Town of Hinesburg
Development Review Board
February 17, 2015
Approved 3/3/15

Present: Dennis Place, Sarah Murphy, Ted Bloomhardt, Dick Jordan, Greg Waples, John Lyman.

Absent: Zoe Wainer, Andrea Bayer.

Representing Applications: Benjamin Avery, Bob Rushford, Mike Buscher, Renee & Ryan Mobbs.

Public Present: Michael Bissonette, Barbara Forauer, Mary Beth Bowman, Johanna White, Mary Hurlie, Meg Handler, Jean & John Kiedaisch, Bill Marks, Anne Donegan, Merrily Lovell.

Start: 7:32pm.

There were no changes to the agenda. There were no public comments for non-agenda items.

Ted B. made a **motion to approve as amended the minutes of 2/3/15.** Dick J. **seconded the motion.** The Board voted **5-0.** Greg W. abstained as he was not present at the 2/3 meeting.

Haystack Crossing LLC/BlackRock Construction: Sketch Plan (V2)—ct'd from 12/2 & 1/6. The Board reviewed documents submitted by Bob Mason of CSSU regarding the school capacity issue. The schools, according to his modeling and calculations, could accommodate the full build out of the proposed project. Though, Alex W. noted, they would likely need to increase teachers/staff to accommodate the full capacity of the schools. This would be less of an issue at CVU.

Greg W. noted that due to the Federal Holiday on Monday, he did not receive his packet for this meeting until shortly prior to the start of the meeting. He has not had time yet to read or respond to the documents submitted.

Ted B. said according to the numbers, the projection of an increase of 26 students/year fills the Hinesburg Elementary school in about 5 years. Ben Avery responded that the proposed project is very unlikely to see build out in that period, which should be noted. He went on to say that this project attempts to conform with the Town Plan and address such issues raised as adequate green space. They see the schools as being able to absorb the proposed increase in students. Infrastructure questions remain; on this point they understand the Boards' concerns. They suggest some possible conditions should the Board decide to move forward; i.e., an infrastructure agreement with the Town to work on issues and a phasing plan tied to that infrastructure plan. They said they don't need to be at the head of the line and stifle other projects. They are open to the Boards' suggestions re: mixed-use and are okay with conditions with regard to building heights or the mixed-use nature of the larger buildings.

Bob Rushford spoke to the Board briefly about what an infrastructure agreement might look like and how it would work. He said they aim to address improvements within and outside of the project i.e., roads, water, etc. while building of course to state and local standards. Ultimately, the project hands-off those improved works to the Town. Off-site improvements, he said, can include intersections (i.e., Riggs Road), congestion, water and storm-water, etc. They can execute traffic studies, which help the Town to

determine needed improvements. An agreement can be reached between the Town and the Developer to determine the pay percentage and in cases like Rte. 116 or other state roadways, can pay fees directly to VTrans. The developer should pay % relative to the impacts of the project, he said.

The Applicant said that in terms of the water and sewer capacity issues in Hinesburg, they feel that these can be addressed with upgrades to the existing systems. Ben A. said impact fees would also tie to the cost of expanding the existing infrastructure. Modeling the bigger picture, the Applicant said, can help solve the challenges and the Applicant said they open to that broader discussion. The Applicant said that he has spoken with Trever Lashua (Town Administrator) whom he feels understands this idea of impact fees. Regarding a traffic study, the Applicant said they will include the Riggs Road intersection, saying they want to move forward in a respectful way to give the Board more information as they review projects in the coming years as well.

Alex W. said it is important to remember that projects get waste water allocation after Sketch Plan approval from the Select Board and that there is no such formal allocation process for water. If the Board gives Sketch approval for this project, they should be clear in conditions that the project not be allowed to "lock-up" any allocations for waste water/water. Ted B. said the Select Board needs to have an allocation plan for water as well, in his opinion. Alex W. said Zoe W. has submitted written comments which demonstrate that she also feels conflicted regarding how to move forward with projects in light of the current infrastructure limitations. Per her emailed comments, the Board may consider denying without prejudice. Ted B. said he feels a solution is possible and that they should determine allocation at Preliminary. He said it is incumbent upon the developers to see if they can work it out. Ben A. said he is open to a phasing agreement. Ted B. said there has to be one.

Dick J. said at the last discussion there was mention of the 50' strip of land left open when the applicants shifted their structures to the west. He asked if the applicants had any ideas for that area. The applicants said it will be green space for now but have nothing further proposed. It is likely to be kept in the Association's benefit.

Alex W. referred back to written comments submitted by Zoe W. which indicate that beyond infrastructure concerns, the following issues remain for her: mass/make-up of the large building in this proposal, the amount of green space around buildings to the SE, the projects ability to demonstrate it can achieve the requirements for desired density bonuses, ability of other town infrastructure to absorb the project. Alex W. said the numbers are back from the police chief which compare in some ways Hinesburg's police call numbers to those of Williston. In short, the Chief's submitted comments indicate that he feels the Hinesburg Police Department has the capacity to absorb this project's potential and proposed impacts. The likely impact locally would be an increase in call volume by approximately 10%.

Bill Marks spoke from the audience, as a member of the Conservation Committee, he said, it seems clear that any phase where capacity is not committed should be treated as a stand-alone development. Each phase should be looked at as stand-alone. Ted B. said that each phase must work on its own.

Mary Beth Bowman spoke from the audience, voicing her concern specifically in response to a line in the developers' written submission to the Board for this meeting which reads; *It would be productive to work together under guidelines set forth by the Board, as opposed to the alternative of moving forward using the courts as a method of obtaining potential approvals.* She wonders if this is how developers talk to the Town. It feels to her like a threat. Ben A. responded that the language was not intended as a

threat and said simply put just as a member of the public, they have the right to appeal if denied. It is no more complicated than that, he said. They have no desire to go down that path but need to find a way forward.

Meg Handler spoke from the audience, submitting her comments in writing as well, she summarized her thoughts as such: She feels that it would be premature to approve this project without a strategy from the Town. The DRB needs to take a step back, she feels, and seek its own expert legal advice. She discouraged the Board and the Town from relying on the expertise provided by developers. She feels that the DRB should deny this application due to inadequate water and sewer capacity. She feels it is inappropriate to favor any developer over others; furthermore, she said, it feels problematic to invite developers to the table for the discussion. It is important to define the rules prior to approval i.e.; phasing, traffic control, services such as fire & emergency, storm water treatment and wastewater/water.

John Kiedaisch spoke from the audience, saying he agrees with what Meg H. said. He said the developer in this project keeps referring to "moving forward" which he said equates to Sketch Plan Approval, something he feels would be an error. The development as proposed leaves major questions. He said the policy regarding allocation needs to be resolved.

Barbara Forauer spoke from the audience, asking the developer who is going to buy these houses. Also, she said, this whole end of the village no longer looks like a village in her opinion. This proposal is too big, it's too much for Hinesburg.

Mary Beth Bowman asked from the audience, what types of commercial tenants does the developer anticipate in this project? The applicants said primarily service-based businesses to support the community.

John Lyman urged caution, saying we must as a Town and a Board go by what's on the books now.

Dennis P. made a **motion to close the public hearing and take up the matter in deliberative session.** Ted B. **seconded the motion.** The Board **voted 5-1** with Greg W. opposed to closing the public hearing at this time.

Mobbs: Ryan & Renee Mobbs & Carey Kaplan; Revision to a Previously Approved Subdivision Final Plat (Approval 3/6/12). Renee & Ryan Mobbs described this application to the Board which aims to take a small, 2 acre lot out of their 34.4A parcel out of the state's Current Use program in order to build a two story house and attached two car garage. They feel the size of the structure will be appropriate for the area and will sit approximately 200' off Baldwin Road. The main structure that will be visible from Baldwin Road they said, will be the garage which they plan to design to look like a red barn.

Existing utility poles were noted on the east and west sides of Baldwin Road. The applicants would like the waiver to allow them to not have to bore under the road to install a new pole on the west side of Baldwin Road saying it would be cost prohibitive to them at estimates of around $7,000 to bore underneath the roadway.

The applicants said they plan in the future to plant maple trees along the west side of Baldwin Road along the road frontage.

There was some discussion regarding an old existing culvert under Baldwin Road and the possibility of the Town reestablishing that culvert. The applicants have agreed to install a culvert under the area of the proposed driveway to this lot in order to help accommodate runoff in the area and help divert it to Lewis Creek.

Test pits dug onsite look good the applicants said, and a new wastewater plan will be pretty much in the same place as submitted to the Board.

The proposed building envelope does allow some flexibility for the applicants to build accessory structures along the woods edge.

Ted B. said Section 6.9.1 must be met. The applicants reiterated that boring under the roadway would be prohibitively expensive for them and that the Town Road Foreman has clearly stated that roads with existing fabric cannot be trenched.

Dennis P. made a **motion to close the public hearing and take up the matter in deliberative session.** Dick J. **seconded the motion.** The Board **voted 6-0.**

Other Business: Election of Officers: Greg W. made a **motion in her absence to reappoint Zoe Wainer as Chair.** Dennis P. **seconded the motion.** The Board **voted 5-0.** Greg W. **made a motion to reappoint Dennis Place as Vice Chair.** Dick J. **seconded the motion.** The Board **voted 5-0.** Ted B. **nominated Sarah Murphy as Clerk.** Greg W. **seconded the motion.** The Board **voted 5-0.**

Ted B. made a **motion to close the public session and take up the previous applications in deliberative session.** Dennis P. **seconded the motion.** The Board **voted 6-0.**

The meeting adjourned at 9:40pm.

Respectfully submitted,

Freeda Powers, Recording Secretary