

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

**For Haystack Crossing LLC,  
Sketch Plan Approval for a 2-lot Subdivision  
Parcel Number 16-20-56.500**

This matter came before the Hinesburg Development Review Board (DRB) on the sketch plan application of Haystack Crossing LLC, hereafter referred to as the Applicant, to subdivide an 84.5 acre parcel, known as Haystack Crossing. The DRB reviewed the sketch plan on November 20, 2012. The application was presented by Joe Colangelo, Hinesburg Town Administrator, since the new parcel is intended for use as Town Recreational fields.

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) The Applicant is requesting Sketch Plan approval of a 2-lot subdivision in of a lot that spans the Village NW district (in the Village Growth Center) and the Agricultural (AG) district. The subject parcel is the remainder of the previous Bissonette Family subdivision, “Haystack Crossing” and is 84.56 acres, labeled lot #4, parcel number 16-20-56.500. The 11 acre lot that is proposed to be created is in the AG district portion of the property and would be used for Hinesburg municipal recreational fields and accompanying infrastructure with an access road leading to it. The 46 acre portion of this parcel that is in the AG district consists of approximately 17 acres of cultivated fields and 29 acres of managed forest, the lower portions being clay plain forest which then extends up to a knob on the north.
- 2) While this application is deemed a sketch plan, the decision will be a revision to the prior subdivision permit issued on April 5, 2011 which created the lots adjacent to the Shelburne Falls Road. At some point it will also need site plan review as a public use per section 4.3, 1.
- 3) The subject parcel is currently in agricultural use except for the previously installed sewage and water mains and the gravel service road above them, all running north-south in the same location across the property. Prime agricultural soil, some only if drainage is provided, dominates nearly the entire parcel. The topography gently transitions downward from the northeastern corner of the parcel to the south and south west toward Patrick Brook and the LaPlatte River on the abutting Lyman property. A stream originating on the CVU property runs through and along the boundary of the parcel and the most significant water features on the western portion of the property are the flood hazard area of the LaPlatte River and Patrick Brook. Other natural features include a forested area on the far western side, purported to contain some clay plain forest. Additionally, the VAST snowmobile trail and the VELCO line, near the western boundary, currently cross the property.
- 4) The sketch plan application was deemed complete on November 13, 2012. This application included supporting plans generated on Town GIS software, a narrative, a conceptual Recreational Field report, and the sketch plan. All of these submissions are contained in the document file (16-20-56.500) in the Hinesburg Planning & Zoning office. This file also contains staff reports and correspondence from other parties that were discussed during the review and are part of the record.

- 5) The following members of the DRB were present for the sketch plan review on November 20, 2012, constituting a quorum: Tom McGlenn, Dennis Place, Dick Jordan, Ted Bloomhardt, Greg Waples Bill Moller and Kate Myhre who recused herself from this application. See the official meeting minutes for a list of those present at the meeting(s).
- 6) The purpose of the AG district where the new lot is situated is “To promote the continuation of agricultural and open space uses on land so suited and to allow low density, rural residential development primarily on land less suitable for open space and agricultural uses. Development that conserves agricultural lands and prevents conflicts between residences and farming operations is encouraged”. The uses for that district include as a permitted use, “(3) Buildings, structures, and uses owned and operated by the municipality” and as well, as a conditional use, (5) Recreational facilities such as public playgrounds, etc.
- 7) The application, as proposed, creates a separate area to the west of the proposed new lot with inadequate access to it. It is a defacto separate lot, and consideration of a third lot there was discussed.
- 8) The property owner has previously stated that he wanted the ability to have the density that would have been available from this lot be applied elsewhere on their property. Per the regulations it could only be transferred within the AG district and in order to do this, application would have to be made for a Planned Unit Development (PUD) with a preliminary and final hearing after this one.
- 9) Pedestrian connections are a major component in the Village growth area purpose statements.
- 10) This is the first proposal to create an interior lot within the Haystack Crossing Development. This raises issues not previously addressed since roads and utilities have to penetrate further into the subdivision.
- 11) The mapped flood hazard areas and stream setbacks pose a challenge for access to the western portion of the property.

### **CONCLUSIONS**

- 1) The loss of the productivity of these AG soils is acceptable for the following reasons:
  - a) The soils themselves will for the most part remain intact, with permanent development and impervious surfaces limited to less than two acres.
  - b) Municipal use is a permitted use, and conditional uses for the district accept the fact that the recreational uses be permitted on these AG lands.
  - c) If the wooded portion remains undeveloped, over 2/3 of the area of the parcel in the AG district will remain as open space.
- 2) Pedestrian connections must be made to both the recreational path at Ballard’s Corners and the village to the south via the graveled surface over the wastewater mains The parties involved should work with the Trails Committee and Public works to enable use of the gravel path over the wastewater mains by constructing a temporary bridge over Patrick Brook as well as obtaining a ROW from Lyman for a path there as well. The connection to the Rec. path should be coordinated with the possible construction of sidewalks and paths by other developers so that a seamless system is created.

## **ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB gives sketch plan approval to the proposed 2 lot, major subdivision subject to the conditions listed below.

- 1) The Applicant shall provide all the documentation required for Preliminary Plat review as stated in Section 4.1 of the Hinesburg Subdivision Bylaws.
- 2) If application as a PUD is made, all the documentation required from section 4.5 of the zoning Regulations shall be provided.
- 3) The preliminary plat shall include the following:
  - a) Easements and right of ways detailing the location of the various shared infrastructure (e.g., road, utilities, septic, etc.).
  - b) Clear delineation of the proposed lots and access to them.
  - c) Access to the western portion of the property that avoids the flood hazard areas and the 75 foot stream setback as much as possible, crossing them directly instead of traveling down their distance.
  - d) Either a proposal for a new lot for the western portion of the property or a reconfigured lot #4 complying to section 2.5.7 of the zoning.
  - e) Stormwater pond location.
- 4) The preliminary plat application shall include the following:
  - a) Utility information pursuant to section 6.9 of the Subdivision Bylaw. Specifically if electrical service is to be provided it shall be part of a comprehensive utility plan for Haystack Crossing approved by Green Mountain Power.
  - b) Plans and approximate construction dates for pedestrian connection to the Rec path and the village to the south.
  - c) A design for the intersection of the access road and Shelburne Falls Road that complies with Town Road Standards.
  - d) Deed or other legal language to clarify the following:
    - i) Road Users Association language that details responsibilities for the maintenance, repair and snowplowing of the access road as well as other shared land and infrastructure (e.g., common land, septic lines and septic area, stormwater drainage, street trees etc.). This document shall anticipate the ongoing changing nature of the access road as Haystack Crossing builds out and address issues that will arise concerning costs of the design and installation of a seamless landscaped road and sidewalks up to town standards at some point in the future.
    - ii) Easements and right of ways detailing the location and rights to the various shared infrastructure (e.g., road, utilities, septic, etc.).

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Development Review Board

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Date Approved

Board Members participating in this decision: Tom McGlenn, Greg Waples, Richard Jordan, Bill Moller and Dennis Place

Vote to approve: Unanimous

***30-day Appeal Period:***

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court 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 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 878-5676 (111 West St, Essex Jct., VT 05452) for more information.