

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

**Hinesburg Center Investments, LLC
Final Plat Approval for a 22-lot/73 residential unit, Mixed-Use Subdivision
& Planned Unit Development (PUD)
Parcel Number 08-01-06.320**

Based on the public hearing and the documents contained in the “document” file for this proposal, the 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 final plat approval for a 22-lot/73 residential unit subdivision and PUD, referred to as the Hinesburg Center II development (HC2), which includes 15 single family residential lots, a 24 residential unit lot with two 9-plexes and one 6-plex, a 34 residential unit lot with 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 on proposed lots #50 & #51, and 2,800sf of light industrial space on proposed lot #53. 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. The subject 46.2-acre property is owned by the David Lyman Revocable Trust.
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. 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 Applicant concurrently with this application has applied for development in a floodplain/fluvial erosion hazard area and development in a stream setback area, which is essential for this subdivision application. The Applicant has also applied for two conditional use & site plan reviews for multifamily dwellings for proposed lots #52 and #70.
4. On July 16, 2019 the Applicant received sketch plan approval, and on February 9, 2021 the Applicant received preliminary plat approval, for 13 single family residences, one 9-plex and one commercial building. During this review the master plan for the entire development, which is required to be provided per Sections 3.1.1 and 4.5.5(3) of the Hinesburg Zoning Regulations (HZR), was extensively reviewed. These approvals were limited by available water and sewer allocations, which were obtained in August 2018. Additional allocations became available and were obtained February 16, 2022. The

- Applicant returned to the DRB and was approved on April 19, 2022 to revise their sketch plan application and for a waiver of preliminary plat to apply for the entire development shown in the master plan. Subsequently, prior to the final plat application submittal, the proposed development was reduced in size due to requirements from the Department of Environmental Conservation's River Program, which eliminated one single family residence, reduced one of the proposed 9-plex to a 6-plex and reduced the light industrial building from 4,600sf to 2,800sf.
5. The property is lot 32, the remaining land from several earlier subdivisions of the original Lyman property done by the Applicant. The proposed development is concentrated in the eastern 9.7 acres of the subject parcel that is located in the VG. The western 36.5 acres is located in the Agricultural Zoning District (AG). Only some proposed stormwater infrastructure, a proposed solar array and some existing & proposed recreation trails are proposed for the western portion of the property. HC2 revises and expands the Hinesburg Center I (HC1) project. The Applicant is utilizing the land in the HC1 development to assist with the developmental density of HC2.
 6. The original Lyman property has been subdivided numerous times. Its first subdivision approval was on August 5, 2004 to create a 37-unit residential neighborhood on Farmall Drive and Fredric Way, which created the Creekside neighborhood. This initial subdivision/PUD also separated off the Lyman Storage Barn property and two parcels (on the east and west sides of the property) that were subsequently donated to the Town by David Lyman. Not including minor revisions, the next major subdivision approval was on September 7, 2010 for the HC1 project. This subdivision was revised several times and required additional site plan, conditional use, and sign approvals. The construction of HC1 is complete. HC1 is owned by Hinesburg Center LLC.
 7. A proposed subdivision for HC2 received sketch approval on April 27, 2015, but was denied preliminary approval on December 6, 2016 because sufficient water and sewer allocations were not available for the proposed development. The Applicant received a new sketch plan approval for a partial build out of HC2 on February 21, 2017. That approval was extended several times, and expired on May 22, 2019. The Applicant received conditional use approval for fill in the flood hazard area for the HC1 project on September 7, 2010. Ahead of the first HC2 project sketch plan approval, the Applicant received conditional use approval for fill in the flood hazard area on December 17, 2013. This approval was based on a detailed analysis by a qualified consultant (Milone & MacBroom) that demonstrated that the proposed development would not result in any undue adverse impacts, pursuant to the flood hazard provisions in Article 6 of the Zoning Regulations. This approval expired on December 17, 2015.
 8. The subject parcel is currently undeveloped and in agricultural use. There are some trails used by the Public. The property borders HC1 to the east, the Creekside development to the south, Patrick Brook and the proposed Haystack Crossing development to the north and the LaPlatte River to the west. HC1 consists of multiple business and 18 residential dwelling units. Currently, businesses include Kinney Drugs (11,766sf), Dee Physical Therapy (2,928sf), Parkside Café (formally Bristol Bakery w/2,952sf), Blue Cottage

(gifts), and Ma & Pembum (leather goods). There is one vacant commercial space in the building where Blue Cottage and Ma & Pembum is located. The total floor area for these commercial spaces in HC1 is approximately 20,846sf.

9. The property currently has two 50-foot-wide road frontages on Farmall Drive. One is located at the Kailey's Way intersection. The other is at the looped end of Farmall Drive. These frontages will be part of two proposed right-of-ways. The HC2 development would create new frontages on three roads that are proposed to be dedicated to the Town.
10. The Applicant has calculated that the combined areas of HC1 and HC2 outside of the stream setback/buffer area as 11.47 acres. The base density per Section 3.6.2 of the Hinesburg Zoning Regulations (HZR) in the Village Zoning District is 4 units per acre. The number of units allowed per the base density is 45.88. As a Planned Unit Development (PUD) per Section 4.5.6(4) of the HZR, the Applicant can obtain density bonuses described in Sections 2.9 and 5.21 of the HZR, and may request modification or waivers of sections of the HZR. The Applicant is proposing to utilize 2 incentive points, one for 50% small dwelling size and one for 25% renewable energy, to obtain a 75% residential density bonus per Section 2.9 of the HZR. The Applicant is proposing to obtain an additional 40% residential density bonus by providing 20% of the base density units as perpetually affordable pursuant to the inclusionary zoning provisions in section 5.21 of the HZR. This would require 9 affordable housing units in the full buildout of this development, one of which already exists in the HC1 project. The Applicant, after consultation with the Hinesburg Affordable Housing Committee and the DRB, is proposing to convert two existing, market-rate HC1 units to be perpetually affordable. The remaining six perpetually affordable units will be new construction in the HC2 project. With a base density of 45.88 units and a bonus factor of 115%, the total number of units allowable would be 98. HC1 has 18 units. The Applicant can propose up to 80 units in HC2. Proposed for HC2 is 73 new residential units.
11. The proposed development requires conformance with the PUD requirements found in Section 4.5 of the HZR. The Applicant has stated that the proposed development is a full buildout of the property, so the plans provided are an overall master plan, which is required per Section 4.5.5(3) of the HZR. As a PUD per Section 4.5.6(4) of the HZR, the Applicant may request modification or waivers of sections of the HZR. The Applicant has requested the following waivers:
 - A smaller minimum lot depth of 95-feet instead of the 100-foot required depth required in Section 2.4 of the HZR.
 - A smaller minimum lot size of 4,250sf instead of the 6,000sf required in Section 2.4 of the HZR.
 - A smaller minimum lot frontage of 45-feet instead of the 60-feet required in Section 2.4 of the HZR.
 - A smaller building side yard setback of 7-feet instead of the 10-foot setback required in Section 2.4 of the HZR for the 15 single family residents.
 - To allow for the odd shape lot #70 property with the two 9-plex buildings and the 6-plex building a waiver from Section 2.5.6 of the HZR.

- To allow for road intersections that are less than 200-feet distant centerline to centerline a waiver from Section 6.1.6 of the Hinesburg Subdivision Regulations (HSR).
 - A waiver from Section 5.22.3(5) of the HZR, for the properties that have garages that access alleyway Road 'D', as described in Findings of Fact #23.
 - 7-foot front yard setbacks, instead of a 10-foot setback to Road B for the 9-plex that fronts Road 'A', 'Building G'.
 - A waiver to reduce the setback for lot #52 to the Kailey's Way right-of-way from 10-feet to 7-feet.
12. Conformance to 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. Conformance to Section 4.5.7(1) of the HZR requires that at least 50% of land in the agricultural zoning district (AG), where there is little proposed development, be greenspace.
13. This project is in the municipal water and sewer district. In August 2018, the Applicant received water and wastewater allocation for the previously approved sketch plan. The water and sewer allocations approved in 2018 were 7,452gpd and 5,004gpd respectively. The Applicant received an additional 11,463gpd of water allocation and 9,803gpd of sewer allocation on February 16, 2022 for the full buildout of this development, which is consistent with the plans provided.
14. The most dominant natural feature is the flood hazard areas associated with the LaPlatte River and Patrick Brook riparian areas, which includes the entire western area on the property located in the AG zoning district, and a portion of the area proposed for development in the Village zoning district. Within the flood hazard areas are fluvial erosion hazard areas, stream setback areas, wetland areas and a wildlife corridor area. Good agricultural soils are present throughout much of the property. The property is relatively flat with no steep nor moderately steep slope areas.
15. Access to the HC1, the HC2 property and the Creekside development is currently only from VT Route 116 through Farmall Drive and the access drive by the police and fire stations. The proposed development will be connected to Creekside in two locations from Farmall Drive and to HC1 through a parking area to Kailey's Way. There is also a planned connection to the proposed Haystack Crossing (Black Rock Construction) development to the north that would go over Patrick Brook. The proposed Patrick Brook crossing is shown on civil plan #2 and with details on civil plan #14.
16. Road 'A' would access Farmall Drive and extend to an area near the current end of Farmall Drive. Farmall Drive is proposed to be extended to Road 'A'. Road 'C', to be named Patrick Road, would connect Road 'A' to the Patrick Brook crossing and the Haystack development. Road 'B' would go between the western Farmall Drive and Road 'A' intersection traversing north past the proposed single-family homes and then turn to the

- east to meet Patrick Road. The proposed roads within HC2 would loop. There would not be any dead-end streets. The application proposes sidewalk and street trees on most of the roadways. Proposed is an 18-foot wide “alley way” labeled as ‘Road ‘D’ on the plans, which would provide for rear access to the carriage homes, the two 9-plexes and the 6-plex.
17. According to the submitted road profiles on civil plans #4 and #5, most of the roads in the proposed development will have grades that are less than 2%. Proposed Road ‘A’ would have a 4% grade with a length of about 90-feet rising from the Kailey’s Way and Farmall Drive intersection. Proposed Road ‘B’ would have a 5% grade for about 20-feet extending from the current end of Farmall Drive. Both of these grades will connect to vertical curves that transition the road grades to less than a 1% grade. 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.
 18. The Applicant submitted a traffic report, titled Exhibit 8, a revision to the report, and two additional diagrams, all by Roger Dickenson, P.E., that compared projected traffic volumes in 2028 between a no-build and build scenarios for the Farmall Drive / Commerce Street / VT Route 116 intersection. The report provides sound methodology and concludes that there would only be a minimal increase in traffic volumes and level of service. The importance of the Patrick Brook crossing was emphasized as a way to provide the Creekside, HC1 and HC2 developments with multiple points of access, and to reduce the overall traffic load at the Farmall Drive, Route 116, Commerce Street intersection.
 19. At the hearing the Applicant agreed that the Kailey’s Way/Farmall Dr./Road ‘A’ four-way intersection should have a four-way stop. The plans should also be updated to show crosswalks and stop signs from the parking areas accessing Patrick Road (Road ‘C’) and a stop sign from the parking area accessing Kailey’s Way.
 20. To provide pedestrian connectivity, the Applicant is proposing to place 10-foot-wide recreation paths on the south side of Road ‘A’ and on the west side of Road ‘C’/Patrick Road. In addition, 5-foot-wide sidewalks are proposed on both sides of Road ‘B’, on the north side of Road ‘A’, on the east side of Road ‘C’/Patrick Road and on both sides of the parking area between Road ‘C’/Patrick Road and Kailey’s Way. Road ‘C’/Patrick Road includes the Patrick Brook crossing and a connection to the proposed Haystack Crossing development. All the proposed streets will have 6-inch curbs for pedestrian safety.
 21. Order #12 of the 2010 DRB approval for HC1 required the “(Applicant followed by the future landowners of lots 39-48, and their Hinesburg Center Owners Association) shall be responsible for and cover the cost of extending pedestrian infrastructure (sidewalk or multi-use path) to the boundary line of the subdivision, north along Route 116. This extension shall be completed when a connecting sidewalk or trail is constructed on the adjoining Bissonette property to the north.” This connection was required pursuant to then Sections 4.3.4(1), 5.6.7 and 5.23.2(5) of the HZR and Section 6.2.2 of the HSR. A plan for this connection is provided on civil plan #13. The bridge is shown on various other plans.

The proposed crossing would be a bridge similar to the one built on the east side of VT Route 116 to cross Patrick Brook. The proposed bridge would be placed outside the VT Route 116 right-of-way. The Applicant's obligation to build this pedestrian connection was triggered in 2018 when the Town created a mowed-grass trail from Route 116 to the Town's Bissonette Recreation Area. The Applicant has been working with Town staff to satisfy this requirement as part of the HC2 project build out.

22. Plan L-101 shows four proposed trail easements. One would be located near to the LaPlatte that would be concurrent with an existing VAST trail easement. another would connect the access on the western end of proposed Road 'A' with the trail easement along the LaPlatte. The southern end of the easement along the LaPlatte is aligned with a VAST trail easement on a property that is co-owned by five residents of the Creekside development. A representative of these residents stated at the hearing that a Town recreational easement would need to be concurrent with the existing VAST trail. There is another proposed trail easement that is parallel to Patrick Brook. The remaining proposed easement would connect the easement near the end of Road 'A' with the easement along Patrick Brook and traverse the proposed stormwater pond. The Applicant agreed at the hearing to add a note that these easements may need to be moved if the final trail location is different than what is shown on the plan. Some concerns were raised by the Public about having a trail close to the LaPlatte River or Patrick Brook.
23. There are eight proposed single-family residences on the west side of proposed Road 'B' and six on the east side of Road 'B'. These have lot #56 through #69. The units on the east side would have garages that would be accessed from Road 'D', which would remain a private right-of-way. The proposed building envelopes would have 10-foot front and rear setbacks and 7-foot side yard setbacks. Section 5.22.3(5) of the HZR requires garages or other accessory buildings to be set back at least 10 feet farther back from the front property line than the principal structure. The Applicant is showing on the plans a further setback to Road 'D'. The Applicant has requested flexibility in where the driveways they will be placed and will accept a condition to ensure that this regulation is followed.
24. The two proposed nine-plex and the six plex on lot #70 are proposed to front either Road 'A' or Road 'C', and to have a one car garage adjacent to Road 'D'. The second required parking spot for these units would be between the garage and Road 'D'. To be able to have a car parked off of the Road 'D' right-of-way, the Applicant agreed to have at least 20-feet between the right-of-way and the garage. The Applicants are requesting a waiver of the 10-foot setback to 7-feet for the 9-plex described as building 'G' from Road 'B', which listed in Findings of Fact #11.
25. The Applicant is proposing to have 39 on-street parking spaces and 43 off street parking spaces on lot #52. 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. The Applicant

- submitted a shared parking calculation (HC-EX-3) and a HC1 parking study (HC-EX-4) to support their design.
26. The commercial lot #50 will front proposed Road 'A'. Commercial lot #51 will front both proposed Road 'A' and Road 'C' (Patrick Road). At preliminary plat review these lots were provided parking in the rear of the building that would be on proposed lot #52. Proposed lot #52 is proposed to have a 34-unit multifamily residence. Parking for this residence would be on the southern part of the property, which would be accesses from proposed Road 'C' and the existing Kailey's Way. Lots #50 and #51 have the required 10-foot setbacks.
27. The Applicant stated that he would own lots #50, #51, #52, #53 and #70 and would accept the following conditions:
- That these lots shall remain in shared ownership and would require a subdivision revision to individually sell lots #50, #51, #52, #53 and #70.
 - That the owner of these lots shall maintain Roads 'A', 'B' & 'C' with associated parking, sidewalks and landscaping until the Town takes over these roads.
 - That the owner will maintain the parking area on lot #52.
 - The parking areas on the roads and on lot #52, in addition to the existing parking in HC1, will remain open for public use.
28. The Hinesburg Official Map, last updated in February 2020, shows a variety of future public infrastructure is planned for the subject parcel. These elements include:
- A north/south through road connecting the Haystack Crossing property with this property – i.e., future community facility #14 & #15.
 - An east/west through road from the intersection of Kailey's Way and Farmall Drive west to the existing end of Farmall Drive – i.e., future community facility #16.
 - Sidewalks along the aforementioned new roads.
 - A trail along the LaPlatte River and various other connecting trails.
29. The plans provided appear to accommodate all of the future public infrastructure and facilities shown on the Official Map. Both the Official Map and Sections 3.5 and 3.6 of the HZR emphasize the need for a vehicle and pedestrian connection across Patrick Brook to provide north-south integration within the Village Growth Area. The Applicant has been working with the developer of the abutting Haystack Crossing LLC property to the north and has provided a memorandum of intent (MOI) to coordinate the financing for this connection. The Applicant has provided a design for a proposed culvert crossing of Patrick Brook.
30. The property currently is undeveloped and a relatively flat meadow. Most of the property discharges stormwater to the west toward the LaPlatte. On the northern portion of the property is Patrick Brook, which also discharges to the LaPlatte. Areas adjacent to Patrick Brook, including the HC1 stormwater system, discharge to Patrick Brook.
31. The proposed development will create more than ½-acre of new impervious surface, which will require a State stormwater permit and more than 10,000sf of new impervious requiring

conformance to the stormwater standards found in Section 6.6.2(1) of the HSR. The Applicant's submittals show a stormwater design separated in six areas. Drainage area (DA)-1 that includes 0.22-acres of the three proposed residences located on the northwestern portion of the project are to be drained by a disconnect. DA-2, which includes about 93% of the proposed impervious area discharges into curbed streets, to catch basins and stormwater pipes to a new gravel wetland. DA-2 would also treat a portion of HC1. DA-3, which treats, stores and discharges a low area by the Farmall Drive/ Kailey's Way/ Proposed Road 'A' intersection to the Creekside development. DA-4 treats about 100 linear feet of the proposed extension of Farmall Drive. DA-5 is a disconnect for the proposed pedestrian bridge. DA-AA shows the collection of stormwater discharge that comes to lot#30, including from the north side of the properties on the north side of Fredric Way, and from the west side of the properties on the eastern part of the Farmall Drive loop on the west side of Farmall Drive.

32. For the entire project the Applicant's stormwater designer has provided soil analysis showing a high-water table, which would allow for a waiver of recharge requirements. The proposed development will create 4.93-acres of new impervious area and treat an additional 0.27-acres from HC1. Since the proposed development will create and redirect less than 10-acres of impervious area, the Applicant can claim a waiver from treatment of the 100-year storm event, though conveyance of the 100-year storm event is required.
33. DA-2, which drains 4.60-acres of the overall 4.93-acres of impervious area to be treated discharges stormwater via curbed streets, catch basins and drainage pipes, to a proposed gravel wetland. 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/24-hour, requirement.
34. Stormwater discharge for DA-2, the Applicant has stated that they qualify for a waiver of the channel protection and 10-year storm event requirements because the drainage area exceeds 10 square miles. The Applicant provided data from a State Agency of Natural Resources website to demonstrate that the total drainage area where the outlet for the proposed gravel wetland would discharge into the LaPlatte is 17 square miles. The Applicant testified that a portion of the Patrick Brook traversing the Canal discharges to the LaPlatte upstream of the proposed gravel wetland outlet, which is why the Patrick Brook watershed is included in the area.
35. The Applicant provided a plan on civil sheet #3 and a detail on civil sheet #7 for the gravel wetland outlet, which as described by the Applicant at the hearing would have an energy dissipating stone berm to reduce the velocity of the discharge and would be able to spread out the discharge to reduce erosion.

36. The original stormwater modeling for DA-2 did not indicate that the proposed stormwater system could adequately convey stormwater discharge during a 100-year storm event. The Applicant increased the size of several stormwater discharge pipes and provided modeling to show that CB#1 through CB#4 could adequately discharge the 100-year storm event with stormwater directly going towards these catchbasins. The modeling showed that the outlet pipes for CB#6, CB#7, CB#8, CB#9 and CB#12 would not be able to convey the discharge from a 100-year storm event. However, stormwater discharge during 100-year storm event would be contained to the roadway and parking areas because the proposed diameter of CB#5 being upgraded to match that of CB#4, the rim elevation of CB#5 is lower than the end areas of Road 'C'/Patrick Road and the parking areas on lots #52 and #53, and the proposed buildings are higher than the rim elevation of CB#5.
37. Stormwater discharge for DA-3 would be provided water quality treatment utilizing a proposed filtration (Filterra) system. This system would be inspected annually for conformance to the State stormwater permit. Stormwater would be conveyed to an underground watertight storage system located on the northside of proposed Road 'A' that is shown on the plans and detailed on civil sheet 11A. This discharge would be retained by an underground 48-inch-diameter 282-feet of storage pipe. The discharge to the Creekside systems for the WQ, channel protection and 10-year storm events would be through a 1-inch orifice that would send 0.03cfs, 0.04cfs and 0.05cfs respectively to the Creekside system.
38. The existing peak discharge for the 10-year storm event of the Creekside stormwater system per modeling done by Otter Creek Engineering is 13.52cfs. The Applicant made the point that the proposed addition from the HC2 project represents a diminutive 0.4% increase. Since the peak discharges 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. The modeling provided indicated 270-linear feet of storage pipe. The system as shown on the plans has 282-feet of storage pipe plus additional storage in connection parts of the system. The Creekside stormwater system was not designed or evaluated for the 100-year storm event.
39. Maintenance cleanouts were added to the plans to provide maintenance. The Applicant's Engineer testified at the hearing that they review the possibility of floatation occurring and found that no anchoring would be required for the stormwater storage pipe. The Applicant's Landscape Architect 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.
40. Stormwater discharge for DA-4 would occur at a proposed bio-retention area. To ensure that discharge from the Farmall Drive extension and any bypass discharge on proposed Road "A" and 'B' does not go towards the Creekside development, the proposed Farmall Drive extension roadway would be superelevated directing stormwater into the bio-retention area. Stormwater discharge, according to the Applicant's Engineer, would be

retained and slowly released from the bio-retentions basin to catch basin OS-2 and then to existing catch basin EX-12 on Farmall Drive in Creekside.

41. There is no new impervious area discharging to DA-AA, which comprises much of existing lot #30. Portions of the Creekside neighborhood described in Findings of Fact #30 would drain also drain to lot #30. Lot #30 currently floods due to the berms placed to provide cover to the water and sewer mains that traverse the HC2 property and because it is very flat. Proposed is a regrading of lot #30 to provide some grade for drainage and the placement of a stormwater system that would convey stormwater away from lot #30 to proposed yard drains on lot #30 and then be conveyed to catch basin OS-2. This discharge would be retained by a 1-inch diameter orifice in OS-2 and an interior weir wall before discharging to existing catch basin EX-12 on Farmall Drive in Creekside.
42. Similar to the proposed maintenance for the parking, roads and landscaping infrastructure listed in Findings of Fact #27, stormwater maintenance for the overall development would be performed annually by the owner of lots #50, #51, #52, #53 and #70. The Applicant stated that prior to any of these lots be transferred separately, that they would return to the DRB to revise this approval by adding a shared maintenance agreement.
43. The Applicant provided a summary and plans to demonstrate the projects conformance to the low impact development (LID) requirement found in Section 6.6.2(5) of the HSR by clustering development, minimizing pavement widths, minimizing setbacks and frontages, open space preservation, site fingerprinting, impervious area disconnection, and soil conservation.
44. The proposed development will disturb more than ½-acre of area, which will require the Applicant to obtain a State construction general permit (CGP) for 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 Kailey’s Way intersection and one at the far end of Farmall Drive. It was acknowledged that the one at the Kailey’s 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.
45. For conformance to Section 5.1.11 of the HSR the Town Manager stated in an email that the Town would be able to provide this maintenance, if or when the Town takes over maintenance of the roads and sidewalks.
46. Champlain Valley School District (CVSD) has informed the Town that both Champlain Valley Union High School and the Hinesburg Community School should be able to accommodate the increases caused by this development.
47. 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.

48. The Applicant provided a detailed analysis as to how they could meet the renewable energy requirements for a density bonus per Section 2.9.2(3) of the HZR. 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.
49. Without the density bonus for renewable energy technology described in Findings of Fact #10, the density bonus would be reduced to 90%. This would allow for 87 (45.88*1.90) total residential units in both HC1 and HC2. With 18 residential units in HC1, HC2 could have 69 residential units, which is four less than the proposed 73 units. The Applicant has proposed a condition that a building permit that would include the 70th residential unit can not be obtained until the proposed renewable energy system is built.
50. The Applicant is proposing to provide nine affordable housing units, comprising 20% of the base density, 45.88 units, in order to obtain a 40% residential density bonus. For conformance to the general requirements for affordable units found in Section 5.21.4 of the HZR, and the density bonus requirements for affordable units found in Section 5.21.5 of the HZR, the Applicant and Staff met with the Hinesburg Affordable Housing Committee on November 29, 2022 and agreed to the following:
- That three of the nine units will be in HC1 each in a separate building. These units each have two-bedrooms.
 - 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.
51. The bedroom mix for the 80 market units would be 27.5% one-bedroom, 61.2% two-bedroom, and 11.2% three-bedroom. The bedroom mix for the nine affordable units would be 22.2% one-bedroom including a studio, 66.6% two-bedroom and 11.1% three-bedroom units. The six affordable units in the proposed 34-unit apartment building on lot #52 would include a studio, a one-bedroom, three two-bedroom and a three-bedroom unit.
52. The proposed affordable units in the 34-unit apartment building on lot #52 would not satisfy the minimum size requirements found in Section 5.21.4(3c) of the HZR, unless the DRB waives this requirement. The DRB stated its willingness to waive this requirement at the hearings.
53. Section 5.21.4(6) of the HZR requires that certificate of occupancies for the last 10% of market rate units occur after the certificate of occupancy has been issued to the last affordable housing unit. Since all six proposes new construction affordable units would be located in the 34-unit multifamily residential building ‘C’ on lot #52 and the three other units would be in HC1, the issuance of a certificate of occupancy for the lot #52 building and deed language file for all nine affordable units should be required before the issuance of certificate of occupancies are provided for the last 10% of market rate units. This equates to no certificate of occupancy for the 61st market rate unit without the development

- of the solar array and for the 64th market rate unit once the solar array has been built and is operational.
54. The Applicant has provided plans, L-100, L-200, L-201 and L-202, for a streetscape design with street trees in the proposed development. Shade trees are proposed on both sides of proposed Road 'A', 'B' and 'C', on the west side of proposed Road 'D', around portions of Building C/lot #52, in the common areas of Building C and lot #70, along the south side of Patrick Brook, on both sides of the trail extending west from Road 'A', and on lot #30.
55. 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. Additional planting budgets for lots #50, #51 & #53 would be \$6,000.
56. 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. 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. As described in the narrative and consistent with section 5.22.5(5), the Applicant is proposing a financial contribution in lieu of the providing all the required public open space. The Applicant proposes a contribution of \$41,925 to the Town for use in the planned improvements to the green space behind the Police Station and Fire Station – i.e., a future Town Common (aka lot 1 from the Creekside subdivision). The Select Board reviewed this contribution proposal at their May 4, 2022 meeting and recommended that the DRB consider and approve it.
57. Per 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 fully 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.
58. 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
59. Civil plans #2 and #3 show the locations for proposed water and sewer lines, underground gas and electric lines, and proposed pavement striping. 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.
60. The plans show building envelopes based on setback requirements and waived setback dimensions described in Findings of Fact #11. Development on lots #52 and #70 have been clarified with the conditional use and site plan applications for multi-family dwellings. Development on lots #50, #51 & #53 will require additional review by the DRB. Development on lots # 50 & #51 would need to meet required setbacks. Development on lot #53 will need to be similar to that shown on civil plan #2.
61. The Applicant submitted an irrevocable offer of dedication to the Town for the roads and trail easements.
62. Proposed lot #55, which is located in the southwest corner of the proposed development, has a class 2 wetland. The Applicant will need to obtain additional State approvals to develop this lot. The Applicant would like to reserve the opportunity to place one dwelling unit on this lot in the future with additional State approvals and DRB review. The plans do not show a building envelope for 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. The northern 40-feet of lot #55 is a trail easement with a proposed trail.
63. Dan Jacobs, President of the Creekside Homeowner’s Association requested that the streets of the Creekside development not be use by construction vehicles. The Applicant agreed at the hearing that they would start the project by developing Road ‘A’ and avoid using the streets of the Creekside development for construction vehicles.
64. Conservation Commission requested that the DRB require the western portion of the property to be placed in conservation. The DRB can limit development by requiring that all structures be placed in the proposed building envelopes. The western portion of the development would be limited to continued agricultural use, the proposed stormwater system, proposed trails, and the proposed solar array.

65. 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:
1. 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.
 2. Letter and application forms from the Applicant dated July 12, 2018 requesting water and sewer allocation.
 3. Page 3 of the Selectboard's August 16, 2018 minutes showing the allocation approval.
 4. A plan titled "Hinesburg Center II Coverage Calculations", by T.J. Boyle Associates., with sheet number EX-1, and dated September 9, 2020.
 5. A plan titled "Hinesburg Center II Greenspace Calculations", by T.J. Boyle Associates., with sheet number EX-2, and dated September 9, 2020.
 6. Shared Parking analysis dated May 12, 2022
 7. Parking study tabulation dated January 10, 2020
 8. Memorandum of Intent for Patrick Brook Crossing Cost-Sharing Agreement between the Applicant and Haystack Homes LLC.
 9. A plan titled "Overall Site Plan", by Lamoureaux & 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.
 10. A plan titled "Proposed Site Plan East", by Lamoureaux & 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.
 11. A plan titled "Proposed Site Plan West", by Lamoureaux & 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.
 12. A plan titled "Road A & B Profiles", by Lamoureaux & 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.
 13. A plan titled "Road C & D Profiles", by Lamoureaux & 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
 14. A plan titled "Road & Site Work Details", by Lamoureaux & 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.
 15. A plan titled "Sewer and Storm Details & Specifications", by Lamoureaux & 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.
 16. A plan titled "Water Details & Specifications", by Lamoureaux & 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
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.
24. 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.
25. A plan titled “Patrick Brook Sidewalk Crossing”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number 13 and dated 5/11/22 and with a revision date of 11/05/21.
26. 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.
27. A plan title “Subdivision Plat”, by Lamoureux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number PL-1 and dated 02-13-2020.
28. A plan title “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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. 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.
41. Six photos of proposed building ‘C’.
42. An elevation plan titled “Hinesburg Center II 6-Plex, by Rabideau Architects with exterior elevations, with project number 1912, with sheet number A201, and dated 03/08/22.
43. An elevation plan titled “Hinesburg Center II 6-Plex, by Rabideau Architects with exterior elevations, with project number 1912, with sheet number A202, and dated 03/08/22.
44. An elevation plan titled “Hinesburg Center II 6-Plex, by Rabideau Architects with Perspectives, with project number 1912, with sheet number A901, and dated 03/15/22.
45. An elevation plan titled “Hinesburg Center II 9-Plex, by Rabideau Architects with exterior elevations, with project number 1912, with sheet number A201, and dated 03/08/22.
46. An elevation plan titled “Hinesburg Center II 9-Plex, by Rabideau Architects with exterior elevations, with project number 1912, with sheet number A202, and dated 03/08/22.
47. An elevation plan titled “Hinesburg Center II 9-Plex, by Rabideau Architects with Perspectives, with project number 1912, with sheet number A901, and dated 03/15/22.
48. Five photos of existing 9-plex.
49. Letter from Rabideau Architects describing conformance to Architectural Standards received on January 3, 2023.
50. Hydraulic Evaluation Summary, Proposed Patrick Brook Crossing by Matt Murawski, P.E. of Ripple Natural Resources LLC, dated July 20, 2022.
51. Response to Ripple report of July 20, 2022 from Kyle Medash VT DEC Rivers Program dated 9/22/2022.
52. Hinesburg Center II – Additional Hydraulic Information by Matt Murawski, P.E. of Ripple Natural Resources LLC, dated October 4, 2022.
53. Response to Ripple report of October 4, 2022 from Kyle Medash VT DEC Rivers Program dated 11/15/2022.
54. 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.

55. VT ANR DEC Individual Wetlands Permit 2021-237.01 dated November 8, 2022.
56. VT ANR DEC Watershed Management Division, Authorization to Conduct Instream Work, Permit #SA-3086.
57. Stormwater Narrative Hinesburg Center - Phase II - Revised May 2022 with maps, worksheets and modeling.
58. A plan titled “Stormwater Existing Conditions”, by Lamoureaux & Dickinson Consulting Engineers, Inc., with project number 19054, and with sheet number STX and dated 5/11/22.
59. A plan titled “Stormwater Layout and Drainage Areas”, by Lamoureaux & 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.
60. Revised stormwater modeling dated November 22, 2022.
61. Revised stormwater modeling for Catchbasins CB1 through CB4 dated 12/20/22.
62. Creekside HydroCAD modeling dated 2/26/2004 by Llewellyn Howley Inc. & 7/12/2016 by Otter Creek Engineering, Inc.
63. Technical Memorandum, Updated Traffic Impact Assessment by Roger Dickinson, P.E., PTOE, dated April 25, 2022.
64. 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.
65. Declarations, Road offerings and Recreation easement (22517/017)

66. During the full application process, many email and letters of concern were received and reviewed. These became part of the project file. Additional comments on this application were provided at the hearings, which were included in the meeting minutes.

67. 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.

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

CONCLUSIONS

1. The Applicant has submitted a complete Final Plat application as required per Section 4.2 of the HSR.
2. Approval for development in a floodplain, fluvial erosion hazard, and stream setback as described in Findings of Fact #3 is required for this development to be able to function.
3. As described in Findings of Fact #1 & #8, Hinesburg Center, both HC1 & HC2, will have a vibrant mix of residential and non-residential development, adequately maximize development, and would maintain some reasonable scenic vistas in conformance to Sections 3.1 and 3.5 of the HZR.
4. Since this development will be a full buildout of the property, the Applicant has satisfied the master plan requirement of Sections 3.1.1 and 4.5.5(3) of the HZR.
5. The proposed list of dimensional waivers listed in Findings of Fact #11 are reasonable and approvable per Section 4.5.6(4) of the HZR.
6. The proposed greenspace described in Findings of Fact #12 conforms to the PUD standards of Section 4.5.7 of the HZR.
7. The proposed development's water and sewer allocations described in Findings of Fact #13 are in conformance with Sections 5.1.8, 5.1.9, 6.7 and 6.8 of the HSR. Expansions of use, both residential and non-residential, which would require additional water and sewer allocations, but would not require DRB review for any other criteria, would not require an amendment to this approval.
8. The proposed development will preserve and protect much of the existing natural features described in Findings of Fact #14 as required per Section 5.1.2 of the HSR. Aside from the proposed solar array, over which the Town has no regulatory jurisdiction, relatively little development is proposed in the most sensitive portion of the property – i.e., the western portion and the confluence of Patrick Brook with the LaPlatte River. The proposed impacts to the flood hazard areas are limited to the eastern portion of the property that are adjacent to developed areas (HC1 and Creekside projects), and generally within the area the Town has planned for growth (e.g., Village Zoning District, Town water/wastewater service area).
9. There are no known cultural or historical resources on this property. Should a letter describing such resources be required for ACT250 review, then providing such to Planning and Zoning staff is recommended, and would help satisfy the requirements of Section 5.1.3 of the HSR.
10. The open spaces and trails that would exist on the western portion of the property along with greenspace on lot #30 and public open space and facilities on lot 70 and nearby Town-owned land (Bissonette Recreation Area, future Town Common) will provide

- sufficient open space for active and passive recreation in conformance to Section 5.1.4 of the HSR.
11. The proposed residential density described in Findings of Fact #10 is allowable and compatible with the Town Plan for the area in conformance with Section 5.1.5 of the HSR and Section 2.4.2 of the HZR.
 12. As described in Findings of Fact #10, the proposed development conforms with the density bonus requirements of Sections 2.9 and 5.21 of the HZR. The Applicant may decide to modify the density as described in Finding of Fact #49 and Conclusion #28. However, as rigorously designed project within a defined master plan, eliminating four dwelling units should be carefully considered and reviewed. If the development density is reduced, the Applicant shall return to the DRB to revise the subdivision accordingly.
 13. The proposed roadways, as described in Findings of Fact #16, #17 & #18, extend to the boundaries of the property (excluding the westerly flood hazard area) in conformance to Section 6.1.2 of the HSR, do not have dead end streets in conformance to Section 6.1.5 of the HSR, and have good accessibility and sight distance in conformance to Sections 6.1.7 & 6.1.8 of the HSR
 14. The proposed roadways, as described in Findings of Fact #16, #17 & #18, would have reasonable grades, provide good access to the lots and have safe intersections for conformance to Section 6.1.3 of the HSR, but would need some additional stop signs and pavement striping as described in Findings of Fact #19. The number of access points to the existing road network is not excessive and conforms to Section 6.1.12 of the HSR.
 15. As described in Findings of Fact #15, the proposed access points of proposed Road 'A' into Farmall Drive on both sides, and through the parking area between the proposed Patrick Road and Kailey's Way would provide good interconnectivity between HC2, HC1 and the Creekside development.
 16. As described in Findings of Fact #18 the Applicant provided a traffic report showing the project should not adversely impact the Farmall Drive, VT Route 116 intersection. However, the proposed Patrick Brook crossing is necessary to provide adequate and convenient access to the approved Haystack Crossing project's adjacent road and sidewalk network and the nearby Bissonette Recreation Area. This crossing constitutes an important second point of access to the HC2 project and allows for connectivity to improve emergency vehicle access, pedestrian safety, and impacts to VT Route 116 traffic levels. The memorandum of understanding with the Haystack Crossing developer showing a commitment to the proposed Patrick Brook crossing, and demonstrates full conformance to Section 5.1.6(2) and Section 6.1.12.
 17. The pedestrian connectivity described in Findings of Fact #20, #21 and #22 provide conformance to the pedestrian traffic and safety required in Sections 5.1.6, 6.2.1, 6.2.2 and 6.2.3 of the HSR. As noted in Findings of Fact #22, the trail easements may need to be moved depending on the final trail location.

18. As described in Findings of Fact #23 & #24, parking for the single-family residences, for the carriage homes, the six-plex and the two nine-plexes would be provided in the individual residential units. Add the additional parking that is available to assist the development on lot #52 as described in Findings of Fact #25, and shared with future development described in Findings of Fact #26 demonstrates conformance to Section 5.5 of the HZR.
19. Findings of Fact #23 & #24 also describes how lots #56 through #69 need to provide the additional setback area for the garage as required by Section 5.22.3(5) of the HZR and to provide that second parking spot required for full conformance to Section 5.5 of the HZR.
20. The Applicant's maintenance proposal described in Findings of Fact #27 and #42 to maintain all the infrastructure at no cost to the owners of lots #56 through #69n is reasonable. The Applicant or future Owner would need to return to the DRB with a shared maintenance agreement prior to individually selling lots #50 through #54 and Lot #70.
21. As described in Findings of Fact #28 & #29, the Applicant has accommodated the future community facilities shown on the Official Map as required in Section 3.1.1 of the HZR and for pedestrian connectivity required in Section 3.5 of the HZR.
22. The proposed stormwater system as described in Findings of Fact #30 through #42 shows conformance to the standards of Section 6.6.2 of the HSR, including conveyance of the 100-year storm event.
23. The Applicant will need to obtain a State stormwater permit prior to the issuance of the first building permit for this project.
24. As described in Findings of Fact #43, the Applicant demonstrated conformance to the stormwater LID requirements of Section 6.6.2(5) of the HSR.
25. As described in Findings of Fact #44, the Applicant demonstrated conformance to the erosion control required per Section 6.6.1 of the HSR. This project will need to obtain a State CGP approval.
26. The Town Manager's determination that the Town could maintain the proposed roads and sidewalks as described in the plans and Findings of Fact #45 and the school being able to accommodate the additional students as described in Findings of Fact #46 demonstrates conformance to Section 5.1.11 of the HSR. Currently, the Town has made no commitment to taking over the roads and sidewalks, and that such a decision rests solely with the Select Board, presumably after an adequate, post-construction proving period.
27. The renewable energy proposal and siting described in Findings of Fact #47 demonstrate conformance to Section 5.1.12 of the HSR.

28. The analysis described in Findings of Fact #48 would provide the renewable energy requirements for a density bonus. The condition requiring that the renewable energy system be built and then certified conforming to the analysis as described in Findings of Fact #48 & #49 would satisfy the density bonus requirement of Section 2.9.2(3) of the HZR.
29. The Applicant's proposal, which was negotiated and agreed to by the Hinesburg Affordable Housing Committee, described in Findings of Fact #50, is sufficient in number to conform to Section 5.21.5 of the HZR, would be sufficiently integrated into the development in conformance to Section 5.21.4(1) of the HZR. As described in Findings of Fact #51, the affordable/inclusionary dwelling units would have the same bedroom mix as the market rate units in conformance to Section 5.21.4(2) of the HZR.
30. The waiver request of Section 5.21.4(3c) of the HZR from minimum affordable unit size as describe in Findings of Fact #52 is reasonable. Smaller size dwelling units are proposed for both market-rate and affordable rental units in the apartment building on lot #52. As such, the smaller sizes will not make the affordable units less desirable, but will instead provide a wider range of unit sizes to help accommodate a variety of household sizes and needs.
31. As described in Findings of Fact #53 for conformance to Section 5.21.4(6) of the HZR, a certificate of occupancy for the 34-unit multifamily residential building on lot #52 shall be issued and deed certification for the affordable housing units should occur prior to the issuance of a certificate of occupancy for the 61st market rate unit without the proposed solar array being built or the 64th market rate unit with the building and operation of the proposed solar array.
32. The streetscape design described in Findings of Fact #54 conforms to the shade tree requirement of Section 6.4 of the HSR.
33. The proposed landscaping described in Findings of Fact #55 conforms to the landscaping requirements of Section 6.5 of the HSR. The Applicant's landscape architect will continue the review to ensure that there are no conflicts between the landscaping and proposed utilities and stormwater infrastructure.
34. The proposed public open spaces, as described in Findings of Fact #56, conforms to the requirements of Sections 4.5.7(2) and 5.22.5 of the HZR.
35. The proposed street lighting, as described in Findings of Fact #57 and #58, conforms to the requirements of Sections 5.29 of the HZR and Section 6.3 of the HSR.
36. The plans, as described in Findings of Fact #59, show the utility lines required by Section 6.9 of the HSR. Placing the utilities underground conforms to Section 6.9.1 of the HSR. The Applicant will need to coordinate the placement of utilities with the Town Manager's Office. Some changes due to on site conditions may require modification, which will not require further review from the DRB.

37. The building envelopes as described in Findings of Fact #60 conform to the requirements of Section 6.10.7 of the HSR.
38. The request to allow for one dwelling unit on proposed lot #55 as described in Findings of Fact #62 after additional DRB review for a subdivision revision and development in a floodplain is reasonable. Although residential density has been allocated to the is lot, there is no assurance that it is actually suitable for development. That determination will be made if and when a subdivision revision application is reviewed.
39. The request by the Creekside Homeowner's Association, agreed to by the Applicant to utilize proposed Road 'A' for construction vehicular access to support vehicular and pedestrian safety per Section 5.1.6 of the HSR is reasonable. Running construction traffic through the Creekside neighborhood is unnecessary and would have adverse impacts on both the neighboring landowners and the Town road.
40. Per the Conservation Commission request, the DRB can not require land to be placed in conservation, but can limit development as described in Findings of Fact #64.
41. Pursuant to Section 4.2.2(3) of the HSR, the establishment of a performance bond, an escrow or a 3-party agreement is needed to secure the completion of critical project infrastructure (public and private) listed below. Formal drafting of this legal agreement with the Selectboard will occur subsequent to this approval, and before any site work begins. It is appropriate to allow the details of this legally binding financial surety to be worked out with the Selectboard after final plat approval since additional permits (e.g., Act 250) may be required, and since construction costs cannot be fairly estimated until after all permits are obtained and the construction timeline and sequencing can be formalized. The 3-party financial surety agreement shall cover, at minimum, the following:
 - a. Roads, sidewalks and related infrastructure, including the Patrick Brook crossing, in the road rights of way – e.g., street trees, street lighting.
 - b. Water distribution lines, wastewater collection lines, fire hydrants, and related items – e.g., wastewater pump stations.
42. The project should remedy the long-standing flooding issue on lot 30. However, the flooding issue could be exacerbated during the construction of the HC2 project if the installation of the related grading and stormwater systems is done too late. As such, grading and stormwater infrastructure serving this portion of the development should happen in the first construction phases. These improvements should be installed and functional prior to the issuance of any building permits.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants final plat approval to the proposed 22-lot/73 residential unit Hinesburg Center 2 subdivision and PUD subject to the conditions listed below.

1. Two full size hard copies and one digital version (PDF format) of final surveys and any revised plans shall be submitted to the Planning & Zoning Office prior to filing the survey mylar in the Town records.
2. In accordance with State statute, the survey mylar, containing a date and signature of approval of the Development Review Board, of this subdivision shall be recorded in the Hinesburg Land Records within 180 days (or 270 days if permitted by the Zoning Administrator pursuant to the Subdivision regulations, section 7.5) of this approval and before any property is transferred.
3. Prior to the filing of the survey mylar in the Town records, the Applicant shall update civil plan #2 to show the additional Stop signs and crosswalks described in Finding of fact #19.
4. Prior to the filing of a mylar, the Applicant shall update the overall plat as described in Findings of Fact #22 to add a note stating that the trail easement location may change and update the stormwater easement on lots #50, #51 and #70 to maintain the underground stormwater storage.
5. A note stating that utility line locations may change due to subsurface conditions or as directed by the Town's Utility Department/Department of Public Works shall be placed on civil plans #2 & #3 prior to the filing of the survey mylar in the Town records.
6. The DRB approves the dimensional waivers from Section 2.4 of the HZR described in Findings of Fact #11.
7. The proposed amenities described in Findings of Fact #54 for lots #52 and #70 shall be placed prior to the issuance of a certificate of occupancy for each lot respectively. This also applies to the proposed plantings required to screen the proposed transformers.
8. Development on proposed lots #50 & #51 per Findings of Fact #1 & #8, and Conclusion #3 shall be a non-residential use. The proposed floor areas shall be approximately 6,000sf each. Any deviation of 600sf or more shall require a subdivision revision. If the proposed development is significantly larger, the Applicant shall update the parking study to address any parking concerns.
9. Development on proposed lot #53 shall per Findings of Fact #1 & #8, and Conclusion #3 conform to the definition of light industrial use or a functionally similar use type (i.e., not principally retail, restaurant, service establishment). The proposed floor areas shall be approximately 2,800sf each. Any deviation of 280sf or more shall require a subdivision revision. If the proposed development is significantly larger, the Applicant shall update the parking study to address any parking concerns.
10. Irrevocable offers of dedication and related property and easement deeds described in Finding of Fact #61 shall be finalized with the Selectboard prior to submission and recording of the final plat mylar. The irrevocable offers of dedication shall be submitted to the Town Clerk for recording within 30 days of the subdivision survey mylar being

recorded. This should include proposed Town roads, sidewalks, trails, and water and wastewater distribution lines with the corresponding deeds, and easements to cover public use while these elements remain in private ownership.

11. The proposed payment to the Town to satisfy the public open space requirements described in Findings of Fact #55 and Conclusion #33 shall be provided to the Town prior to the issuance of the first building permit.
12. Maintenance of project roads and sidewalks shall be the responsibility of the owner as described in Findings of Fact #27 and will include winter snow removal and related treatment to ensure year-round vehicular, bicycle, and pedestrian access, until such time as the Town may assume ownership and these responsibilities.
13. Per Conclusion #20, in Findings of Fact #27 and #42, prior to lots #50 through #54 and lot #70 being in different ownership, the owner shall return to the DRB with an appropriate maintenance agreement in a subdivision revision application
14. Prior to site work and the issuance of any zoning permits, the Applicant shall have placed any required erosion control measures either as shown on the submitted plans as described in Findings of Fact #44 or in conformance with a State CGP.
15. Road 'A' shall be constructed to allow use by construction vehicles prior to development on any lot in this development.
16. Grading and stormwater infrastructure serving lot #30 shall be installed as part of the initial project site work, and shall be functional prior to the issuance of any building permits.
17. Prior to any certificate of occupancy in the proposed development, the receiving stormwater infrastructure shall be built and certified by a qualified and licensed professional that the infrastructure was built in conformance to the plans. This certification shall be provided to the Zoning Administrator.
18. Prior to the issuance of a certificate of occupancy for any of the structures, the pedestrian bridge over Patrick Brook as described in Findings of Fact #21 located near VT Route 116, and as shown on civil plan #10 shall be completed.
19. As described in Findings of Fact #23, the garages for lots #64 through #69 shall be set back at least 20-feet from the Road 'D' right-of-way.
20. Affordable housing as described in Findings of Fact #50 shall be placed in conformance with Section 5.21 of the HZR. The Applicant shall provide the Planning & Zoning Office with information necessary to assess conformance – e.g., amount of rent and utilities, renter income eligibility, number of bedrooms, unit location and size, etc.

21. As described in Findings of Fact #53, a certificate of occupancy for the 34-unit multifamily residential building on lot #52 and deed certification for the affordable housing units shall occur prior to the issuance of a certificate of occupancy for the 61st market rate unit without the proposed solar array being built or the 64th market rate unit with the building and operation of the proposed solar array.
22. As described in Findings of Fact #49, a permit for the 70th residential unit shall not be approved until the proposed renewable energy system is certified as being constructed per the plans.
23. The proposed landscaping and amenities described in Findings of Fact #54 & #55 and the street lighting described in Findings of Fact #56 & #57 shall be placed prior to a certificate of occupancy for any adjacent development.
24. The waiver request described in Conclusion #31 and Findings of Fact #52 from minimum apartment size of Section 5.21.4(3c) of the HZR is granted.
25. Subject to Town and State approvals, the Applicant shall, in coordination with the developer of the Haystack Crossing project, build the Patrick Brook crossing as described in Findings of Fact #15. It shall be built when adjacent sections of Patrick Road are constructed in both projects, and in any case, no later than three years from the date of this approval. Note that Patrick Road is labeled as Center Road in some of the Haystack plans and as Road 'C' in the Hinesburg Center 2 plans.
26. Except for the creation of trail connections, no development shall occur on lot #55 without further review by the DRB.
27. The Applicant shall provide to Planning and Zoning a signed letter describing the findings of the archaeological study from the Division of Historic Preservation, which is required for ACT250 review, when it is available.
28. The Applicant shall provide the Town with all currently unpaid water/wastewater application and holding fees prior to the first building permit being issued.
29. All proposed structures shall be located in the building envelopes as shown on the survey plat.
30. The building envelopes shall be staked, if requested by the Zoning Administrator, prior to a building permit application being deemed complete and/or prior to a request for a certificate of occupancy.
31. 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.

32. Prior to construction of any of the proposed roadways, all water and sewer lines shall be reviewed and approved by the Town's Department of Utilities and Facilities (or future equivalent). Changes to the design as shown on the submitted plans will be acceptable with Department of Utilities and Facilities approval.
33. The Applicant shall cover the cost for the Town to hire a qualified professional to review the road construction and aggregate depth for each road segment for conformance to the approved plans.
34. Prior to the placement of each building foundation, the surveyor of record shall provide a certification to the Zoning Administrator that the building foundation would be located per the plans and with the required setback. Per section 7.2 of the HSR, section 5.28 of the HZR, and note #14 of the Planning & Zoning Fee Schedule, at the request of the Zoning Administrator, the DRB reserves the right to hire an independent contractor/professional, at the expense of the applicant, to verify site layout any time prior to the issuance of a certificate of occupancy.
35. Prior to the issuance of certificates of occupancy for each building, a qualified and licensed professional shall submit a letter to the Zoning Administrator certifying/documenting the following:
 - a. The structure location is within in the approved location, and that the necessary site improvements for the structure (e.g., stormwater/erosion control, landscaping, sidewalks, etc.) have been installed per the plan and this approval.
36. The required performance bond, escrow or 3-party agreement (see Conclusion 39) shall be finalized with the Selectboard, and be fully in place (e.g., with 3rd party lending or bonding institution) prior to the commencement of any site preparation and manipulation, including but not limited to, earth moving, tree clearing, etc.
37. All blasting shall be done by a licensed, insured contractor, utilizing all current industry safety standards. Any blasting or pounding shall occur only between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and not on holidays. Neighbors of any blasting and pounding to take place shall be given as much notice as possible.
38. The hours of construction shall be from 7:00am to 6:00pm, Mondays through Saturdays. Once a building has been enclosed, work can continue inside the buildings beyond the listed hours of construction that will not generate noise observable outside the building. This additional hour work can not include deliveries.
39. 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

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 Applicants 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.