

**SUBDIVISION & PLANNED UNIT DEVELOPMENT FINAL PLAT  
REVIEW FOR THE NOVEMBER 15, 2022 DRB MEETING**

<b>Applicant:</b> Hinesburg Center Investments, LLC c/o Brett Grabowski, 32 Seymour Street, Williston, VT 05495	<b>Owner:</b> Estate of David Lyman c/o Barbara Lyman, 368 Read Ave. West, St. Albans, VT 05478
<b>Landscape Architect:</b> Mike Buscher T.J. Boyle Associates LLC., 301 College Street, Burlington Vermont 05401	<b>Engineering &amp; Survey:</b> Roger Dickinson & Dan Heil, Trudell Consulting Engineers 478 Blair Park Road, Williston, VT 05495
<b>Property Location, Tax Numbers, Zoning Districts and Areas:</b> 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.	

**PROJECT APPLICATION** - 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.

**BACKGROUND** – A full background and history was provided in the October 29, 2022 Staff report for the November 1<sup>st</sup> hearing.

**PRIOR MEETING REVIEWS:**

- October 4, 2022 – Floodplain review for the Patrick Brook Crossing - The Applicant was joined by Matt Murawski, P.E., rivers engineer, who provided a plan at the meeting that clarified the earlier submittal. He also modified the vertical exaggeration for better clarity. State floodplain manager, Rebecca Pfeifer, subbing for Kyle Medash, attended the meeting for a short time, but unfortunately had to leave. Matt M. was able to explain the methods and results of his modeling. The result is that there would be no change in elevation in the floodway except for a 2½ inch high drop before the proposed culvert and a 2½ inch high bump just after the proposed culvert. Matt M. described these changes as typical of culvert hydraulics. DRB members stated that they would like some feedback from the State on the analysis.
- October 4, 2022 – Floodplain review for the overall project was introduced. The prior approval was mentioned. Concerns about flooding on Lot #30 were mentioned.
- November 1, 2022 – Density – The proposed density and bonuses were discussed and have not changed since the preliminary plat hearing. A potential modification was discussed when reviewing the energy standards. When discussing the timing of when to have the solar panels placed, the Applicant discussed how many units could be placed without the solar panels. Currently the Applicant is proposing to utilize bonus to allow 115% of

residential units above the 45.88-unit base density, which equates to 98 units. They are proposing to place 91 residential units. Without the renewable energy bonus, the applicant would have from small residences and inclusionary units a bonus to allow 90% more units above base density, which equates to 87 residential units. The project would need to be reduced by four units if the renewable energy bonus was not pursued.

- November 1, 2022 – Water & Sewer – The approved allocations were mentioned in the introduction. No change from preliminary. The reduction in scale of this project may mean a reduction in the required allocation. The Applicant may decide to maintain a higher level of allocation to provide flexibility in the future.
- November 1, 2022 – Planned Unit Development (PUD) waivers per Section 4.5.6(4) of the HZR as mentioned in the introduction – The only proposed change from preliminary plat is that the 34-unit apartment building will not need a 6-foot reduction to 4-feet from the Kailey’s Way right-of-way, but instead only a 3-foot reduction to have a 7-foot setback.
- November 1, 2022 – Official Map – The introduction mentioned the required infrastructure described on the Hinesburg Official Map. There are no proposed changes from the preliminary plat application. The application appears to allow all of the future public infrastructure and facilities shown on the Official Map. This application now includes a memorandum of intent (MOI) for the proposed Patrick Brook crossing.
- November 1, 2022 – Garage Setback – The Applicant stated in the introduction that they have been able to provide a 20-foot distance to create a second parking spot for the 9-plexes and the 6-plex on proposed Road ‘D’. For the carriage houses that abut Road ‘D’, the Board agreed in the preliminary plat approval to grant a waiver of the garage setback provision in section 5.22.3(5) of the HZR. However, the preliminary plat approval also required that the eastern side of the building envelopes for these six lots be reduced to ensure that there will be 20 feet between the garage and Road ‘D’ to allow for a parking space outside of the one car garage. The final plans do not reflect this building envelope change. For the houses on the west side of Road ‘B’, the Applicant requested flexibility at preliminary plat in where the driveways will be placed and will accept a condition to ensure that Section 5.22.3(5) of the HZR that 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 is followed.
- November 1, 2022 – Traffic circulation – At preliminary it was noted that there are no proposed dead-end streets in HC2. The road layout for HC2 has not changed. In addition, the project includes 10-foot-wide recreation paths and 5-foot-wide sidewalks for pedestrian circulation. This includes a proposed access to the north to connect with the proposed Haystack development. No concerns noted.
- November 1, 2022 – Traffic volume - The Applicant submitted a traffic report, titled Exhibit 8. The report indicated that the wait times at the Farmall Drive/Commerce Street/VT Route 116 intersection would only mildly change. The Applicant acknowledged that the study only showed 10,000sf of commercial/office space instead of the proposed 12,000sf, and will need to be updated. The importance of the Patrick Brook connector was emphasized since for Creekside, HC1 and HC2 will only have the Farmall Road and Patrick Brook connector for access and egress.
- November 1, 2022 – residential to non-residential mix and construction schedule - The Applicant stated that the total non-residential floor area in HC1 is about 23,000sf. This amount was checked at the hearing. The Applicant wants the DRB to approve allowing

the building of the residential in HC2 before the non-residential because of the large amount of non-residential that was built in HC1 for only 18 residential units. HC2 has 14,500sf of non-residential space proposed and 73 residential units. The Haystack development is required to have a total of 27,016sf of non-residential floor area for 176 proposed residential units.

- November 1, 2022 – affordable housing units - The Applicant has provided proposed locations for nine affordable units, 6 of which would be in existing apartment buildings in HC1, and three of which would be in the new 34-unit apartment building (Building ‘C’). Section 5.21.4(2) of the HZR requires that the bedroom mix for the affordable units be the same as the market rate units. There are two proposed units, a 594sf studio and a 723sf 1-bedroom unit, which will require a waiver from the minimum square footage requirement of Section 5.21.4(3c) of the HZR. The Applicant stated that all of the affordable units will be rental units. The Affordable Housing Committee indicated that they would like to comment on this proposal. Section 5.21.4(1) of the HZR requires that the affordable units are integrated with the rest of the development.
- November 1, 2022 – Stormwater - LaPlatte drainage area - The Applicant provided data to say that the total drainage area at the LaPlatte where Patrick Brook joins the LaPlatte is 17 square miles. In addition, that Patrick Brook has an area of 7.4 square miles. Should the drainage area of the LaPlatte exceed 10 square miles where the proposed stormwater system outfalls to the LaPlatte, then the Applicant can claim waivers from the Channel Protection and 10-year storm event standards. Though it seems that the area for the LaPlatte would appear to be only 9.6 square miles, when the associated area from the discharge of the canal, which is upstream of the proposed outfall, is added, the area could be over 10-square miles. This application will need a State stormwater permit, which this should be reviewed.
- November 1, 2022 – Stormwater - 100-year storm conveyance – The Applicant concurred that there are areas in the modeling where the stormwater storage and discharge is undefined and agreed to address this concern. Part of what is needed to be demonstrated is that the overflow will not enter the Creekside development.
- November 1, 2022 – Stormwater – maintenance – The Applicant stated that there was a submittal during preliminary plat, which should address this requirement.
- November 1, 2022 - Erosion control – 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.
- November 1, 2022 - Renewable energy – The Applicant stated that all the residences will have solar ready roofs and the conduit for charging electric vehicles. They stated that all the proposed residences will be sited for maximum solar gain. The Applicant provided a detailed analysis as to how they could meet the renewable energy requirements for a density bonus. This analysis included rooftop solar on the larger existing (HC1) and proposed (HC2) buildings, solar panel of the proposed residential building and an array on a more western portion of the property. When asked of the timing to place this infrastructure, it was noted by the Applicant that they could build 87 of the proposed 91 residential units without the renewable energy density bonus. They propose a condition of approval to place sufficient renewable energy for a density bonus prior to the approval of the 88<sup>th</sup> building permit. Feedback from the Energy Committee is encouraged.

- November 1, 2022 – Lot #55 – This was lot #56 at preliminary plat review and is located on the southwest corner of the proposed development. It is the only proposed residence that would access Farmall Drive and would be next to the Bostwick residence. The Applicant stated that the lot has a class 2 wetland and that they 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. Concerns have been raised about whether development of this lot would affect flooding in the area. The overall development is designed to remove stormwater from lot #30. To develop lot #55, the Applicant will need to return to the DRB for development in a floodplain and a subdivision revision.

**COMMENTS FROM PRIOR MEETING REVIEWS:**

- We are expecting additional feedback from the area Floodplain Manager, the Affordable Housing Committee and the Energy Committee.
- The Applicant is to provide an updated traffic report that matches the full proposed non-residential use.
- Applicant to provide updated modeling to address the discharge overflow to the roadways.

**REVIEW ITEMS FOR THE NOVEMBER 15<sup>TH</sup> MEETING:**

1. Inclusionary Zoning Requirements – The proposal presents two compliance issues with the inclusionary zoning requirements in section 5.21 of the HZR. First, the proposal to place six of the required nine affordable units in existing HC1 apartments is counter to what was discussed during the preliminary plat review, and the intent of section 5.21. The preliminary plat approval anticipated only two affordable units being assigned to existing dwellings in HC1. Section 5.21 repeatedly calls for integration of the affordable dwelling units into the project:
  - a. 5.21.4 – “Affordable dwelling units shall be integrated with the rest of the development.”
  - b. 5.21.6 – “The intent of section 5.21 is to create on-site affordable units that are integrated into projects covered by these provisions. The required affordable units should be provided on-site whenever possible.”

As proposed, the nine affordable dwelling units would be concentrated in three apartment buildings. All would be rental units. HC2 proposes to build 19 new residential buildings, only one of which would contain affordable dwellings. None would be included in the western half of the combined HC1/HC2 project. This western half of the project contains nine single-family home lots, six small carriage house lots and three multi-unit buildings with 24 dwelling units. To truly be inclusionary, affordable units need to be integrated into this portion of the development – at the very least within the multi-unit buildings, if not one of the carriage house lots as well.

Second, the proposal does not comply with section 5.21.4(2), which requires the bedroom mix of affordable units to be in the same ratio as the bedroom mix of the market units, unless waived by the DRB. There are no three-bedroom affordable units. Clearly this project is intended to serve both small households and larger families. The lack of any affordable housing suitable for larger families is not consistent with the inclusionary intent and the specific bedroom mix standard. See below for the proposed bedroom mix. The

bedroom mix ratio (studio/1-bdrm:2-bdrm:3-bdrm) for affordable units is 1:3.5:0, while the ration for market rate units is 1:2.2:4. These ratios are not the same. A reasonable compromise would be to include one or two 3-bedroom affordable homes in the 24 multi-family condominium units or the six carriage homes. Per the narrative, the multi-family condominium units range in size from 1,200-2,000 square feet. A three-bedroom unit should be easily accommodated within that size range, and as previously noted, the Applicant has surplus municipal water allocation for this.

Bedrooms	Affordable		Market		Total	
	# Units	Ratio	# Units	Ratio	# Units	Ratio
Studio & One	2	1	22	1	24	1
Two	7	3.5	49	2.2	58	2.4
Three	0	0	9	.4	9	.375

2. **Public Open Space** - 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 are some amenities proposed on lot #52 for the residents of the 34-unit apartment building. 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. This appears consistent with the preliminary plat approval, prior feedback from neighboring landowners, and section 5.22.5 of the HZR. No issues – project complies.
  
3. **Parking** - 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 appears to be consistent with the preliminary plat application. The Applicant resubmitted the shared parking calculation (HC-EX-3) and their HC1 parking study (HC-EX-4) to support their design. There is clearly adequate parking for the single-family dwelling lots and the three multi-unit buildings on lot 70. There also appears to be adequate shared parking between HC1 and HC2, including enough off-street parking, for the 18 HC1 dwelling units and the 34 HC2 dwelling units on lot 52 (Building ‘C’). The applicant should clarify how this shared parking arrangement will be recognized (e.g., deed easements, homeowner’s association, etc.) in case the properties are transferred to different owners. Furthermore, the 32-space parking lot on lot #52 should allow parking for the two commercial buildings on lots 50 and 51, in order to ensure the viability of the future commercial uses. The Applicant should address these items at the meeting. Note – the homeowners association declaration submitted during the preliminary plat review does not address shared parking.

4. **Greenspace calculation** - Section 4.5.7(2) of the HZR requires development in the Village growth area to provide or preserve at least 10% of greenspace. The Applicant provided on drawing HC2-EX-2 a greenspace calculation, which shows that the entire Hinesburg Center development, combined HC1 & HC2, provides 35.1% of the area as overall greenspace, and 15.6% of the area outside of the stream setback area. Section 4.5.7(1) of the HZR requires that at least 50% of land in the agricultural zoning district (AG) be greenspace. With little development proposed in the AG, this is not a concern. No issues – project complies.
5. **Landscaping & Landscaping budget** – Section 6.5 of the HSR and for the budget Section 6.5.5 of the HSR, which is identical to Section 4.3.8(2e) of the HZR. A calculation of construction costs and a minimum landscaping budget based on the construction costs is required. The Applicant provided a calculation on page 8 of their project narrative. The estimated overall construction costs are \$18,965,000. The minimum planting budget is \$197,150 per section 6.5 of the HSR. The total proposed planting budget is \$169,446, which is \$27,704 (14%) less than the required minimum. The Applicant’s landscaping plan includes street trees, a public area on lot #70, improvements to lot #30, budget allowances for the properties requiring site plan and the single-family residences. The Applicant is requesting credits totaling \$35,550 for planned site/pedestrian improvements on lot 52 (Building ‘C’) that include: decorative hardscaping, a gas fire pit, outdoor gas grills, tables, and seating. While some credit for these site improvements makes sense, increasing the planting budget allowance for lot 53 from \$2,000 to \$6,000 is recommended, to be comparable to lots 50 & 51.

Boosting the budget for lot 70 by several thousand dollars is also recommended given that this is a centrally located, highly visible, public open space. Increasing the lot 70 budget would allow for the installation of aesthetically pleasing landscaping (e.g., perennial flower beds) and public art (e.g., sculpture) at the front corner. Currently, the proposed improvements for this “village green” are concentrated in the back corner, closest to the multi-unit structures. The additional improvements mentioned above could make this space more inviting for public use, and address the purpose of section 6.5 better than the improvements on lot 52, which are at the back corner of Building ‘C’ – largely invisible to the community from the surrounding roads and sidewalks.

6. **Lighting** – Lighting is proposed to conform to the standards of Section 5.29 of the HZR. The Applicant proposes continuous lighting on Road ‘A’ from Farmall Drive to proposed Road ‘C’ (Patrick Road) and the full length of Patrick Road in the HC2 development. The Applicant is also proposing to full illuminate the parking area between Building ‘C’ and the commercial properties, the parking area for Building ‘D’, and to have lighting at the Road ‘A’ and Road ‘B’ intersection, by both intersections of Road ‘B’ with Road ‘D’ and at the proposed crosswalk across Road ‘B’ in the northwestern part of the development.

The Applicant has submitted a plan, L-300, which shows a photometric plan, required per Section 5.29.4(2), and a lighting detail sheet, L-401. The proposed lighting indicates a color rendition index (CRI) of 70, which exceeds the minimum 60 CRI per Section 5.29.3(3) of the HZR. The proposed lighting will have a color temperature (CCT) of 3000K, which is less than the maximum CCT of 4000K per Section 5.29.3(4) of the HZR. The proposed heights for the light poles for the streets and parking areas would be 20-feet

and 12-feet respectively, which would conform to Section 5.29.3(5) of the HZR. For conformance to Section 5.29.4(3) of the HZR, Plan L-300 states the following:

- The proposed maximum illumination on grade would be 2.7-foot candles, which is less than the allowable 6.00-foot candles.
- The average lighting will not exceed 1.5-foot candles.
- The maximum uniformity ratio would be 5.3, which is less than the allowable 8.1

No issues – project complies.

7. **Road profile and depth** – As shown on the civil plans #4 and #5, proposed are a 4% grade from the existing Farmall Drive near PT Therapy on to Road ‘A’, a 5% grade from the existing Farmall Drive near the Bostwick residence on to Road ‘B’, and the rest of the road grades ranging from about ½% to about 2%. Vertical curves are proposed for the larger changes in grades. As shown on detail sheet #6 in the civil set, the roads are proposed to have 24-inches of crushed stone placed to a State specification, and 5½-inches of asphalt to be placed in two lifts. No issues. Construction inspection by an independent engineer working for the Town is recommended as a condition of approval.
8. **Utilities** - The civil plans show plan and profile views of water, sewer, and stormwater infrastructure. Not shown are proposed locations for gas and power lines. The Applicant should discuss this at the public hearing.
9. **Stormwater - water quality (WQ) standard** – The Applicant proposes to provide WQ treatment for most of the project, 4.50-acres of the proposed 4.88-acres, with a new gravel wetland. A northwest 0.22-acre portion of the development would qualify for a disconnect to provide treatment. A 0.16-acres southeastern portion of the proposed development, including a portion of Road ‘A’ and an existing 0.17-acre portion of Kailey’s Way would be treated by a Filterra bioretention system.

The proposed gravel wetland would meet the WQ standard by permanently storing 50% of the WQ volume and releasing the remainder of this volume over a 24-hour period. For permanent storage, the forebay would hold 3,057cf of the total 16,296cf (0.3735 acre-ft) WQ volume, and an additional 6,634cf would be stored in the stone voids. The total permanent storage would be 9,691cf, which would be 59.5% of the total WQ volume. The remainder of the WQ volume would be released, according to the modeling, over 1,545 minutes, which exceeds the 1,440-minute requirement.

WQ treatment for the southeastern portion of the development would utilize a proposed filtration system. WQ treatment for the southwestern portion of the development would utilize a proposed bioretention system that would infiltrate the entire WQ volume.

10. **Stormwater discharge to the Creekside stormwater system** – The southeastern portion of the proposed development, including portions of Road ‘A’ and the existing Kailey’s Way would discharge to the existing Creekside stormwater system. This discharge would be retained by an underground 48-inch-diameter 230-foot-long storage pipe. The discharge to the Creekside systems for the WQ, channel protection and 10-year storm event would be through a 1-inch orifice that would send 0.03cfs, 0.04cfs and 0.05cfs respectively to the Creekside system. The southwest portion of the proposed development, which would include the Farmall Drive extension almost to the Road ‘A’ intersection

would infiltrate the entire discharge of the WQ and channel protection storm events. The discharge from the 10-year storm event would be 0.02cfs.

The Applicant should describe the stormwater system in detail at a public hearing. The plans do not show the location of the 230-foot-long storage pipe and where the outfall will discharge.

11. **Stormwater low impact design (LID) standard** – The Applicant states conformance with clustered development, minimizing pavement widths, minimizing setbacks and frontages, open space preservation, soil conservation and runoff disconnection. No issues.
12. **Schools** – Email from Jeanne Jensen of Champlain Valley School District on March 16, 2020, estimated that the number of new students for this development (and Haystack) to be a total of nine ranging from K-12. It appears that this development and a few others could be supported by CVSD, but further development in town may be a challenge for the schools.
13. **Legal Documents (HOA, Easements, etc.)** – A draft homeowners association (HOA) declaration was provided with the preliminary plat application, along with an irrevocable offer of dedication and easement deeds for roads A,B,C that are being offered to the Town. The HOA needs to be updated to reflect the final plans, to clearly list the common and limited common elements (e.g., roads, sidewalks, trails, village green, lot 30, shared parking, etc.), and to address how those common elements will be managed. The HOA should also clearly address the relationship between HC2 and HC1 – particularly the shared parking that is key to this project. An irrevocable offer of dedication and easement deed are also needed for the various trail easements and the riparian area.
14. Additional items to be discussed
  - The submitted documents do not show how the stormwater discharge from the gravel wetland flows to the LaPlatte. Is erosion a concern?
  - How will the stormwater systems be maintained? Are there documents?
  - Coordination with the trails committee regarding recreation paths – e.g., how they will be improved and maintained.
  - Is there any other planned use for the western portion of the property besides some trails and a solar array? Does the Applicant intend to pursue the solar array given that it will be part of the approved plans? If so, what is the time horizon, and how should it be conditioned given that State permitting may be problematic due to its location in the flood hazard area. It doesn't appear necessary to achieve the renewable energy density bonus, if rooftop solar is implemented as outlined in Table 5 on page 6 of the application narrative.
  - Has an archaeological study been performed?

Respectfully submitted,

Mitchel Cypes, P.E.  
Hinesburg Development Review Coordinator