

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

**Duncan Wisniewski Architecture &
Kelley's Field Limited Partnership c/o Cathedral Square Corporation
Conditional Use Approval for Stream Buffer Development
Parcel Number 20-50-20.000**

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

FINDINGS OF FACT

1. Duncan Wisniewski Architecture, hereafter referred to as the Applicant, on behalf of Kelley's Field Limited Partnership and Cathedral Square Corporation, hereafter referred as the Owner, are requesting conditional use approval for development in a stream buffer area as required per Section 2.5.2(5) of the Hinesburg Zoning Regulations (HZR) from the Hinesburg Development Review Board (DRB) associated with the development of a 24-unit multifamily dwelling on their 6.49-acre lot located on Kelley's Field Road in the Village Zoning District. The Applicant, represented by Michael Wisniewski, the Owner represented by Cindy Reid and their Engineer Derrick Read of Krebs & Lansing Consulting Engineers, attended the June 21, 2022 meeting.
2. The Applicant is also applying for final plat subdivision approval and conditional use approval for a 24-unit multifamily residence per Section 3.5.6(7) of the HZR. These will be reviewed in separate decisions. This application received sketch plan subdivision approval on January 4, 2022 and preliminary plat subdivision approval on May 3, 2022.
3. There is a stream on this property located on the southern portion of the property that discharges to the west, under VT Route 116 eventually discharging to the LaPlatte. This stream has a 75-foot village stream setback. The Applicant has provided a narrative and a plan that show the extent of the development in the village stream setback area. This would include the following:
 - 1) Placement of a 12-inch stormwater pipe and end section, which is used to redirect stormwater from the higher elevations on the eastern portion of the property to bypass the proposed development.
 - 2) Placement of a 6-inch building foundation drain outfall.
 - 3) Some regrading of land in the stream setback, outside of the wetland buffer.
4. There is an existing garage to remain, which is shown on the plan and is in both the stream setback and wetland buffer, that was permitted in by zoning permit 84-78 on July 11, 1984. The proposed development is approvable through conditional use per Section 2.5.2(5e) of the HZR with no undue effects on the items listed in Section 4.2.2 of the HZR.
5. The applications for this proposed development were submitted and were deemed complete on May 24, 2022. This application included the application forms and numerous documents, which are listed in the two other decisions described in Finding of Fact #2 and that are contained in the document file (20-50-20.000) in the Hinesburg Planning & Zoning office. The following documents are the submittals that are relevant to this approval:
 - A 5-page Preliminary Plat Narrative dated 05.24.22 by Duncan Wisniewski Architecture.
 - A plan titled "Overall Site Plan", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-1.0, and dated 05/23/2022.

- A plan titled "Site Plan", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-1.1, and dated 05/23/2022.
 - A plan titled "Overall Existing Conditions Plan", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-2.0, and dated 05/23/2022.
 - A plan titled "Erosion Prevention & Sediment Control Plan", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-3.0, and dated 05/23/2022.
 - A plan titled "Erosion Prevention & Sediment Control Plan Construction", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-3.1, and dated 05/23/2022.
 - A plan titled "Post Construction Stabilization Plan", by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-3.2 and dated 05/23/2022.
6. The Applicant has provided a narrative, plans and details to show conformance to the erosion control standards per Section 5.27.1 of the HZR. Proposed treatments include providing stabilized construction entrances and staging areas, proper dewatering, use of silt fence, straw wattles, sediment filters, inlet protections, hydroseed, mulch, erosion matting and regular sweeping. Plans provided show the pre-construction, during construction and post-construction designs. These designs include protecting the village stream setback from erosion.
7. The following members of the DRB were present for the final plat subdivision hearing on June 21, 2022, constituting a quorum: Dennis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, Greg Waples and John Lyman. See the official meeting minutes for a list of others present at the meeting.
8. The June 21, 2022 public hearing was warned in *The Citizen* on June 2, 2022.

CONCLUSIONS

1. The Applicant has submitted all information required by the Hinesburg Zoning Regulations for the aforementioned application.
2. The proposed village stream buffer encroachment listed in Findings of Fact #3 are necessary to the proposed development of a 24-unit multifamily senior residences, appear to be a minimal encroachment, and should not have an undue adverse effect on the items listed in Section 4.2.2 of the HZR.
3. The erosion control and sediment prevention plans and the project's overall stormwater control plans adequately address protection of water quality by preventing or mitigating sediment and stormwater impacts to the stream buffer area during and after construction.
4. Pursuant to Section 2.5.2(5) of the Hinesburg Zoning Regulations, the Board concludes that there are no practical alternatives to proposed stream buffer area encroachments.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants conditional use approval for development in a village stream buffer subject to the construction conforming to the erosion control and sediment prevention plans and that 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

Hinesburg DRB - Notice of Decision
Kelley's Field Conditional Use Development in a Village Stream Buffer Approval - 2022

- 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.



For Development Review Board

July 19, 2022

Date

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

Vote: 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.