Town of Hinesburg
Development Review Board
December 2, 2014
Approved December 16, 2014

Members Present: Zoe Wainer, Ted Bloomhardt, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer.

Alternate Members Present: Kevin Cheney, John Lyman

Members Absent: Dennis Place.

Staff present: Peter Erb (Zoning Administrator) Alex Weinhagen (Director of Planning & Zoning). Representing Applications: Trevor Lashua (Town Administrator), Jen McCuin (Recreation Coordinator), Roger Kohn, Doug Henson, Joe Bissonette, Mike Bissonette, Tom Ayer, Frank Twarog, Ben Avery, David Marshall, Mike Buscher, Robert Rushford.

Public Present: Al Barber, Karl Novak, Carrie Fenn, David Fenn, Dale Wernhoff, Andrea Morgante, Johanna White, Maggie Gordon, Merrily Lorell, Marie Ayer, Kyle Bostwick, Mary Beth Bowman, Wendi Stein, Anne Donegan, Geoffrey Gevalt, Jan Blomstrann, Bob Thiefels, Jean Kiedaisch, Laura Carlsmith, Rob Bast, Julie Pierson, Chuck Reiss.

Zoe W. called the meeting to order at 7:30pm.

Agenda Changes: None.

Minutes from 11/18/14: Zoe W. **made a motion to approve as drafted** the minutes from 11/18/14. Greg W. **seconded the motion**. The Board voted **6-0.**

Town Recreation Fields – Final Reviews – Subdivision, Site Plan, Conditional Use (2)
Continued from 11/18/14 meeting
Doug Henson, project engineer, presented on behalf of both the Town and the landowner (Haystack Crossing LLC; Bissonette Family). The applicant is seeking the following four final approvals for a new Town recreation field area:

- Subdivision Final Plat for a two-lot subdivision
- Site Plan for the municipal recreation area
- Conditional Use for development in a stream buffer area
- Conditional Use for development in a flood hazard area

Doug Henson explained the plan changes that were made based on the discussion at the previous meeting. All the changes listed by staff (in an 11/19/14 email) have been made, except for the creation of a detailed plan for the stream buffer area. Doug Henson said that this hydrological analysis shows that the existing 24" wide culvert is too small to accommodate a 100 year storm event. He said that the 100 year storm is not the typical design standard for culverts. He said that a larger culvert that meets this standard will be installed. He said it could be one of a couple designs, each with approximately the

same opening size – e.g., 54" round culvert, 64"x43" squash culvert. He said that he will prepare a detailed plan for the stream buffer area with culvert specifications, erosion control provisions, etc., but that he'd like to wait to do this until the Town selects the actual culvert design. Certain site constraints (e.g., water and sewer lines) and cost still need to be considered before he finalizes the design.

Zoe W. said that she would like the plan to show the hard pack base material extend all the way to the parking access so that emergency vehicles have a solid base (even if a grass surface) to get to the fields. Greg W. asked if the Town has an easement for the stream area where the larger culvert is going. Doug said that the Town does have an easement here (on lot 4), and that the Town would be responsible if additional work is needed to deal with erosion issues once the culvert is installed.

Andrea Morgante asked if proposed cut and fill calculations had been done for the project. Doug Henson said no, but that the cut and fill would be blended, and the project will largely work with the existing grades.

The Board reviewed the four draft approvals prepared by staff. Ted B. said the conclusions regarding road gravel are problematic, and that the DRB should not conclude differently from the engineer's recommendation. Zoe W. suggested pulling apart Conclusion #2 in the subdivision decision in order to put the engineer's statements in the Findings of Fact. Doug Henson clarified his new recommendations for the access road specifications. He is still recommending 24" of gravel, but he has added a note to the plans to say the road could also be built to the Town class 3 road standard (12" of bank run gravel and 6" of crushed gravel).

Ted B. suggested taking up revisions to the draft decisions in deliberative session. Alex W. said that staff has all plans for the subdivision, site plan, and flood hazard area applications, but we are still missing the detailed erosion control plans for the stream buffer area. Dick J. commented on the site plan draft approval, which mentions possible soil stockpiles. He said that he doesn't want soil stockpiles sitting around for too long. He recommended that such piles only be allowed for two years or two construction seasons, after which they should be spread out and seeded or removed.

Zoe W. **made a motion to close the public hearings on these four applications and take up finalization of the decisions in deliberative session**. Greg W. **seconded the motion**. The Board voted **6-0**.

<u>Haystack Crossing, Black Rock Construction – Subdivision Sketch Plan Review</u>
Black Rock Construction is requesting Sketch Plan approval for subdivision of an 84-acre undeveloped parcel located south of Shelburne Falls Road, west of Route 116, and north of Patrick Brook; parcel number 16-20-56.500. The property is owned by Haystack Crossing LLC. The property is in two zoning districts – the eastern portion (approximately 40 acres) is in the Village Northwest district, and the western portion (approximately 45 acres) is in the Agricultural district.

This is Black Rock Construction's second sketch plan application. Their first sketch plan application was denied by the DRB on August 27, 2014. The current proposal is for a total of 281 dwelling units consisting of 70 detached single family homes, 40 attached single family homes (largely in 4-plex multi-family buildings), 115 multi-family dwelling units (two 10-plex buildings and eight mixed use buildings), and 56 units of congregate senior housing. There will be four categories of Commercial and Light Industrial totaling about 61,000 square feet.

David Marshall, project engineer, presented the sketch plan for the project, and described the changes to the project in response the earlier denial. Greg W. noted that last time the applicant stated that getting rid of the Route 116 right in, right out access would "kill" the commercial elements of the project. Greg W. noted that the DRB decision said this access should be removed, and the access has been removed in the new plan, but what about the earlier comments. David Marshall said the plan has evolved to focus more commercial use along the new interior main street. He feels the right in, right out access was a positive element to help relieve the traffic load on the CVU Road intersection, but it is not part of the current sketch plan proposal.

Sarah M. asked for clarity on the proposed land swap with the adjacent KB Realty property near the future Route 116 access. David Marshall and Mike Buscher clarified that the proposed land swap is still part of the plan, with the Applicant getting a right of way across the adjacent property where the future access to Route 116 will go. Zoe W. reiterated that the earlier denial clearly indicated that this Route 116 access was a necessary component of the project.

Zoe W. asked if the Applicant has any sense of how the phasing might be laid out in general terms. David Marshall said it is premature to get into phasing details because there are too many uncertainties at this point, and too much analysis that needs to be done first (e.g., traffic study). He said that they are looking forward to formulating a phasing plan as part of the preliminary plat stage of the review, once they have direction from the DRB on the concept plan, and results from additional analysis.

Greg W. noted that the Town doesn't currently have enough municipal water or sewer capacity for this project. He asked if a DRB sketch plan approval would allow this project to lock up all remaining municipal water and sewer capacity. Alex W. provided information about the Town's current protocol for water and sewer allocations. He said the Selectboard is in the process of revisiting this protocol, especially for water capacity where there is no formal allocation process. He suggested that any sketch plan approval should include conditions prohibiting the Applicant from requesting municipal water or sewer allocation since any such allocation will need to be tied to the phasing plan, which the Applicant doesn't plan to address until the next step of the review process (i.e., subdivision preliminary plat). David Marshall agreed that it made sense to hold off on any discussion of water and sewer allocation until after the preliminary plat review.

Zoe W. asked for a review of sheet L-101 regarding the distribution of commercial uses – both dedicated and potential. David Marshall reviewed the plan. Zoe W. asked for clarity on the vision for Building E. Mike Buscher said the portion shown as "potential commercial" will be built as commercial if the market is there. Zoe W. asked if the first floor is envisioned as commercial with apartments above. Mike Buscher said the building is envisioned as three stories with potential commercial on the first floor, and residential dwellings on the second and third floors, for a total of 40 dwelling units. Zoe W. reminded the Applicant that per the regulations, commercial components must be built first or at the same time as residential components.

Greg W. asked if revised school impact/capacity projections are in the works. Alex W. said that they are, and that staff plans to summarize school and municipal impacts more fully at the next meeting (likely January 6 should the Board continue the review).

Zoe W. asked what the Applicant's intention is regarding what looks like a proposed shift to the zoning district line between the Village Northwest and Agricultural districts. David Marshall explained that the project can deal with this issue in one of two ways – 1) request the shift as allowed in section 1.3 of the

Zoning Regulations; 2) rework the western side of the project in order to keep all the building envelopes within the Village NW district without the shift. He said that they are inclined to request approval for the 50' shift. Greg W. cautioned the Applicant to carefully consider this, as a conditional use approval to shift the district line could be very difficult to obtain.

Zoe W. asked for clarification on how the project accommodates the Official Map and how is it different from the earlier project. David Marshall said the Official Map shows an area of approximately 2.2 acres (2.0 acres once the adjacent future road right of way is removed) for a future community facility on the property. He said the current proposal shows a community park of approximately 1.5 acres, and a central green of approximately 1.2 acres. He said the northerly portion of the proposed community park overlaps a bit with the location of the future community facility shown on the Official Map. Mike Buscher showed a map and said that 22% of the project within the Village Northwest district will serve as dedicated greenspace, including: community park, central green, stream area greenbelts, community garden areas, Route 116 frontage buffer area. These areas and the calculation does not include lawn space as greenspace.

At 9pm, Zoe W. opened the hearing up for public comment. Alex W. distributed written comments by Karl Novak that were received this evening.

Carrie Fenn said that the Town Energy Committee feels the new sketch plan still is not designed to take full advantage of passive solar energy as required in the purpose statement for the Village Northwest zoning district.

Bob Thiefels made several points:

- Segregation of the single family units to the west may create problems with future commercial uses and homeowner association issues. He noted that a similar concern was raised in the DRB's earlier denial.
- The future Route 116, Riggs Road intersection/access will likely require a traffic light.
- The Board should discuss the Applicant's proposed solar array on the western side of the project since this is still part of the proposal.
- Do citizens have any say about the DRB's interpretation of how projects accommodate the Official Map?
- Will this commercial development permit chain stores like Dollar General, or will the project stick to local cottage industries?

Zoe W. responded to two of Bob's questions. Regarding the Official Map, she said that citizens participating in the DRB review of this project do have the ability to appeal any DRB decision should they disagree with the Board's interpretation. Regarding chain stores versus locally owned stores, she said that the regulations, and therefore the DRB, don't make this kind of distinction. If a use is allowed in the Zoning Regulations, then whether it is a chain store, franchise store, or is owned locally is not reviewed.

Mary Beth Bowman said she feels the proposed development density is too much, and she recommends cutting the number of dwelling units in half. She feels the project just looks bad, and that the town doesn't have to grow this much. David Marshall commented that the project density is consistent with the Town's regulations.

Wendi Stein asked for clarity on where sidewalks would be. Mike Buscher answered by showing the proposed sidewalks on a map. Sidewalks are generally along both sides of all the major roads with the exception of the two alley roads that provide access to a number of lots.

Geoffrey Gevalt asked why we are here again when the Applicant doesn't have answers on impacts to traffic, police, fire, schools. He feels the project is too big, and will have huge deleterious impacts on the community.

Chuck Reiss made several points:

- The new sketch plan doesn't look dissimilar from the last plan.
- Phasing needs to be looked at more closely.
- The Board needs to consider the potential impact of other large projects that are in the review process, and all these projects need to be phased over a longer period – not 5 years as proposed by this Applicant, but perhaps 10, 15, 20 years.
- The project should be phased in coherent increments.

Andrea Morgante made three points:

- The project should identify the cultural resources of the land ahead of time. She mentioned possible archeological resources in particular, and said the presence of these could impact the sketch plan layout.
- Infrastructure to accommodate the development (e.g., stormwater detention/treatment) should not occur outside of the Village Northwest district as proposed.
- Low impact design (LID) principles and practices for reducing and mitigating stormwater should be applied to this project. The proposed road widths are too wide, particularly the 24' wide roads with additional width for on-street parking. She noted that the town is striping Town roads with 9' travel lanes, and that the roads in this project can be narrow since they should be low speed (e.g., 25mph) roads. She suggested that the project utilize LID practices to infiltrate runoff in parking lots, along the roads, etc.

Zoe W. acknowledged that this review will require more time, and that not all issues raised in the staff report were discussed. She summarized some of the major issues that need further information or discussion: 1) school impacts and capacity; 2) feedback from municipal departments and committees; 3) more discussion on whether placing infrastructure in the Agricultural district is a fatal flaw; 4) leftover items from the staff report.

Zoe W. **made a motion to continue the review to the January 6, 2015 meeting**. Greg W. **seconded the motion**. The Board voted **6-0**.

<u>Other Business:</u>
Zoe W. **made a motion to go into closed deliberative session** to discuss the Galiga, Janda two-lot subdivision sketch plan decision, and the Town Recreation Field decisions. Dick J. **seconded the motion**. The Board voted **6-0**.

The following motions were made after the Board came out of deliberative session.

Zoe W. **made a motion to approve the four Town recreation field decisions (approvals)** as amended. Andrea B. **seconded the motion**. The Board voted **6-0**.

Zoe W. **made a motion to approve the Galiga, Janda subdivision sketch plan decision (approval)** as drafted. Dick J. **seconded the motion**. The Board voted **4-0** with Zoe W., Greg W., Dick J., and Sarah M. participating.

The meeting adjourned at 10:30pm.

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning