

**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 and Site Plan Review for a 24-Unit Multifamily Dwelling
Tax Map Number 20-50-20.000**

Based on the above-mentioned public hearing and the documents contained in the "document" file for this proposal, and testimony at the hearing 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 a 24-unit multifamily dwelling per Section 3.5.6(7) of the Hinesburg Zoning Regulations (HZR) from the Hinesburg Development Review Board (DRB). Section 4.2.4 of the HZR requires a site plan review. The Applicant and Owner would like to expand their existing 24-unit senior affordable multifamily housing development with 24 new additional units 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 development in a Village stream buffer area per Section 2.5.2(5e) 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. The existing units are in three single floor buildings, two of which are attached. The proposed units would be in a new residential building located at the current end of Kelley's Field Road. The new residential building would have units on two stories plus some units placed in an above ground area of basement. Additional improvements would include building additional parking, an outdoor pavilion, patio, raised-bed garden area, outdoor smoking shelter, several walkways and a community room in the new building. An existing outdoor pavilion, located on the northwest portion of the proposed parking area and where the proposed trash enclosure would be located, will be removed. This property is an interior lot that is accessed through a 50-foot-wide right-of-way, which has the private roadway name of Kelley's Field Road.
4. The original project was approved by the Planning Commission on June 25, 1981. This approval also included a subdivision, which separated 1.03 acres adjacent to VT Route 116 into a new lot, and created a 50-foot wide right of way from VT Route 116 to the Applicant's property as it exists today. This approval is contained in the meeting minutes, and simply approved the project as presented with only one condition related to the sub-base for the gravel overflow parking area. A boundary survey/plat of the property is recorded in the Town land records on map slide 197. However, this plat does not show the project site plan, and this plat was not approved by the Planning Commission. This survey was updated and recorded on map slide 212 to indicate a change of ownership. The original project did receive an Act 250 permit from the State of Vermont. The Applicant received a waiver from Act 250 for this project.
5. The Applicant has calculated a parcel area of 6.64-acres, of which 0.48-acres are in the stream setback, leaving 6.16-acres of land that is not in the stream setback. The base density in the Village Zoning District is 4 unit per acre per Sections 2.4.2 and 3.5.3 of the HZR. The calculated base

density is (6.16x4) 24.64 units. The maximum density bonus per Section 2.4.2 of the HZR is 120%. The Applicant has provided the floor area sizes of the 24 proposed units. All of the proposed units have floor areas that are less than 1,200sf, which provides a 50% density bonus. The Applicant has provided documentation that all the new units qualify as affordable per Section 5.21.5 of the HZR, which is 50% of all the units, which will provide a 70% density bonus. These two bonuses provide the maximum 120% density bonus allowing for (24.64x2.2) 54.208 units, which rounds down to 54 allowable units on the property. The Applicant is proposing to have 48 total units.

6. The Applicant stated that there was no formal agreement to maintain Kelley's Field Road. The Applicant has submitted a draft shared road and sidewalk maintenance agreement. The proposed agreement includes road and sidewalk maintenance, repair, improvements, snowplowing, and for repair and improvements to the waterline. The agreement provides percentages of payments for the maintenance and repair.
7. Development on this property is limited between steep slopes on the northeast portion of the property and a village stream setback on the southwest portion of the property. The transition to the steep slopes is abrupt with limited moderate slopes. There are some wetland and wetland buffer areas concurrent with the village stream setback area with some of the wetland buffer area extending beyond the village stream setback. The proposed building envelope shown on the submitted survey would avoid these areas.
8. The Applicant is showing on the plans a renovating and expanding of the sidewalk on the north side of Kelley's Field Road between Kelley's Field and VT Route 116 to a consistent 5-foot width and an improved connection to the sidewalks on VT Route 116. These improvements would allow for good pedestrian connectivity between Kelley's Field and the Village Growth Area.
9. Kelley's Field Road accesses VT Route 116. This existing 50-foot access right-of-way does not have any grading or geometric concerns. The proposed expansion of the parking lot will create a 'loop' that would allow an emergency vehicle to access the proposed building and to quickly be able to turn around. The Applicants have provided an email from Fire Chief Nick Baker, stating that the proposed design satisfies the need of the Hinesburg Fire Department.
10. The Applicant is proposing, as shown on the submitted plans, to increase the number of parking spaces from 24 to 43, three of which will provide ADA access. The Applicant provided at sketch plan a parking study, which is included for review, to demonstrate that the overall development would only require 43 parking spaces. As required by the DRB the plans show where six additional parking spaces could be added in the future.
11. The property is in Hinesburg's water and sewer service area. The Applicant received the water and sewer allocations, required by the Town's water and sewer ordinances, from the Selectboard on February 16, 2021. Plan C-1.2 shows the water and sewer connections. The Applicant is proposing a new hydrant to service the Kelley's Field Road area.
12. Power and phone utilities are provided off a utility pole on VT Route 116, just south of the Kelley's Field Road intersection. These utilizes service the properties on Kelley's Field Road through underground lines. As shown on plan C1.2, these underground lines will be extended to the new multifamily residence. This property also has gas service, which will also be extended to the new multifamily residence.
13. According to the plans, 15 of the 23 one-bedroom units have floor areas of 655sf. 5 of the 23 have floor areas of 674sf and the remaining 3 have floor areas of 731sf. The one two-bedroom unit has a floor area of 965sf. All 24 of these units are less than 1200sf in floor area, which provides one incentive point for a bonus per Section 2.9.2 of the HZR. One incentive point provides a 50%

density bonus per Section 2.9.1 of the HZR in the Village Zoning District. Section 5.21.4(3c) of the HZR requires livable floor area in affordable units to minimally be 750sf for a one-bedroom and 1,000sf for a two-bedroom, unless waived by the DRB. The Applicant stated at the hearing that they needed to reduce the size of the building because they found poor ground conditions, which increased the cost of the building. The DRB stated at the hearing that they could provide a waiver of the minimum floor area requirement.

14. The Applicant submitted a stormwater treatment design, which includes plans, a narrative, and modeling required to show conformance to Section 5.27.2 of the HZR. The Applicant demonstrated that most of the site discharges either to a swale on the south side of Kelley's Field Road or to a tributary of the LaPlatte. Discharge from the hillside on the east and northeast of the site that is proposed to be discharged to either a swale or a pipe and diverted away from the site. The Applicant showed on the plans and modeling, and described in the narrative that there is a larger amount of existing impervious area that will be treated than new impervious area that will not be treated. The soils in the site area are either Farmington extremely rocky loam or Munson & Raynham silt loam, both of which are hydrological soil grade (HSG) rated 'D'. The recharge requirements and the infiltration requirement of Section 5.27.2(2) of the HZR are waived for 'D' rated soils.
15. Stormwater treatment is provided by two gravel wetlands, the locations of which are shown on the plans. The northern most gravel wetland, GW1, has a forebay and discharges to the swale along the southern side of Kelley's Field Road. The southerly gravel wetland, GW2, does not have a forebay, and according to the Applicant's does not need one since most of the discharge is coming from the flat roof of the building. GW1 and GW2 have permanent storage that exceeds the required 50% of water quality volume. GW1, including the forebay, stores 1,276cf of the total 2,234cf of discharge produced in the water quality storm. Similarly, GW2, without a forebay, stores 569cf of the 984cf generated. The detained stormwater is discharged through one-inch orifices placed at an elevation just above the permanent storage. The minimum size for such an orifice is one-inch.
16. Additional one-inch orifices, one on each of the outlet structures, are provided in both gravel wetlands just above the peak elevation on the water quality storm event, to discharge the channel protection volumes. Above the peak elevation of the channel protection storm event is a stand pipe to discharge stormwater for the 10-year and 100-year storm events. Each gravel wetland also has an overflow weir for extreme storm events. The pre-development discharges for the areas treated by GW1 and GW2 for the 10-year storm event are 3.59cfs and 2.39cfs respectively. The post-development peak discharges are 3.04cfs and 1.56cfs respectively, which being less than the pre-development discharges satisfies the requirements for the 10-year storm event.
17. Though the size of this project allows for an exemption of treating the 100-year storm event, Section 5.27.2(3) of the HZR requires off site areas will not be overwhelmed during a 100-year storm event. The Applicant's modeling shows that the post-development peak discharges of 6.00cfs for GW1 and 3.73cfs for GW2 are less than the pre-development peak discharges of 6.02cfs for GW1 and 4.56cfs for GW2 for the 100-year storm event. Providing such treatment complies with this requirement.
18. The Applicant has provided a Stormwater Maintenance Plan (ST-2), which adequately details the required maintenance for the proposed stormwater infrastructure as required by Section 5.27.2(4) of the HZR. Section 5.27.2(5) of the HZR requires conformance to a low impact development (LID) standard. The proposed development provides clustered development, preserving open space, using a shared driveway, providing a vegetative stream buffer, (also required per Section 2.5.1 of the HZR), and conformance to the post-construction soil depth and quality standard, which is now required as part of a State stormwater permit.

19. 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.
20. To conform with Section 4.3.8 of the HZR, the Applicant has provided a landscaping plan and pictures on plans of proposed landscaping. The calculated the landscaping requirement cost is \$72,000. The landscaping narrative details some of the proposed plantings and amenities mostly located in the front of the proposed building plus a proposed exercise loop. The photos and overall plans show locations of different plantings. Concerns were raised that some of the proposed species may be invasive. The Applicant at the hearing clarified and testified that with one exception, all of the proposed plantings were not invasive. The one exception was the replacement of a European mountain ash, which would replace one that was recently removed and favored by the current residents
21. The roof for the proposed multifamily residence would be relatively flat and could have solar panels. The Applicant had stated that they may use heat pumps and other energy saving ideas.
22. To conform with the public space requirement of Section 5.22.5 of the HZR, the Applicant has stated that the proposed meeting areas, being about 8,000 square feet and exercise loop can satisfy the 4,800sf requirement, with the exercise loop satisfying 30% of the requirement. The Applicant is requested a waiver per Section 5.22.1 of the HZR, of making their amenities a public open space. The Applicant's narrative mentioned that the community room will provide a welcoming space for events connecting the residents to the community, but to be able "to provide a sense of security in a senior living environment makes it difficult to provide a dedicated public access space". At the hearing the Applicant stressed that people visiting will be able to enjoy the gardens and amenities, and that this development was not on a public right-of-way, but rather a private right-of-way. The DRB agreed that considering the population and the location that a waiver per Section 5.22.1 of the HZR was appropriate.
23. Section 5.22.3(6) of the HZR requires moderately to steeply pitched roofs, unless the DRB determines that another roof type is appropriate. At the preliminary plat review, the DRB determined that the proposed roof type is appropriate for the use and location.
24. Section 5.22.2(2) of the HZR requires new parking to be placed in the rear or side of a new building. At the preliminary plat review the DRB determined that a waiver of this standard is appropriate for this application since the proposed development is at the end of a private right-of-way, is to be interconnected with the earlier phases of development on this property, and the topography of the property limiting development to the proposed area of development.
25. To show conformance with the outdoor lighting requirement of Section 5.29 of the HZR, the Applicant has provided a site photometric plan (SP-1), cut sheets and a description of the existing and proposed lighting in the project narrative. The Applicant is proposing to place two 8,894 lumen lights on 20-foot poles in the parking area, two 2,228 lumen lights in the walkway also on 20-foot light poles between the parking area and the main entrance and thirteen 700-lumen (between a 50W and 60W incandescent bulb equivalent) with six under the main entrance canopy, six more under the pavilion and one under the rear entrance canopy. These canopies are to be less than 15-feet in height.
26. The analysis provided shows the lighting on both the existing and proposed buildings. The pole heights conform to Section 5.29.3(5). The submittals show lights that are down casting as required by Section 5.29.3(1) and have color renditions in conformance to Section 5.29.3(3). The proposed

- lighting can have a maximum light temperature of 4000K for conformance to Section 5.29.3(4) of the HZR.
27. Plan SP-1 shows that the proposed lighting in the parking area satisfies the requirements of Section 5.29.4(3) of the HZR. The maximum illumination would be 3.5-footcandles, which is less than the maximum allowable illumination is 6-foot candles. The average illumination would be 1.49-foot-candles, which is less than the 1.5-foot candle allowance. The uniformity ratio would be 7.45:1, which is less than the allowable 8:1 maximum. The lighting under the two entryways would have a maximum illumination of 5.1 and 3.9-footcandles, which is less than the 10-footcandles allowed per Section 5.29.3(4) of the HZR.
 28. The plans show the location of the screened refuse. The current refuse storage is not screened. Snow storage for the parking area can be accommodated in the parking lot island and areas adjacent to the parking areas.
 29. To address a concern from an abutting landowner, the Applicant is proposing to place a “living fence” of arborvitae plantings along a portion of their property line on the western side of the property for additional screening.
 30. The applications for this proposed development were submitted and were deemed complete on May 24, 2022. This application included the application form and the following documents, which are contained in the document file (20-50-20.000) in the Hinesburg Planning & Zoning office:
 - A 5-page Preliminary Plat Narrative dated 05.24.22 by Duncan Wisniewski Architecture.
 - A Road and Sidewalk Maintenance Agreement for all of the landowners bordering Kelley's Field Road.
 - A letter from Fire Chief Nicholas Baker dated 04/28/2022 stating the design shown on the plans are sufficient to meet HFD's needs.
 - Letter to Staff from Cindy Reid dated May 12, 2022, which states that Kelley's Field will maintain a “living” fence along the border with the Busier family.
 - 2 renderings of the front view of the proposed building. One with street tress and one without street trees.
 - A plan titled “Context Plan”, by Duncan Wisniewski Architecture, with a sheet number of L1.1, and dated 05.23.2022, that shows the area around the proposed development.
 - A plan titled “Site Plan, Kelley's Field 2”, by Duncan Wisniewski Architecture, with a sheet number of L1.x, and dated 05.23.2022, that has a plan view of the entire Kelley's Field development.
 - A plan titled “Site Plan, Kelley's Field 2”, by Duncan Wisniewski Architecture, with a sheet number of L1.xx, and dated 05.23.2022, that has a plan view of the proposed new development.
 - A plan titled “Kelley's Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A0-2.0, and dated 02.21.2022, that has an axon/ elevation view of the proposed building.
 - A plan titled “Kelley's Field II – Pavilion, Option 1, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of L1-2.0, and dated 03.08.2022.
 - A ground level plan titled “Kelley's Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A1-0.0, and dated 02.21.2022.
 - A first-floor plan titled “Kelley's Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A1-1.0, and dated 02.21.2022.
 - A second-floor plan titled “Kelley's Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A1-2.0, and dated 02.21.2022.

- A roof plan titled “Kelley’s Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A1-3.0, and dated 05.06.2022.
- A plan with northeast and northwest elevations titled “Kelley’s Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A2-1.0, and dated 05.06.2022.
- A plan with southeast and southwest elevations titled “Kelley’s Field II, Design Development”, by Duncan Wisniewski Architecture, with a sheet number of A2-2.0, and dated 05.06.2022.
- A survey titled ‘Final Plat, Kelley’s Field Limited Partnership’, by Summit Engineering, Inc., with project number 8243, drawing number B1 and dated 5/11/22.
- 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 “Site Utility Plan”, by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number C-1.2, 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.
- Six plans titled “Civil Details”, by Krebs & Lansing Consulting Engineers Inc., with project number 21351, sheet numbers C-4.0 through C-4.5, and dated 05/23/2022.
- A document by Krebs & Lansing Consulting Engineers Inc., titled ‘Stormwater Narrative Kelley’s Field Phase 2.
- A document by Krebs & Lansing Consulting Engineers Inc., titled ‘Kelley’s Field II Senior Affordable Housing Project Erosion Prevention & Sediment Control Narrative.
- A plan titled “Stormwater Maintenance Plan”, by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number ST-2, and dated 02/11/2022.
- A plan titled “Post Development Watershed Plan”, by Krebs & Lansing Consulting Engineers Inc., with project number 21351, a sheet number ST-1, and dated 02/11/2022.
- Stormwater design and modeling dated 2/9/2022 with the 100-year storm modeling dated 2/22/2022.
- A narrative by Krebs & Lansing Consulting Engineers Inc., titled ‘Kelley’s Field II Senior Affordable Housing Project Stream Setback Impacts’.
- A plan titled “Stream Setback Plan”, by Krebs & Lansing Consulting Engineers Inc., with job number 21351, a sheet number SSP-1, and dated 05/19/2022, which shows the proposed development in the stream setback and wetland buffer area.
- A plan titled “Kelley’s Field II – Planting Plan”, by Duncan Wisniewski Architecture, with a sheet number of L1-1, and dated 03.02.2022.
- Two plans by Knauf Landscape Architecture titled ‘Salt Tolerant, Hardy Trees and Shrubs Sheet (I & II), Kelley’s Field II’, dated February 25, 2022.
- A plan by Knauf Landscape Architecture titled ‘Salt Tolerant, Hardy Perennials, Kelley’s Field II’, dated February 25, 2022.

- A site lighting plan titled "Site Photometric Plan", by Pearson & Associates, with job number 727896, a sheet number SP-1, and dated 5/20/2022.
 - Lighting specification sheets 'Steele RS35'
 - 10 photos of the existing Kelley's Field development.
 - Parking Narrative from Cathedral square dated 11/23/2021.
 - A memo from Cindy Reid of Cathedral Square dated 3/7/2022 clarifying their income-based housing.
31. The Hinesburg Affordable Housing Committee (HAHC) has stated their support for this development.
 32. 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.
 33. The June 21, 2022 public hearing was warned in *The Citizen* on June 2, 2022.

CONCLUSIONS

1. The proposed development's building envelope described in Findings of Fact #7 demonstrates conformance to the setback and lot coverage requirements of Table #1 in Section 2.4 of the HZR for the Village Zoning District. The proposed development's density as described in Findings of Fact #5 and #13 would be in conformance to Sections 2.9, 3.5.3 and 5.21 of the HZR. Combined this shows conformance to Conditional Use standard Section 4.2.2(4) of the HZR.
2. This proposed development would not create significant traffic demand based on the parking required as described in Findings of Fact #10. This proposed development would have adequate access and vehicle circulation as described in Findings of Fact #9. Improving the sidewalk as described in Findings of Fact #8 would provide adequate pedestrian circulation. The shared maintenance agreement described in Findings of Fact #6 will allow for these features to be maintained. All of this shows conformance to Section 4.2.2(3) and 4.3.4(1) of the HZR.
3. The proposed residential building will have a flat roof as described in Findings of Fact #21, which can utilize solar in conformance to Sections 4.2.2(5) and the intent of Section 5.23 of the HZR.
4. This proposed development will have a limited effect on existing or planned community facilities, will not change the character of the neighborhood, will not affect the use or potential development of adjacent properties and affect public welfare in any manor, in conformance to Sections 4.2.2(1,2,6&7) of the HZR.
5. As described in Findings of Fact #9, this proposed development will have adequate circulation and emergency access that was reviewed by the Fire Chief. As described in Findings of Fact #10, the proposed development will have adequate parking and the opportunity to add four additional parking spaces if the amount of parking provided is insufficient. As described in Findings of Fact #28, adequate provisions for refuse storage and snow removal have been provided. Combined all of these show conformances to Sections 4.3.4(2) and 5.5 of the HZR.
6. The proposed landscaping and screening described in Findings of Fact #20 conforms to the requirement found in Sections 4.3.4(3) and 4.3.8 of the HZR.
7. The proposed lighting as described in Findings of Fact #25, #26 & #27 conforms to the requirement found in Sections 5.29 and 4.3.4(4) of the HZR with the condition that the maximum temperature of the lighting provided does not exceed 400K.

8. The water and sewer allocations received, which are described in Findings of Fact #11 demonstrate conformance to Section 4.3.4(5) of the HZR.
9. The proposed development as described in Findings of Fact #14 through #19 has a stormwater mitigation plan, a stormwater system maintenance plan, and erosion control plans for several stages of the development in conformance to Sections 4.3.4(6) and 5.27 of the HZR.
10. The proposed development's building envelope described in Findings of Fact #7 avoids significant resources, with the exception of a small disturbance to a village stream setback, in conformance to Section 4.3.4(7) of the HZR. The Applicant has applied and received approval along with this decision for development in a village stream setback.
11. The proposed use will not create hazardous wastes in conformance to Section 4.3.4(8) of the HZR.
12. The size of the proposed units, as described in Findings of Fact #13, conforms to the size requirement of Section 2.9.2 of the HZR, but requires a waiver for its small size from Section 5.21.4(3c) of the HZR. Considering the use, the DRB at the hearing determined that a waiver to allow for a 620sf one-bedroom residence and a 900sf two-bedroom residence is reasonable.
13. In consideration of the age of the population and the location of this project, as described in Findings of Fact #22, the DRB approves a waiver per Section 5.22.1 of the HZR of the public open space requirements found in Section 5.22.5 of the HZR.
14. The proposed roof as described in Findings of Fact #23 is appropriate for the proposed development and in conformance to Section 5.22.3(6) of the HZR.
15. Waiver per Section 5.22.1 of the HZR from requirement to have parking in the rear or sides of a development found in Section 5.22.4 of the HZR as described in Findings of Fact #24 is appropriate.

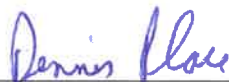
ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB grants conditional use and site plan approval for a proposed 24-unit multifamily residence as described above subject to the following conditions.

1. This approval shall be linked to the final plat approval for a 24-unit multifamily residence and a conditional use approval for development in a village stream setback area. The Applicant is required to satisfy the conditions of all of these approvals as part of this approval.
2. Prior to a certificate of occupancy for the proposed multifamily residence, the proposed landscaping, stormwater infrastructure, parking, sidewalk, walkways, utilities, and other amenities shown the submitted plans shall be placed.
3. Prior to a certificate of occupancy for the 24-unit multifamily dwelling, a certification shall be provided by an appropriate licensed professional that the stormwater system has been installed per the plans. The system shall be reviewed annually as described in Findings of Fact #19 with the review to be provided to the Hinesburg Planning and Zoning office.
4. Placement of erosion control as described on the plans shall be placed in the sequence described on the plans.
5. The DRB approves a waiver per Section 5.21.5 of the HZR of minimum livable floor areas found in Section 5.21.4(3c) of the HZR as described in Conclusion #12.
6. The DRB approves a waivers per Section 5.22.1 of the HZR of the public open space requirements found in Section 5.22.5 of the HZR described in Conclusion #13 and from requirement to have

parking in the rear or sides of a development found in Section 5.22.4 of the HZR as described in Conclusion #15.

7. 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.
8. All exterior lighting shall be as described on the plans and documents, and with fixtures that do not exceed the maximum allowable color temperature (CCT) of 4000 Kelvin in conformance with Section 5.29.3(4) of the HZR.
9. Should parking issues arise, the owner shall construct the additional parking shown on the plans within 180-days. Should there be parking issues after the four additional parking spaces are constructed then the owner shall within 30 days apply submit an application to revise this approval with proposed solution(s) for DRB review.
10. 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.
11. The hours of construction shall be from 7:00am to 6:00pm, Mondays through Saturdays.
12. 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.



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

This approval expires one year from the approval date if a permit for the proposed multifamily residence is not issued.

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 Applicant 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.