

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

**Champlain Housing Trust - Sketch Plan Approval for a 76-unit Subdivision
Tax Map Number 16-20-56.800**

Based on the above-mentioned 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. Champlain Housing Trust, here after described as the Applicant, along with it partners Evernorth and Sterling Construction, is requesting a sketch plan approval for a 76-unit subdivision utilizing two undeveloped properties with a total area of about 42.0-acres. The project also includes a day care center. The property is owned by Jan Blomstrann, Peace of Mind Revocable Trust, and is in the Village Northeast Zoning District (VG-NE). This application is a master plan for both lots as required per Sections 3.1.1 and 4.5.5(3) of the Hinesburg Zoning Regulations (HZR) and Section 3.1.2 of the Hinesburg Subdivision Regulations (HSR). The application was heard on October 3, 2023. It was continued on October 17, 2023 without being opened. It was continued to and closed on November 7, 2023. The October 3rd and November 7th meetings were in person meetings with remote access. The Applicant, represented by Amy Demetrowitz and Javier Garcia, Evernorth, represented by Tyler Labrie, Sterling Construction, represented by Bart Frisbie, the Applicant’s Architects, Chris Cook and Bill Maclay, and the Applicant’s Engineer, Julia Ginorio, attended the October 3rd and November 7th meetings.
2. These properties are located to the east of VT Route 116 between Riggs Road and CVU Road and include a 10.0-acre property and a 32.0-acre property. The 10.0-acre property has a tax map number of 16-20-56.800 about 420-feet of frontage on VT Route 116 and about 333-feet of frontage on CVU Road. The 32.0-acre property has a tax map number of 16-20-56.900 and about 872-feet of frontage on VT Route 116 and 400’ of frontage on Riggs Road. Both properties are undeveloped. The only current uses on these properties is a running trail that is open to the Public, often used by CVU students on their track team, and a wind measurement testing tower and related equipment used by NRG Systems.
3. The layout of the proposed residential units has changed over the review of this application. Earlier versions of the proposed subdivision had 75 and 77-units. The proposed layout would have three neighborhoods. The North Road neighborhood would have 10-units with eight single family homes and one duplex, each dwelling unit with 2-3 bedrooms. The North Meadow neighborhood would have 22-townhouse style units in four buildings, each dwelling unit with 1-2 bedrooms. The South Meadow neighborhood would have 8-townhouse units and 36-apartment units, totaling 44-units in five buildings. Eight units would be 3 bedrooms, 20 units would be 2 bedrooms, and 16 units would be 1 bedroom. A community center for the 36-apartment style units is also proposed, which would be located inside one of the proposed South Meadow neighborhood buildings. The proposed 36-apartment style units of the South Meadow neighborhood and the 22-townhouse style units of the North Meadow neighborhood are proposed to be perpetually affordable.
4. The VG-NE is in the municipal sewer and water district and Village Growth Area. The Applicant will need to obtain water and sewer allocation. The Applicant testified at the hearing that there will not be any phasing. The Applicant is aware that there could be a delay in availability of water and sewer allocations.
5. Section 3.1 of the HZR encourages a vibrant mix of commercial and residential development. The purpose statement for the Village Northeast Zoning District in Section 3.7 of the HZR encourages a mix of light industrial/manufacturing businesses and residential uses. The only non-residential use in the proposed development is the proposed day care center. However, the proposed daycare center appears to

be sizable, including a 43-space parking lot. This is comparable to the First Roots - Wild Roots day care center on Pond Road that has 37 parking spaces and provides care for up to 101 children.

6. The 2015 master plan for these properties showed a larger amount of non-residential and overall development. The Applicant would like to utilize some credit for non-residential development for the existing NRG development and some possible future commercial/industrial development of lot #7. However, an application for such development on lot #7 was submitted and then withdrawn in 2019 due to State wetland restrictions that significantly reduced the size of the development. The NRG development, on lot #6, includes a large light industrial building with a footprint of approximately 48,970 square feet, and total interior square footage on multiple floors of approximately 69,565 square feet. The building houses three businesses. NRG Systems occupies the vast majority of the building. Coffee Enterprises and Hacienda La Minta occupy smaller office spaces in the building. The Hinesburg Center 2 development that proposed a total of 14,800 square feet of non-residential building space while being given some credit for the non-residential development of Hinesburg Center 1.
7. In 1991 the Riggs family owned a 75-acre property on the east side of VT Route 116 and south of CVU Road, which was approved on September 18, 1991 to be subdivided to create an 8.99-acre lot, called lot #1A. the remaining 66.02-acre property was called lot #1. This subdivision was reapproved on August 2, 2000. This subdivision is recorded on map slide #18. The 8.99-acre property would later be further subdivided to be the commercial lots labeled as lots #7 and #8. The Riggs family also once owned property on the north side of CVU Road and on the west side of VT Route 116, including the Haystack property and the Busier farm house.
8. A three-lot subdivision of lot #1 was approved on January 7, 2003 by the DRB, which created the 9.51-acre NRG lot (#1B) and the 10.02-acre lot #1-D that fronts both CVU Road and VT Route 116. The NRG lot would later be described as lot #6. The remaining 46.49-acre land was labeled as lot #1-C. This subdivision is recorded on map slide #46. The survey shows a 10-foot-wide pedestrian easement along the western edge of lots #1-C and #1-D, which connect CVU Road to Riggs Road. The survey also shows a 30-foot-wide pedestrian and utilities easement on the west side of lot #1-C south of the NRG, and on the lot #1-B, property. On May 5, 2009 the DRB approved a four-lot subdivision, which created the three hill lots labeled lots #2, #3, and #4 with areas of 1.07-acres, 1.29-acres and 1.27 acres. The remaining land, lot #1 had 42.86-acres. This subdivision is recorded on map slide #181. The survey adds a 50-foot right-of-way on the east side of the NRG lot on lot #1 to provide access to lots #2, #3, and #4. This would be a Riggs Road extension. The access easement loops around to allow for a serviceable grade for access. The Applicant proposed a floating 20-foot-wide pedestrian easement on lot #1 from Riggs Road to the northern boundary of the lot. A 150'x200' stormwater easement on lot #1 adjacent to the NRG lot was created in this approval. In 2017, lot #2, #3, and #4 were conserved, when the owner (Jan Blomstrann) transferred a conservation easement and development rights to the Town of Hinesburg (recorded in Book 256, pages 7-14, Hinesburg Land Records). The conservation easement prohibits most types of development (including the originally envisioned residential uses), and outlines what conservation-related uses are permitted.
9. On December 4, 2012 the DRB approved a two-lot subdivision of lot #1, which created the 9.61-acre lot #5, which is mostly a wetland and floodplain area, but has a solar array located on it. Lot #1 was reduced to what would appear to be 33.25-acres, but is listed as 34.63-acres on this survey. This subdivision is recorded on map slide #197. The 2012 decision included a 50-foot-wide access on lot #1 to lot #5. On April 4, 2017, the DRB approved a subdivision revision, which expanded lot #7, which was a portion of lot #1A in the 1991/2000 subdivision approval. The revision added land to lot #7 from the NRG lot #6, the other lot #1A property labeled as lot #8, and 1.53-acres from lot #1, which reduced its size according to the survey to 33.10-acres. The calculated area of Lot #1 most likely should be 31.72-acres. The Applicant has listed the area for lot #1 as 32.0 acres. Add the 10-acres of 'lot-#1-D', and the total area of the properties of this proposed subdivision would be 42.0-acres.

10. According to the Town regulations, per Section 3.7.3 of the HZR, the density in the Village Northeast Zoning District is 3 units per acre without density bonuses. Under current Town regulations the areas in stream setbacks, which is approximately 8.9-acres for these two properties with a total of about 42.0 acres, would result in an area to calculate base density of 33.1-acres. This would allow for 99-units. The Applicant's latest proposal would only have 76-units, which would be allowable without any density bonuses. Either with the revised State statute (24 V.S.A. § 4412 #12 & #13) allows for a density of 5-units per acre or utilizing density bonused found in Sections 2.9 and 5.21 of the HZR, more than 200-dwelling units could potentially be on these properties. The Planning and Zoning department has been encouraging the Application to consider more units. However, due to natural feature limitations, the Applicant is proposing much less than the maximum theoretical build out.
11. Much of the overall property has natural features that include steep slopes, wetlands, wetland buffers, floodplain, and village stream setbacks. The proposed application appears to avoid most of the features. The Applicant needed to redesign a portion of the proposed development to avoid the village stream setback. There are small areas of steep slopes, wetland and wetland buffer that would be impacted. The Applicant submitted plans showing these features to demonstrate how inaccessible and undevelopable most of these properties are and why more development is not being proposed.
12. More residential dwelling units could theoretically be added if mixed use buildings (residential above non-residential) were utilized in the area of the proposed day care center.
13. The proposed development requires conformance with the Planned Unit Development (PUD) requirements found in Section 4.5 of the HZR. Though the Applicant is required to provide a greenspace coverage calculation per Section 4.5.7(2) of the HZR, there is sufficient floodplain, wetlands, and steep slopes that are to be preserved, that clearly sufficient green space for conformance to this PUD requirement is available. Furthermore, the project accommodates the future Town park shown on the Hinesburg Official Map ("Overlook Park", community facility #33), which is consistent with the greenspace and outdoor recreation categories of PUD greenspace in the village growth area. 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 waivers for minimum lot size, minimum lot frontage, and minimum lot depth as required in Table 1 of Section 2.4 of the HZR. The Applicant may wish to request waivers for lot coverage and side-yard setback distance.
14. Section 3.7 of the HZR requires developing an access from both Riggs Road and CVU Road, and north/south connectivity between these two access points. The regulation requires at least a right-of-way connection, but provides flexibility in whether this is a road or a path. The Hinesburg Official Map once showed a road connection, but has been updated to only show a sidewalk connection.
15. Vehicular access to the proposed development would be from VT Route 116 via Riggs Road and CVU Road. Initially the Applicant proposed a connector road between Riggs Road and CVU Road. However, the Applicant stated that the road gradient, width of the road, and soil conditions would make this connection prohibitively expensive. However, the Applicant is proposing a pedestrian connection (sidewalk) to connect the north and south portions of the project.
16. The Applicant is proposing to have the proposed 32 total units in the North Road and the North Meadow neighborhoods, as well as the proposed daycare center, both with vehicular access only to CVU Road. The proposed 44-units in the South Meadow neighborhood would have vehicular access only VT Route 116 through Riggs Road. A 50-foot-wide right-of-way appears to be possible to place, but was not delineated on the plans. Typical applications of this size submit trip generation studies and traffic impact analysis as part of preliminary plat review.
17. Chris Clow of the Vermont Agency of Transportation (VTrans) indicated in a September 14, 2023 email that the Applicant will need an VTrans 1111 access permit. Notice to VTrans for a proposed subdivision adjacent to a State Highway is required per State Statute 24V.S.A. §4463(e).

18. Proposed pedestrian access would be provided by a proposed eight-foot-wide paved shared use path that would go along the east side of the access road to CVU Road and then near the VT Route 116 right-of-way to Riggs Road. This path would replace the existing trail and is shown on the Hinesburg Official Map. An earlier plan showed the path along a proposed connector road between CVU Road and Riggs Road. The path as shown on the latest plans submitted for the November 7th meeting does not have a connection to the South Meadow neighborhood and to VT Route 116 along Riggs Road. There is a village sidewalk on the east side of VT Route 116 that ends at Riggs Road. The Applicant agreed at the hearings to place a marked crosswalk on CVU Road to connect to the rec-path on the north side of CVU Road.
19. The South Meadow neighborhood has a looped road that would allow for an emergency vehicle turnaround. The North Road and North Meadow neighborhoods and the proposed daycare center, do not loop and requires a method for emergency vehicles to turn around. The Applicant stated that the proposed roadways would have maximum grades of about 8%.
20. Although mentioned in the Applicant's narrative, no parking requirement waivers are required. The off-street parking guidelines in Table 2 of Section 5.5 of the HZR are simply guidelines. Per Section 5.5.4, these guidelines are generalized, "should be refined based on the specific use, predicted parking needs, public and shared parking availability, and other factors." Under Section 5.5.4, the DRB has the authority to determine the necessary amount of parking. The Applicant proposes 64 parking spaces for the 44-units in the South Meadow neighborhood (1.45 spaces per dwelling), 48 parking spaces for the 22-unit North Meadow neighborhood (2.12 spaces per dwelling), and 43 parking spaces for the child care center.
21. The Applicant is proposing to utilize geothermal energy for heating and cooling to satisfy the renewable energy requirement found in Section 3.7 of the HZR. Sections 5.23.3 and 5.23.4 of the HZR requires new construction to meet solar-ready roof and electrical vehicle charging ready requirements.
22. Section 5.21.1 of the HZR requires developments in the Village Growth Area with 10 or more new residential units to provide affordable housing. The proposed development would need to provide 8 such units. As described in Findings of Fact #3, the Applicant appears to be proposing 58 perpetually affordable residential units. Bedroom counts for the overall development will need to be finalized at the preliminary plat review in order to judge conformance with Section 5.21.
23. In addition to the pedestrian path described in Findings of Fact #18, the Hinesburg Official Map shows, a trail leading to the O'Donnell/Donovan property (northeast of the project), and a future Town park ("Overlook Park", community facility #33). This park is intended to provide a unique community gathering place affording views overlooking the village area with trail and sidewalk connections to Route 116 and CVU Road. Anticipated park amenities include benches and interpretative displays (e.g., identifying village features in the view) in the open portion of the hillside, and trail connections in the wooded portions. The Applicant has identified on the plans the location of this overlook. The Applicant is encouraged to conform to the public open space requirements in Section 5.22.5 of the HZR by placing the amenities of this Official Map feature.
24. Section 3.1 of the HZR states the importance of creating public spaces to serve as gathering spaces and to take advantage of important views.
25. Section 5.22.5 of the HZR requires a development with 10 or more new residential units in the Village Growth Area to provide amenities in proposed public open spaces. Thea public open space with a square footage requirement calculates to 17,200 square feet. $((200\text{sf}/\text{units} * 76\text{-residential units}) + 2,000 \text{ for non-residential space})$. As stated above the Official Map features would be appropriate for such development. A full review for conformance to the requires of Section 5.22 of the HZR, which include providing sidewalks, recreation paths, street interconnection, avoiding fragile areas, pedestrian connections to the greater village area, providing bicycle parking, providing street trees and streetscape,

screening utility and mechanical equipment and providing extra garage setbacks, and maximum 60-foot house setbacks would occur at preliminary plat review.

26. The Applicant showed on the submitted plans, the locations for stormwater infrastructure. Full designs will be required at preliminary plat review.
27. The Applicant was made aware that the Champlain Valley Union School District has communicated concerns they have regarding sufficient space for more students at the Hinesburg Community School and that this may result in some permitting delays. For preliminary plat review, a calculation of anticipated students based on bedroom count generated by this development will be necessary.
28. The Hinesburg Affordable Housing Committee has expressed its support of the project.
29. The Hinesburg Conservation Commission (HCC) raised concerns that some of the proposed development was proposed in the Village Stream setback area. The Applicant modified the design to better address this concern. The HCC requested that there not be curbs placed along the roadways. The HCC raised additional concerns regarding development on steep slopes, in wetlands and in wetland buffer areas, and if the recreation path could be placed to lessen the impact to these areas. Kate Kelly, chair of the HCC submitted a letter dated October 1, 2023, which details these concerns.
30. There was testimony from some abutting property owners, who echoed the HCC's concerns and also raised concerns regarding traffic on the connector road, the need to develop the trail and amenities listed on the Official Map, and whether there was too much proposed parking/impervious area.
31. The sketch plan application was submitted and deemed complete on September 12, 2023. The Applicant's original submittals were updated with revised plans multiple times with plan sets dated 10/3/2023 and 11/7/2023, as noted in additional findings below. This application includes the required forms and the following documents, which are contained in the document file (16-20-56.800) in the Hinesburg Planning & Zoning office.
 - Sketch Plan Submission Narrative dated 09.11.23 (4 pages).
 - A modified Hinesburg Official Map highlighting the property location. Figure 1.
 - A proposed conditions plan titled 'Sketch Plan Review' by Engineering Ventures, with project number 2203, sheet number 2, and dated 9/5/23.
 - An existing conditions plan titled 'Windy Ridge Hinesburg, VT Soils, Archeology' by Engineering Ventures, and figure number 3. The drawing is undated.
 - A plan titled 'Site Constraints' by Engineering Ventures, with project number 2203, sheet number 4, and dated 9/5/23.
 - A plan simply titled 'Windy Ridge Hinesburg VT' by Engineering Ventures, and with sheet number 5. This plan is undated.
 - Two drawings by Maclay Architects titled 'Lands of Wind Energy Associates', with sheet numbers '6' and '7', and dated January 19, 2015. These drawings show a total of 11 photographs of the property.
 - From Staff, a drawing by Maclay Architects titled '10. Masterplan', with sheet number 10, and dated January 19, 2015.
 - From Staff, an email from Chris Clow of the Vermont Agency of Transportation received on September 14, 2023.
32. The Applicant provided the following documents on October 3, 2023 prior to the hearing, which are contained in the document file (16-20-56.800) in the Hinesburg Planning & Zoning office.
 - A plan titled 'Site Plan' by Engineering Ventures, with EV# 22189, Figure number 2, and dated 2023/10/03. This plan provided additional detail on property line locations, parking, bike parking and wetland buffer boundary information. The plan also shows the connecting road not being built.

- An updated version of the plan titled ‘Sketch Plan Review’ by Engineering Ventures, with project number 2203, sheet number 2, and dated 9/5/23. This plan labeled several features that were not labeled on the original plan and provided a chart listing the proposed residential unit count.
 - An updated version of the plan with figure number 3 with better labeling and showing the archaeological site that is not being infringed upon.
33. The Applicant provided the following documents on November 6, 2023 prior to the November 7th hearing, which are contained in the document file (16-20-56.800) in the Hinesburg Planning & Zoning office.
- Email from Chris Cook sent on November 6, 2023 at 4:04PM describing the proposed changes to the application that would be presented at the November 7th DRB meeting.
 - A plan titled ‘Soils’ by Engineering Ventures, with EV# 22189, Figure number 2, and dated 2023/11/07.
 - A plan titled ‘Topography’ by Engineering Ventures, with EV# 22189, Figure number 3, and dated 2023/11/07.
 - A plan titled ‘Site Constraints’ by Engineering Ventures, with EV# 22189, sheet number 4, and dated 2023/11/07.
 - A plan titled ‘Site Plan’ by Engineering Ventures, with EV# 22189, sheet number 5, and dated 2023/11/07. The connector road was eliminated on this plan.
 - A plan titled ‘Site Plan with Natural Features’ by Engineering Ventures, with EV# 22189, sheet number 6, and dated 2023/11/07.
34. The Applicant testified that the proposed development is a master plan for a full buildout of the property as required by Section 3.1.1 of the HZR.
35. The following members of the DRB were present for the sketch plan review on October 3, 2023, constituting a quorum: Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, John Lyman, Branden Martin, Michael Webb and Jeff Daugherty. The following members of the DRB were present for the sketch plan review on November 7, 2023, constituting a quorum: Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, John Lyman and Michael Webb. See the official meeting minutes for a list of those present at the meetings.

CONCLUSIONS

1. Per the definitions found in Article 9 of the HSR, this application is a major subdivision.
2. For conformance to Sections 3.1.1(4) and 4.1 of the HSR the application will need to provide a survey that clearly indicates the locations of the existing and proposed properties, existing and proposed property areas, proposed building envelopes, existing and proposed right-of-ways, and existing and proposed easements.
3. The remaining land should be labeled as lot #1. The rest of the proposed lots will need to be sequentially numbered starting with lot #9.
4. The proposed density of residential units described in Findings of Fact #3 and calculated in Findings of Fact #10 conform to the limitations of Section 3.7.3 of the HZR without the need for density bonuses described in Sections 2.9 and 5.21 of the HZR. The proposed development would qualify for inclusionary density bonuses in Section 5.21 of the HZR.
5. Section 3.1 of the HZR encourages developmental densities in the Village Growth Area to be maximized. The Applicant has clearly demonstrated that development potential of the subject properties is limited given the site constraints (e.g., wetlands, steep slopes). Additional residential dwelling units would likely require more multi-story, multi-unit buildings. Such building types are allowed, but not

required in the HZR. Furthermore, the HZR only encourages maximizing development potential. The regulations do not stipulate minimum residential density or build out.

6. The proposed development appears to be suitable and compatible for the area per Sections 5.1.1 and 5.1.5 of the HSR.
7. The proposed day care center, described in Findings of Fact #5, would provide an important public need, and would help address the required mix of residential and non-residential uses outlined in Sections 3.1 and 3.7 of the HZR. This mix of uses is further supported by the existing non-residential uses and the large building on the adjacent NRG Systems property. Both the proposed day care center and the NRG systems light industrial use help book-end the Village Northeast zoning district with non-residential uses. Furthermore, the proposed residential development includes multi-unit residential development, that is strongly encouraged in section 3.7 and was anticipated in the 2015 master plan as described in Findings of Fact #6. The proposed day care center is a noted urgent need in our community and in the region. This is strongly encouraged to be included in this application. The NRG non-residential use developed in 2003 would not in itself satisfy the mixed-use requirement.
8. Though a day care system is proposed to address the non-residential of the desired mix, other non-residential development could be proposed to conform to this mix.
9. The proposed development's impact on some steep slope areas, some forested areas, and some wetland and wetland buffer areas as described in Findings of Fact #11 appear to be limited and necessary to allow for this development located in the Village Growth Area to occur. The Applicant will need to limit and justify the impact, and calculate the areas affected as part of the preliminary plat application for conformance to Sections 5.1.2, 5.1.10, and 6.10.6 of the HSR.
10. For conformance to Section 6.10.7 of the HSR, the Applicant will need to show on the plans building envelopes on each of the developable lots that avoids wetland, wetland buffer and Village stream setback areas and has a limited impact on steep slopes as a part of preliminary plat review.
11. The Applicant will need to describe how the wetland buffer will be maintained with a combination of deeds, covenants, homeowner association requirements, etc. as a part of their conformance to Section 5.1.2 of the HSR.
12. The proposed conformance and requested waivers for conformance to the PUD requirements found in Section 4.5 of the HZR described in Findings of Fact #13 appear to be reasonable. The Applicant should clarify the amount of preserved area and the requested waivers as a part of preliminary plat review.
13. The Applicant will need to provide a traffic study as a part of a preliminary plat review application to evaluate the potential traffic impacts of the proposed development's access as described in Findings of Fact #14 on the abutting roadways (CVU Road, Riggs Road & VT Route 116), determine if such impacts require improvements to the existing roadways, to evaluate the proposed amount of parking as described in Findings of Fact #20, and to determine if there is a need for a connecting road between the proposed North Meadow and South Meadow neighborhoods for conformance to Section 5.1.6(1) of the HSR.
14. . The traffic study shall set out the differences in traffic impact associated with and without the connection between CVU and Riggs Road for vehicles. The design and operation of the intersection at CVU Road as well as the short-and long-term intersection options at VT Route 116/Riggs Road need to be included. The traffic study shall also consider pedestrian and non-motorized access within and to/from the site to all other points. This will consider crossings of CVU Road, Riggs Road, and VT Route 116."
15. The proposed vehicular access described in Findings of Fact #16 will need to be proposed in 50-foot-wide right-of-ways for conformance to the requirements of Section 4.4 of the HZR for development on a private right-of-way. These right-of-ways need to be delineated on the plans submitted in the preliminary plat application.

16. Draft legal language for a shared maintenance agreement per Section 4.4.1(2) of the HZR would be required as part of the preliminary plat review.
17. The Applicant will need to work with VTrans and the developer of the Haystack development regarding improvements to the Riggs Road and VT Route 116 intersection prior to preliminary plat review.
18. The proposed pedestrian path described in Findings of Fact #18 should include the crosswalk connection to the existing pedestrian path along the north side of CVU Road, extend the pedestrian path to the Riggs Road and VT Route 116 intersection, provide a connection to the path from the South Meadow neighborhood, and show how the pedestrian traffic would safely connect to the proposed pedestrian paths on the west side of VT Route 116 for conformance to Sections 5.1.6(1) and 6.2.3 of the HSR and as part of a preliminary plat application. There should be a connection to the pedestrian paths and Bissonette Field on the west side of VT Route 116. The grade of the multi-use paths will need to be engineered to provide safe accessibility, maintenance and year-round use.
19. As described in Findings of Fact #19 the plans should be updated as part of a preliminary plat application to provide emergency vehicle access and turnarounds for all of the proposed new roadways, and road profiles for a design that has grades no greater than 10%, for conformance to Section 5.1.6(2) of the HSR.
20. The Applicant's proposal to utilize geothermal energy to satisfy the requirement to take advantage of renewable energy resources found in Section 3.7 of the HZR. The Applicant will need to provide more information at preliminary plat review. The Applicant is encouraged to also consider rooftop solar.
21. The 58 potential affordable housing units described in Findings of Fact #22 exceed the number of required units in Section 5.21.1 of the HZR. A narrative confirming the number of inclusionary units and a comparison of the bedroom ratio between the inclusionary/affordable units and the market rate units should be required as part of a preliminary plat application for full conformance to Section 5.21 of the HZR. Continued coordination with the Hinesburg Affordable Housing Committee prior to submitting a preliminary plat application is also required per Section 5.21.
22. The Applicant has shown on the plans, as described in Findings of Fact #23, the location of the proposed trail and park described on the Official Map in conformance to Section 3.1.1 of the HZR. Section 6.2.3 of the HSR allows the DRB to create 20-foot-wide non-vehicular access easements from a road to the proposed park, such as that listed in item #33 of the Official Map. This trail should connect to the trail proposed on the Donovan & O'Donnell property located to the east of the Applicant's property so the connection from CVU Road and Mechanicsville Road can be provided. The Applicant is not proposing to inhibit the construction of the described facilities as required per Section 3.1.1 of the HZR. The zoning district statement in Section 3.7 of the HZR strongly encourages the building of the features, and would help satisfy the public open space requirements of Section 5.22.5 of the HZR.
23. As described in Findings of Fact #25, the Applicant is required to provide the described public open space per Section 5.22.5 of the HZR, provide a design for street trees, streetscape and the location and screening for utility and mechanical equipment as required per Section 5.22.2(4b&c) of the HZR, and conform to other relevant portions of Section 5.22 of the HZR as a part of a preliminary plat application.
24. The proposed development would leave sufficient shared area that will provide an opportunity for open space and recreation in conformance to Section 5.1.4 of the HSR.
25. Applicant will need to obtain municipal water and sewer allocations to conform to the Town's water and sewer ordinances and Sections 5.1.8, 5.1.9, 6.7 and 6.8 of the HSR.
26. The Applicant will need to provide a design for landscaping conforming to Section 6.5 of the HSR.
27. The Applicants will need to provide at preliminary plat review an erosion control plan per Sections 5.1.7 and 6.6.1 of the HSR.

28. The proposed development will exceed the 10,000sf of new impervious and disturbed area threshold per Section 6.6.2 of the HSR requiring stormwater and erosion control review by the Town. The proposed development would exceed a half an acre of new impervious and disturbed area, which will require review by the State. The Applicant would need to provide an estimate of the size of these areas and a stormwater control plan (diagrams, modeling, narrative) conforming to Section 6.6.2 of the HSR at preliminary plat review.
29. The Applicant will need to provide street lighting in conformance to Section 6.3 of the HSR and Section 5.29 of the HZR.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB gives sketch plan approval to the project, subject to the conditions listed below.

1. The Applicants shall provide all the documentation required for preliminary plat review as stated in Section 4.1 of the HSR.
2. The preliminary plat shall include the following:
 - a. A perimeter survey of the overall lot with the existing and proposed lot lines, existing and proposed easements, right-of-ways, and the building envelopes. This survey shall provide the areas of the existing two properties, and the areas of each proposed lot and the remaining land lot(s).
 - b. Building envelopes that limit impact to the environmentally sensitive areas as described in Conclusion #10. The building envelopes shall be locatable with either setback dimensions or survey ties.
 - c. The lots shall be sequentially numbered as described in Conclusion #3.
 - d. Proposed utility system design pursuant to section 6.9 of the HSR. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
3. The preliminary plat application shall include the following:
 - a. Water & wastewater plans and details showing how this development will connect to the municipal water and wastewater systems and the means of providing water and sewer supply for the proposed subdivision.
 - b. Site plans and details for the proposed development in conformance to the findings and conclusions of this approval.
 - c. Additional details on the proposed use of the non-residential lot adjacent to CVU Road – i.e., proposed day care center or other compatible non-residential use.
 - d. Limit and calculate the impact on environmentally sensitive areas as described Conclusion #10 and propose corresponding building envelopes as described in Conclusion #11.
 - e. Draft conveyance, road maintenance and plowing agreement as described in Conclusion #16 with provisions to maintain affected wetland buffers described in Conclusion #11.
 - f. Provide a PUD narrative which shows conformance to the PUD requirements and requests PUD waivers as described in Conclusion #12.
 - g. Provide a traffic study as described in Conclusions #13 & #14.
 - h. Plans that show the proposed right-of-ways and access described in Conclusion #15, the pedestrian paths and crossings as described in Conclusion #18, and a design to accommodate emergency vehicles as described in Conclusion #19. In addition to the CVU crosswalk and connections to the sidewalk paths on VT Route 116, the Applicant shall propose a safe and effective pedestrian crossing of VT Route 116 connecting to the multi-use paths in the Haystack development in coordination with VTrans.

- i. Provide a proposal for conformance to the renewable energy resource requirement described in Conclusion #20.
- j. Provide a narrative describing full conformance to the inclusionary zoning requirements of Section 5.21 as described in Conclusion #21.
- k. Provide and show on the plans a trail easement that would connect the proposed development and the Donovan & O'Donnell property's easement to the proposed park listed as Item #33 on the Official Map and described in Conclusion #22.
- l. Design and show on the plans the streetscape, landscaping, design standards and public open space required in applicable portions of Section 5.22 of the HZR and as described in Conclusions #23 and #26.
- m. The Applicant shall provide a narrative to show conformance to Section 5.23.3 and 5.23.4 of the HZR to meet solar-ready roof and electrical vehicle charging ready requirements for all the residential and non-residential units.
- n. An erosion control plan with details to show conformance to Section 6.6.1 of the HSR.
- o. Calculations of the total impervious and disturbed areas.
- p. A stormwater treatment design that includes plans, narrative and modeling required to show conformance to Section 6.6.2 of the HSR.
- q. An outdoor lighting plan as described in Conclusion #29.



For Development Review Board

December 19, 2023
Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, John Lyman, Branden Martin and Michael Webb.

Vote to approve: 6-1 with Dick Jordan voting not to approve.

This approval expires six months from the approval date unless a complete preliminary subdivision plat application is submitted.

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.