

**FINAL PLAT SUBDIVISION REVIEW, PLANNED UNIT DEVELOPMENT,
DEVELOPMENT IN A FLOODPLAIN & 2 CONDITIONAL USE / SITE
PLAN REVIEWS FOR MULTIFAMILY DWELLINGS (24 EACH)
REVIEW FOR THE JANUARY 17, 2023 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 & Dan Heil, 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.	

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 1st DRB meeting. There were additional reports provided on November 10, 2022 for the November 15th DRB meeting and on November 29, 2022 for the December 3rd DRB meeting.

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. These plans show two construction entrance/exits – one near the Kaileys Way intersection and one at the far end of Farmall Drive. It was acknowledged that the one at the Kaileys Way intersection would be the principal construction entrance and that construction vehicles would not be driving to the one at the end of Farmall Drive, through the Creekside neighborhood. 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 88th 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. The Applicant will accept a condition in the final plat approval that the Applicant return to the DRB for development in a floodplain and a subdivision revision in order to develop lot #55.
- November 15, 2022 – Floodplain Review - Kyle Medash attended the meeting via Zoom. He emphasized the ‘no adverse impact’ requirement, that the maximum rise in water elevation should be 0.1-feet, and that the base flood elevation (BFE) did not consider the HC1 development. Staff commented that the HC1 development may increase the level of the BFE, which the new development to be considered may be less of an increase than the 0.22-foot (2.64-inches) bump after the culvert. Brett Grabowski countered that they are not increasing the flood elevation upstream or downstream of this development, that the reason 0.1-foot is used is because it is the smallest measurable amount, that there would be no adverse impact, and that this design and modeling show conformance to the Town regulations.
- November 15, 2022 – Inclusionary Zoning Requirements – Bedroom Mix – Section 5.21.4(2) of the HZR states “in order to assure an adequate distribution of affordable units by household size, the bedroom mix of affordable units in any project shall be in the same ratio as the bedroom mix of the market units of the project, unless waived by the DRB with input from the Champlain Housing Trust.” The combined HC1 and HC2 projects will be mostly 2-bedroom units. The average number of bedrooms of the proposed nine affordable units is similar to those of the market units, however, compared to market units, the nine proposed affordable units have proportionately less one-bedroom units and no three-bedroom units. The bedroom mix for the nine affordable units would be 22.2% one bedroom, 77.8% two bedroom, and 0% three-bedroom. The bedroom mix for the 80 market units would be 27.5% one bedroom, 61.2% two bedroom, and 11.2% three-bedroom. The Applicant stated that the proposed affordable units would be on average larger than the proposed market rate units. The Applicant should either adjust the bedroom mix of the affordable units and/or provide more detailed information and a clear and compelling rationale for a waiver that does not undermine the intent of the regulation.
- November 15, 2022 – Inclusionary Zoning Requirements – Location of the proposed units - As proposed, the nine affordable dwelling units would be concentrated in three apartment

buildings; whereas, section 5.21 of the HZR requires that the affordable units be integrated with the rest of the development. Six of the units will be in the older HC1 project at 32 Farmall Drive and 42 Farmall Drive. The preliminary plat approval, Findings of Fact #54, mentioned a memo from the Hinesburg Affordable Housing Committee (HAHC), with input from Champlain Housing Trust and Staff, supporting the Applicant's request to increase the number of affordable units to be placed in HC1 from one to three. This finding is supported with Conclusion #24 in the approval. The Applicant stated that there are advantages to the residents of the proposed affordable units. The HAHC plans to discuss this matter at its next meeting on Tuesday, November 29th with Staff and the Applicant. At the next DRB meeting, the Applicant should be ready to discuss how the proposal integrates with affordable units with the rest of the development pursuant to section 5.21.4 of the HZR.

- November 15, 2022 – Public Open Space – The Applicant has demonstrated 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.
- November 15, 2022 – Parking Overall - The Applicant 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. This does not include the two parking spaces that will be provided for the single-family residences and each of the units in the two nine-plex and the six-plex. The Applicant stressed 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.
- November 15, 2022 – Parking shared between lots #50 through #53 – The proposed property line between commercial lots #50 and #51, with the 34-unit apartment lot #52, putting the entire parking area between these lots on to lot #52. The concern was would there be sufficient parking available for commercial lots #50 and #51 in order to ensure the viability of the future commercial uses as proposed. The Applicant proposed to address this concern by providing a shared parking & maintenance agreement between lots #50, #51 and #52. The Applicant will also have lot #53 to be part of this agreement.
- November 15, 2022 – Parking shared between HC2 and Creekside – Concern was raised by some Creekside residents that some residents of the proposed HC2 will park in Creekside. The concern was raised because proposed in HC2 is a smaller 20-foot-wide roads compared to the 24-foot-wide roads found in Creekside. The Applicant explained that there will be dedicated parking areas in HC2 that expand the roadway to 28-feet in width. Also, that should two vehicles park on opposite sides of a 24-foot-wide road, vehicles can not pass through. The Applicant contends that as many Creekside residents will utilize HC2 as vice-versa.

- November 15, 2022 – Greenspace calculation – The Applicant demonstrated conformance to Section 4.5.7(2) of the HZR, which 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.
- November 15, 2022 – Landscaping – The Applicant has provided on page 8 of their project narrative a calculation of construction costs and a minimum landscaping budget based the requirements of Section 6.5.5 of the HSR. 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.

Concerns were raised at the hearing about increasing the amenities on lot #70 to provide additional landscape for this centrally located public space. The Applicant stated that they believe that keeping most of this area as playable lawn space would be more beneficial. Also, should the planting budget allowance for lot 53 be increased from \$2,000 to \$6,000 to be comparable to lots 50 & 51?

- November 15, 2022 – Lighting – The Applicant demonstrated conformance 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-foot and 12-foot 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
- November 15, 2022 – Road profile and depth – The Applicant demonstrated conformance to Sections 5.1.6(1), 6.1.3 & 6.1.8 of the HSR with 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.

- November 15, 2022 – Utilities - The Applicant provided an update to two of the submitted civil plans that better shows the location of the gas and power lines, along with the location of proposed water, sewer, and stormwater infrastructure. These plans demonstrate conformance with Section 6.9 of the HSR.
- November 15, 2022 – Stormwater low impact design (LID) standard – The Applicant demonstrated conformance to Section 6.6.2(5) of the HSR for LID with clustered development, minimizing pavement widths, minimizing setbacks and frontages, open space preservation, soil conservation and runoff disconnection.
- November 15, 2022 – Schools (Sections 1.2.2, 3.3.4, 5.1.11 & 5.2 of the HSR) – An email from Jeanne Jensen of Champlain Valley School District on March 16, 2020, estimated that the number of new students for this development to be a total of nine ranging from K-12. However, reviewing this, I found that this was only for the earlier first phase of the development with 24 proposed units. Using the same factors and equations, a revised total of 14 (14.34) students would be as follows:
 - 24 one-bedroom/studio units – no students
 - 10 two-bedroom units in the 34-unit apartment building – 0.18/unit = 1.80 students.
 - 24 two-bedroom units in the 9-plexes and 6-plex – 0.18/unit = 4.32 students
 - 6 two-bedroom carriage houses – 0.29/unit = 1.74 students
 - 9 three-bedroom single family residences - 0.72/unit = 6.48 studentsNote this calculation assumes 9 three-bedroom single family residences, including development on lot #55. Development on proposed lot #55 is not proposed in this application. Without lot #55, there would be 8 three-bedroom single family residences. If only 8 are considered, the calculated number of students would still be 14 (13.64).
- November 15, 2022 – Archaeological study – The Applicant stated that there were no areas of concern. The DRB could provide the same condition required of the Haystack development that a report required for ACT 250 be provided to the Town for conformance to Section 5.1.3 of the HSR.
- December 6, 2022 – No items were reviewed due to a lack of a quorum.
- December 20, 2022 – Several submittals were provided on the day of the hearing, which were not reviewed prior to the hearing. The statements below reflect both testimony at the hearing and subsequent review.
- December 20, 2022 – Stormwater – Outflow to the LaPlatte - The Applicant is proposing to outlet the discharge the proposed main gravel wetland, which treats stormwater for 92% of the project area, directly to the LaPlatte. Doing so, the Applicant can obtain waivers from the channel protection, 10-year storm and 100-year storm events. The Applicant described at the hearing how the outlet and the overflow will have an energy dissipating stone berm to reduce the velocity of the discharge and to spread out the discharge to reduce erosion. It was agreed that a detail showing how this was to be constructed is required.

- December 20, 2022 – 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 (Filterra) system. This system would be inspected annually for conformance to the State stormwater permit. The Town could require a copy of this report as a condition of approval. WQ treatment for the southwestern portion of the development would utilize a proposed bioretention system that would infiltrate the entire WQ volume. Similarly, this will be inspected annually with a copy per condition coming to the Town.

- December 20, 2022 – Stormwater – Stormwater discharge to the Creekside stormwater system – The Applicant revised the plans, provided new modeling and some modeling done by Otter Creek Engineering from 2016. 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 270-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 existing peak discharge for the 10-year storm event per the Otter Creek Engineering modeling is 13.52cfs. The Applicant made the point that this is a diminutive 0.4% increase, which is assuming that the peak discharges area lined up. Since there would most likely be a greater time to a peak discharge, this increase would most likely be smaller. During a 100-year storm event, the modeling provided shows a peak elevation of 329.22, which is below the obvert elevation of 329.25. There are some concerns regarding this system that are stated below.
- December 20, 2022 – Stormwater – Stormwater discharge in the 100-year storm event – Concerns were raised at earlier meetings that the full conveyance of stormwater during the 100-year storm event has not been defined. The stormwater pipes would be overfilled and stormwater would pond on the roadways. Ponding on the roadways is not a concern, unless this water elevations flood existing or proposed structures. To address this concern, the Applicant modified the design increasing the sizes of the outlet pipes for CB#1 and CB#4, and changed the outlet pipes for CB#1, CB#2, CB#3, and CB#4 from HDPE to PVC pipe. PVC pipe has a smaller roughness coefficient, which allows for a greater discharge from the same sized pipe. Some additional comments below.
- December 20, 2022 – Updated Traffic Report – The Applicant submitted an updated report that correctly describes the proposed non-residential use.

- December 20, 2022 – Affordable Housing & Inclusionary Zoning – The Applicant and Staff met with the Hinesburg Affordable Housing Committee on November 29th and agreed to the following for conformance to Section 5.21.4 of the HZR:
 - That three of the nine units will be in HC1 each in a separate building.
 - The remaining six would be in the 34-unit apartment building on lot #52.
 - At least one of the six units on lot #52 will have three bedrooms.
 - At least one of the six units on lot #52 will have its own exterior access.
 - All the units can be rental units.
- December 20, 2022 – Affordable Housing & Inclusionary Zoning Unit Size Waiver – It was noted that the sizes of the units for the affordable units will require a waiver from the DRB, which the DRB expressed its willingness to grant, noting that these size minimums are an antiquated regulation.
- December 20, 2022 – Shared Parking Agreement/Deed - The Applicant agreed to a condition to provide a shared parking agreement in the deeds for lots #50 through #53.
- December 20, 2022 – Western portion of the property – The Applicant stated that they plan on putting the area in conservation.
- December 20, 2022 – Parking – The DRB stated they will have a condition on an approval that would require the Applicant to return to the DRB should there be a problem with the parking.
- December 20, 2022 – Lot #55 – It was agreed by both the Applicant and DRB that no development will occur on lot #55 without further review from the DRB. Development on lot#55 would require a subdivision revision. One dwelling unit will be assigned to lot#55.
- December 20, 2022 – Lot#30 ownership – The Applicant stated that he owns lot #30, but the Creekside HOA maintains the property. He stated that he is willing to discuss this with the Creekside HOA.
- December 20, 2022 – Trails – The Trails Committee resubmitted an easement request for the western portion of the property. An abutting landowner, who shares ownership with land adjacent to Creekside properties and the LaPlatte stated that the easement should match the VAST trail easement on their property.

- January 3, 2023 – Lot #52 – Building lighting per Sections 4.3.4(3) & 5.29 of the HZR – The Applicant said that lighting on Building ‘C’ on lot #52 would be recessed and downcasting under the canopies by the entrances and the terrace area in the back. The Applicant testified that these lights would not interfere with street lighting. They did not consider this on the street lighting, but would provide a memo.
- January 3, 2023 – Lot #52 – Refuge location per Section 4.3.4(2) of the HZR – The Applicant stated that the proposed refuge for Building ‘C’ was on the parking area on lot #53. There would be an exit from the building to the parking area on lot #53 from Building ‘C’.
- January 3, 2023 – Lot #52 – Mechanical equipment location per Section 5.22.2(8c) of the HZR – Proposed is a large transformer box in front of Building ‘C’ along Patrick Road. It is proposed to be screened on three sides. The Applicant testified that they were told to put the box there by Green Mountain Power and the size shown on the plans is the concrete pad, for which the actual box will be smaller.
- January 3, 2023 – Lot #52 – Architectural detail and front façade standards per Sections 5.22.3(3a, 3b & 3e) of the HZR – The Applicant submitted a letter from Architect Greg

Rabideau. The letter describes conformance to the architectural detail with roof edge cornice details, a historic pattern of windows and multiple variations of colors. The letter describes conformance to the front façade standard is met with prominent entry on the front façade and a change in the plane of the roof parapet. The building is to be built as shown on the plans and elevations.

- January 3, 2023 – Lot #70 – Building lighting per Sections 4.3.4(3) & 5.29 of the HZR – The Applicant stated that the proposed lighting would be recessed and downcasting at each unit’s entrances, patios and garages. They will provide a memo describing this.
- January 3, 2023 – Lot #70 – Refuse collection per Section 4.3.4(2) of the HZR – The Applicant stated that each of the units have their own garages for refuse collection and disposal.
- January 3, 2023 – Lot #70 Plus – Mechanical equipment location per Section 5.22.2(8c) of the HZR – The required transformers are smaller and would be located between the three buildings. The single-family residences would have transformers every so many units spaced similar to what Creekside has.
- January 3, 2023 – Lot #70 – Architectural detail and front façade standards per Sections 5.22.3(3a, 3b & 3e) of the HZR – The Applicant submitted a letter from Architect Greg Rabideau. The letter describes conformance to the architectural detail with multiple color variations and detailed decks and patios. The letter describes conformance to the front façade standard is met with prominent entry on the front façade and a change in the plane of four feet along the front façade. The building is to be built as shown on the plans and elevations.
- January 3, 2023 – Lot #70 – Exterior building material per Section 5.22.3(6) of the HZR – The Applicant submitted a letter from Architect Greg Rabideau. The letter states that each building will have its own color scheme to conform to this requirement.
- January 3, 2023 – Lot #70 – Roof pitch per Sections 5.22.3(8) of the HZR – The Applicant confirmed that the roof pitch will be at least a 6 on 12. The Rabideau letter states the main roof will be a 6 on 12, and the gables on the front façade will be an 8 on 12.
- January 3, 2023 – Lot #70 – Each unit has its own private entrance, can internally access its own private one-car garage, has a parking area for a second car behind the garage, has two bedrooms, two bathrooms, and an area of about 1200 and 1300 square feet.
- January 3, 2023 - Stormwater – Outflow to the LaPlatte – The Applicant updated civil plans 3 and 7 to includes a plan and a detail for the spreading of discharge on the gravel wetland outlet, and described these at the hearing. A type 2 ‘E’ stone, per V-Trans specification was proposed.
- January 3, 2023 - Stormwater – Drainage area DA3 underground storage – The Applicant agreed to upgrade plans sheets 3 & 4 and detail sheet 10 to add dimensions confirming the 270-foot combined length and adding cleanouts for maintenance. The Applicant stated that there should be a clean-out in each header and each of the pipe lengths. The Applicant also will look into whether anchoring is necessary and will add a detail if required.
- January 3, 2023 - Stormwater – Drainage area DA3 underground storage – The Applicant testified that the underground storage pipes would be watertight. It was noted that there is a small area to review to see if floatation may be a concern, but that the pipes will be anchored in part by catch basins.

- January 3, 2023 – Stormwater & Landscaping – The Applicant testified that the plantings need at most 3-feet of depth for tree roots and that there should be adequate separation between the plantings and the underground storage pipes, but will check.
- January 3, 2023 – Stormwater on lot #30 and Farmall Drive extension – The Applicant described these as two separate systems. The bio-retention area would be treating the Farmall extension area and not lot #30. The runoff from lot #30 will bypass the bio-retention area. It was suggested to have the yard drain go directly to the existing catch basin. The Applicant stated that the grades work.
- January 3, 2023 – Stormwater on lot #30 – The Applicant described that the existing condition is very flat. To adequately drain lot #30 three low areas with yard drains are proposed. The discharge from the yard drains and bio-retention area would discharge into the Creekside stormwater system. The regrading of lot #30 would create the slopes and outlets needed to drain lot #30. Moving the outlet for the yard drains to avoid the bio-retention outlet structure was discussed at the hearing.
- January 3, 2023 – Stormwater discharge in the 100-year storm event (Sections 5.1.7 & 6.6.2(3) of the HSR) – The applicant discussed upsizing pipes, discharging from CB#1 and CB#4, and the updated analysis showed conveyance of these pipes able to discharge the 100-year storm. The Applicant’s Engineer stated that the flooding on the roadways should be six-inches or less. We discussed roughness coefficients for storm pipes. The Applicant’s Engineer stated that double walled HDPE, which would have the same roughness coefficient and flow capabilities as PVC would be used. Single walled HDPE would have less flow capability.
- January 3, 2023 – Legal documents – The Applicant is still working on these.
- January 3, 2023 – Trail easements will be placed on the plans with a note that this could be moved if the trail is relocated. It was noted that Kyle Bostwick sent a email saying that the recreation trail would need to be in the same location as the VAST trail on his shared property.
- January 3, 2023 – Solar array in the western portion of the property – The Applicant described the location of the proposed solar array and that placement in a floodplain is permitted as long as the panels were out of the floodplain. Solar arrays are not permitted in wetland areas.
- January 3, 2023 – Western area will be allowed to revegetate. The Applicant will maintain the areas between the stormwater pond and the proposed solar array.
- January 3, 2023 – Carl Bohlen’s Staff report correction on private entrance for at least one affordable unit was mentioned, verified and is corrected above.
- January 3, 2023 – Dan Jacobs commented on use of Road ‘A’ and not Farmall Drive for construction vehicles to the new area of construction, which has been agreed to be a condition. He requested that the Applicant pay for shared maintenance of the Creekside stormwater system. The Applicant believed that would be only a fraction of a percent. He wanted clarity of ownership of lot #30, which the Applicant stated he was willing to discuss after this process is complete.
- January 3, 2023 – Lot #30 – The Applicant is responsible for maintenance, but the decision will need to anticipate that the lot may be transferred to the Creekside Homeowner’s Association, who currently maintain the lot.
- January 3, 2023 – Jon Slason lot #30 – On lot #30, the cost concern is the maintenance of the drainage structures, which should stay with the Applicant. The cost concern for the

Creekside stormwater system is the increased wear & tear on the system by the additional discharge. Also, lot #30 is being utilized for the open space requirement of the HC2 development.

- January 3, 2023 – Jon Slason – Intersections - Kailey’s Way/Farmall Dr./Road ‘A’ should have a four-way stop. There should be crosswalks and stop signs from the parking areas accessing Patrick Road (Road ‘C’).
- January 3, 2023 – Andrea Morgante – Trees on lot #30, which she was shown. Concern about the floodplain and no adverse impact. Also, could add solar in rooftops and parking areas.
- January 3, 2023 – Kyle Medash VT ANR Floodplain Manager – Restated his opinion that the 0.22-foot (2½-inch) increase in flood elevation was an adverse impact. The Applicant and the Floodplain manager agreed that west of the water and sewer line crossing there was no area that had a 0.1 or greater increase in flood elevation.
- January 3, 2023 – Barbara Forauer – Concern on flooding and putting solar infrastructure on parking areas and rooftops.

REVIEW ITEMS FOR THE JANUARY 17th MEETING:

1. **Lots #52 & #70 lighting** – Provide a memo describing the lighting on these buildings confirming that the building lights would not interfere with the proposed street lights.
2. **Stormwater – Drainage area DA3 underground storage & potential conflicts** – Upgrade plans sheets 3 & 4 and detail sheet 10 to add dimensions confirming the 270-foot combined length, detailing or noting the gasket connections and adding cleanouts for maintenance. The Applicant also will look into whether anchoring is necessary and will add a detail if required. The Applicant will review the plantings to see if there is any interference with the proposed landscaping and underground storage.
3. **Lot #30 and Farmall Drive extension stormwater systems** – At the January 3rd hearing there was a proposal to have the yard drain directly discharge into the Creekside system. However, there is proposed retention of the discharge from the yard drains in the proposed 4-foot diameter outlet structure. This retention appears to be necessary to limit the discharge to Creekside. Is this retention shown correctly? Should both discharges from the yard drains and bio-retention area be retained? The Applicant should discuss this at the next hearing.
4. **Stormwater discharge in the 100-year storm event (Sections 5.1.7 & 6.6.2(3) of the HSR)** – After discussions with the Applicant’s Engineer, the proposed diameter of CB#5 will be increased from 24-inches to 30-inches.
5. **Potential Street Tree and Utility Line Interference (Section 6.4 & 6.5, HSR)** – Underground utility lines run underneath most of the street trees shown on the plans. For example: Road C – gas line on west side, electric line on east side; Road B – water line on south and west side, gas line on east side; Road A – water line on north side. The Applicant should clarify the depths of these utility lines, and clarify whether they will impact the roots of the proposed street trees – at the time of planting and into the future.

6. **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. This should include an updated shared parking agreement for lots #50 through #53.

Here is a brain stormed list of items that need to be addressed in the legal documents:

- a) Clarification on coordination with HC1 and Creekside. Will HC2 have a stand-alone covenant, or will this need to be combined with HC1 and/or Creekside?
 - b) Maintain Roads ‘A’, ‘B’ & ‘C’ with associated sidewalk/rec paths, signs, pavement striping, lighting, etc. until Town takes over.
 - c) Maintain trees on Roads ‘A’, ‘B’ & ‘C’.
 - d) Maintain path & trees on lot #55.
 - e) Maintain the stormwater system. (Whole or in parts?)
 - f) Maintain and allowed shared use of parking areas and refuse on lots #52 and #53.
 - g) Use of parking areas on lots #52 and #53 by commercial lots #50 & #51, and by others in the community and the Public.
 - h) Maintain Road ‘D’ pavement and trees.
 - i) Maintenance of lot #30 trees, stormwater systems, lawns etc.
 - j) Will there be an association for each building on lot #70?
 - k) Maintenance of the community green and shared areas on lot #70.
 - l) Maintenance of the common area on the northeast side of building ‘C’ on lot #52.
 - m) Maintenance of and access to the western areas.
 - n) Maintenance & use of the proposed solar arrays
 - o) Maintenance of other shared properties.
 - p) Maintenance of the Patrick Brook Road ‘C’ crossing until the Town takes it over.
 - q) Maintenance of the pedestrian bridge until the Town takes it over.
 - r) Maintenance of the riparian/river corridor/flood hazard areas along Patrick Brook
7. **Trails Committee** – The Applicant will add a ‘trail easement could move based on the location of the proposed trail’ note to the plans.
8. **Application Fee** – The request was delayed due to a change in the fee schedule, which benefitted the Applicant. This should be paid prior to the close of the hearing.

Respectfully submitted,

Mitchel Cypes, P.E.

Hinesburg Development Review Coordinator