Town of Hinesburg
Development Review Board
March 18th, 2014
Approved 4/1/14

Members Present: Zoe Wainer, Dennis Place , Greg Waples, Sarah Murphy, Ted Bloomhardt, Andrea Bayer, Kate Myhre.

Members Absent: Dick Jordan.

Also present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary). Representing Applications: Ben Avery, Dave Marshall, Tom Hergenrother, Adam Hergenrother, Mike Choppa, Mark Bonsel, Michael Buscher, Rob Farley.

Public Present: Dorothy Pellett, Greg Tatro, Joe Bissonette, Bill Moller, Sally & Chuck Reiss, Bruce Cunningham, Anne Donegan, Jeff French, Catherine Goldsmith, Ken Brown, Alison Lesure, Meg Handler, Paul Wieczerack, Mary Beth Bowman, Andrea Morgante, Jan Blomstrann, Bill Marks, Rolf Kielman, Kate Myhre.

Zoe W. chaired the meeting, which was called to order at 7:34pm.

Minutes from 3/4/14:

Zoe W. **made a motion to approve as amended** the minutes from 3/4/14. Greg W. **seconded the motion.** The motion was approved **6-0.**

Rob Farley: Conditional Use for a Home Occupation & Accessory Structure – The applicant is requesting a conditional use permit for a dog sled tour business to be operated from his property. This property is located at 1088 Texas Hill Road in the Rural Residential 2 Zoning District. Review continued from 2/4/14.

The applicant has requested that the Site Visit and Hearing be continued to a later date due to adverse weather conditions. The Board discussed their upcoming agenda and agreed to continue the hearing and site visit. Zoe W. made a motion to continue the hearing and site visit to May 6th. Dennis P. seconded the motion. The Board voted 6-0. A site visit will take place at 6:00pm prior to the DRB meeting on May 6th, 2014 at the Farley property.

Haystack Crossing/Blackrock Construction: The applicants are requesting subdivision sketch plan approval for an 84-acre undeveloped parcel owned by Haystack Crossing LLC (Bissonette Family), and located on the west side of Route 116 between Kinney Drugs and Shelburne Falls Road. A portion of the property is located in the Village Northwest Zoning District, and a portion is located in the Agricultural Zoning District. The developer (Blackrock Construction, based in Colchester) is proposing a subdivision of 90+ lots, 245 dwelling units, 50,000+ square feet of commercial space, as well as open/green space. Review continued from 2/18/14.

Kate Myhre recused herself from this application.

Ben Avery, the head of Development for Blackrock Construction, was the point person for this project. He thanked the Board, Committee Members and Community Members who have met with them and had discussions and feedback over the past four weeks. The applicant said they have met with the Affordable Housing Committee and the Village Visualization Committee and hope to meet with the Conservation Commission as well. He said the overall aim of this project is to create a well-scaled mixed use development for the town of Hinesburg. He said it is important in this process to remain aware of the difference between being practical vs. idealizing. This project attempts to find that balance with an appropriate mix of housing, commerce and multi-family units.

Mike Buscher, Landscape Architect, demonstrated to the Board implemented changes, including a reduced overall density to conform to current zoning. Other changes include a redistributed mix, removal of two 10-plex buildings, and moving of other large buildings to increase green space. Overall, there are no large changes to the plan. The applicant did not have these changes available to provide to the Board at tonight's meeting.

Ben A. said anticipated connections depend upon independent landowners. He said they have had worked extensively with the neighboring landowner, Mr. Busier and that he has the option to work with the applicant or not. He said he has the utmost respect for Mr. Busier and welcomes his input or plans from him regarding the project and possible access from Rte. 116 but that is not in the scope of what the applicant can accomplish. Greg W. said it sounds as if those discussions have not been productive. Ben A. said they have not been contacted by Mr. Busier but are ready and welcome further discussions with Mr. Busier.

Mike B. went on to describe the project, saying the green space south of the site will include a corridor along Patrick Brook of 200' and another 150' green strip will be along the top side of the project. Additional incorporation of green space will be a strip along Rte. 116 and more opportunities for green space throughout the interior of the project. Internal green space will measure 140' x 700'. This allows internal movement off streets, and increases access to the Bissonette Fields and the related parking area (parking for Bissonette fields has been nearly doubled). The project creates a very walkable community. The community interaction focus of the architecture aims to capitalize on the street presence (i.e., front porches, recessed garages). He added that accessory apartments are allowed on every lot in the state. The Board viewed via projector some examples from the applicant of use of green space along main routes as it relates to structures and interior parking options. Some examples (i.e., in Chester and in Rutland) were viewed as viable and attractive while others, (Williston and Burlington) were offered to demonstrate what the applicant referred to as "dead façade" in which access and vitality of a project is oriented to the back side. He said in order to support internal streetscapes, development standards indicate you need 12 units/A within a .25 mile radius which we simply do not have here. He said we should capitalize on Rte. 116 traffic. Connectivity between the internal service lane will leave open the opportunity for a Main Street feel along that route, off of Rte. 116. He said we will not be successful at bringing the commercial aspect of this development into the internal portion.

Zoe W. thanked the applicant. She said we want to honor the Purpose Statement regarding mixed use in the village. Mike B. said there are a wide variety of applications of the term mixed-use; within a building, a block, etc. and different mixed-use within the variety of building and housing types. He reviewed the

proposed uses of buildings on the plan; noting all residential and commercial (ground floor) with residential above and all commercial. He said they are proposing residential or internal commercial structures would have a deed component to ensure flexibility in allowing the market to dictate future use to perpetually guarantee mixed-use. He also noted that they have tried to make the mix of housing types less clustered, i.e., mixing town houses with duplexes and single family homes.

Zoe W. asked if the applicant feels that the green space as proposed is adequate to meet regulations and noted that there may be an issue in regards to the Official Map as the proposal shifts some of that proposed green space. She said we are awaiting legal advice on this but cautioned the applicant that they may need to make an amendment to the Official Map in regards to the green space as well as the placement of the West Side Road. Mike B. said the application does fulfill that element of the Official Map if adequate green space is provided within the overall project, which it is. In addition, he said, they feel it makes sense to have a green space that benefits the whole community. Regarding the layout of the West Side Road, connection will be more practical as relocated in the proposal and added that is not intended to be a thru way and will in fact foster traffic calming.

Zoe W. noted Section 3.1 in the Village Growth Area which refers to community garden space. She wondered if the applicant has considered this. The applicant said yes, they have given that some thought and although the area is rather wet, there could be something like that in the southern portion of the parcel. Smaller areas could be planted with fruit trees and bushes. Other land in the vicinity could be better utilized for a larger community garden space if the town is interested in this.

Zoe W. asked the applicant about implementation of Low Impact Development (LID) practices such as rain gardens etc. The applicant said soil on the site remains an issue. David Marshall, civil engineer, said the site does have constraints with poor soil and encouraged consideration to secondary impacts on public works. In order to implement LID practices, we need to have those discussions with the town. They did not want to over-commit early in the process if not viable. There are additional challenges in dealing with the state regarding concerns with how private properties are maintained. Landscaping can help absorb and hold runoff but in larger storms (2 yr or 10 yr) there will still be an increase in storm water runoff coming off the site; here we need to be cognizant to not overwhelm individual sites and smaller streams. There remains an opportunity to move forward once we see the big picture and there will be a time and place to put these measures into place on the project.

Ted B. said regarding topography of the site, what will be changing and what fill will be used? What is the purpose of the 100' buffer located along the north side of the project? The applicant said the buffer along the Patrick Brook is to protect water quality and encourage wildlife. Runoff from this site mainly goes to Patrick Brook. Regarding the proposed treatment pond, the applicant said that the Bissonette family has plans to use water from that source to irrigate some of their crop fields. There will be some excavation on the site.

Greg W. asked if the flood plain delineation will impact this property. The applicant said the FEMA flood maps fall within the 100' buffer and south of Patrick Brook. Zoe W. asked if the applicant plans to flatten the topography. The applicant said the intent is to work with the land to fingerprint the site and minimize the impacts. There will be no significant cuts or fills. For the storm water pond, we have found a way to create an excavated area to achieve greater separation from the homes and the water treatment.

Zoe W. asked about the proposed Recreation Fields area. The applicant said the initial site layout showed a smaller area for the Recreation Fields. After meeting with the Recreation Committee, new lines were drawn to meet their goals and maintain a usability component. Ben Avery added that they have worked closely with the Recreation Committee to keep that lot below 10A (9.98A) to avoid Act 250 review by the state.

Zoe W. asked about the proposed kid's play area, is it being moved? The applicant said yes, it will be relocated to the southern portion of the parcel.

Zoe W. asked about how this project addresses our energy standards, which are stated as *shall* regarding maximizing solar gain. Mike B. spoke to our ordinance regarding use of passive and/or active solar gain. He said insulation values today are much higher than they once were, and that specialty glazes are required for solar gain and this also impacts the design of a project. The project aims to achieve active solar gain for at least 25% of all units and it will be implemented throughout the project. There is the potential for independent solar panels in the southern area of the parcel by the kid's play area. Solar panels are possible on the rooftops of larger buildings as well. Zoe W. clarified with the applicant that this project will be going the route of active solar gain? The applicant said yes. Sarah M. asked why. The applicant said in order to utilize solar gain, you would need wider lots and it is very infrastructure intensive and not traditionally seen in residential developments.

Greg W. asked about the possible negative impacts to the structural integrity of roofs in regards to solar panels as was brought up by the applicants in the FAHC hearing (a different application). Alex W. said that discussion was more about the building design but the orientation was not an issue as it is in this project. The applicant said insulation values are higher which outweighs solar in benefit, cost and efficiency.

Ted B. said this project is proposing maximum bonus density; how does it meet the criteria? The applicant said they anticipate at least 25% of the units will meet the minimum dwelling size requirements, all of the units will meet green home certification, and at least 25% of the units will meet the renewable energy requirements . Alex W. said the perpetually affordable venue is not being pursued as a way to achieve the density bonus. The applicant said that is undecided at this time.

Zoe W. asked about the phasing and scope of this project. Ben A. said the approach will be to build out the infrastructure in a singular phase to create key interior roads, sewer, water, utilities, etc. From there, home construction would take place at a market absorption rate. The area to the west will be Phase 1. He said there is really no effective way to phase this and added that the recreation fields will likely be done and waiting for this project. They are open to discuss phasing based on absorption vs. dates.

Greg W. asked about school impact estimates. The applicant said they are not there in the process yet and they do not know the answer to that question at this time. Based on enrollment projections from last year and the estimated increase of 600 residents in this project, the estimated increase to the local school would be roughly 100 students which the applicant feels the school can accommodate.

Alex W. said CSSU will provide the answer of the school's ability to accommodate if the applicant can provide data. The applicant said until they lock in a more exacted bedroom count, they are unable to provide that calculation.

Zoe W. opened the discussion to comments from heads of boards and commissions. Written submissions were received from the Village Steering Committee and the Energy Committee.

Chuck Reiss spoke from the audience on behalf of the Energy Committee, saying solar orientation has not been addressed within this project and said that Section 3.6 of the zoning regulations referenced is for the NW District, not this site. He is disappointed in tonight's' hearing and added that there is not a negative impact on structural integrity of buildings utilizing rooftop solar gain. In addition, he said, be clear that regulations state that units *shall* be orientated in order to achieve maximum solar gain.

Jeff French spoke from the audience, on behalf of the Village Steering Committee which has provided written feedback regarding design. Some good ideas included in this plan are the use of green space and multi-use structures. In addition, he would be interested to see data related to water, fire and other issues as they relate to regulations in Section 4.8.

Meg Handler spoke from the audience on behalf of the Conservation Committee, saying she does not see changes made to this project based on feedback from the last meeting. Feel the process is happening backwards—did not take an inventory and go from there considering open space, impermeable surfaces, wildlife movement on site, etc. It appears that the applicant is committed to this plan and is therefore unable to address our concerns.

Zoe W. opened the discussion to public comments.

Mary Beth Bowman spoke from the audience, saying that senior housing would be a very good aspect to this project. The applicant said they are definitely considering that but said the project needs to meet certain thresholds in order to make senior housing financing feasible.

Chuck R. spoke from the audience, saying in regards to solar application on smaller lots, it is doable. Green Building Certification is different from Energy Star Certification. There are defined requirements and the applicant should be sure they will qualify. He also asked how density was calculated. Zoe W. explained that after take-out of buffer areas, the resulting lot space is 34.21A. The base density is multiplied by three and then bonuses are included for a total density max allowance of 225 units. Chuck R. said regarding mixed-use in this project, it still feels residential and commercial use are not well mixed. Also, the green space along Rte. 116 will be looking down a slope, will not be a real community use.

Ken Brown spoke from the audience, saying he appreciates the background provided by the applicant. Regarding solar vs. energy conservation, it is not either/or, you can build using both and in fact this will increase their marketability. He urged reconsideration to the applicant in regards to solar gain. He is a strong proponent of the alley ways design and asked how many of them are proposed in the plan vs. how many units are proposed to have garages facing the street. The applicant said almost all internal portions of the project avoid garages on the road by use of alleys. Those that do have garages would have detached garages.

Andrea Morgante spoke from the audience, regarding density, she encouraged careful consideration of the impact of accessory apartments. This is a lot of growth in a short time, will it be static? In 150 years, will each single family home have an accessory apartment? Can the infrastructure accommodate that? Also,

she said, the green spaces in this project seem to be the leftover space. The central organizing feature of the project is the green space, but the topography (slopes and streams) could be more focal points within this project.

Catharine Goldsmith spoke from the audience, saying she is not sure the plan works when we don't know what happens with the remaining open parcel (Busier property). Her concern is with how the elements of this project relate to that adjoining parcel.

Peter Erb spoke, saying Andrea M. brings up a good point for consideration regarding the allowance of accessory apartments and encouraged the Board to think about this. Do the best possible job with the initial build out but also the best possible job to respond to the unknown, to maintain desirability while anticipating changes.

Sally Reiss spoke from the audience, saying her concern is with rapid development with one large fingerprint. She encouraged the Board and applicant to look long-term, allow flexibility and promote quality construction.

Greg W. said this is a huge project which will affect the town forever. He said it is important not to rush to evaluate carefully and on our own timeline. He said personally, he feels torn as to approve or disapprove of this project. He feels the Board needs a lot more information and he would like to see a new proposal. His suggestion would be to continue this application out a couple of months and move deliberatively.

Zoe W. said the road cut to Rte. 116 is a concern and she would also like to get some input from the Busiers. She said the Board needs to consider the town's ability to provide water, fire, etc. to such a large project. She said she feels there are ways to provide passive solar gain as well. Regarding mixed-use, she noted, the regulations talk to a vibrant village, not a residential neighborhood.

The applicant addressed concerns raised regarding a 4-way intersection with the existing Riggs Road and Rte. 116, saying the Official Map shows an intersection at Riggs Road but that Zoning regs do not say there should be no additional intersections. To provide access into the site it will be important to provide access to commercial aspects of this plan the Board is requesting. Removing this intersection is something they are willing to do, but they feel it will adversely affect the potential commercial viability.

Ted B. said that he needs more evidence of how this project meets the planning standards in Section 5.1.5, 5.1.11 & 5.1.12.

Dennis P. said he shares the concerns raised regarding the school impact from this project. He agreed with previous suggestions regarding senior housing, saying there is a need for that in Hinesburg.

Sarah M. said she is concerned with the impact on Rte. 116 and the lack of full plan integration with the rest of the village. Front parking along Rte. 116 is not allowed in our regulations.

The applicant said that the proposed central green space creates as much connectivity as possible within this plan. Other development in the town is done mostly in "pocket projects" that don't integrate with the village. They feel that this project was does integrate with the village and feel that the connectivity is there.

Greg W. said he would like to see an alternative proposal with alternative access to the entire project.

Alex W. referenced Section 6.1.11 in the subdivision regulations which does talk to access with adjoining land.

Greg W. said currently the access does not comply with our regulations. The applicant said they will reach out once again to the adjoining land owner and encouraged staff to do the same. The applicant said they are not married to this configuration. They are happy to listen to alternate suggestions.

Peter E. said in regards to the applicants' comments about possibly putting community gardens in the southern portion of the parcel, they cannot go in the flood plain by the recreation fields as they will require an access road. He encouraged the Board and the applicant to consider the Riggs Stream and to consider flooding events. The Board can and should ask for professional analysis.

The applicant said they will have discussions with the public works office for further details and noted that impact fees will be evaluated by expectations as they are for any application.

Ted B. made a **motion to continue the public hearing to 5/20/14.** Sarah M. **seconded the motion.** All in favor, the Board voted **6-0.**

Zoe W. made a **motion to adjourn.** Greg W. **seconded the motion.** The meeting adjourned at 10:25pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary