the aforementioned new roads.
- d) A trail along the LaPlatte River and various other connecting trails.

The plans provided appear to allow all of the future public infrastructure and facilities shown on the Official Map. Both the Official Map and Sections 3.5 and 3.6 of the HZR emphasize the need for a vehicle and pedestrian connection across Patrick Brook to provide north-south integration within the Village Growth Area. The applicant has been working with the developer of the abutting Haystack Crossing LLC property to the north and have provided a memorandum of intent (MOI), which is required for final plat per Order #10 of the February 9, 2021 preliminary plat approval, to coordinate the financing for this connection. The Applicant has provided a design for a proposed culvert crossing of Patrick Brook. Concurrent with this application, is a conditional use application for development in a floodplain/stream setback area, which has included State review.

The Applicant’s Engineer provided a stormwater design. The existing drainage condition of most of the property is a long and relatively flat meadow, which discharges stormwater to the west to the LaPlatte. The proposed stormwater system would discharge stormwater into curbed streets, to catch basins, then discharge stormwater through a pipe network, most of which would be treated in a proposed gravel wetland. Some of the proposed development will discharge to the existing HC1 stormwater pond that will be enlarged. Some of the new development will discharge to the existing Creekside stormwater system. Orders #4 through #8 of the February 9, 2021 preliminary plat approval include requirements to upgrade the stormwater system, modeling and provide some verifications for the entire development at final plat. The Applicant’s Engineer has submitted an upgraded stormwater and erosion control design, which should be discussed at the hearing.

To satisfy the energy requirements both as for density bonus and conformance to the HSR the Applicant has provided a chart listing potential on site use of solar panel, much of which is on the larger buildings that would require site plan approval. The Applicant is showing how a portion of the proposed solar use would satisfy the bonus and HSR requirements. The Applicant should discuss this at the hearing.

To show conformance with Section 5.22.5 of the HZR, the applicant has calculated an area requirement of 16,775sf for public open space. There are sufficient proposed trails to satisfy 30% of this requirement. Mentioned features and amenities include some landscaping, hardscape, artwork, and outdoor seating, which would be placed on lot #70 and possibly lot #30. There is some amenities proposed on lot #54 for their residents. Also listed are shade trees, sidewalks and bike storage, which appear to be required under other regulations. The Applicant has also proposed to a financial contribution of \$41,925 to the ‘Lot #1 fund’, which the Selectboard approved ‘to recommend that the DRB consider and approve the request’ at its May 4, 2022 meeting. The Applicant should discuss this at the hearing.

The Applicant's is proposing to have 39 on-street parking spaces and 43 off street parking spaces. HC1 has 97 existing parking spaces. They are proposing to remove one on-street parking space in HC1 for stormwater treatment. The new total for the development will be 178 parking spaces. The Applicant stressed that the single-family residences, the two nine-plex and the six-plex will each have at least two parking spaces each for their own use, the need to have the proposed parking spaces in the varied locations, and that the apartment building would need far less than the two spaces per unit recommended in Section 5.5 of the HZR. This is consistent with the review at the preliminary plat review.

At the next meeting to review the final plat application, there will be an additional review on stormwater, and reviews of landscaping, greenspace, lighting, coordination with the trails committee, coordination with municipal services, use of the western portion of the property, easements for riparian area maintenance, application fees, community maintenance, etc., will be provided.

At the October 4th DRB meeting, there was a review of the development in a stream setback and floodplain area. The Applicant address concerns that were raised by Staff and the State representatives. Additional submissions were made. These were sent to the State for review. No comments have been received. Staff is planning to reach out to the State representatives after Tuesday's meeting.

The Applicant has also applied for site plan approvals for lot #54 that proposes a 34-unit apartment building, and lot #70 that proposes to have two nine-plexes and one six-plex. The Applicant has submitted a site plan for these two applications, will utilize the subdivision plans for the areas around these lots and for parking, and has submitted elevations.

STAFF REVIEW – Some relevant comments from the February 16, 2021 and April 19, 2022, plus a few additional comments.

1. After introducing the project, the Applicant should provide an overview of the traffic, residential to non-residential mix and construction, affordable housing units, stormwater system, proposed renewable energy and public open space requirement.
2. **The Applicant shall provide an independent confirmation of the drainage area size at the discharge point from an independent source, such as ANR as part of a final plat application.** – The Applicant referenced a study from Milone & MacBroom that states the Patrick Brook drainage area is 7.4 square miles. The drainage area at the LaPlatte and Patrick Brook confluence would clearly be over 10 square miles. Discharging to a watercourse that has an area over 10 square miles allows for a waiver from treating channel protection and a 10-year storm events. However, the outlet for the HC2 gravel wetland is upstream on the LaPlatte from the Patrick Brook confluence, which would not include the 7.4 square miles, if the canal did not exist. The Applicant has provided a State document stating the drainage area is 17 square miles and pictures of the diversion structure that shows a portion of the 7.4 square mile discharge going on the canal. The canal discharges upstream of this development's stormwater outlet. The Applicant will need to obtain a State stormwater permit. My take on this, is that this is an odd situation.

Considering how close the area would be without the Patrick Brook contribution and the requirement for a State permit, this may not be a concern.

3. **The Applicant shall either provide modeling to show the depth of water on the street during a 100-year storm event or increase the pipe sizes for conveyance of the 100-year storm event or a combination of both as part of a final plat application.** – The Applicant provided the analysis, which mostly conforms to this Order. However, the only storage shown for the discharge pipes ‘ponds’ is the pipe. This is fine when the peak elevation is below the pipe obvert. When the peak elevation is above the obvert, where the stormwater would discharge is undefined in the modeling. In actuality, the stormwater would discharge on the roadway. What needs to be evaluated is to what elevation the stormwater would actually peak and would such a peak create a problem.

Pond	CB	Pipe Diam (in)	Invert elevation	Obvert elevation	Peak elevation	Peak above obvert (ft)
3	CB3	24	328.72	330.72	333.05	2.33
4	CB4	24	328.84	330.84	331.96	1.08
5	CB5	24	329.41	331.41	332.34	0.93
6	CB6	18	329.82	331.32	332.73	1.41
7	CB7	18	329.95	331.45	331.81	0.36
8	CB8	15	330.10	331.35	331.90	0.55
9	CB9	12	330.38	331.38	332.08	0.70
10	YI	8	330.54	331.21	331.81	0.60
12	CB12	15	329.76	331.01	331.57	0.56

4. **The Applicant shall submit a narrative describing how the proposed stormwater system will be maintained as part of a final plat application.** - The overall narrative states that information will be available in Exhibit #6. I was not able to find this in Exhibit #6. Applicants should clarify.
5. **The Applicant shall provide shared maintenance agreements and an indication of State approval for the discharges to the Creekside and HC1 stormwater systems as part of a final plat application.** - The overall narrative states that information will be available in Exhibit #6. I was not able to find this in Exhibit #6. Applicants should clarify.
6. **The Applicant shall submit erosion control plans capable of obtaining a State CGP as part of a final plat application.** – The Applicant has submitted plan sheets 9A through 9D that show proposed locations and details for silt fencing, erosion matting, a stabilized truck entrance and inlet protection. The Applicant acknowledged needing a State CGP.
7. **The Applicant shall provide the locations of the affordable units, a description on how these units are to remain affordable, the bedroom distribution for the affordable units as required per Section 5.21.4(2) and the square footage of the affordable units as required per Section 5.21.4(3) of the HZR as part of their final plat application.** – The Applicant has provided proposed locations for nine affordable units, 6 of which would be in existing building in HC1. A comparison of the bedroom count with the market rate residences needs to be reviewed. It appears that seven of the nine proposed affordable

units will have two bedrooms and two would have one bedroom. The number of bedrooms per affordable unit would be 1.78. For the overall development there appears to be 24 one bedroom units (including studio units), 58 two bedroom units and 9 three bedroom units. The number of bedrooms per unit for the overall development would be 1.84. The Applicant should confirm these numbers. The DRB should consider if this is sufficient.

8. **The Applicant shall provide a traffic study for the entire buildout as part of a final plat application.** - The Applicant submitted a traffic report by Roger Dickenson, P.E., titled Exhibit 8, that compared projected traffic volumes in 2028 between a no-build and build scenarios for the Farmall Drive / Commerce Street / VT Route 116 intersection. The report provides sound methodology and concludes that there would only be a minimal increase in traffic volumes. However, the study only showed 10,000sf of commercial/office space instead of the proposed 12,000sf. The change of traffic volume appears to be minimal, and the additional access/egress that will be created by the Patrick Brook crossing may reduce the overall traffic at the Farmall Drive / Commerce Street / VT Route 116 intersection.
9. **The Applicant shall provide a proposal for how and when the commercial units will be phase into the development.** – The Applicant wants to the DRB to consider the existing 34,500sf of commercial/office /restaurant space with 18 residential units from HC1 in the phasing for HC2. The Applicant would like the flexibility to place the remaining non-residential development when the opportunity for use occurs. The total commercial/office space has been reduced from 14,000sf at preliminary to 12,000sf. The light industrial building was reduced due to the reduction of floor area size for the development to avoid the river corridor from 4,600sf, to 2,800. This application proposes the light industrial building to have a floor area of 2,500sf. The DRB will need to decide what the minimum sizes of these non-residential building should be.
10. **The Applicant shall coordinate with Staff to provide additional amenities in order to better create Public Open Spaces that foster social interaction as required in Section 5.22.5(3) of the HZR.** – The Applicant has provided a calculation in their narrative. They plan on meeting this requirement with trails, shade trees, sidewalks, bike storage and outdoor seating. Note some of this is required for streetscape. The Applicant is also proposing a financial contribution to the Lot #1 fund. They have approached the Selectboard on this.
11. Clarify where the commercial lots #50 & #51 will have parking? Will there be sufficient area to park to allow these lots to function as proposed?

Respectfully submitted,

Mitchel Cypes, P.E.
Hinesburg Development Review Coordinator