

**8-LOT SUBDIVISION FINAL PLAT, PLANNED UNIT DEVELOPMENT & DEVELOPMENT ON A PRIVATE RIGHT-OF-WAY**

<p><b>Owner &amp; Applicant:</b> PR&amp;R Development LLC, c/o Pat Minor and Renee &amp; Ryan Mobbs, P.O. Box 564, Hinesburg, VT 05461</p>	<p><b>Designers/Surveyor:</b> Jason Barnard, Scott Baker &amp; Michael Gervais, L.S., Barnard &amp; Gervais LLC, 10523 VT Route 116, Hinesburg, VT 05461</p>
<p><b>Stormwater Engineer:</b> Jeff Olesky, P.E. Catamount Engineering, PLLC, P.O. Box 65067, Burlington, VT 05406</p>	<p><b>Property Location, Tax Map #, Area &amp; Zoning District:</b> 340 Observatory Road, 09-01-69.100, 61.26-acres, Rural Residential 1 (RR1) Zoning District.</p>

**BACKGROUND** – PR&R Development LLC, hereafter described as the Applicant, is requesting Final plat approval of an 8-lot subdivision of their 61.26-acre property located on the west side of Observatory Road in the Rural Residential 1 Zoning District (RR1). The property is Tennessee shaped with a very long east to west distance, a shorter north to south distance and with eastern and western edges orientated southwest to northeast. The seven proposed new lots with residences would be clustered on the eastern portion of the property near the maintained portion of Observatory Road, with the existing residence, lot #1, retaining the westernmost 37.69-acres. Lot #2 would have 9.24-acres. Lots #3 through #8 would approximately have 2.92-acres, 2.43-acres, 1.68-acres, 1.91-acres, 2.66-acres and 2.73-acres. The Applicant is also requesting to increase the size of the existing lot #1 building envelope from about 60,000sf (1.4-acres) to about 88,000sf (2.0-acres). Aside from the Applicant’s home and access, most of the property is currently undeveloped forest.

The Development Review Board (DRB) visited the property on July 19, 2022, prior to the DRB meeting. The Applicants received sketch plan approval on August 2, 2022, which was extended on December 20, 2022. The Applicants received preliminary plat approval on September 5, 2023. Representing the Applicant at these hearings were Renee and Ryan Mobbs, and Pat Minor. The Applicant’s design team includes Jason Barnard and Scott Baker from Barnard and Gervais, and Jeff Olesky, from Catamount Engineering.

This property was once part of a larger property that had just over 100 acres, and spanned from North Road to Lavigne Hill Road. This property was separated from the larger, original parcel in 2003 with zoning permit 2003-53 for a forestry lot. On September 21, 2021, the Applicant received DRB approval for a subdivision revision, which established a building envelope on the property. The survey for this revision is recorded on map slide 248 in the Hinesburg land records. On October 5, 2021, the Applicant received a zoning permit for a dwelling on the property, which is the only development on the property.

The Applicants have provided three professional survey plats. PL-1 shows the entire 61.26-acre property with all eight properties, and delineates the existing and proposed building envelope for lot #1. PL-2, shows the buildable portion of proposed lot #2, and all of proposed lots #3, and #4, with bearings and distances of the lot perimeters, the building envelopes with ties to the perimeter survey, the location of a vernal pool and corresponding buffer area, stormwater treatment easement, utility easements and the shared access easement for lots #2 & #3. PL-3 shows all of proposed lots #4 through #8, with bearings and distances of the lot perimeters, the

building envelopes with ties to the perimeter survey, the location of preserved wildlife areas, stormwater treatment easement, utility easements and the shared access easement for lots #4 through #8. The standard utility notes are provided.

The property is located in the RR1 outside of the municipal water and sewer district, which per Table 1 of Section 2.4 of the Hinesburg Zoning Regulations (HZR) requires a minimum lot area of 3 acres. The acreage could theoretically allow for up to 20 three-acre residential units as a conventional subdivision and 25 units as a Planned Unit Development (PUD). The resources on this property limit the potential number of units to a smaller amount. To allow for lots that are smaller than three-acres, the Applicant is proposing a PUD that would conform to the regulations for found in Section 4.5 of the HZR.

Table 1 of Section 2.4 of the HZR requires a frontage of 200-feet, unless this is modified with a PUD as permitted per Section 4.5.6(3) of the HZR. The proposed frontages on to Observatory Road include 200.00-feet for lot #1, 374.12-feet for lot #2, 225.00-feet for lot #3, 621.24-feet for lot #4, 290.92-feet for lot #6, and 199.25-feet for lot #8. Lot #8 would also have the 191.70-feet of frontage on North Road, for a total frontage of 390.95-feet. Lots #4 through #8 would have frontage on a proposed private road. Lots #5 and #7 would only have frontage on a proposed private road. Lots #5 and #7 would have 141.12-feet and 148.23-feet of frontage respectively, which are less than 200-feet required in Section 2.4 of the HZR.

Section 4.5.6(3) of the HZR allows the DRB to modify some of the zoning regulations. In addition to a smaller lot size, the Applicant is going to need a reduction of front yard setback from a shared right-of-way for proposed lots #3, #6 and #8, and a reduction in required frontage for lots #5 and #7.

Section 4.5.1 of the HZR requires a master plan for the entire property. The Applicant testified at the preliminary plat hearing that this proposed subdivision is a full buildout of the property. Section 4.5.7(1) of the HZR requires no less than 25% of the land be preserved. The Applicant is proposing to preserve 18.84-acres of the total 61.26-acres, which calculates to be 30.75% of the total property area, as a greenspace wildlife corridor and upland refuge habitat. Acceptable greenspace areas include identified wildlife travel corridors per Section 4.5.7(1d) of the HZR and upland forest land per Section 4.5.7(1b) of the HZR. The Applicants submitted covenants that limit clearing to the building envelopes, roadways, wells and wastewater treatment.

These proposed lots would be accessed from Observatory Road, which connects to North Road, which is a class 2 Town roadway. Observatory Road is a Town owned property, but not a Town road. The portion between North Road and VT Astronomical Society's observatory, located at the former entrance to the closed capped Town landfill, is partially maintained by the Town. The Town Manager and the Selectboard have stated that continued maintenance of this portion of Observatory Road is not guaranteed in the future. The remainder of the access is not maintained by the Town. The covenants provided by the Applicant include language for shared maintenance of Observatory Road.

Concern was raised at sketch plan regarding the legal access to Observatory Road. The Applicant provided legal documentation, which was confirmed by the Town Manager's Office,

that the Applicant could utilize the Observatory Road property for access in this subdivision. Curb cut approvals were obtained by the Applicant from the Town Manager's Office for the proposed accesses to lots #2 through #8.

Proposed lots #2 & #3 will share one access from the section that is west of the observatory. Lots #4 through #8 will share an access from the northern portion of Observatory Road. Since the proposed access to the proposed lots would be through a right-of way, approval for development on a private right-of-way in conformance to Section 4.4 of the HZR is required. Observatory Road as a shared right-of-way has a width of 60-feet. The two proposed shared right-of ways for lots #2 through #8 would have a width of 50-feet. A 50-foot minimum access to developable lots is required per Sections 5.7.1(1&2) of the HZR. Section 4.4.5 of the HZR allows review for development on a private right-of-way to be included with subdivision review.

The Applicant has proposed on the plans an emergency vehicle turnaround for the shared access for lots #4 through #8, which appears to be sufficient in conformance to Section 4.4.1(3) of the HZR. The Applicant's plans did not clearly show an emergency vehicle turnaround for the access to proposed lots #2 & #3 as part of a final plat application as required in Order #3 of the preliminary plat approval.

The existing Observatory Road appears to have grades that are less than 10%. The Applicant agreed at preliminary plat that the proposed traveled width from North Road to the proposed shared access of lots #2 and #3 shall be a consistent 18 feet. In addition, the shared right-of-way will have an access roadway with an 18-foot width to the end of the shared right-of-way at the proposed turnaround between the lot #7 and lot #8 driveways. Order #4 of the preliminary plat approval requires this width be shown on the plans. The plans do appear to show that the proposed shared access for lots #2 and #3 would have a width of 14-feet.

The two proposed shared right-of-ways, according to the Applicant's Designer, were designed to have grades that did not exceed 10%. Lots #2, #5 and #7 have a portion of their driveways that would have grades that were greater than 10%, but designed to not exceed 12% grades. The portions of the lots #5 and #7 accesses with grades greater than 10% do not appear to be very long and are relatively straight. The proposed driveway for lot #2 is long and curved with most of its length of more than 250-feet being a 12% grade. The Applicant, as required in Order #5 of the preliminary plat approval widened the steeper portion of the lot #2 driveway to a consistent 14-feet to allow for better emergency vehicle access.

The proposed lots would each have their own wells and septic systems. The Applicant obtained State wastewater system and potable water supply permit WW-4-5629-1 for conformance to Sections 5.1.8, 5.1.9, 6.7 and 6.8.3 of the Hinesburg Subdivision Regulations (HSR). The permit acknowledges the existing residence on lot #1 having a system that can provide a 4-bedroom single family residence and a 2-bedroom accessory apartment. The permit approves lots #2, #6, and #8 to have 5-bedroom single family residents, lots #3, #4, and #5 to have 4-bedroom single family residents, and for lot #7 to have a 3-bedroom single family residence. The subdivision narrative states that there are seventeen existing water supply wells within ¼-mile of the proposed lots 2 through 8 drilled well sites with an average dept of 542-feet and yield of 7.5 gallons per minute. The submitted narrative lists the proposed bedroom count differently than

the approved State permit and other submittals. The State permit is considered as what is proposed.

To the south of the Applicant's property is the capped old Town landfill, which the containment recently required repair. There has been contamination of nearby wells in the Forest Edge community and at the Town Highway Garage facility. Section 3.2 of WW-4-5629-1 requires testing well water for arsenic, escherichia, coli (E. coli), fluoride, lead, manganese, nitrate as N, nitrite as N, total coliform bacteria, uranium, adjusted gross alpha particle activity, chloride, sodium, iron, odor and pH. Since the contamination included PFAS and VOCs, including Methylene chloride, the Applicant agreed at the preliminary plat hearing to add testing for this contamination.

The Applicant testified at the preliminary plat hearing that they would be required per real estate regulations to inform potential buyers of the nearby well contamination. The Applicant provide language in the draft covenants that describes the nearby well contamination. In response to concerns from neighbors to the south during the preliminary plat review, the Applicant showed on the site plans the approximate locations of existing wells in the Forest Edge community near lot #1.

Order #7 of the preliminary plat required the Applicant to fund an independent hydrogeologist to provide an opinion as to the likeliness that safe potable water, not contaminated by the adjacent Town landfill, could be provided to the proposed lots, and that the proposed development would not have an adverse impact on the adjacent existing wells or the landfill. Stone Environmental Inc. was hired and provided the following professional opinions:

- “It is Stone’s professional opinion that it is highly likely bedrock wells could be drilled as shown on the Proposed Overall Subdivision Plan that will produce safe potable water not contaminated by the adjacent landfill.”
- “It is Stone’s professional opinion that the bedrock wells proposed for the development as shown on the PR&R Development, LLC Overall Subdivision Plan will not have an adverse impact on the adjacent landfill and nearby existing bedrock wells.”

The property is mostly forested. Sensitive natural features on the property include steep slopes (>25%), moderately steep slopes (15% to 25%), a stream buffer along the property’s western boundary, core wildlife habitat, a wildlife corridor, and agricultural soils. The proposed development will impact some moderately steeped slopes, wildlife corridor and core wildlife habitat. To accommodate the wildlife corridor, the Applicant is proposing to maintain a 100-foot-wide buffer along the northern boundary of the property and along North Road as a forest.

The Applicant provided a report, which was reviewed during preliminary plat review, from a professional ecologist, Matt Montgomery, who stated his expectation that “a 100-foot-wide migratory corridor will be sufficient to accommodate the continued movement of nearly all wildlife species through the property.”

Concern was raised during preliminary plat review that the leachfield for proposed lot #8 extends into the wildlife corridor. The Applicant explained at the hearing that this leachfield was an in-ground system and would not have a vertical height. The Applicant edited the plans to remove

the leachfield area from the wildlife corridor and extend the corridor further east of the leachfield to the south.

The Conservation Commission during preliminary plat review provided feedback from Andrew Wood, a Habitat Specialist from the VT Fish and Wildlife Department in an email dated July 15, 2023. Andrew Wood commented on the quality of the corridor to allow safe travel through the corridor and that long skinny corridors need to be protected from light/noise pollution, disturbance, encroachment, invasive species, domestic pets, etc.

Concern was raised during preliminary plat review that the building envelopes of lots #7 & #8 come very close to the corridor boundary. In addition, the building envelope for lot #5 was near the woodland area to be preserved as required by having a PUD per Section 4.5.7(1) of the HZR. Having a building envelope adjacent to a preserved area is a challenge because to build out to the edge of such a building envelope would require construction equipment to operate in an area to be preserved. To address this concern, the building envelopes for lots #5 and #8 include a 10-foot-wide separation between the building envelope and the preserved wildlife areas is proposed. However, a portion of the lot #7 building envelope is within three feet of the proposed wildlife corridor, which is to be preserved.

To provide additional protection, Order #11 of the preliminary plat approval required the Applicant to provide vegetative screening between the lots #7 and #8 building envelopes and the wildlife corridor. The Applicant proposed four-foot diameter shrubs. Six to be placed about 28-feet apart on center between lot #7 and the corridor. Seven to be placed about 31.5-feet apart on center between lot #8 and the corridor. This proposal will need to be discussed at the hearing.

The Applicant provided a wetland delineation for the eastern half of the property, where the proposed development would be located. The Applicant's Ecologist located a vernal pool (a class 2 wetland) and a class 3 wetland, which are shown on the surveys and plans. The proposed building envelopes to avoid these features.

There is a small area of prime agricultural soils on lot #1, which is not actively farmed. More of this area will be disturbed with the expansion of the lot #1 building envelope. Since this area is isolated and already impacted the potential commercial agricultural use of this area is extremely limited. The proposed expansion of the lot #1 building envelope would have a small fringe effect on some core wildlife habitat.

For the overall property, the Applicant is limiting clearing to the building envelopes, accesses, wells, septic systems, stormwater treatment and utilities. Clearing in the wildlife corridor and upland forest areas will be prohibited. Based on concerns that there are steep sloped areas (>25%) in the proposed building envelopes, the Applicant submitted a slope analysis plan. The Applicant testified at the preliminary plat hearing that the size of these areas in the proposed building envelopes are small and would not show up on larger scale review.

The Applicant confirmed that there would not be any street lighting and would be fine with restrictions to ensure downcasting and low intensity outdoor lighting on buildings. They stated

the properties of concern would be lots #3 and #4. The Applicant stated that the rest of the proposed building lots are much further distant from the Astronomical Society's use area.

The highest elevations on the Applicant's property are on the northern part of the overall property near the proposed property line between lots #1 and #2. There is a ridge traversing the central portion of proposed lot #2 going north-northwest to south-southeast. This ridge extends on to Observatory Road adjacent to lot #2. Stormwater discharge from east of this ridge generally travels in a southeasterly direction to Observatory Road and then along the north and west sides of Observatory Road to the North Road intersection. This discharge would go south on North Road eventually draining into Beecher Brook, which is a tributary of the LaPlatte River. Stormwater discharge from the west of this ridge travels in a southwesterly direction towards the Forest Edge development or the stream on the western side of the property. The western areas discharge through several westerly traveling streams that either discharges to Beecher Brook or directly to the LaPlatte River.

Except for a small portion of the proposed building envelope for lot #2, all of the proposed lots are located on the eastern portion of the dividing ridge. The Applicant stated at preliminary plat review that all of the proposed development on lot #2 would be graded to discharge to the east. The existing development on lot #1 discharges stormwater to the west. This was not reviewed because the development predates this application.

The Applicant's property has a mixture of well-draining soils classified as hydrological soil group (HSG) 'A' and areas with soils that do not drain well, HSG 'D' soils. Often HSG 'A' soil have infiltration rates of as much as 6.0 inches per hour. The Applicant performed percolation tests in areas where they propose to place infiltration basins and found infiltration rates of 2.14 inches per hour and 4.04 inches per hour.

The Applicant's Stormwater Engineer calculated the proposed impervious area to be just under one acre. The Applicant has submitted an application to the stormwater division at the Agency of Natural Resources for the required State permit. The proposed stormwater design and treatment includes collecting the stormwater discharge in swales, some with check dams, to two proposed infiltration basins, which would overflow to Observatory Road then to North Road. The Applicant's Stormwater Engineer provided a narrative, modeling, workbooks, worksheets, infiltration tests and soil test pit logs. The proposed design would infiltrate the entire water quality and channel protection storm events. The infiltration would satisfy the recharge requirements. The modeling indicates that a sufficient portion of the discharge from a post-development 10-year storm event would infiltrate that the post-development peak discharge of 12.13cfs would be less than the pre-development peak discharge of 18.69cfs in the 10-year storm event. The Applicant's Stormwater Engineer submitted modeling for the 100-year storm event on March 27<sup>th</sup>, which required some edits that were received on March 28<sup>th</sup>, and which required some plan edits received on March 29<sup>th</sup>. Though conceptually the design should satisfy the requirements, several modifications need to be made and potentially one additional treatment area provided. These modifications would require additional review to the entire design. Comments are provided later in this report. Since less than 10-acres of new impervious area is proposed, only adequate conveyance of the 100-year storm event is required.

Section 6.6.2(5) of the HSR requires conformance to low impact design (LID) design standards. The combination of stormwater infiltration and clustered housing should provide conformance to these standards.

The Applicant has proposed on their erosion control plan and details a combination of silt fencing, stone check dams and a stabilized construction entrance, to conform to the erosion control standards of Section 6.6.1 of the HSR. The Applicant shows locations for soil stockpiling. The details show silt fencing on the downside of the stockpile, which is not shown on the plan. The details show erosion control matting, which can be applied if required or placed in steeper sloped areas. A required post-construction soil stabilization detail is also provided. The plan shows limits of disturbance which are limited to the building envelopes, accesses, and for water and wastewater infrastructure. The Applicant needs to provide the total area of disturbance. The plans do not show the silt fencing shown on the details for the soil stockpiling. It appears that a State construction general permit for erosion control would be required.

The Applicant has provided comprehensive legal language for maintenance as required by Section 4.4.1(2) of the HZR and Order 6 of the preliminary plat approval. The language is proposed to be included in the deed for each lot. This language included a description of and maintenance requirements for the shared accesses and stormwater infrastructure, on the governance of the association, on the required water testing, clearing limitations, the requirement to place structures in the building envelopes, the protection of wildlife areas, lighting restrictions and easement areas. Some questions and comments on the documents are provided. Some modifications to the documents may be required.

The Applicant raised concern at the preliminary plat review that meeting the maximum solar exposure for conformance found in Section 5.1.12 of the HSR requirements would require additional tree removal. No cultural features were identified in this application.

At the preliminary plat hearing there were concerns from the Public with building visibility, forest clearing, the master plan, potable water availability, potable water quality, potable water interference with existing wells, proximity to contaminated wells, leachfield locations, preserving adequate wildlife habitat & corridor and the viability of the subdivision so near to the contaminated Town landfill.

The Conservation Commission submitted a request to have more time to review the application and for there to be a continuance. Deniese and Raymond Bouchard, who live at 979 North Road, sent a letter of concern regarding the effect of the proposed development on nearby wells and the landfill.

The school district was provided with a copy of the preliminary plat approval.

The final plat application was submitted on March 7, 2024, and deemed complete on March 13, 2024. The application had and still has a few non-compliant attributes. The Applicant tried to address many of these attributes, submitting revisions as late as March 29, 2024 (the date of this report), which is too late for a full review by the Staff, Town committees and the Public. This

application included the application form and the following documents, which are contained in the document file (09-01-69.100) in the Hinesburg Planning & Zoning office.

- A cover letter and a narrative dated March 7, 2024. The submittal list in the letter is superseded by the list below.
- A subdivision letter/project narrative dated March 7, 2024. The bedroom count in the narrative is ignored because it differs from the State permit.
- State Wastewater System and Potable Water Supply Permit WW-4-5629-1 dated March 24, 2023.
- Letter from Ecologist Matt Montgomery dated April 21, 2023 on the 100-foot-wide migratory corridor.
- Resource maps from ANR data dated January 28, 2022, showing possible wetland locations, river corridors, agricultural soils, wildlife habitat, slope analysis and well locations.
- V-Trans Standards A-76 and B-71A
- Letter from Spencer Harris of Vermont Contours, Inc., dated 1/12/24, stating that the leachfield disposal area for the accessory apartment on lot #1 has been constructed in reasonable conformance with the approved plans and is functioning as intended.
- Stone Environmental Inc. professional opinion dated December 15, 2023, on the ability for safe potable water to be provided to the proposed lots and the likeliness of the proposed development would have an adverse impact on the adjacent landfill.
- Three survey plans titled “Eight-Lot Subdivision Survey Plat”, by Barnard & Gervais, LLC, with project number 21375, drawing numbers PL-1, PL-2 & PL-3, and dated 05-05-2023. Plan PL-1 has a location map.
- A plan titled “Overall Subdivision Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number S-1, dated 02-27-2023, and with a latest revision date of 03-28-2024. This plan has a location map.
- A plan titled “Lots 2 & 3 Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number S-2, dated 02-27-2023, and with a latest revision date of 03-28-2024.
- A plan titled “Lot 4 Site Plan & Water Supply Details”, by Barnard & Gervais, LLC, with project number 21375, drawing number S-3, dated 02-27-2023, and with a latest revision date of 03-28-2024.
- A plan titled “Lots 5 & 7 Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number S-4, dated 02-27-2023, and with a latest revision date of 03-28-2024.
- A plan titled “Lots 6 & 8 Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number S-4, dated 02-27-2023, and with a latest revision date of 03-28-2024.
- A plan titled “Lot 2 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-1, and dated 02-27-2023.
- A plan titled “Lot 3 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-2, and dated 02-27-2023.
- A plan titled “Lot 4 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-3, and dated 02-27-2023.



- A plan titled “Lot 5 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-4, and dated 02-27-2023.
- A plan titled “Lot 6 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-5, and dated 02-27-2023.
- A plan titled “Lot 7 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-6, and dated 02-27-2023.
- A plan titled “Lot 8 Wastewater System Details and Notes”, by Barnard & Gervais, LLC, with project number 21375, drawing number D-7, and dated 02-27-2023.
- A plan titled “Existing Stormwater Management Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-1, dated 03-07-2024 and with a revision date of 03-28-2024. This plan shows the subcatchment areas and soil types in the project area and overall property.
- A plan titled “Proposed Stormwater Management Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-2, dated 03-07-2024 and with a revision date of 03-28-2024. This plan shows the proposed drainage paths and treatment.
- A plan titled “Proposed Infiltration Basin Site Plans”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-3, dated 03-07-2024 and with a revision date of 03-28-2024.
- A plan titled “EPSC Stabilization Site Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-4, dated 03-07-2024 and with a revision date of 03-28-2024.
- A plan titled “Stormwater Details”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-5, and dated 03-07-2024.
- A plan titled “Erosion Prevention & Sediment Control Details”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-6, and dated 03-07-2024.
- A plan titled “Stormwater System Maintenance Plan”, by Barnard & Gervais, LLC, with project number 21375, drawing number SW-7, dated 03-07-2024 and with a revision date of 03-28-2024.
- Existing and proposed stormwater modeling for the channel protection (Q1), and ten-year storm events, and the proposed water quality storm event. Printed March 27, 2024
- Stormwater narrative, location map and soils map for the PR&R eight-lot subdivision. Submitted March 12, 2024
- Stormwater workbook, submitted March 28, 2024.
- Stormwater worksheets, submitted March 12, 2024.
- Stormwater infiltration tests, dated 7/10/2023.
- Stormwater soil test pit log, dated 7/10/2023.
- Proposed stormwater modeling for the 100-year storm event printed March 28, 2024.
- Draft Protective Covenants and Infrastructure maintenance agreement.
- Email from Renee Mobbs from July 31, 2023, confirming that the proposed subdivision is a master plan for the entire property.
- Letter from Renee Mobbs with attached recorded documents showing the Applicant’s allowed use of the Observatory Road property for access for the proposed subdivision.
- Email letter from the Applicant to the Town Manager, dated February 10, 2023, with legal agreement with the Applicant’s legal opinion on the Applicant’s rights to use the Observatory Road right-of-way.

- A plan titled “Slope Analysis”, by Barnard & Gervais, LLC, with project number 21375, drawing number FIG-1, and dated 07-18-2023.
- Email from the Applicant’s designer describing the road & driveway grades dated June 30, 2023.
- Town driveway permit evaluation for the proposed shared accesses. Two documents.
- GIS plans by Staff titled Site Map and Resource Map dated 4/25/2022.
- Email from Kate Kelly, chair of the Conservation Commission, dated March 28, 2024, requesting a continuance.
- Email from Andrew Wood, Habitat Protection Scientist from the Vermont Department of Fish and Wildlife, on the required width of wildlife corridors.
- Letter from Denise and Raymond Bouchard, dated March 29, 2024, expressing concern that the proposed development would adversely affect wells in the area.

**STAFF COMMENTS** – Due to the late submission of several items, a complete review was not possible.

1. **Continuance request** – Though the Applicant’s Designers and Engineer upgraded the application since its first submittal, the last submittal was provided too late for a full review by Staff, Town Committees with a specific request by the Conservation Commission, and the Public. Additional revisions are required that would have an effect on other design features.
2. **Emergency vehicle turnaround for the access to proposed lots #2 & #3** – This was in Order #3 of the preliminary plat review. The Applicant stated that this would be at the split between the driveways. It does not appear that this has been provided. This may affect the plans, and easement locations.
3. **Observatory Road dimensions** – Order #4 of the preliminary plat approval required that Observatory Road and the shared access for lots #4 through #8 have a width of 18-feet. Also required are road and driveway details. The gravel depth on the shared accesses should be 12-inches. There are portions of the accesses and driveways that are proposed to be superelevated. Cross slope information should be provided.
4. **Lot #7 building envelope** – Where lots #5 and #8 are showing a 10-foot separation between their building envelopes and the adjacent protected wildlife areas, lot #7 has a 3-foot separation at its closest point. This is in an area, based on the proposed grading that would be difficult to develop. An overall discussion on this separation should occur at the hearing.
5. **Sufficiency of the proposed vegetative screening** – The screening was recommended by the Conservation Commission submittal, agreed to by the Applicant, and is part of Order #7 of the preliminary plat approval. Proposed are four-foot diameter shrubs. Six to be placed about 28-feet apart on center between lot #7 and the corridor. Seven to be placed about 31.5-foot apart on center between lot #8 and the corridor. Is this sufficient???
6. **Plan consistency & updates** – The culvert along Observatory Road under the shared access for lots #4 through #8 is shown in the stormwater modeling and stormwater plans as a single 18-inch diameter pipe. It is shown on the site plan and described in the convenance as two

12-inch diameter pipes. The survey plans have been altered since 05-05-2023 and should have a revision date. PL-3 is missing a distance along a property line between lots #7 and #8. Additional review may show additional updates. This application should be continued.

7. **Grading of impervious surfaces** – Several driveways and shared accesses are proposed to be graded a specific way to force stormwater to go a specific direction. Sending stormwater from lot #2's development to the east, lot #3 to the south, lot #5 to the east and lot #8 to the south seems reasonable. However, forcing the development on lot #4 to the east or the eastern portion of the shared access of lots #4 through #8 uphill to the west does not seem reasonable. The covenants should include a section on this grading and the requirement to maintain such grading.
8. **The stormwater discharge from the eastern 150-foot of the shared access of lots #4 through #8 and a portion of the lot #4 driveway** – This area is described in the modeling as discharging to a swale that discharges to infiltration basin #2. This area clearly would go directly to Observatory Road, which is not consistent with the submitted modeling and plans. There does appear to be an area to the south of the shared access where additional treatment could be placed to treat this runoff. It would also provide a better treatment option for the proposed development on lot #4.
9. **Infiltration basins** – The top of berm width and required freeboard on the proposed infiltration basins does not appear to be in conformance to Section 4.3.6.2 of the Vermont Stormwater Management Manual (VSMM).
10. **Legal Language/Covenants** – Though very comprehensive, which this project appears to have needed, here are some comments on these:
  - The shared right-of-way for lots #2 and #3 according to the plans would not be centered on the location of the shared access.
  - The required turnaround for lots #2 and #3 should be listed in part 1e.
  - Part 2e should add a comment for items required by the DRB.
  - In part 2, there should be some language on the stormwater maintenance of the infiltration ponds and shared swales.
  - In part 5b, the DRB may require all structures to be placed in the building envelopes.
  - Part 6 should include a statement about the Town's lighting regulations.
  - Part 8e should note that changes to covenant standards required by the DRB in its approval could lead to a zoning violation.
  - Is there sufficient language in the covenants protecting the wildlife areas?

Respectfully submitted,

Mitchel Cypes, P.E.,  
Hinesburg Development Review Coordinator.