

### SUBDIVISION & PUD SKETCH PLAN

<b>Owner:</b> Haystack Crossing, LLC. C/O Joseph Bissonette 12721 Route 116, Hinesburg VT 05461	<b>Applicant:</b> Black Rock Construction LLC. Benjamin Avery, 302 Mountain View Drive Suite 300, Colchester VT 05446
<b>Surveyor/Engineer:</b> Civil Engineering Associates, David Marshall T.J. Boyle Associates, Michael Buscher	<b>Property Tax Parcel:</b> 16-20-56.500 Approximately 84 acres

#### **BACKGROUND**

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. The property is lot #4 from a subdivision approval granted to Wayne and Barbara Bissonette on April 5, 2011 (survey recorded on slide 191A & 191B). That approval also created three other lots, lot #2 on the corner of 116 and Shelburne Falls Road which is also owned by Haystack Crossing LLC, lot #1 where Hinesburg Family Health is located, and lot #3 on the west, owned by B. Cairns Property LLC. The 2011 subdivision planned for two Shelburne Falls Road access points, both of which fall within access strips that are part of the subject property (lot 4). The primary new road (Haystack Crossing, sometimes referred to as the West Side Road) has been partially constructed. The secondary new road (Alfalfa Lane) has not been built, and is planned as a limited access, right in and right out access.

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. All of this is addressed in more detail in the applicant’s narrative, which also addresses related open spaces and infrastructure. The applicant also submitted an inclusive response to the previous sketch plan denial. Be sure to review both of these documents in addition to the plans.

Development is also proposed for a portion of the westerly woodland in the Agricultural zoning district. A large-scale solar array (150-500kw) is proposed for the northern portion of this 28-acre woodland area. The actual size of the solar array is not determined, but could occupy between 0.5 acres (80’x275’) and 1.7 acres (275’x275’). The Applicant indicated that this would be a net-metered system for the benefit of the proposed development, and that it would also require review by the Public Service Board.

The subdivision involves approximately 70 lots +/- (lot lines unclear for mixed use and multi-family buildings) laid out along an interconnected grid of proposed roads. Two new roads running north/south and two new roads running east/west. Four principal access points to

existing public roads are shown. Two access Shelburne Falls Road, a portion of one is over the existing drive serving Hinesburg Family Health (Haystack Crossing), the second is via a road providing right-in, right-out only access that is yet to be built on the east side of the Hinesburg Family Health property (Alfalfa Lane). A third access extends south of the project to Kaileys Way and Farmall Drive across yet to be developed land (Lyman property; Hinesburg Center Phase 2). The fourth access is indicated as a future Route 116 connection over the abutting KB Real Estate property opposite the existing Riggs Road intersection. Pedestrian access is proposed via sidewalks along all of the new roads shown on the plan as well as along the property's Route 116 frontage. Trails are also proposed on the north and south boundaries of the development areas. The southerly trail shows a connection to Route 116 just north of Patrick Brook. Municipal water and sewer service are proposed, and an existing, private water and wastewater lines bisect the property from north to south.

The eastern agricultural fields consist of mapped agricultural soils interspersed with several small wetland areas. Much of the southern boundary is adjacent to Patrick Brook (including an associated fluvial erosion hazard area), and portions of the northern and northwestern boundaries are coincident with an unnamed tributary of Patrick Brook. This unnamed tributary runs south bisecting the parcel into easterly agricultural fields and westerly woodland. Extensive flood hazard areas associated with Patrick Brook and the LaPlatte River are present in the westerly woodland, and extend a short distance along the unnamed tributary. The westerly woodland is approximately 28 acres, and includes clay plain forest remnants and a small area of steep slopes in the northwestern corner. The VELCO electrical transmission line runs along the western side of the parcel, and the future VT Gas transmission pipeline is planned for this same general area. Overall, the property is exceedingly flat with the land rising in the northeast corner to a high point along the northeastern Route 116 frontage.

The Hinesburg Official Map shows that a variety of future public infrastructure is planned for the subject parcel given the important role it plays in the VG-NW district and the overall Village Growth Area. These elements include:

- a. A through road south from Shelburne Falls Road to Farmall Drive (West Side Road), including a connection to Route 116 opposite Riggs Road.
- b. Sidewalks along the aforementioned new roads as well as along the Route 116 frontage.
- c. Two different trails - one along a portion of the southern boundary line, and one providing access from here to the north.
- d. A community facilities area (approximately 2-3 acres) - possible uses mentioned on Official Map; Selectboard conversation during Official Map adoption centered on developed park/recreation facilities.

Another subdivision is being reviewed for the property in question. The DRB is currently completing the final subdivision review to create an approximately eight acre lot (lot 5) in the western portion of this parcel, to be gifted to the Town for recreational fields. Final approval of this recreation field subdivision is anticipated before the DRB renders a decision on the Black Rock Construction sketch plan. Black Rock Construction and the Town are coordinating on the configuration of the future recreation field lot. In other words, the subject property of the Black Rock Construction project is currently the full 84 acres, but is expected to shrink to approximately 76 acres +/- once the subdivision for the Town recreation field lot is completed.

This reduction in size is entirely within the Agricultural District portion of the property, and has no impact on the density calculations for the Black Rock Construction proposal.

### **ISSUES FROM THE PREVIOUS DENIAL:**

1. **Mix & Distribution of Commercial Uses** – The new proposal does place more commercial space on the interior road. The reconfiguration to create only one north/south road also allows the project to focus on mixed use on one interior “Main Street”. The applicant has indicated which commercial uses are “dedicated” versus “potential”. With that said, the review cannot be focused entirely on the final/full build out. This project will clearly be constructed in phases, given market realities and especially municipal infrastructure limitations. The phasing specifics can be discussed at later review steps if/when sketch plan approval is secured; however, the general phasing outline should be discussed now to help ensure that initial phases represent coherent development that are relatively complete unto themselves. The Board and the applicant should discuss which key areas and elements should be built first (e.g., senior housing, roads to recreation field, etc.), and how this will conform with section 3.6 of the zoning which requires that the non-residential space in a PUD shall either be constructed first or concurrently with the residential space.

Homeowner and/or neighborhood associations will need to be carefully crafted so as not to limit the ability of the commercial components of this project (stand-alone and mixed use buildings/lots) to respond to future market needs. Any sketch plan approval should note this, so that it can be addressed in later steps of the review process.

### **ADDITIONAL/NEW ISSUES:**

2. **Phasing (section 4.8, Zoning)** - All of the development proposed in this project will be served by Town water and wastewater treatment. The recent bond vote on improvements to the water supply system clarified that the Town does not currently have the capacity to serve this project. The new well scheduled to come online in 2015 will replace two problematic wells that serve current users. The new well will not add substantial new capacity to the water system, so additional water system improvements (i.e., one or more wells) will be needed to serve this project. The Town does have some wastewater treatment capacity, but not enough to support the full build out of this project. The Town is actively discussing ways to increase capacity for both systems, but no decisions have been made, and timing is uncertain.

This issue was discussed during the previous sketch plan review; however, at that time there was an expectation that the planned new well would add to the existing capacity of the water system rather than simply replace existing wells. Necessary wastewater capacity was also assumed based on unallocated reserve capacity, and feedback the Town previously received from the State about the ability to add another 58,000 gallons per day of capacity with our current infrastructure (i.e., no improvements necessary). Like the water supply, our ability to add more wastewater capacity at the Town’s discretion is also in flux due to the State’s negotiations with the EPA on Lake Champlain water quality. We are unlikely to have clarity about additional wastewater capacity until the State is able to begin issuing permits for municipal wastewater systems again – likely sometime in 2015.

As discussed during the earlier review, and as noted by the previous Town Administrator (see 2/3/2014 letter), this project, along with other forthcoming and previously approved developments will trigger the need for additional Town staff and capital equipment. Phasing of this project will be an important conversation as the review moves forward to ensure that necessary infrastructure and municipal resources are available. Pay particular attention to section 4.8 of the Zoning Regulations.

The Applicant has revised their estimates of how many school aged children the project will generate, based on input from the Chittenden South Supervisory Union. Staff is currently seeking input from the Chittenden South Supervisory Union to assess impacts on school enrollment and capacity based on the revised estimate, and taking into account other development projects that are approved but awaiting construction (e.g., Green Street) or in the review process (e.g., Norris; Hinesburg Center Phase 2). This will likely not be ready for the December 2 meeting.

The Board and the applicant should think carefully about designing the project so that it can be phased and built in a coherent fashion. One that provides for relatively complete and attractive development areas, which augment and complement the existing village, and are not surrounded by a landscape dominated by unused roads and other visible placeholder infrastructure. The Board should consider requesting renderings of what each phase of the project would look like to help with specific phasing discussions.

- 3. District Boundary Shift (section 1.3, Zoning)** – The proposal assumes that the DRB will approve a 50’ shift to the west of the boundary line dividing the Agricultural and Village Northwest zoning districts. Without this relocation of the zoning district line, the western side of the development would need to be revised substantially to keep the development (at least proposed homes, if not majority of each lot) fully within the Village Northwest district and municipal sewer service area. Furthermore, allowed development density may also need to be recalculated absent the shift. This district line shift can be requested per section 1.3 of the Zoning Regulations, but requires conditional use review. Given that the subject parcel has been subdivided several times over the years, there is a technical question as to whether a district line shift is permissible given the language of section 1.3. We are awaiting a legal opinion from the Town Attorney on this. Given the impact this issue could have on the sketch plan, we recommend that the sketch plan review be continued, and a conditional use review on this specific question be warned for the same meeting. This was likely also an issue with the previous sketch plan proposal, but neither the old nor the new plans called out the proposed shift – i.e., we noticed it only now.

On a related front, the Board should discuss and be comfortable with the placement of portions of the development in the Agricultural Zoning District – essentially between the project and the proposed Town recreation fields. Both the old and new sketch plan show back yards of single-family home lots, and overall stormwater treatment detention/treatment in the Agricultural Zoning District. Section 2.4.4 (Zoning) clearly prohibits the transfer of development density into or out of the Village Growth Area, but it doesn’t speak to necessary infrastructure to support that density.

4. **Official Map** – The sketch plan accommodates many elements of the Hinesburg Official Map – e.g., West Side Road, sidewalks, trails, Route 116 new intersection, etc. However, the plan does reshape the planned 2-3 acre future community facility shown in the middle of the Village Northwest district. The Official Map indicates a wide variety of potential uses for this area, including but not limited to: town green, community center, fire/police station expansion, farmers market venue, parks and recreation areas, library relocation. The area labeled “community park” (#6) is a bit south and is smaller (approximately 1.2 acres) than what is shown on the Official Map. This community park area is also smaller than what the applicant proposed in the earlier sketch plan application. Unless revised, the applicant will need to work with the Planning Commission and the Selectboard to modify the Official Map prior to any final DRB approval.

The existing library, town hall, and new police station each occupy between 0.4 to 0.7 acres (including parking). These are examples of the area that might be required in the future for developed community space, and this would eliminate a significant portion the proposed community park. The Official Map requires the project to accommodate future community facilities. At the same time, a project of this intensity needs substantial green space like parks. The Board and the applicant should discuss increasing the size of the community park lot. This need not remove future development potential. Undoubtedly this project will be revised in the future. Final disposition of the community park area, including the possibility of additional development could be resolved between the landowner and the Town in the future.

5. **Greenspace & Community Facilities (section 4.5.7, Zoning)** - Pursuant to section 3.6 (Zoning), all residential development in the Village Northwest district shall be reviewed as a Planned Unit Development (PUD). Section 4.5.7 (Zoning) requires designation of green (open) spaces and community facilities to be created as part of the review process for a PUD. The nature and amount of these are different for the AG and VGNW districts. The Applicant should clarify the proposed greenspace and community facilities (location and size), and address the planned purpose for each area. The AG district portion, approximately 38 acres in size after the recreational field lot is removed, requires that 50% of the land be set aside as greenspace. This 38 acres is already committed to an approximately 7-acre VELCO easement, a proposed solar field of probably 2+ acres, and a 2-acre stormwater complex, all spread out throughout this area. There will be a wet, flood plain area in the southeastern portion of the wooded area which could eventually become mature clay plain forest which could qualify as AG district greenspace and is worth identifying.

Greenspace within the VG NW district serves more limited purposes. Basically no less than 10% of the parcel area has to be designated greenspace and/or community facilities. These areas must reflect the context of the project primarily through providing pedestrian and recreational amenities as well as community facilities. The proposal accommodates these provisions via the central green (approximately 1.5 acres), the community park (approximately 1.2 acres), the various community garden spaces, and the trails and greenbelts along the north and south boundaries. With that said, the Board and the applicant should discuss the following.

- a. Community Garden Area – The community garden on the west end of the central green is not needed by the neighborhood that they are located in – i.e., single family lots with ample gardening space. This community garden should be more proximate to the multi-family dwellings (i.e., the folks likely to use it) on the eastern side of the project. In later review steps, the applicant should also provide an assessment of how large the various community garden spaces should be given the proposed number of dwelling units – especially multifamily units without yard space.
  - b. Community Facility & Greenspace – As noted in the Official Map discussion, we have concerns about whether the community park (#6 on the plan) is large enough to accommodate a future community facility (e.g., town building and parking) while still leaving enough greenspace.
  - c. Adequate greenspace in the vicinity of the multi housing units – The perimeter North, West and South lots are large and abut the buffer area and don't need community garden space and off site areas for picnicking, ball throwing, etc. The single family interior lots probably have sufficient room for gardens, but not much in the way of active recreation. The multifamily units need all open space amenities provided for offsite. The Applicant and the Board should discuss the distribution of greenspace and its proximity to the highest density multifamily units on the east side of the project.
6. **Access (section 5.1.6 & 6.1.2, Subdivision)** - The plan responds to the earlier denial with regard to necessary points of access and road/sidewalk infrastructure. Some suggestions given the new plan:
- a. Allow room for a future road connection into the KB Real Estate property from the north. This would require relocation or elimination of a proposed parking structure.
  - b. Ensure the lot layout and building placement includes enough room at the proposed road intersections to allow for innovative traffic control like roundabouts.
  - c. Ensure access to the western woodland area is viable for continued forest management and installation and maintenance of the proposed solar array.
7. **Lot And Ownership Clarity** - Need clarity on the lot layout and ownership pattern for many areas in the project. In other words, are the following on their own lots, and who will own them (association, retained by developer, etc.):
- Roads
  - Western woodlands
  - Stormwater treatment area
  - Paths and stream buffer areas
  - Community gardens
  - Community park and central green
  - Lots with multiple buildings
8. **Building design (specifics to be discussed at later review steps)** - Section 5.22.3(5) of the zoning requires that Garages or other accessory buildings attached or unattached to the primary building shall be placed at least 10 feet farther back from the front property line than the principal structure. On properties with roads on two sides the front property line is

generally deemed to be the side that primary access is located. If appropriate a PUD waiver for the setback of the alley way garages (lots with two “front yards” would resolve this issue.

The plan shows underground parking under three buildings. This may be problematic given the high water table (i.e., difficult to go below existing grade) and the need to create a streetscape with dynamic first floor facades (i.e., not first floor parking). Any sketch plan approval should require building elevations and basic engineering for these three buildings to ensure this is addressed properly or room for equivalent surface parking will have to be identified.

9. **Stormwater (specifics to be discussed at later review steps)** - Stormwater flow from the adjacent KB Real Estate LLC lot and Route 116 itself currently sheet flows across this Haystack property to Patrick Brook. Stormwater plans submitted during the preliminary plat review must account for this, and sketch plan layout must accommodate this.

Low Impact Development (LID) practices should be incorporated to maximize on-lot infiltration and reduce overall stormwater volumes and the need for very large detention areas. The small wetland areas could be incorporated into the overall stormwater and green space planning.

Respectfully submitted,

Peter Erb and Alex Weinhagen

cc: Applicant & Landowner