

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

**For United Church of Hinesburg (UCH)
c/o Rolf Kielman & Andrew Seaton
Site Plan Application
Tax Map 20-50-30.000**

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

FINDINGS OF FACT

1. This matter came before the Hinesburg DRB on the application from UCH, hereafter referred to as the Applicant, for site plan approval for a community center, per Section 3.5.5(18) of the Hinesburg Zoning Regulations (HZR), on a 0.07 acre/2,846sf property located at 10765 VT Route 116 in the Village Zoning District. This proposed use requires site plan approval per Section 4.3 of the HZR. The property has one structure, which had a historic use as a vestry, for which the building is often referred to as “The Vestry”. The application was opened at the March 2, 2021 DRB meeting and continued and closed on the May 4, 2021 hearing. Rolf Kielman and Andrew Seaton, representing the Applicant, attended these meetings.
2. The property is located next to the entrance and parking area of St. Jude’s Church, which is not associated with the UCH in the Village zoning district. The current structure is approximately 1500sf in size and covers much of the 0.07 acres or 2,846sf property. The ground is relatively level throughout the property. The front of the structure is aligned with other buildings on the east side of VT Route 116. The building does not conform to side-yard and rear-yard setbacks. The Applicant is proposing to remove the rear portion of the building, making the building approximately 1300sf. This would be the only change to the exterior volume. After the renovation the building would include about 800sf of meeting space, a small kitchen, a small open office space, an accessible bathroom, storage coat closet area and a mechanical room possibly in a basement or crawl space area.
3. The building was constructed in 1840. In addition to its vestry use, the building has been used as a chapel and a meeting place. A kitchen was added in 1910. More recently it was used for storage for several community groups, which previously included the Town’s Recreation Department and the Boy Scouts. The building is in poor shape and needs a lot of remediation, most of which would be internal.
4. Due to the small size of the property and a right-of-way concern of St. Jude’s Church, the Applicant can only propose one parking space on the property, which would be located in the front of the Vestry building. This limitation required the Applicant to determine their times of use and to secure parking on other properties during those times.
5. The Applicant is proposing to have four larger events per month with a maximum capacity of 35 participants. These larger events would occur on the first Friday, the second Sunday and the fourth Sunday of each month from 6:00PM to 10:00PM, and on the third Saturday from 1:00PM to 5:00PM. The Applicant is proposing to have eight smaller events with a maximum capacity of 12 participants on the first and second Saturday of the month from 9:00AM to Noon, on the first Thursday and second, third and fourth Tuesday of the month from 1:00PM to 5:00PM, and on the first Tuesday and third Thursday from 6:00PM to 10:00PM. 10:00PM is the latest allowable time without conditional use review, per Section 4.3.6 of the HZR.

6. Table 2 in Section 5.5 of the HZR recommends one parking space for a place of assembly without fixed seating for every three event participants. This would equate to 12 parking spaces for larger events and four parking spaces for smaller events. St. Jude's Church is willing to allow participants to use their parking, but are unable to enter into a formal agreement. The Applicant has obtained agreements for parking use during the event times listed in Findings of Fact #5 from the Town Selectboard and UCH. Access to these parking areas, in addition to about five on street parking spaces is provided by the Town's sidewalk network.
7. The proposed parking spot in the front of the Vestry building, according to the Applicant, is to be utilized as an ADA eligible parking spot.
8. Prior to developing this application, the Applicant received a variance approval from the DRB from Section 5.11 of the HZR, which prohibits development on a property with less than 1/8th an acre of land on January 21, 2020. Per section 8.5 of the HZR, variance approvals expire after one year if no zoning permit has been issued and the proposed use hasn't been established. State legislation passed due to the COVID-19 state of emergency extended this expiration date. Pursuant to Act 92 (enacted on March 30, 2020), any expiring municipal permit shall remain valid for 90 days after the date that the declared state of emergency ends.
9. The Vestry property is in the municipal water and sewer district. The Applicant has received a letter stating they have reserved allocation for water and sewer and will need to complete the process prior to the proposed use of the property.
10. The Applicant proposes to place a fence to screen the proposed parking space and refuse container. They propose to have two exterior lights, one each over the two entrances, which would be shielded, downcasting and on a motion sensor. The lights to conform to Section 5.29 of the HZR will have 1100 lumens, a color temperature of 3000K, a color rendition of 60, and a height of about 10 feet. The Applicant is proposing that the building will be energy neutral with the placement of solar panels on the roof.
11. For conformance to Section 4.3.8 of the HZR, the Applicant is proposing to place 4 trees and to replace an existing asphalt adjacent to the VT Route 116 with a grassed area. The construction cost is estimated to be about \$200,000. The removal of asphalt and the placement of soil, grass, and trees is expected to be greater than the \$6,000 requirement per Section 4.3.8 of the HZR.
12. The proposed development should not change the drainage pattern. The impervious area is being reduced.
13. The site plan application was submitted and deemed complete on December 30, 2020. Many of the original submittals were replaced. The application as considered included the application form and the following documents, which are contained in the document file (20-50-30.000) in the Hinesburg Planning & Zoning office:
 - A site plan on TruexCullins paper dated 12-28-2020.
 - An enlarged site plan on TruexCullins paper dated 4-27-2021.
 - A narrative dated 12-28-20.
 - An updated narrative email from Rolf Kielman on April 8, 2021.
 - An event schedule spreadsheet.
 - A parking agreement with UCH dated March 10, 2021.
 - A letter to the Selectboard dated April 26, 2021 requesting use of the Town's parking lot for Vestry events.

- Draft Selectboard minutes of April 28, 2021 showing Selectboard approval for the Vestry to use Town parking spaces with good communication.
 - A letter from Erik Bailey, Hinesburg Director of Utilities & Facilities, stating the Town can serve this project and provide allocation with the appropriate fees as specified by the Water and Sewer Ordinance.
 - A map showing the distances between the Vestry property and areas with possible parking.
14. The following members of the DRB were present for the site plan review on both March 2, 2021 and May 4, 2021, constituting quorum: Denis Place, Dick Jordan, Jon Slason, Ted Bloomhardt, Greg Waples, John Lyman and Branden Martin. See the official meeting minutes for a list of others present at the meetings.

CONCLUSIONS

1. The Applicant has shown that adequate parking is available and has coordinated the use of that parking with the appropriate representatives in conformance with Sections 5.5 and 4.3.4(2) of the HZR.
2. The proposed hours are in conformance to Section 4.3.6 of the HZR.
3. The proposed landscaping and screening will conform to the requirements of Section 4.3.8 of the HZR. However, planting specifications are needed to better document the proposed plantings, and to ensure that they will be of an appropriate size and type pursuant to the standards in section,4.3.8 of the HZR.
4. Formalizing the water and sewer allocation with the appropriate fees would conform to Section 4.3.4(5) of the HZR and the Town's water and sewer ordinances.
5. This proposed development will maintain a cultural resource in the village portion of town in conformance to Section 4.3.4(7) of the HZR.
6. The proposed lighting will conform to Section 5.29 of the HZR.

ORDER

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

1. The proposed use shall occur as described in the Findings of Fact.
2. The Applicant shall obtain a full allocation within 90 days of this approval and/or prior to the approved use commencing.
3. Prior to installing the new plantings described in Findings of Fact #11, the Applicant shall provide tree and planting specifications to the Planning & Zoning Office for review and approval consistent with the standards in section 4.3.8 of the HZR.
4. Should the parking secured for the use and times described become unavailable, then the use at those times shall discontinue until new times and parking opportunities are reviewed and approved by the DRB.

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5. The Applicant shall obtain any required permissions, formal agreements or easements needed for access to the ADA parking spot prior to use.
6. The areas exposed during construction shall be treated in a manner consistent with section 5.27.1 of the Zoning Regulations, and the related procedures contained in the Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation.
7. 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

May 18, 2021
Date

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

Vote to approve: 7-0

This approval expires one year from the approval date unless use has commenced.

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.