

SUBDIVISION & PUD PRELIMINARY PLAT REVIEW

Owner: David Lyman PO Box 122, Hinesburg, VT 05461	Applicant: Hinesburg Investments LLC Brett Grabowski (Milot Real Estate) 32 Seymour St #101, Williston, VT 05495
Surveyor/Engineer: Engineer – Ruggiano Engineering Landscape Architect – T.J. Boyle Associates Surveyor – Button Professional Land Surveyors	Property Tax Parcel: 08-01-06.320 Approximately 46 acres

BACKGROUND

Hinesburg Investments LLC (Brett Grabowski, Milot Real Estate) is requesting preliminary plat approval for Phase 2 of the Hinesburg Center project, located in the Village (VG) district, directly to the west of Kaileys Way; parcel # 08-01-06.320. The subject parcel is approximately 46.2 acres, and is owned by David Lyman. The eastern portion (approximately 9.7 acres) is located in the Village zoning district. The western portion (approximately 36.5 acres) is located in the Agricultural zoning district. It is lot 32, the remaining land from several earlier subdivisions of the original Lyman property done by the Applicant (e.g., Hinesburg Center Phase 1 project, Creekside project). This project is an expansion of the existing Hinesburg Center Phase 1 project, and is bounded by Patrick Brook and the LaPlatte River to the north and west, the Creekside neighborhood to the South, and Hinesburg Center Phase 1 to the east

Natural features include Patrick Brook and the LaPlatte River riparian areas along with associated flood hazard areas that impact a large percentage of the property. Prime agricultural soils are present throughout much of the property. Wetland delineations done for previous subdivisions indicated limited wetland areas, primarily on the western side of the parcel. Significant portions of the project are located within the Flood Hazard Area. Conditional Use approval was granted on December 17, 2013 to allow fill to be placed to raise the development area above the flood elevation, including a small area west of the proposed homes for installation of stormwater treatment facilities. On September 16, 2014, the DRB approved a one year extension of this approval. This conditional use approval for fill in the flood hazard area cannot be extended again, and will expire on December 17, 2015.

Thirty-seven numbered lots are proposed along with one unnumbered lot for the proposed public road right of way. The development plan includes 69 residential dwelling units as follows: 13 single family detached, 16 single family attached, one six unit building, one mixed use building with 28 dwelling units, and two other mixed use buildings each with three units (six total). The non-residential part of the project includes the three aforementioned mixed use buildings for a total of 11,000 square feet of commercial space, as well as a stand-alone 2,400 square foot building intended for light industrial or commercial use. With the exception of some stormwater treatment and a potential solar array, the development area of the project is within the Village District, and the Town's wastewater treatment service area.

A variety of greenspaces are proposed, including a community garden/green (portion of lot 58), improvements to an existing community open space (lot 30, from Creekside project), a small open space lot (lot 83), potential community agricultural space west of the development area (lot

84), and a riparian park area further west along the LaPlatte River (lot 32). A potential solar array area is also shown in the western portion of the project (lot 85). Parking will be a combination of on street and off street parking areas. Plans include a road extension and box culvert across Patrick Brook to connect to potential development to the north on the Haystack Crossing property. Until that connection is complete this area will be served solely via Farmall Drive to Route 116.

ISSUES

There are many issues to discuss and review in a project of this magnitude. I anticipate additional submittals by the Applicant and his team will be needed (e.g., streetscape renderings/sketches, traffic study, conceptual building elevations for the larger buildings, details on improvements to the lot 30, etc.). Undoubtedly, multiple meetings and plan refinements will be part of the preliminary plat review process. However, without resolution to the water supply issue (see discussion below), I suggest that we not spend everyone's time, money, and mental energy reviewing all the other aspects of the preliminary plat application. I recommend the Board either: 1) deny the application with an invitation that the Applicant restart the subdivision review at a later date; or 2) continue the review for six months to give the Applicant an opportunity to address the water supply issue before resuming the preliminary plat review.

Water Supply (Order #2, Sketch Approval; section 5.22.2, Zoning) – The sketch plan approval acknowledged that the Town does not currently have municipal water capacity to serve any portion of the project. At the time, additional municipal water capacity appeared to be possible and was being actively explored by the Town. The approval anticipated that the Applicant would work collaboratively with the Town on this issue to find a solution. The approval required that the Applicant's preliminary plat application include a demonstration that adequate water supply capacity is available for the project. Simply put, this has not been demonstrated, and much more work is needed on this front.

This is no small issue. As the Applicant's attorney indicates, the Town's Water Use Ordinance mandates connection to the municipal water system. The Applicant has not requested a deferral from the Selectboard as recommended by his attorney. More importantly, section 5.22.2 of the Zoning Regulations also requires that all water supplies in this zoning district are to be by connection to the Town water system. The requirement is clear and unambiguous. The current municipal water system capacity limits are also clear and unambiguous. What's not clear is a solution. I anticipated the Applicant would partner with the Town to facilitate exploration of possible new wells, assessment of the feasibility of bringing new wells on-line, and potentially some sort of development agreement or mutually beneficial commitment regarding cost sharing and time horizons. To my knowledge, none of this has happened. The Town continues to be interested in exploring additional water supply capacity, but this could take years. If the Applicant is interested in a faster timetable, assistance and cost sharing commitments need to be discussed with the Selectboard. Until then, further DRB review is pointless for all parties.

Respectfully submitted,

Alex Weinhagen, Director of Planning & Zoning

cc:Applicant & Landowner