Development Review Board
Town of Hinesburg
10632 Route 116 Hinesburg VT 05461
802.482.2281 | hinesburg.org

Meeting Minutes - June 3, 2014
- Approved 7/15/14 -

Members Present: Dennis Place , Sarah Murphy, Dick Jordan, Andrea Bayer.

Members Absent: Ted Bloomhardt, Greg Waples, Kate Myhre, Zoe Wainer.

Also Present: Alex Weinhagen (Director of Planning & Zoning), Peter Erb (Zoning Administrator) and Freeda Powers (Recording Secretary). Representing Applications: Ben Avery, Nils Behn, Mike Buschard, Brett Grabowski.

Public Present: Bill Moller, Dorothy Pellett, Renee Lemay, Mary Beth Bowman, Bill Moller, Greg **, Bill Marks, Johanna White, Alison Lesure, Jeff French, Chuck Reiss, Jean Kiedaisch, Lenore Budd, Andrea Morgante, Bob Thiefels, Tamara Orlow, Amy Escott.

Dennis P. chaired the meeting, which was called to order at 7:34 pm.

Minutes from 5/20/14:
There was no quorum to review the minutes from 5/20/14. Dennis P. waived the review of minutes.

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, 225 dwelling units, 50,000+ square feet of commercial space, as well as open/green space. Review continued from 3/18 meeting.

Ben Avery addressed the Board for this application, saying he has reviewed staff and public comments and feels that the project is getting closer to matching the vision with the town. Steps have been taken to increase the blend of development types (housing and commercial) while maintaining a marketable plan. He said he feels the plan now demonstrates symmetry and a flowing relationship between large multi-use structures and residential variety.

Ben A. encouraged the Board to consider this project in a 3-dimentional way. He said the majority of commercial development is proposed to be on the Rte. 116 to utilize access and visibility which are good for commerce. He said he has no intention of building this proposal out on spec. It will be

a market driven project. Construction of portions of the project will require demand from the local community.

Orientation was discussed in regards to the buildings and solar gain. Ben A. said they are not married to the plan but feel it is unfair for the Village Visualization Project to recommend that the Development Review Board approve or deny a project based on the applicants not asking for a waiver regarding the previous parking proposal. In relation to the Busier property, Ben A. said they have been successful in coming to an agreement with him for accommodation of a future road. He went on to say that he does not feel it should be his job to coheres a neighboring landowner in use or design of their land.

Overall, he said, there is a very wide range of housing within the project. A senior housing portion has been added to the proposal, however Ben A. noted further down the road he will work with specific organizations but at this time it is still too early in the process for talks to be substantive with those entities.

Ben A. said transit-oriented development requires higher density and access to public transit. He has meet with CCTA to discuss the development of a hub stop at the entrance of the project (CCTA has no interest in actually entering the development). He said conversations with the Recreation Committee have thus far been cooperative and supportive. He is looking forward to working with them at some time in a financial way towards infrastructure.

Ben A. said a conversation regarding the solar field along Riggs Road has begun and that the solar farm aspect of the project will meet or exceed the green energy standards. He said he wants to be proactive on energy conservation thru construction as well. He asked the Board to remember that the zoning regulations came before this project and encouraged them to help move forward with this project to develop something based on the town's vision in the Town Plan and regulations.

Mike B. spoke, also on behalf of the project, showing the Board the original plan vs. the revised plan. The new plan incorporates two mixed-use zones as well as a more contiguous town green. Included in the revised plans are angled parking and three interior roads. The new plan shows a mix of congregate housing, commercial use and senior housing.

Revisions to the lower S.E. section of the parcel were shown, to include results from negotiations with K.B. Real estate to accommodate the future access road. Mike B. spoke to density as it relates to smart growth. Not counting setbacks, he said, the proposed project works out to 6.69 units/acre which meets the minimum density requirements; this is 5.71U/A with takeouts included, and 2.66U/A when looking at the entire parcel. Density creates walkability, supports housing choice and affordability, supports community fiscal health and helps expand transportation choices as well as housing choice and affordability. The total density of this proposal is 225 units on 39.39 acres, resulting in a similar density as found at the Creekside neighborhood. The Board viewed alternative development options with similar densities. Section 2.4 of the regs, referring to the Village Growth Area, encourages building to the maximum allowed density. Article 3 articulates that development density should maximize smart growth. The applicants feel that this plan is not suburban but rather that it meets the intent of the Zoning ordinance as it relates to mixed use, walkable and smart growth development.

Nils Behn spoke to renewable energy, noting that the far westerly portion of the property shows the solar portion of the proposal. An existing swale and old pasture area which are mostly grown in now will be the site for the proposed 150-500kw (maximum allowed size in a net metered project) solar array. This array will consist of 570-1900 panels with estimated production of 165,000-550,000 kWh/yr (the typical VT house uses 5,000-7,000 kWh/yr). Area needed to accommodate this proposed solar farm would be 80' X 275' or 275' X275' (10 rows). The proposal would utilize high quality models, not made in China. Solar World, a U.S. company with German manufacturing would be used for the panels themselves. Posts would be provided by RBI Solar and are made of recyclable steel. The system would include a customized web-based monitoring system with 5 years of 24/7 monitoring.

Project timing for the solar farm is estimated at 7-9 months from beginning to end, with actual construction/installation taking approximately 1.5 months.

Andrea M. asked for a comparison of this project's solar proposal to the one currently going in in Charlotte. The applicant said the Charlotte solar farm will be 4 times the size/scale of this proposal.

Ben A. said they will further engage engineers and legal staff to get into the details of the overall project in regards to traffic impacts, storm water and other technical issues.

Dennis P. opened the discussion to take comments from the Board. Dick J. asked about mixed-use buildings in the proposal; will the 1st floor of those structures be entirely for commercial use. The applicant said that will ultimately be decided by the economy. Service oriented businesses can fill these locations, the applicant feels. In addition, Ben A. noted that residential above does help offset the building mortgage, taking some of that pressure off the commercial tenants.

Dick J. asked about the flow of uses in the mixed-use buildings. He asked if the traffic from commercial uses would work with residential parking needs. Also, Dick J. asked about the proposed road to the south, wondering what that road aligns to. Ben A. said the neighboring landowners, the Busiers, are still working through their design plans, and said that this project can be flexible depending on those plans. He said they are very agreeable to working with Mr. Busier in this regard. Regarding the road to the south, Ben A. said, the residents at Creekside have made their voices heard and they are not in favor of a road through to their neighborhood. Ben A. said they, the applicant, are not in favor of this either as it will require major traffic calming.

Dennis P. asked about the proposed mixed-use portion of the project, which the applicant stated will be market-driven. Dennis asked if the market did not bear up the commercial use portion of the proposal, would the applicant then determine it needs to be all residential. Ben A. said in the event that there is a change in the economy, the onus would be on them, the developer, and added that it is entirely possible that the build-out of this project will be smaller than shown if the market cannot support it. The reality of the build-out of this project, he said, is 2-3 years.

Alex W. said there is a commitment to the commercial use in the two buildings found in the mixed-use zone. Peter E. added that it is important to identify the mixed-use definition. Ben A. said they remain open-minded with this project and want the commercial portion to reflect the mixed-use nature of the area. Having said that, he added, density does drive service oriented businesses. At

the same time, he said, he hears caution from the Board and from Staff regarding the balance of commercial use in this project.

Sarah M. asked about the phasing of scope and specifically asked about the estimated impact to the school system. Alex W. said as noted in the staff memo, both the elementary school and the high school have been contacted and both replied that they have the capacity to accommodate this project.

Andrea B. asked about orientation of the buildings in this proposal. The applicant replied that they do not feel there is a benefit to orienting each building to maximize passive solar gain, saying they can accommodate solar gain on many of the homes but cannot accommodate it on 100% of them. Nils B. also said that an increase in building materials would be needed in order to achieve longer eaves, and that there is a lot of give & take between summer and winter when it comes to passive solar gain. He assured those present that renewable energy will be the real benefit to carbon offset.

Dick J. asked what the applicant proposes building first in this plan. Ben A. said due to the mixed-use aspect and based on discussions with staff, they would likely begin with a portion of the center and westerly portion of the parcel. They are open to discussing a phasing plan, while understanding that there are a lot of factors for consideration in a project this size. Dick J. voiced his concerns with phasing, saying the scope of the project makes it difficult for dividing, including when considering the infrastructure needs. Ben A. said they are committed to all paving and sidewalks upfront. Dick J. asked about access to Rte. 116, noting that as shown in the proposal is not where access to Rte. 116 is shown on the Town Map. Ben A. said the success of commercial development at this site is somewhat dependent on access to Rte. 116. This is widely accepted. He said while we understand that it is not on the Town Map, we feel it makes the most sense. The area offers good visibility and the neighboring landowner has committed to a future conveyance of a Right Of Way. Mike B. said that access is essential to the commercial portion of this project. In addition, he said, they have heard clearly the desire to get the access prior to Riggs Road. Ben A. went on to say that this will be flushed out and studied further in Act 250 review and in Preliminary Plat review. He assured those present that the intersection is vital to the project and will be taken very seriously.

Dennis P. opened the discussion up to take comments or questions from advisory boards at this time.

Jeff French spoke on behalf of the Village Steering Committee, which he called a design committee. Regarding the new proposal, he noted that the green strip between Rte. 116 and the commercial buildings is now gone which puts parking in the back, or rear, of the buildings. He said he feels the previous plan was a good design. Parking lots inhibit pedestrian access, he added. The Village Steering Committee wants to stress design feedback and is willing to have a presentation if the Board feels it would be useful or beneficial.

Chuck Reiss spoke on behalf of the Energy Commission, submitting a letter and sketch to the Board. Regarding orientation, Chuck R. said he sees no adjustments made. He also took umbrage with statements made by energy expert Nils Behn, saying that passive solar does work in Vermont, regardless of the substantial environmental differences between summer and winter

months. Zoning regulations do talk to orientation and total energy (both electrical and thermal). If all the homes in this project were oriented correctly, Chuck said, the applicants would likely not need the proposed solar array. The solar field as proposed is very large, he added. It is essentially an industrial business proposed here, more than is required to support this project. Also, Green Certification requires orientation, he said. This would require a layout change of this project. He encouraged the Board not to pass this application on to Preliminary review.

Bill Marks spoke on behalf of the Conservation Commission, whose primary mission as he described it is to preserve the rural character of Hinesburg. He said he supports the village district's higher density formula but that the project appears to be designed for vehicles. He encouraged the applicant to listen to experts but to also apply life experience and common sense. Traffic impacts must be considered, he said, and to wait would be a mistake.

A member of the public spoke, saying the safety aspect of this project must also be considered. As an example, he said, the proposal now includes senior housing, which must take into consideration the accessibility of emergency vehicles such as ambulances.

Bob Thiefels spoke, voicing his concerns about the presentation offered, in which the applicant referenced several different development sites in towns such as Williston and Essex. He does not feel that these examples of development patterns are something Hinesburg wants to follow. Similarly, he said, the applicants' use of comparison to other high density areas is an unreasonable as the examples shown were of what he would consider to be suburban development, or countryside sprawl. He encouraged the applicant to consider what can be rather than following what has been done. He also voiced his concerns with the quality of the units. He said he does not want all the structures to be done the same. Ben A. replied that the examples given or references made to other towns such as Williston and Essex were not to demonstrate great design, but rather to show what they wish to avoid. Mike B. agreed, saying these were density examples of what we do not want.

Regarding Chuck R's concern about solar orientation, Mike B. pointed out that the language in our regulations reads as "and/or" for solar gain. Furthermore, he said, 80% of the units in this proposal face solar south. In response to comments made regarding the accessibility or layout of the site, he said he feels this plan is walkable.

Alex W. recommended the Board members present tonight come to the next meeting prepared to discuss specific issues they have with this revised plan. Board members not present tonight will have the opportunity to review the VCAM recording of the meeting. Dennis P. made a **motion to continue the public hearing to 6/17/14.** Andrea B. **seconded the motion.** The Board voted **4-0.**

Hinesburg Center, LLC: Site Plan Revision. The applicant is requesting site plan revision to show what has been approved to date as well as any proposed revisions to address site plan discrepancies noted in the Findings of Fact #2 and Conclusion #6 and to ensure that all discrepancies have been addressed so there is a definitive and accurate site plan approved and on record.

Brett Grabowski spoke to the Board, demonstrating with the newly revised site plan the modifications made to the landscaping plans. He said he disagrees with some of the Findings of

Facts and Conclusions as laid out in the staff memo but said he has no issues with the final Order overall. He said that per previous discussions, he has bulked up the landscaping around buildings 45 & 47. A street tree in front of building 46 has been added. Requests to discharge storm water runoff from the gutters on building 47 from the east to the west has been done.

Brett G. voiced his reluctance to replace existing trees as per Peter Erb's suggestion. He said the existing Pear trees were previously on the list of accepted street trees. He said if the Board and Zoning Administrator feel strongly about this, he is agreeable to replacing the Pear tree with Maple. Original Ash trees cannot be replaced with the same due to the infestation of the Emerald Ash Borer, and will therefore be replaced with pear. These Ash trees cannot be transplanted as there is an existing gas line running below all of them.

Peter E. asked about plans for screening on the North side of the green transformer (utility box). Brett G. said yes, he does plan to add screening there and also will be adding screening to the retaining walls required in front of building 45.

Brett G. also took the opportunity to reiterate his desire to the Board that they reconsider their prior order that he remove the additional sidewalks installed to individual units along Farmall Drive in buildings 45, 46, and 47. He reiterated his stance on the sidewalks, that they add functionality to the porches and improve the overall look of the streetscape.

Dennis P. opened the discussion to public comments or questions.

Bill M. said he feels strongly that the sidewalks should be removed as was ordered four months ago for the second time. Mike B. spoke from the audience as a resident of the Creekside neighborhood, and in support of the sidewalks remaining where they are. He said the sidewalks make the homes more usable and said that regardless of how the issue got to this point, he feels that they add to the neighborhood in a beneficial way. Peter E. said the additional sidewalks take away from usable space in his view. Brett G. said the sidewalks also tie to an underlying safety issue as an access point to the homes. Dick J. countered that by saying the porches were intended as an access point to the sidewalks only. Brett G. said as the buildings became individual units, it became evident that they should have had individual access points as well. He said he is willing to submit a new application for allowance of the additional sidewalks if the Board is amenable to that. Sarah M. noted that there were only two board members present who were part of the deciding body regarding the sidewalk removal. She did not feel comfortable excusing the applicant from that order without discussions with the remaining Board members. The Board asked the applicant if he would prefer the hearing be kept open for further discussion or if he would prefer an up or down vote with the discussion considered complete. The applicant requested the hearing be closed and the matter decided.

Sarah M. made a **motion to close the public hearing and take up the discussion in deliberative session.** Dick J. **seconded the motion**. The Board voted **4-0.**

<u>Among The Trees, LLC:</u> Conditional Use/Camp Conversion, Expansion of a Non-Complying Structure, Development on a Private Right Of Way, Development in FEH area, Expansion of a Non-Complying Structure. Property Location: 213 Wood Run in the Shoreline District. ****The application will be continued to the 6/17/14 meeting.**

Dennis P. made a **motion to continue the application to the 6/17/14 meeting.** Sarah M. **seconded the motion.** The Board voted **4-0.**

The Board decided to put off the closed deliberative session on the Farley and Hinesburg Center, LLC decisions.

Dennis P. **made a motion to adjourn.** Sarah M. **seconded the motion**. The motion passed **4-0**.
The meeting adjourned at 10:04pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary