September 26, 2015

Submission from Peter Erb to the DRB concerning the Phase II Hinesburg Center Application

Evidence that water and wastewater is available for the complete buildout of the development is required and has not been submitted. The application should be found incomplete and denied. Discussion of the myriad other issues is totally dependent on a real final design. Everyone's time will be wasted until the available wastewater allocation has been determined and a water supply assured. Only then can the actual layout of the development be designed and reviewed.

WATER - There has been no demonstration that an adequate water supply is available. There is absolutely no guarantee that the Town will be able to locate, and get permits for an expanded water system, now or in the future. A town wide bond vote would be necessary to fund another water supply unless entirely paid for by the developer. The simplistic well yield information that the developer submitted for an alternate private system is only the first, tiny step in the process of creating a separate "water district" within the existing village water service area. A permit from the state is necessary, and evidenced by the town's recent application, a complicated process. The following issues are relevant and should be considered if a private water system is being proposed,

- A separate area will have to be crated for the pump station, treatment facility, possible storage tanks etc. and none has been proposed in the survey.
- Unless this area is located within phase II the well will probably have to be located on a dirt platform in the ag district to get it out of the floodplain requiring fill in the floodplain and a separate permit
- Very expensive test wells must be drilled to establish that:
  - Sufficient water will be available for fire hydrants and sprinkler systems.
  - There is no MBTE pollution
  - Interference testing must be done for surrounding existing wells
- Engineering plans have to be submitted that demonstrate how the private water lines will be located so that maintenance of the town owned wastewater system can occur without damage to the private system.
- Legal language for the private water association has to be submitted.

WASTEWATER – The select board has not yet indicated how much wastewater capacity will be allocated to the Village district, and specifically to this development. Approval of the preliminary plat could set the town and the developer at odds, and in court. DRB preliminary plat approval should only occur when it is clear that sufficient wastewater treatment is available for the realistic buildout of this project, including the variety of businesses that is envisioned for this area.

Once the water and wastewater impediments have been eliminated then the following should be considered.

If you decide that the proposed plan is final and further discussion is warranted additional submissions are necessary, and identified in bold.

FROM THE CONDITIONS OF THE SKECTH PLAN APPROVAL.

1c) The proposed cross section of the "bridge" to Haystack has no sidewalk.

There is no evidence that the bridge design is based on recent geomorphic assessments or state recommendations. The submitted letter requests feedback from the state but **none was submitted and the submission isn't complete without it.**

In previous flood events the existing stormwater pond for phase I was flooded and washed out. Evidence should be provided that the new bridge will not exacerbate this situation.

If the applicant is proposing to enlarge the existing phase I system, before they are allowed to do this the above issue has to be corrected as the system doesn't function as it was supposed to.

d) There is current evidence of bank erosion downstream on the LaPlatte and thus far only attributable to the increase of impervious surfaces upstream. I can't find what flood event the stormwater system is designed to control. Evidence should be submitted that the proposed stormwater ponds are sufficient to prevent further issues.

Either limitations on the use of fertilizer on this subdivision, or alternately, stormwater treatment designed to remove the phosphorous from the water should be required.

1 d) LID There doesn't appear to be any engineering details about the storm drain elevations however it appears that **THE MAJORITY OF THE STORM DRAINS DO NOT ENTER THE TREATMENT –SWALE BUT GO DIRECTLY TO THE NORTH AND INTO THE FOREBAY WITHOUT ANY "SWALE TREATMENT"**

The infiltration areas are minimal and appear token.

The proposal to do an individual site plan approval for each residential lot will be incredibly time consuming and not actually required for residential development. The residential lots should be designed now, at this preliminary stage, to insure that there is sufficient area for raingardens on each lot.

Language should be incorporated into the articles of Assn. requiring lot owners to maintain rain barrels and rain gardens, and that the association be responsible for the rain gardens on condo or assn. lands. Rain gardens should not be taken out of proposed garden, or park areas.

1 e) WESTERN LOTS

The uses for lot 84 have only been generally stated and is not clear who will retain ownership. The articles of association state that it will be "set aside" however no offer of transfer to either the town or the association is included so that in fact it may not

really have any constraints on it at all. This lot borders on the western single family house lots and its use should be clear now so they can anticipate what their view will be.

Lot 85 - An solar installation of this size may have to connect with three phase power, and in any case an easement for the installation of the underground service lines back to the grid has to be included on the plat.

1 f) NORTH- SOUTH BRIDGE

A possible impediment to the construction of this bridge will be its funding. Regardless of the state of actual development of the various phases of this development, a final permit for this project has to insure that the bridge and connecting road will be built when a completed connection to it on the other side of Patrick Brook has been constructed. The funds for the bridge should not be dependent on sales in this development and have to be set aside from the beginning, or alternately the bridge has to be constructed as part of the phase one infrastructure and no building permits issued until it is in place.

2 b) the AFFORDABLE UNITS should be built on a pro-rated basis as other living units, including the single family residences, are constructed.

2 c) PARKING the elimination of the underground parking puts more pressure on the proposed parking matrix for phase I. The proposal for the utilization of Phase I parking should be carefully fact checked as numerous people have stated that the parking on certain days and times in phase I is maxed out.

Residential units should have designated parking spaces or sticker areas. A true village shouldn't make someone drive around searching for a parking space after a long day, and then haul kids, groceries and a dog across streets to get home. The proposed parking scheme is not "Village" and should not be approved until one space for every residence is set aside.

2 e) CONNECTION TO RECREATION FIELDS (section 6.2.3 subdivision)

An all weather gravel trail over fabric is necessary for access to the recreational fields

Responsibility for the maintenance of the trail and bridge has not been clarified– if deeded to the town does the town and or the trails committee have the resources to maintain them.

The VAST bridge over Patrick Brook never received any permits. It appears that the pedestrian trail will use it for access to the rec. fields. This bridge has to be permanent i.e. not subject to FUTURE enforcement or removal and if this is the only access to the rec fields from the south then all permits should be obtained is granted or any final approval must establish an escrow fund for the construction of a pedestrian connection to access the fields if the VAST bridge disappears.

3 a) LEGAL LANGUAGE While the applicant chooses to own all properties, this could change and the phase I association could actually be numerous people. The shared

parking proposed for phase III in the Phase I parking lot, which would be controlled by another association (not just the applicant), needs a formal agreement.

The phase I stormwater pond is in phase II, lot 53 and an easement is necessary for this lot to grant to the phase I homeowners association. There shouldn't be another stormwater ownership fiasco.

How will the responsibility for the maintenance of the shared park on lot 30 be formulated. Will Creekside residents have deeded use of it and how will they share in the maintenance?

Kailey's Way will remain a private road and it is the main entrance to the proposed E-W connector road. Is an easement necessary for the public to travel over his road into phase II

b) EASEMENTS AND DEDICATIONS- GMP requested a redundant loop through Blackrock from the north and south. The developer should confirm that the loop doesn't have to include this development.

If a private water system has to be installed how will this interact with the town owned waste water infrastructure? Can they be in the same ditches or do they need separation and if so then the plat has to contain the separate easements.

The roads will not be taken over by the town for a while and clear legal access for all lots to a public highway has to be established.

FROM THE SUBDIVISION REGULATIONS

5.1.2 WETLANDS

Documentation that permits to fill wetlands have been obtained has not been submitted.

Wetlands are shown on lot 83 the community open space and this may make it useless for anything at all. Why is this a separate lot at all?

5.1.6 TRAFFIC

Where is the traffic study?

Can long tractor trailer trucks get in and out of Farmall or do the stop lines have to be changed as they were for Hannaford's.

5.1.11 BURDEN ON TOWN -has the town submitted anything confirming that no unreasonable burden will be created by:

- The additional streets with on street parking which may require a smaller "village" plow

- Additional sidewalks requiring an additional sidewalk plow
- The fact that almost all street trees in are in the future town ROW and will be the responsibility of the town to replace and maintain
- Possible private water system and interaction with town owned wastewater system in its vicinity re town repairs on their infrastructure,
- Maintenance and possible permitting issues regarding the existing VAST bridge which is proposed to serve the trail to the recreation area.
- Possible reliance on town water system hydrants for fire protection if private water system doesn't have the capacity

5.1.12- ENERGY **– Nothing appears to have been submitted that establishes that all structures are orientated for maximum solar access. This has to be submitted and those that don't comply have to be guaranteed a connection to the solar field or be green certified.**

If the solar farm is necessary to allow flexible orientation of various structures then evidence should be submitted that documents it can be constructed and accessed in the flood hazard area.

Lot 85 contains the proposed solar farm however nothing has been submitted to indicate whether it will be sold to an independent solar development or serve the development itself.

6.5 LANDSCAPING

Most street trees carefully located to be within the road ROW and the town will be responsible for maintenance and replacement.

There are no trees in the internal alley ways or in the parking lot areas.

Many street trees are medium sized especially where structures are nearby – this may be acceptable however it should be verified.

6.6.1 EROSION - Although this lot is basically level now, his history of erosion onto Farmall drive cannot be ignored and the erosion control plan has to be submitted and FOLLOWED

6.12.2 RIGHT TO FARM LANGUAGE is necessary for the western lots.

6.12.4 (6) GENERAL STANDARDS - If the solar field is not intended to supply the development then an area should be set aside so that group metering is possible for residences within the development.

OTHER ISSUES

- **PUD waivers should not be routinely granted unless they improve the project. Zoning section 4.5.5 requires (1) A statement setting forth the nature of all proposed modifications or changes of existing land use and development**

regulations; and (2) A brief summary of the project and how it meets the standards set forth in this section - these were not submitted.

This is a green field development. Why the waivers especially on the commercial lots. Why is everything jammed together?

The wavier requests don't address the garage setback from the alleyways which are defined as streets.

Clarification as to which boundary is being referred to as front and rear yard is necessary.

The setbacks for lot 55 and possibly lot 50, commercial lots, don't leave sufficient room for trash, staff smoking areas, outdoor storage, fans and vent units protruding from the building etc.

- Lots 50 and 55 are adjacent to community open spaces and residences. They are proposed as commercial buildings on the first floor and any exhaust fans from, for example, a bakery, restaurant, laundromat etc. will vent directly into either the community garden or residences. Regardless of setbacks, a condition should be included which requires that any commercial venting or exhaust happen vertically through either internal shafts or, if external, they are included in renderings of the structure and approved only if integrated into its design.
- **A complete construction staging plan, which included soil storage, uses of the remaining open lots, and their maintenance as open grass covered lots has to be required as an additional submission**. The applicant has previously treated the roads and open lots as his playground and his history of the dumping that occurred and the storage of materials and various pieces of equipment in the roads should not be permitted.
- **Is the installation of the EXISTING water and or the wastewater line in violation of flood regulations regarding the location of the fill in the FEH and or the floodway? If so application has to be made to get the necessary permits.**
- There are numerous road side transformers – detailed plans should be submitted depicting their design and screening – can they be underground?
- First floor elevations should be given for all structures so that the amount of fill under the buildings can be known. **This is absolutely necessary for the lot in the south east corner of phase two, to the north of the Lasher property. The lot has to be level with the Farmall street extension. The elevation change must occur in the north eastern portion of the lot, with retaining walls installed so that the green space can be relatively level and useful.**