

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

**Joe Laster
Final Plat Approval for an 8-unit/10-lot Residential Subdivision
& Development on a Private Right-Of-Way
Parcel Number 17-22-62.100**

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. Joe Laster, hereafter referred to as the Applicant, is requesting final plat approval for an 8 unit /10-lot subdivision of a 102.05-acre property located on the east side of Mechanicsville Road that is in both the Residential 1 Zoning District (R1) and Rural Residential 1 Zoning District (RR1). The Applicant received sketch plan approval on November 2, 2021 and preliminary plat approval on June 7, 2022. The prior approvals stated that 9 lots were being created, but the Applicant added a separate lot for the shared infrastructure of the proposed 8 residential lots. The application was heard with in-person meetings with remote access via Zoom on May 16, 2023 and June 6, 2023. The Applicant attended the May 16, 2023 meeting. Applicant’s Engineer, Hannah Wingate, attended both meetings.
2. The Applicant submitted a master plan as required per Section 3.1.1 of the Hinesburg Zoning Regulations (HZR) for the entire property, which would have 54 single family residences to be constructed in multiple phases. This proposed first phase would entirely be in the R1. This master plan shows that development on the overall property is limited by steep slopes, wetlands, wetland buffers, stream setbacks and core wildlife habitat. Development in the proposed master plan avoids many of these areas, with the exception of an impact to the northerly portion of the core wildlife habitat. This impact would occur in a future phase of development. Most of the core wildlife habitat to the south and east will be left undeveloped in the full buildout, except for trail access, in a “forest conservation area”. From the Applicant’s drawing, it seems that a small area of class 3 wetland would be disturbed in the first phase. As shown in the master plan, the Applicant is proposing to preserve most of the RR-1 area, which is mostly forested and/or core wildlife habitat area. The proposed development submitted in this final plat application would require some modification to the master plan, which would be reflected in the next phase of development.
3. The Applicant purchased this undeveloped property from the Quinn family. There was once a Town well and a ski tow on this land, both of which have been abandoned. 4.22-acres of undeveloped land from the original Quinn property was transferred to the Town cemetery, on January 5, 2022 with zoning permit #2022-01, the survey to which is recorded on map slide 249 in the Hinesburg Town Records. Even though the subject property is currently undeveloped, permits 2021-55 and 2021-56 were issued in June 2021 for a 3-bedroom residence and 2-bedroom accessory apartment. The Applicant worked

- with Staff and licensed professionals prior to these building permits being issued to ensure that the single-family residential development would not interfere with the future development of the property. Both of these permits were withdrawn by the Applicant on May 11, 2023 prior to commencing any work. The Applicant anticipates re-applying for these permits later this year or next year.
4. Approximately 35 acres of this property is in the R-1. About 2.2 of these acres are in stream setbacks. With a base density of 2 units per acres, exclusive of stream buffer areas, the base density for the R-1 portion of the property per Section 3.9.3 of the HZR is 65 dwelling units. Since the proposed overall number of units is less than this base density, no density bonuses are required. 38 of the proposed 54 dwelling units shown in the master plan are proposed to be located in the R1. The remaining 67-acres and proposed 16 dwelling units would be in the RR1.
 5. This survey shows the proposed lots as meeting the dimensional requirements found in Table 1 in Section 2.4 of the HZR. The survey boundaries are locatable and the lots are sequentially numbers. There is a separate lot for the proposed road, sidewalk and stormwater treatment areas. The survey shows each of the proposed eight building lots would have a building envelope based on setbacks and avoidance of the mapped wetland buffers and stormwater treatment infrastructure. These envelopes are locatable with ties, setbacks to parallel lines, and/or bearings and distances. The maximum lot coverage for these lots would be as described on Table #1 of Section 2.4 of the HZR, which currently is 60%. The survey and utility plans appear to show the locations of the utilities as required by Section 6.9.2 of the Hinesburg Subdivision Regulations (HSR). No gas utility is proposed for this development.
 6. The Applicant has provided a professional survey of the proposed eight building lots and a consistent 50-foot-wide right-of-way as required by Sections 4.4.3 and 5.7.1(2) of the HZR. Vehicular access to both the first phase and the overall full development would be from Mechanicsville Road using an access roadway in a proposed 50-foot-wide right-of-way. An approval for development on a private right-of-way is required per Sections 5.7.1 and 4.4 of the HZR, and has been integrated in the subdivision process per Section 4.4.5 of the HZR. The future phases shown on the master plan, include three central greens and circular roadways that could be used for emergency vehicle turnarounds. The plans for the first phase show a proposed 22-foot-wide paved access roadway, most of which is on a 10% grade. The plans show an emergency vehicle turnaround, which after consultation with the Fire Chief, needs to be expanded to a 40-foot length. The Applicant agreed to the condition to lengthen the turnaround to conform to the safe access requirements of Section 4.4.2 of the HZR and Section 5.1.6(2) of the HSR
 7. There is about 1,083 linear feet of Mechanicsville Road frontage on this property. About 72 feet of this will be part of proposed lot #1. The remainder will be part of the proposed undeveloped lot #9, and the unnumbered lot with the development road and stormwater areas. 50-feet of this frontage will be the right-of-way access.

8. A traffic study by Corey Mack, P.E. of Wall Consultant Group, dated April 6, 2022, evaluated the traffic produced by the proposed first phase of the development and its effect on traffic on Mechanicsville Road. The study discussed how there is good sight distance at the access location, that there is no history of accidents at the access location, and evaluated the proposed crosswalk. The DRB and the Applicant agreed that a crosswalk connection between the proposed community pedestrian path and the sidewalk on the west side of Mechanicsville Road would be placed and warned with signs. A rectangular rapid flashing beacon may be required in a future phase of this development. This would provide conformance to Sections 5.22.2(5&6) of the HZR for integration with adjoining parcels and adequate pedestrian connectivity. The Applicant has obtained a road cut permit from the Town Manager's office for the crossing.
9. All 8 of the proposed dwelling units in the first phase are in the R1 and the municipal water and sewer district as required per Section 3.9 of the HZR. The Applicant received a water and sewer allocation for this project from the Selectboard on February 16, 2022. Section 3.9 of the HZR also states "development in this district shall be connected and integrated with adjacent growth area districts, so as to complement and enhance the compact, pedestrian-oriented village environment". The Applicant has coordinated with the Town Manager and is proposing a crosswalk with signs, striping and drop-curbs from the sidewalk in the development to the sidewalk on the west side of Mechanicsville Road. Pedestrian access in the development will be provided through a proposed 6-foot-wide paved sidewalk.
10. Since only single-family residences are proposed, each residence could have at least the two recommended parking spaces for conformance to Section 5.5 of the HZR. On street parking, though not prohibited, does not seem to be needed.
11. Future community facilities shown on the Hinesburg Official Map, which are located on this property include a crosswalk (facility #7) and a park (facility #36) with an associated access road and sidewalk. These two facilities are described as being linked with sidewalk in the Official Map. The Official Map also shows a future trail connection on this property, connecting the future park with the existing Sullivan trail to the south. The first phase of this development will provide the crosswalk (facility #7). The proposed development will not limit the opportunity for a future park, facility #36, to be developed in the future.
12. The public open space requirement of Section 5.22.5 of the HZR and the inclusionary zoning requirement of Section 5.21.1 of the HZR do not apply to this development since there will be less than ten new residential units. For conformance to Sections 5.22.3(5&6) of the HZR there will be conditions requiring that garages be set back at least 10-feet from the front of the principal structure and that these single-family residences will have roof pitches of at least 6 on 12.
13. The Applicant has provided a stormwater mitigation design, which includes plans, details, a narrative and modeling. The Applicant has calculated the total new impervious to be about 1.43-acres, which includes almost 800-linear feet of 22-foot-wide new roadway, a 6-

foot-wide asphalt pedestrian path, two turnarounds and assumed development on the proposed eight residential lots. The Applicant is proposing to place two gravel wetlands, each with its own pretreatment structure.

14. Since 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.
15. The existing ground discharges stormwater to the west to a swale adjacent to Mechanicsville Road. Discharge from the swale will either go to the north to a tributary of Patrick Brook, that crosses Mechanicsville Road just north of the Applicant's property, or will discharge along the east side of Mechanicsville Road to a culvert located between Hawk Lane and Mulberry Lane that discharges to the Patrick Brook canal. The Applicant's stormwater submittal models each of these existing condition discharges and provides modeling to show that the post-development discharge to these areas would be less than the pre-development condition
16. The proposed roadway would be graded to the south to discharge stormwater to the southern side of the road, where there will be proposed curb and catch basins to collect stormwater. The proposed pedestrian path would be graded towards the roadway to be collected by the same catch basins. These catch basins discharge to a pretreatment structure that discharges to the proposed gravel wetland #1 (GW1).
17. Stormwater discharge from proposed lots 1 through 5 drains to the north and west to a swale located on the north side of these lots adjacent to a wetland buffer as shown on the details and the plans. This swale would have a two-foot bottom and one on three side slopes. Most of the length will be steep enough to require stone lining. Discharge from this swale will go to a catch basin on the proposed access road and as described in Findings of Fact #16 to GW1.
18. Stormwater discharging from GW1 would discharge through pipes and a roadside swale on the east side of Mechanicsville Road to the north to a tributary of the Patrick Brook canal. The overflow for GW1 would discharge to a roadside swale on the east side of Mechanicsville Road that would discharge to the south. There is a local high point on Mechanicsville Road between these discharge points.
19. The proposed development on lots 6, 7 and 8 would discharge to the north and east to a swale that would discharge to a pretreatment structure that would discharge to the proposed gravel wetland #2 (GW2). Similarly, this swale would have a two-foot bottom, one on three side slopes and would be stone lined.
20. The Applicant is using pretreatment structures instead of forebays on the gravel wetlands to concentrate the sediment to be removed. On the western end of the proposed development is a catch basin with a deep sump that would not be connected to the pretreatment structure of GW1. During the hearing the Applicant's Engineer provided elevations confirming that the pipes have sufficient clearance elevation to cross.

21. The Applicant is claiming an exemption from the recharge standard due to the entire project being on HSG 'D' rated soils or 'C/D' rated soils with high water tables. Considering the amount of wetland in this area, this seems reasonable. Treatment for the water quality volume is provided in GW1 in the pretreatment structure, the permanent pool and with extended detention. Treatment for the water quality volume for GW2 is provided in the pretreatment structure and permanent pool.
22. For conformance to the channel protection standard, GW1 would have a detention time for a 1-year (2.01-inch) storm event of 908.3 minutes, which exceeds the 720-minute (12-hour) requirement for cold water habitat. GW2 was designed to provide a detention time of 1,719.4-minutes to exceed 1,440-minutes (24-hours) of detention. The longer detention time is needed because GW2 discharges to a wetland buffer, which is considered a warm water habitat.
23. The modeling provided appears to adequately show the existing and proposed conditions. The modeling calculates a pre-development and post-development peak discharges for the 10-year storm event to the north of 10.63cfs and 8.37cfs respectively. Similarly, peak discharges of 6.75cfs and 3.74cfs for discharges to the south. For the 100-year storm event, the pre-development and post development peak discharges to the north are 20.93cfs and 20.81cfs. To the south these are 13.31cfs and 12.98cfs respectively. Conformance to the 10-year storm event requirements is met since the post-development peak discharges are less than the pre-development peak discharges for both discharges to the north and south. Though this development is exempt from the 100-year storm event standards with the five criteria, having a smaller peak discharge from the 100-year storm event shows conformance to the requirement to not have an adverse effect downstream per Section 6.6.2(3) of the HSR. The modeling shows that both GW1 and GW2 would have the required 1 foot of freeboard (top of berm to peak water elevation) during a 100-year storm event.
24. The stormwater narrative proposes to satisfy the LID requirements with the cluster development, minimize (reduced) impervious areas, open space preservation, site fingerprinting, filtration practices, landscaping practices and soil conservation practices. Future phases of this development will need to ensure that the amount of proposed open space considers all phases of development.
25. The proposed development will disturb more than 1-acre of area, which will require the Applicant to obtain a State construction general permit (CGP) for erosion control. The Applicant provided an erosion control plan, sheet C2.3, and erosion control details, sheet C4.5, to show how erosion control protection will be provided. Proposed treatment includes stabilized construction entrances, inlet protection, silt fencing, sediment traps/basins, construction fence, erosion control blankets, straw rolls, and seeding and mulching. Plan sheet C2.3 also shows the locations where soil would be stockpiled and where equipment would be staged, and the erosion control treatment that would be provided.

26. The Applicant provided shared roadway and stormwater operation and maintenance agreement and covenants for shared maintenance that includes the following:
 - Maintaining key infrastructure in the road right of way, such as the pavement, curb, pedestrian path/sidewalk, etc.
 - Maintaining the street trees.
 - Snow plowing the roadway and sidewalk. The roadway includes the emergency vehicle turnaround.
 - Maintenance of the pretreatment structures and the deep sump pretreatment catch basin. These are to be inspected annually. It recommends a second annual inspection. These structures are to have the sediment removed when the sediment depth approach half the depth of the lowest outlet. Additional removals for floating debris and hydrocarbons, and hood repairs are also recommended
27. The proposed maintenance agreement would have all eight residences sharing in the maintenance of all the road and stormwater infrastructure. There is a part in the agreement that states that the number of units may increase.
28. The Applicant's landscaping plan proposes a mixture of tree species to be placed about 40-foot apart as required per Section 6.4 of the HSR. The plan also has planting details that appear to be in conformance with this section. The plan provides a construction cost estimate for what appears to be the site work per Section 6.5 of the HSR. The Applicant has estimated the minimum landscaping cost to be about \$54,780 and that provided will be about \$62,300 worth of landscaping.
29. The only proposed lighting in this first phase of the development is for a downcasting light on one of the existing utility poles in the area of the proposed crosswalk. This would be the same type of street light that already exists on portions of Mechanicsville Road. This light would be maintained by the Town. The proposed residences would be required to conform to the lighting standards for residential use found in Section 5.29 of the HZR.
30. The Applicants narrative states that the proposed residences will be able to have maximum solar exposure for conformance to Section 5.1.12 of the HSR.
31. 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.
32. The plans show building envelopes based on setback requirements and avoidance of wetland buffers and stormwater treatment swale easements.
33. The final plat application was submitted on March 17, 2023 and deemed complete on April 19, 2023. This application included the application form and the following documents, which are contained in the document file (17-22-62.100) in the Hinesburg Planning & Zoning office:
 - A submittal letter from Hannah Wingate, Engineering Ventures PC dated April 19, 2023

- A project narrative from Hannah Wingate, Engineering Ventures PC dated March 6, 2023
- A letter from Hannah Wingate, Engineering Ventures PC dated May 31, 2023
- A plan by Engineering Ventures PC, titled ‘Cover Sheet’, with project #20542, drawing# C0-0, dated 04/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Overall Existing Conditions Plan’, with project #20542, drawing# C1-0, dated 03/01/2023 and with a revision date of 04/12/2023.
- A plan by Engineering Ventures PC, titled ‘Existing Conditions & Demolition Plan’, with project #20542, drawing# C1-1, dated 03/01/2023 and with a revision date of 04/12/2023.
- A plan by Engineering Ventures PC, titled ‘Site Layout Plan’, with project #20542, drawing# C2-1, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Site Grading & Utility Plan’, with project #20542, drawing# C2-2, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Erosion Prevention & Sediment Control Plan’, with project #20542, drawing# C2-3, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Soils Management Plan’, with project #20542, drawing# C2-4, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Roadway Plan & Profile’, with project #20542, drawing# C3-1, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Typical Roadway Cross Section’, with project #20542, drawing# C3-2, and dated 03/01/2023.
- A plan by Engineering Ventures PC, titled ‘Water Details and Notes’, with project #20542, drawing# C4-0, and dated 03/01/2023.
- A plan by Engineering Ventures PC, titled ‘Sanitary Details and Notes’, with project #20542, drawing# C4-1, and dated 03/01/2023.
- A plan by Engineering Ventures PC, titled ‘Site Details and Notes’, with project #20542, drawing# C4-2, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Stormwater Details (1 of 2)’, with project #20542, drawing# C4-3, dated 03/01/2023 and with a revision date of 05/25/2023.
- A plan by Engineering Ventures PC, titled ‘Stormwater Details (2 of 2)’, with project #20542, drawing# C4-4, dated 03/01/2023 and with a revision date of 05/08/2023.
- A plan by Engineering Ventures PC, titled ‘Erosion Prevention & Sediment Control Details and Notes’, with project #20542, drawing# C4-5, and dated 03/01/2023.
- A plan by Wagner Hodgson, titled ‘Landscape Plan’, with a job number of 20-121, drawing number L000, dated 03.01.2023 and a revision date of 04.12.2023.
- A survey by Vermont Mapping & Survey Co., LLC with project #19697, drawing#M-697, and dated Jan. 27, 2020.
- A survey by Vermont Mapping & Survey Co., LLC with project #22826, drawing#S-826, drawing dated March 2023, and signature dated May 31, 2023.
- A traffic study by Corey Mack P.E. from Wall Consultant Group, dated April 6, 2022.
- A curb cut application dated 2/2/22

- A plan corresponding to the curb cut application by Engineering Ventures PC, titled ‘Curb Cut Sketch Plan Mechanicsville Road’, with project #20542, drawing# SK-1, and dated 02/01/2022.
- Two letters from Erik Bailey, Hinesburg Director of Utilities and Facilities confirming water and wastewater service availability, dated March 11, 2022 and March 31, 2022.
- A stormwater & erosion control narrative from Engineering Ventures PC. (7-pages)
- A plan by Engineering Ventures PC, titled ‘Pre Development Drainage Area Map’, with project #20542, drawing# DR-2, dated 03/01/2023 and with a revision date of 04/12/2023.
- A plan by Engineering Ventures PC, titled ‘Post Development Drainage Area Map’, with project #20542, drawing# DR-3, dated 03/01/2023 and with a revision date of 04/12/2023.
- Stormwater modeling titled ‘20542 Laster 8-Lot Subdivision’ with a printed date of 4/13/2023. (62-pages)
- Stormwater Operation & Maintenance Manual for the Laster Subdivision Project by Engineering Ventures, PC., with inspection forms and a ‘plan key’ showing the areas that need to be maintained, dated May 2023. (8-pages). This was updated to require annual inspections with recommended semi-annual inspections, and maintenance instructions for the conveyance swales. The map on page 8 has been updated to show the conveyance swale.
- An updated shared roadway and Stormwater operations & maintenance agreement and covenants. (3-pages)

From Sketch Plan

- A plan showing a prototype residence by Truexcullins.
- A plan titled ‘Laster Subdivision Phase 1 Layout, which shows how the overall property is limited by streams, wetlands, wetland buffers, steep slopes and core wildlife habitat, dated October 14, 2021 by Wagner Hodgson.
- A plan titled ‘Laster Subdivision Master Plan, which shows a proposed full buildout of the overall property, dated October 14, 2021 by Wagner Hodgson. This plan also shows the streams, wetlands, wetland buffers, steep slopes and core wildlife habitat that limit development on the overall property.

Public Comment

- Letter dated April 26, 2023, from Staff to Robert Barrows of 491 Mechanicsville Road acknowledging a conversation, where Mr. Barrows expressed concern that additional stormwater runoff would adversely affect his property.

34. 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 May 16, 2023: Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, John Lyman, Branden Martin, Michael Webb and Jeff Daugherty.
- On January 6, 2023: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, Branden Martin and Jeff Daugherty.

35. The May 16, 2023 hearing was warned in The Citizen on April 27, 2023.

CONCLUSIONS

1. The Applicant has submitted a complete Final Plat application as required per Section 4.2 of the HSR.
2. As described in Findings of Fact #2, the Applicant has submitted a master plan that satisfies the requirement of Section 3.1.1 of the HZR.
3. The proposed residential density described in Findings of Fact #4 is allowable and compatible with the Town Plan for the area in conformance with Sections 3.9.3 of the HSR and Section 2.4.2 of the HZR.
4. The proposed lots meet the dimensional requirements of Section 2.4 of the HZR.
5. This proposed development would satisfy the requirements found in Sections 5.7.1 and 4.4 of the HZR for development on a private right-of-way with the proposed turnaround being expand to a length of 40-feet.
6. The traffic study described in Findings of Fact #8 is reasonable and demonstrates that the development will not have a significant adverse impact on Mechanicsville Road. The proposed pedestrian crossing, which can be upgraded in future development with a flashing beacon, provides conformance to Section 5.22.2 (5&6) of the HZR and Section 5.1.6(2) and Section 6.1.12 of the HSR.
7. The proposed crosswalk described in Findings of Fact #8 would provide pedestrian connectivity and safety as required in Sections 5.1.6, 6.2.1, 6.2.2 and 6.2.3 of the HSR.
8. The proposed development's water and sewer allocations described in Findings of Fact #9 show conformance to Sections 5.1.8, 5.1.9, 6.7 and 6.8 of the HSR.
9. The proposed development will preserve and protect much of the existing natural features described in Findings of Fact #2 as required per Section 5.1.2 of the HSR. However, this is a first phase of the development. For long term conformance, this Section will need to be reviewed for the whole development at each future phase.
10. There are no known cultural or historical resources on this property that will be affected for conformance to Section 5.1.3 of the HSR.
11. There will be plenty of open spaces and trails that exist and will not be disturbed for this first phase of the development that would provide sufficient open space for active and passive recreation in conformance to Section 5.1.4 of the HSR. For long term conformance, this Section will need to be reviewed for the whole development at each future phase.

12. The proposed roadway as proposed to be modified, would provide an adequate turnaround, has reasonable grades, and would have good accessibility and sight distance in conformance to Sections 6.1.2, 6.1.3, 6.1.5, 6.1.7 & 6.1.8 of the HSR. One access point to the existing road network is not excessive and conforms to Section 6.1.12 of the HSR.
13. Being able to provide at least two parking spaces for each residence would show conformance to Section 5.5 of the HZR.
14. As described in Findings of Fact #11, the Applicant has provided the crosswalk shown on the Official Map and will not interfere with the future placement of a park in a future phase of this development in conformance to Section 3.1.1 and 3.5 of the HZR.
15. The garages for the proposed residences can be set back 10-feet from the front of the residences as required in Section 5.22.3(5&6) of the HZR.
16. The proposed stormwater system as described in Findings of Fact #13 through #23 shows conformance to the standards of Section 6.6.2 of the HSR, including conveyance of the 100-year storm event.
17. The Applicant will need to obtain a State stormwater permit prior to the issuance of the first building permit for this project.
18. As described in Findings of Fact #24, the Applicant demonstrated conformance to the stormwater LID requirements of Section 6.6.2(5) of the HSR.
19. As described in Findings of Fact #25, 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.
20. The Applicant's maintenance proposal to maintain all the infrastructure described in Findings of Fact #26 & #27 is reasonable.
21. The proposed development should not burden municipal services in conformance to Section 5.1.11 of the HSR.
22. The proposed houses could be sited for renewable energy in conformance to Section 5.1.12 of the HSR.
23. The proposed streetscape design described in Findings of Fact #28 conforms to the shade tree requirement of Section 6.4 of the HSR.
24. The only street light that is needed in this development is for the crosswalk and will be controlled by the Town. All other lighting would be residential and will be required to conform to Section 5.29 of the HZR.
25. The building envelopes conform to the requirements of Section 6.10.7 of the HSR.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants final plat approval to the proposed 8-unit/10-lot subdivision and development on a private right-of-way to Joe Laster subject to the conditions listed below.

1. Prior to the filing of a mylar, the Applicant shall update the plans to show the emergency vehicle turnaround as having a length of 40-feet.
2. A full-size hard copy and one digital version (PDF format) of the revised plans shall be submitted to the Planning & Zoning Office prior to filing the survey mylar in the Town records.
3. 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 or additional permits issued.
4. Prior to the first certificate of occupancy being issued, the receiving stormwater system shall be placed per the plans, details and documents.
5. Prior to the second certificate of occupancy being issued, the roadway, turnaround, curb, pedestrian path/sidewalk, street light, crosswalk, and the remaining portions of the stormwater system shall be placed per the plans, details and documents.
6. Prior to any certificate of occupancy, the street and property trees adjacent to that property that is shown on the landscape plan shall be placed. Prior to the last certificate of occupancy, all the street and property trees shown on the landscape plan shall be placed.
7. The Applicant shall provide certifications from licensed qualified professionals to certify that the road construction, related infrastructure, and stormwater treatment was built in conformance to the design and approved plans prior to the corresponding certificate of occupancy.
8. No further development shall occur without further review by the DRB.
9. All proposed structures shall be located in the building envelopes as shown on the survey plat.
10. 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.

11. 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.
12. 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.
13. For conformance to Sections 5.22.3(5&6) of the HZR the garages shall be set back at least 10-feet from the front of the principal structure and that these single-family residences will have roof pitches of at least 6 on 12.
14. The stormwater system shall be inspected annually as described in Findings of Fact #26.
15. Pursuant to section 2.5.2 of the HZR, the 75-foot stream buffer area on the north side of lots 1-5 shall not be converted to lawn, and shall be left in an undisturbed, vegetated condition. Control of non-native species of nuisance plants is allowed, and supplemental planting with native vegetation is encouraged.
16. The landscaping plan shows tree and shrub plantings on lots 1-8; however, a note indicates that the landscaping on the lots is, "representative and subject to change". The specific placement of the on-lot landscaping may change, but the number and type of plantings shall be per the plans. Minor revisions of plant species may be reviewed and approved by the Zoning Administrator.
17. 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.
18. 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.
19. 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

June 20, 2023
Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Ted Bloomhardt, John Lyman, and Mike Webb.

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.