

**TOWN OF HINESBURG  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**Hinesburg Center Investments, LLC  
Conditional Use Approval and Site Plan Review for a 34-Unit Multifamily Dwelling  
Tax Map Number 08-01-06.320**

Based on the public hearing and the documents contained in the “document” file for this proposal, the Hinesburg Development Review Board (DRB) enters the following Findings of Fact, Conclusions and Order.

**FINDINGS OF FACT**

1. Hinesburg Center Investments, LLC, hereafter referred to as the Applicant, is requesting Development Review Board (DRB) conditional use approval for a 34-unit multifamily dwelling per Section 3.5.6(7) of the Hinesburg Zoning Regulations (HZR). The proposed multifamily dwelling would be on a proposed 0.87-acre lot, labeled as lot #52 of the Hinesburg Center 2 (HC2) subdivision in the Village Zoning District (VG). The lot from which this application is proposed would be created by a final plat subdivision application, which is concurrently being reviewed. Also, concurrently reviewed is an application for development in a flood hazard area, a fluvial erosion hazard area, and in a stream setback area, and a similar application for lot #70. The approvals for final subdivision plat and development in a floodplain are required for this application.
2. This application was heard with in-person meetings with remote access via Zoom on October 4, 2022, November 1, 2022, November 15, 2022, December 6, 2022, December 20, 2022, January 3, 2023 and January 17, 2023. Review of the of this specific application occurred only on the January 3, 2023 and January 17, 2023 meetings. However, review of the overall subdivision, which this application is dependent upon, occurred at all these meetings. No testimony was taken at the December 6, 2022 meeting due to a lack of a quorum. Except for the December 6, 2022 meeting, Brett Grabowski (Applicant), Roger Dickinson (Engineer) and Mike Buscher (Landscape Architect) attended all the meetings. Other members of the Applicant’s design team that attended some meetings included Matt Murawski (Rivers Engineer) and Dan Heil (Stormwater Engineer).
3. The proposed three-story 34-unit multifamily dwelling would have frontage on Patrick Road (Road ‘C’ on the plans) and Kailey’s Way. The main pedestrian accesses would be on the proposed Patrick Road and the parking area located on the southside of the proposed property. The proposed 34-units would include studio units, one-bedroom units, two-bedroom units, and a three-bedroom unit. Six of these units would be affordable units. The affordable units include a studio, a one-bedroom unit, three two-bedroom units and one three-bedroom unit. The rest would be market rate units. The DRB waived the affordable unit size requirements of Section 5.21.4(3c) of the HZR.
4. The density of the overall development has been reviewed with the subdivision final plat approval. Lot #52 has been allocated by the final plat approval to have 34-dwelling units. The proposed affordable units help satisfy the inclusionary zoning requirements and provide a density bonus, which is necessary for the overall number of units proposed in the entire development.
5. In additional to the multifamily dwelling, the lot would include a proposed 32 space parking lot on the south side of the property, amenities to the northeast of the proposed residence, and connecting walkways. The amenities include grills, benches & chairs for the use of the building residents.
6. This development is in the municipal water and sewer district. The Applicants have received allocations for this development as part of the overall subdivision. Proposed water, sewer, underground electric and gas lines are shown on the civil plans for the proposed subdivision, which connect to the existing HC1 and Creekside developments. All these utilities are proposed to be placed underground.

7. The proposed lot would be elevated during construction of the overall development. The final proposed grade will be relatively flat and well above the floodplain's base flood elevation, which is between 329'-331' in this location per the FEMA Flood Insurance Rate Map. The elevation of the parking lot is 334' and the first-floor elevation of the building is 335.2'. The overall HC2 development has wetlands, wetland buffers, floodplain areas, fluvial erosion hazard areas and stream setbacks, which are being preserved by the neighborhood as a whole.
8. There will be two access points to the overall subdivision. The existing Farmall Drive that accesses VT Route 116, and a future Patrick Brook crossing, on the proposed Patrick Road, which would access the Haystack Crossing development and Shelburne Falls Road to the north. There are no dead-end streets in the overall HC2 development. There are no significant grades that would challenge access to emergency vehicles.
9. In conformance to the conditional use requirements, this building would be part of a master-planned development that was thoroughly vetted through an extensive and iterative subdivision review process. The effect of this multi-family dwelling use on community facilities, traffic, adjacent property development and public welfare has been reviewed as part of the overall subdivision. Factors such as vehicular & pedestrian circulation, adequate parking, snow removal, emergency access, landscaping, screening, setbacks, sewer, water, drainage, street lighting and natural & cultural resources, have been reviewed as part of the overall subdivision.
10. Patrick Road, labeled in some plans as Road 'C', the parking area on the southern part of this property, along with the existing Kailey's Way will be maintained by the Owner of this lot, who will also own lots #50, #51, #53, #54 and #70. The Owner will provide road and sidewalk maintenance and snowplowing. This will include the community roadways until such time as the Town takes over these roadways. The Owner will also maintain the public community green spaces, trails, and the stormwater system.
11. The Applicant provided a parking study for the combined HC1 and HC2 developments. Though the proposed multifamily dwelling does not have dedicated parking, it will share 32 parking spaces located on lot #52, plus 11 parking spaces on proposed lot #53 and on street parking on the proposed Patrick Road, the existing Kailey's Way, the proposed Road 'A' and proposed Road 'B'. The proposed dumpster would be on lot #53. Four of the proposed parking spaces on lot #52 and one on lot #53 would provide ADA access.
12. Proposed are sidewalks on proposed Road 'A' & 'B' and Patrick Road that would interconnect in the overall neighborhood, with the HC1, Creekside, the proposed Haystack developments, and with the existing Hinesburg Village. These would include standard 5-foot-wide sidewalks and ten-foot-wide recreation paths, which would be located along the proposed roadways.
13. Stormwater discharges from this property either to the parking area to the south, to Patrick Road to the west or to yard drains that discharge stormwater to a catch basin on lot #53. Stormwater from these areas connect to catch basins that discharge through stormwater pipes to a gravel wetland on the western portion of the proposed development. Stormwater was reviewed as part of the overall development subdivision review. The development on this lot was considered in the overall stormwater treatment. A State stormwater permit for the overall HC2 development is required prior to development on this lot.
14. Erosion control plans have been provided for the overall HC2 development. 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. For the overall development, the Applicant would be required to obtain a State construction general permit (CGP) for erosion control prior to development on this lot.

15. Proposed street trees are shown in drawing L-100 and L-200 along the Patrick Road frontage. Additional small plantings shown on plan L-201 are shown along the building's road frontages. Plan sheet L-203 shows a community common area with the amenities (gas grills, tables and chairs) in a secluded surfaced and landscaped area that would be to the northeast of the multifamily residence on lot #52. In addition, a park area is proposed on the northwest corner of Road 'A' & Patrick Road on lot #70 that would be shared by the entire HC2 development. Residents will also benefit from: proposed public trails extending westerly to the LaPlatte River; over two acres of Town-owned greenspace behind the Police Station and Fire Station (nearly adjacent to lot 52); and Town-owned recreation fields at the Bissonette Recreation Area (walking distance, approximately one third of a mile).
16. As part of the subdivision review, the Applicant provided a lighting plan for the entire development, which showed continuous lighting on the proposed Patrick Road that conformed to the standards of Section 5.29 of the HZR. Specific to lot #52 would be recessed and downcasting lights under the canopies by the entrances and some low-level lighting by the terrace area in the back. The Applicant testified that these lights would not interfere with street lighting.
17. Section 5.21.4(3c) of the HZR requires livable floor area in affordable units to minimally be 750sf for a one-bedroom, 1,000sf for a two-bedroom, and 1,100sf for a three-bedroom, unless waived by the DRB. The DRB indicated at the hearing that they were willing to waive the minimum floor area requirement for the affordable dwelling units. The Applicant stated that the size of the affordable units will be similar to the that of the market rate units in the 34-unit building. The new minimum floor areas for the affordable units should be 540sf for a studio unit, 640sf for a one-bedroom unit, 880sf for a two-bedroom unit and 980sf for a three-bedroom unit.
18. Setback requirements per Section 2.4 of the HZR and as modified per Section 4.5.1 of the HZR have been reviewed as part of the subdivision. The DRB approved a setback waiver to Kailey's Way for this proposed building from 10-feet to 7-feet in the final plat subdivision approval.
19. About half of the Patrick Road frontage of lot #52 would be the proposed multifamily residential building. Much of the rest would be the parking area to the south. In addition, in the frontage would be sidewalks on either side of the parking area and some greenspace.
20. Proposed is a large transformer box in front of the proposed multifamily residential building along Patrick Road. The Applicant indicated that it would 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, and that the actual box will be smaller. Section 5.22.2 (8)(c) of the HZR requires that such utility equipment be minimized along the street frontage. When it must be located in such areas, its appearance must be minimized through screening, art work, or other innovative methods.
21. The Applicant submitted elevations for the proposed building and 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.
22. As part of final plat review for the overall development, the Applicant satisfied the public open space requirement with trails, amenities for both lots #52 & #70, and utilizing the financial contribution option providing funding for the future town common on nearly adjacent town-owned greenspace behind the Police Station and Fire Station (lot #1 of the Creekside subdivision).
23. The plans show two bicycle parking areas near the northwest and southwest corners of the building that would accommodate at total of 12 bicycles. This conforms with the bicycle parking

requirements in section 5.5.5 of the HZR, which requires at least one bicycle parking space for each five car parking spaces.

24. The final plat application was submitted on May 27, 2022 and deemed complete on August 19, 2022. The plans were revised several times as the Applicant worked with staff. This application included the application form, correspondences, and the following documents, which are contained in the document file (16-20-56.500) in the Hinesburg Planning & Zoning office:
- A Narrative from T.J. Boyle Associates, 18 pages, dated August 19, 2022, which introduces the project, provides a density calculation for the entire project, discusses conformance with the landscaping and greenspace regulations, conformance to the lighting standards, waiver requests, and conformance to the prior approvals.
  - Letter and application forms from the Applicant dated July 12, 2018 requesting water and sewer allocation.
  - Page 3 of the Selectboard's August 16, 2018 minutes showing the allocation approval.
  - A plan titled "Hinesburg Center II Coverage Calculations", by T.J. Boyle Associates., with sheet number EX-1, and dated September 9, 2020.
  - A plan titled "Hinesburg Center II Greenspace Calculations", by T.J. Boyle Associates., with sheet number EX-2, and dated September 9, 2020.
  - Shared Parking analysis dated May 12, 2022
  - Parking study tabulation dated January 10, 2020
  - Memorandum of Intent for Patrick Brook Crossing Cost-Sharing Agreement between the Applicant and Haystack Homes LLC.
  - A plan titled "Overall Site Plan", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 1, dated 5/11/22 and with a revision date of 08/08/22.
  - A plan titled "Proposed Site Plan East", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 2, dated 5/11/22 and with a revision date of 8/19/22.
  - A plan titled "Proposed Site Plan West", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 3, dated 5/11/22 and with a revision date of 12/20/22.
  - A plan titled "Road A & B Profiles", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 4, dated 5/11/22 and with a revision date of 11/09/21.
  - A plan titled "Road C & D Profiles", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 5, dated 08/09/20 and with a revision date of 08/010/22
  - A plan titled "Road & Site Work Details", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 6, dated 5/11/22 and with a revision date of 11/09/21.
  - A plan titled "Sewer and Storm Details & Specifications", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 7, dated 5/11/22 and with a revision date of 01/03/23.
  - A plan titled "Water Details & Specifications", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 8, dated 5/11/22 and with a revision date of 03/14/22.
  - A plan titled "Erosion Prevention and Sediment Control Pre-Construction Plan", by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 9A and dated 5/11/22.

- A plan titled “Erosion Prevention and Sediment Control Pre-Construction Plan”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 9B, dated 5/11/22 and with a revision date of 11/29/22.
- A plan titled “Erosion Prevention and Sediment Control Stabilization Plan”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 9C, dated 5/11/22 and with a revision date of 11/29/22.
- A plan titled “Erosion Prevention and Sediment Control Details”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 9D, and dated 5/11/22.
- A plan titled “Stormwater Details & Specifications”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 10, dated 12/24/20 and with a revision date of 01/11/23.
- A plan titled “Stormwater Details & Specifications”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 11, dated 5/11/22 and with a revision date of 01/11/23.
- A plan titled “Stormwater Details & Specifications”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 11A, dated 12/24/20 and with a revision date of 08/19/22.
- A plan titled “Post Construction Soil Depth and Quality Plan”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 12, and dated 5/11/22.
- A plan titled “Road ‘C’ Patrick Brook Crossing”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 14 and dated 12/20/20.
- A plan titled “Subdivision Plat”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number PL-1 and dated 02-13-2020.
- A plan titled “Subdivision Plat”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number PL-2, dated 02-13-2020 and a revision date of 2/1/2022.
- A plan titled “Hinesburg Center II Preliminary Plan”, by T.J. Boyle Associates., with sheet number L-100, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Context Plan”, by T.J. Boyle Associates., with sheet number L-101, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Street Tree Plan”, by T.J. Boyle Associates., with sheet number L-200, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Landscape Plan A”, by T.J. Boyle Associates., with sheet number L-201, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Landscape Plan & Typical Planting plan”, by T.J. Boyle Associates., with sheet number L-202, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Landscape Plan Enlargements”, by T.J. Boyle Associates., with sheet number L-203, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Lighting Plan”, by T.J. Boyle Associates., with sheet number L-300, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Planting Details”, by T.J. Boyle Associates., with sheet number L-400, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Lighting Details”, by T.J. Boyle Associates., with sheet number L-401, dated 3/08/19 and a revision date of 8/16/22.
- A plan titled “Hinesburg Center II Hardscape Details”, by T.J. Boyle Associates., with sheet number L-402, dated 3/08/19 and a revision date of 8/16/22.
- An elevation plan titled “Hinesburg Center II Building ‘C’, by Rabideau Architects with exterior elevations, with project number 1914, with sheet number A201, and dated 01/28/20.

- An elevation plan titled “Hinesburg Center II Building ‘C’”, by Rabideau Architects with Perspectives, with project number 1914, with sheet number A901, and dated 01/04/22.
  - Six photos of proposed building ‘C’.
  - Letter from Rabideau Architects describing conformance to Architectural Standards received on January 3, 2023.
  - Hydraulic Evaluation Summary, Proposed Patrick Brook Crossing by Matt Murawski, P.E. of Ripple Natural Resources LLC, dated July 20, 2022.
  - Response to Ripple report of July 20, 2022 from Kyle Medash VT DEC Rivers Program dated 9/22/2022.
  - Hinesburg Center II – Additional Hydraulic Information by Matt Murawski, P.E. of Ripple Natural Resources LLC, dated October 4, 2022.
  - Response to Ripple report of October 4, 2022 from Kyle Medash VT DEC Rivers Program dated 11/15/2022.
  - Memorandum by Roy Schiff, Milone & MacBroom, Inc, dated June 2, 2012 discussing the sizing of culverts along VT Route 116 for discharge and aquatic organism passage.
  - VT ANR DEC Individual Wetlands Permit 2021-237.01 dated November 8, 2022.
  - VT ANR DEC Watershed Management Division, Authorization to Conduct Instream Work, Permit #SA-3086.
  - Stormwater Narrative Hinesburg Center - Phase II - Revised May 2022 with maps, worksheets and modeling.
  - A plan titled “Stormwater Existing Conditions”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number STX and dated 5/11/22.
  - A plan titled “Stormwater Layout and Drainage Areas”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number STX, dated 5/11/22 and a revision date of 8/19/22.
  - Revised stormwater modeling dated November 22, 2022.
  - Revised stormwater modeling for Catchbasins CB1 through CB4 dated 12/20/22.
  - Creekside HydroCAD modeling dated 2/26/2004 by Llewellyn Howley Inc. & 7/12/2016 by Otter Creek Engineering, Inc.
  - Technical Memorandum, Updated Traffic Impact Assessment by Roger Dickinson, P.E., PTOE, dated April 25, 2022.
  - Technical Memorandum, Updated Traffic Impact Assessment by Roger Dickinson, P.E., PTOE, dated April 25, 2022 and with a revision date of December 20, 2022. Two additional traffic diagrams added on January 3, 2023.
  - Declarations, Road offerings and Recreation easement (22517/017).
25. The Hinesburg Affordable Housing Committee (HAHC) has stated their support for this development.
26. The following members of the DRB were present for final plat hearings, constituting a quorum, as follows. See the official meeting minutes for a list of others present at these meetings:
- On October 4, 2022: Dick Jordan, Ted Bloomhardt, Branden Martin and Michael Webb.
  - On November 1, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, Branden Martin and Michael Webb.
  - On November 15, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, Branden Martin and Michael Webb.
  - On December 20, 2022: Dennis Place, Dick Jordan, Ted Bloomhardt, Branden Martin, Michael Webb and Jeff Daugherty.
  - On January 3, 2023: Dennis Place, Dick Jordan, Ted Bloomhardt, Branden Martin Michael Webb and Jeff Daugherty.

- On January 17, 2023: Dennis Place, Dick Jordan, Ted Bloomhardt, Branden Martin and Michael Webb.

27. The October 4, 2022 public hearing was warned in *The Citizen* on September 15, 2022.

### CONCLUSIONS

1. This proposed development conforms to the design of the final plat application. The proposed density with the requirement to have affordable units, and waiver of minimum affordable unit sizes, as described in Findings of Fact #3 & #4, satisfies the requirements and allowances of Sections 2.9 and 5.21 of the HZR.
2. The proposed development will meet the setback and lot coverage requirements of Table #1 in Section 2.4 of the HZR for the Village Zoning District except as modified per Section 4.5.1 of the HZR as described in Findings of Fact #18.
3. The water and sewer allocations received, which are described in Findings of Fact #6 demonstrate conformance to Section 4.3.4(5) & 5.22.2(1) of the HZR.
4. The grading for this lot as part of the overall subdivision, as described in Findings of Fact #7 meet all applicable requirements of Article 6 in the HZR.
5. The proposed development would enhance the capacity of planned community facilities, would help create a neighborhood, and would benefit vehicular, bicycle & pedestrian traffic as described in Findings of Fact #8, #9 & #12. A 34-unit multi-family dwelling is much larger than any other in Hinesburg, but it is consistent with the Town Plan vision and village growth area purpose, per Section 3.1 of the HZR, that call for maximizing development densities and anticipates multi-story buildings. This multi-unit building will help lessen the use of non-renewable energy resources by providing housing and pedestrian connections in a walkable location that has ready access to services, community facilities, and green spaces. All of this in conformance to the Conditional Use standards found in Sections 4.2.2 and 4.3.4(1) of the HZR.
6. The proposed development provides the required parking, access for emergency vehicles, and proposed maintenance described in the final plat application as described in Findings of Fact #8, #10 & #11 in conformance to Sections 5.5 and 4.3.4(2). However, since the dumpster is located on lot #53, the access to the dumpster location and the parking area where the dumpster is located will need to be built for full conformance to Section 4.3.4(2) of the HZR. Shared off-street parking (on and off lot #52) and on-street parking are necessary for the proposed 34-unit building. Although the Applicant plans to own all of the lots involved in the shared parking, it is important to further codify the shared parking easements and allowances in anticipation of these lots being in separate ownership in the future.
7. The proposed landscaping and screening, as described in Findings of Fact #15, and approved in the final plat approval, conforms to the requirement found in Sections 4.3.4(3), 4.3.8, 5.22.2(4) and 5.22.2(8b) of the HZR.
8. The proposed lighting, as described in Findings of Fact #16, conforms to the requirement found in Sections 5.29 and 4.3.4(4) of the HZR.
9. The proposed stormwater system and erosion control plans, as described in Findings of Fact # 13 & #14, conform to Sections 4.3.4(6), 5.22.2(2) and 5.27 of the HZR. The stormwater system will be maintained by the owner or homeowner's association.
10. As noted in Conclusion #5, the project is consistent with the Town Plan vision for higher density, walkable development in the village growth area. This development on lot #52 helps the overall project preserve significant natural resources by clustering housing. The overall subdivision will

also create planned roadways and connections found on the Official Map. As such, this development conforms to Section 4.3.4(7) of the HZR.

11. The proposed use would not create hazardous wastes in conformance to Section 4.3.4(8) of the HZR.
12. The proposed parking area is to the side of the proposed multifamily residence in conformance to Section 5.22.2(3) of the HZR.
13. The road connectivity, integration with surrounding area and pedestrian & bicycle connectivity described in Findings of Fact #8 & #12 conform to the requirements of Sections 5.22.2(5, 6 & 7) of the HZR.
14. As described in Findings of Fact #20, the proposed development appears to meet the 40% lot frontage requirement of Section 5.22.2(8a) of the HZR.
15. As described in Findings of Fact #22, the proposed multifamily building would satisfy the applicable building standard requirements of Section 5.22.3 of the HZR.
16. As described in Findings of Fact #23, the proposed multifamily building would satisfy the public open space requirements of Section 5.22.5 of the HZR.

### **ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants conditional use and site plan approval for a proposed 34-unit multifamily residence on proposed lot #52 as described above subject to the following conditions.

1. This approval shall be linked to the final plat approval and approval for development in a stream setback/flood hazard area/fluviial erosion hazard area for the Hinesburg Center 2 development. The Applicant is required to satisfy the conditions of all of these approvals as part of this approval. Future revisions specific to this conditional use approval and the site plan for lot #52 may or may not require revisions to the other aforementioned decisions.
2. The applicable erosion control as described in Findings of Fact #14 shall be placed prior to the start of construction.
3. The Applicant shall obtain a building permit for the multifamily residential structure from the Zoning Administrator prior to the start of construction.
4. The utility transformer box on the Patrick Road street frontage shall be screened to at least the height and width of the transformer box on at least three sides with opaque materials (e.g., wood, metal, stone, brick) or plantings. The sides to be screened must include the street facing side (west) as well as the north and south sides. The Zoning Administrator is authorized to review and approve alternative means of minimizing the appearance of this utility equipment consistent with Section 5.22.2(8c) of the HZR— e.g., art work.
5. Prior to a certificate of occupancy for the proposed multi-family residence, the following shall be completed:
  - a. The proposed 32-space parking lot, landscaping, sidewalks, connecting walkways, utilities, and other amenities shown the submitted plans.
  - b. The proposed stormwater treatment system for the lot #52 parking areas, the yard drains on lot #52, CB#12 on lot #53 and all the catch basin and stormwater discharge pipes to the proposed gravel wetlands. Certification from an appropriate, licensed professional that the stormwater system has been installed per the plans.
  - c. Patrick Road (to the Road 'B' intersection) and all of Road 'A', including the connection to the westerly end of Farmall Drive.
  - d. The parking area by the proposed 'enclosed dumpster' with access to Patrick Road.



6. The DRB approves a waiver per Section 5.21.5 of the HZR of minimum livable floor areas found in Section 5.21.4(3c) of the HZR as described in Findings of Fact #17.
7. Utility service shall be provided with underground lines as described on the plans. The proposed utility locations may be modified slightly when installed, due to unforeseen site constraints.
8. All exterior lighting shall be as described in Findings of Fact #16 and shall conform to the requirements of Section 5.29 of the HZR.
9. The hours of construction shall be from 7:00am to 6:00pm, Mondays through Saturdays.
10. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval. Deviations may be made from these plans if they are:
  - a) Approved by the designer, or equivalent, and
  - b) In conformance with the intent of this decision, and
  - c) Determined by the Zoning Administrator that they are not significant enough to require a formal revision to the DRB decision.

*Dennis Place*

Development Review Board

February 21, 2023

Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Branden Martin, Michael Webb and Jeff Daugherty.

Vote to approve: 5-0

**Pursuant to 24 V.S.A. § 4449(a)(4), this approval expires two years from the approval date if a permit for the proposed multifamily residence is not issued.**

**30-day Appeal Period:** - An "interested person", who has participated in this proceeding, may appeal this decision to the Vermont Superior Court, Environmental Division within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an "interested person".

Notice of the appeal, along with applicable fees, should be sent by certified mail to the Vermont Superior Court - Environmental Division. A copy of the notice of appeal should also be mailed to the Hinesburg Planning & Zoning Department at 10632 VT Route 116, Hinesburg, VT 05461. Please contact the Court for more information on filing requirements, fees, and current mailing address.

**State Permits:** - It is the obligation of the Applicant or permittee to identify, apply for, and obtain required state permits for this project prior to any construction. The VT Agency of Natural Resources provides assistance. Please contact the regional Permit Specialist at 879-5676 (111 West St, Essex Jct., VT 05452) for more information.

All new residential and/or commercial construction including additions, alterations, renovations, and repairs are subject to either the Vermont Residential Building Energy Standard (RBES) - 21 V.S.A. § 266, or the Vermont Commercial Building Energy Standard (CBES) - 30 V.S.A. § 53. A certificate of occupancy cannot be issued until the required RBES or CBES certification has been filed in the town records.