

**TOWN OF HINESBURG
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**For Wind Energy Associates & Jan Blomstrann
Subdivision Sketch Plan Approval
Parcel Number 16-20-56.900**

This matter came before the Hinesburg Development Review Board (DRB) on an application of Wind Energy Associates and Jan Blomstrann, hereafter referred to as the Applicant, for sketch plan approval for a subdivision and Planned Unit Development (PUD) of property on the east side of Route 116 in the Village Northeast zoning district. The DRB held public meetings on the application on April 7, May 5, and September 15, 2015. Jan Blomstrann was in attendance at the meetings. Based on the above-mentioned public meetings and the documents contained in the “document” file for this proposal, the DRB enters the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

- 1) The Applicant is requesting sketch plan approval for a 9-lot subdivision and Planned Unit Development (PUD) for a project located on Route 116, Riggs Road and CVU Road on the property that includes and surrounds the Renewable NRG Systems facility. The property is currently comprised of eight parcels that total approximately 66 acres. The majority of the property is in the Village Northeast zoning district. Approximately five acres in the southeastern corner of the property is in the Residential 1 zoning district. Multiple parcels are involved, but the primary tax map parcel number associated with the project is 16-20-56.900. There are quite a few previous subdivision and other approvals for the property in question, both before and after the construction of the Renewable NRG Systems facility.
- 2) Natural features include a steep hillside which forms the backdrop to the property and essentially divides the northern portion from the southern portion. The spine of the hillside, which essentially divides the northern portion from the southern portion, runs east from ledge outcroppings on Route 116 to the height of land where an existing wind turbine is located. Water resources include substantial wetland areas: a wetland associated with a small stream in the northwestern corner, and a larger wetland complex along Patrick Brook in the southeast corner. The Patrick Brook area also includes FEMA flood hazard and fluvial erosion hazard zones. Agricultural soils pervade the property, with the exception of the steeper hillside slopes and the wetland areas.
- 3) The Hinesburg Official Map shows that a variety of future public infrastructure is planned for the subject property. These elements include:
 - a) Improvements to the Route 116, Riggs Road intersection - e.g., roundabout, traffic signal, 4-way intersection, etc.
 - b) An extension of Riggs Road to the northeast to create a through road from Route 116 to CVU Road around the hill.

- c) Sidewalks along the aforementioned through road as well as along the Route 116 frontage.
 - d) One trail from CVU Road to Riggs Road on the western side of the property - through the area proposed for development. A second trail along the south and southeast sides of the property from Route 116, along the Patrick Brook corridor, headed toward Mechanicsville Road.
 - e) A riparian park area along Patrick Brook and its associated wetlands along the south and southeast portions of the property.
- 4) The current proposal is for 101 dwelling units (including 36 units of senior housing in a single building), and approximately 178,000 square feet of new non-residential building space (office, manufacturing, light industrial). Three of these dwelling units (lots 5, 6, 7) were previously approved, but have not yet been constructed. This is in addition to the existing Renewable NRG Systems building on proposed lot 4, which is approximately 71,686 square feet (all floors) with a footprint of approximately 56,000 square feet. Residential uses are proposed to the north of the hillside with single family homes located on lot 9 and multifamily dwellings farther south on lot 8. These 62 northerly dwelling units would be served by a new road with access to CVU Road. The three previously approved home site lots (5-7) are located near the top of the hill with access via a planned extension to Riggs Road. The number of residential dwellings is below the base density, and well below the maximum allowed pursuant to section 2.4.2 (Zoning). No density bonuses appear to be needed, and none are proposed at this point.
- 5) Non-residential uses and senior housing are proposed to the south of the hillside with a “campus center” area of four new buildings (2A, 2B, 2C, 2D) due west of the existing Renewable NRG Systems facility. The senior housing (36 units in building 2C) is shown on lot 2. The other three non-residential buildings are shown on lot 1. Underground and underbuilding parking is proposed for this campus center area – i.e., parking that spans the central space between the buildings. Three additional office/manufacturing buildings are depicted south of Riggs Road (1A, 1B, 1C) on lot 3. This portion of the project would be served by Riggs Road. The north and south sides of the project would be connected via sidewalks and paths, which would also provide connections to the existing village area sidewalk system.
- 6) The entire project is proposed to be served by municipal water and sewer.
- 7) The Applicant indicated that the segregation of single family homes and multi-family dwellings on lots 8 & 9 is made necessary by lending agencies practices (Fannie Mae & Freddie Mac); however, open spaces, recreational areas, gardens, sidewalks, and paths will be shared by all to help integrate the neighborhood. Both residential lots will be limited interest community ownerships with limited common element areas identified around the units. The road within these common interest communities will serve more than one lot, and is a “street” as defined in the Hinesburg zoning regulations.
- 8) Several areas across the entire project have been identified for potential stormwater treatment. The Applicant indicated that these are simply placeholder areas, and that the

project intends to utilize low impact design practices and treatment measures the fullest extent that the soils and the site allow.

- 9) The application was received on January 28, 2015 and deemed complete on February 5, 2015. The application included a variety of narratives, site plans, and related documents which were supplemented during the review. All of these submissions are contained in the document file (16-20-56.900) in the Hinesburg Planning & Zoning office. This file also contains staff reports and correspondence from other parties that were discussed during the review and are part of the record.
- 10) The following members of the DRB were present for the sketch plan review on April 7, 2015, constituting a quorum: Zoe Wainer, Dennis Place, Sarah Murphy, Ted Bloomhardt, Dick Jordan, John Lyman. The following members of the DRB were present for the sketch plan review on May 5, 2015, constituting a quorum: Dennis Place, Sarah Murphy, Ted Bloomhardt, Greg Waples, Dick Jordan, Andrea Bayer, Kevin Cheney. The following members of the DRB were present for the sketch plan review on September 15, 2015, constituting a quorum: Dennis Place, Sarah Murphy, Ted Bloomhardt, Dick Jordan, Andrea Bayer, John Lyman. See the official meeting minutes for a list of those present at the meeting(s).
- 11) The sketch plan review was closed at the May 5 meeting. On June 2, the Board voted to reopen the sketch plan review at the August 4 meeting after potential compliance issues were raised during the Board's closed deliberations. The Board reopened the review to give the Applicant a chance to address these issues. The Applicant requested a continuance, hence the third and final meeting on September 15.
- 12) The November 2014 municipal bond vote on improvements to the Town water supply system clarified that the Town does not currently have the capacity to serve this project. The new wells scheduled to come online in 2016 will replace two problematic wells that serve current users. The new wells 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 is actively exploring sites for additional wells. No decisions have been made and timing remains uncertain for this future water supply expansion. With that said, the evidence indicates that additional water capacity is possible and is being explored by the Town.
- 13) Uncommitted Reserve Capacity reports for 2014 (6/19/2014) and 2015 (6/3/2015) for the municipal wastewater treatment facility, indicate there is enough capacity to serve the project. The project cannot secure wastewater allocation because the Selectboard has enacted a moratorium on new wastewater allocation until June 2016 in order to better understand system capacity given more rigorous treatment standards now required by the State as part of the Lake Champlain clean up.
- 14) There was discussion about whether the proposal creates enough purposeful open space on flat or easily accessible grades. Places that could be used for kids and families to play toss, pick-up soccer, or kickball, as well as places to serve as neighborhood gathering areas and community gardens. The one area designed for this type of use is the triangular green at the

center of the “Meadow Townhomes” shown on sheet 16 (Masterplan revised, 4/28/15). In response to concerns about the adequacy of the size of this area, the Applicant presented an alternative (shown on sheet 17, Masterplan Option B, 4/28/15) that did not fully surround the greenspace – i.e., opening it up to the wetland complex to the north. The Applicant indicated a preference for the enclosed, triangular green, but was willing to go with the alternative as well. The Applicant also presented comparisons with other greenspaces in Hinesburg and other communities – sheet 18, Greenspace Comparisons, 4/28/15.

- 15) The 18’ road width proposed by the Applicant (for the new residential road) does not conform to the Selectboard’s Road Policy and Standards 22’ minimum road width for new private roads in the village area. The Applicant presented evidence to support their request – e.g., comparable road widths in neighborhoods in other communities, benefits of narrower roads. This issue will be discussed further as part of the preliminary plat review when site engineering is available. The Applicant is encouraged to consult with the Town Fire Chief and Planning & Zoning staff on this issue before submitting the preliminary plat application.

CONCLUSIONS

- 1) It appears there is a reasonable chance that sufficient water may become available for the proposed project. Conformance with the water supply standard in section 5.1.8 (Subdivision) is not assured, but has clear and demonstrable possibilities. Given that section 5.22.2 (Zoning) requires that all water supplies be via connection to the municipal system, it is imperative that the Applicant work collaboratively with the Town to address this issue. Demonstration of a suitable water supply will be necessary as part of the preliminary plat review for this project. Information on the timing/schedule for increasing the municipal water supply capacity is important so that the Board can ascertain if the project can be approved (potentially with phasing) prior to the new water supply coming online.
- 2) Given the size of the project, lack of connecting through roads, and existing Route 116 traffic congestion, a traffic study will be needed for any preliminary plat review.
- 3) It should be noted that access to the main portion of the residential development is proposed as a dead end road. A connection through to Riggs Road would be extremely difficult given hillside that separates the northern and southern portions of the property. Furthermore, the Town’s Official Map and the northern gateway design standards (section 5.22.4, Zoning) does not encourage the creation of additional Route 116 road cuts in the project area. As such, a dead end access road from CVU Road appears to be the only option. With that said, the proposal does include ample pedestrian connectivity across the project from north to south. This includes a sidewalk near the Route 116 frontage, and another sidewalk with stairs on the hillside connecting the northerly residential area to the southerly “campus center”. The Applicant offered to size and engineer the sidewalk near the Route 116 frontage such that it could be used as an alternative access for emergency vehicles.
- 4) 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 (e.g., water supply, sidewalk maintenance, fire protection, etc.).

- 5) In an April 28, 2015 letter, the Applicant offered to reduce the amount of previously approved forest clearing to the south of lots 6 and 7 if solar collectors are placed on the hillside behind the Renewable NRG Systems building.
- 6) The triangular green at the center of the “Meadow Townhomes” shown on sheet 16 (Masterplan revised, 4/28/15) is adequately sized for this portion of the project. It provides a central organizing space for 26 dwelling units. While available for the remaining residential units, this space will largely serve the homes that are in close proximity. Most of the other residential dwellings (e.g., single-family homes, south hill townhomes) will have some yard space (albeit small) along with access to other site amenities.
- 7) The South Hill Townhomes on lot 8 are located on slopes of 25% or greater. Creating a proper streetscape (road, sidewalk, street trees, on-street parking, etc.) will be difficult on such steep slopes. The residential dwellings and associated yard space will be highly constrained due to slopes and required cut and fill. Engineering and landscaping plans for this area, including the streetscape specifications, will be needed to assure that this area is in fact suitable for development per section 5.1.1 of the Subdivision Regulations.
- 8) There was substantial discussion at the September 15 meeting about the proposed mix of uses and whether this mix is consistent with purpose of the Village Northeast district (section 3.7, Zoning). The Applicant’s “Mix of Uses Analysis” (dated 9/1/15) indicated the following breakdown for lots 1-4: Residential – 12% (36,075 sq ft; senior housing); Manufacturing & Ancillary – 56% (162,700 sq ft; existing bldg. and bldgs. 1A,1B,1C); Mixed Use & Office – 32% (92,950 sq ft; bldgs. 2A,2B,2D). This mix of uses is consistent with the purpose and allowed uses for the district. It emphasizes the manufacturing and light industrial uses, and demonstrates that office uses should not dominate. With that said, the preliminary plans should be designed to ensure loading docks/areas and appropriate truck turning radii for buildings 1A, 1B, 1C. Designing with this in mind for building 2A is also encouraged to allow for as wide a range of uses as possible.
- 9) The sketch plan appears to accommodate all of the future public infrastructure and facilities shown on the Official Map.
- 10) The Board classified this project as a major subdivision.

ORDER

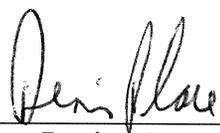
Based on the above Findings of Fact and Conclusions, the Hinesburg DRB approves the Wind Energy Associates subdivision/PUD sketch plan subject to the conditions below.

- 1) The Applicant shall provide all the documentation required for Preliminary Plat review as stated in Section 4.1 of the Hinesburg Subdivision Bylaws.

- 2) The preliminary plat application shall include plans as follows:
 - a) Provides infrastructure in anticipation of a possible future pedestrian connection and Route 116 crosswalk at the height of Route 116 (where there is good site distance/visibility) to connect this project with any future development on the Haystack Crossing LLC property to the west.
 - b) Stormwater control and treatment plans that incorporate on-lot low impact design infiltration and treatment practices to help address stormwater at its source.
 - c) Engineering and streetscape plans for the entire project. Special attention shall be paid to the South Hill Townhome area to demonstrate that development on the steep slopes is viable, and will comply with the Village Growth Area design standards. The plans shall demonstrate the sidewalk near the Route 116 frontage will function as an alternative access for emergency vehicles.
 - d) A comprehensive landscaping plan, including estimates of overall project construction cost and overall project landscaping spending pursuant to section 6.5 of the Subdivision Regulations.
 - e) Conceptual building design/elevations for buildings 2A-D.
 - f) Designated greenspace pursuant to section 4.5.7 of the Zoning Regulations.
 - g) Utility information pursuant to section 6.9 of the Subdivision Regulations.
 - h) Easements and right of ways detailing the location and rights to the various shared infrastructure (e.g., road, utilities, septic, etc.).

- 3) The preliminary plat application shall also include the following:
 - a) A demonstration that adequate water supply and wastewater treatment capacity is available for the project. Information on when these critical services will become available for the project. Evidence of coordination with the Town on the provision of these services, and the necessary water supply capacity increase.
 - b) Identification of the required affordable housing units, and evidence of coordination with the Hinesburg Affordable Housing Committee and Champlain Housing Trust pursuant to section 5.21.7 & 5.21.8 of the Zoning Regulations. Demonstrate compliance with the general requirements for affordable units outlined in section 5.21.4 (Zoning).
 - c) An engineering feasibility analysis and cost estimate for the large underground parking area under buildings 2A, 2B, 2C, 2D.
 - d) A traffic study that assesses the project's impacts on the surrounding road network, with analysis including existing conditions and future conditions that account for the planned Route 116, CVU Road intersection improvement as well as approved but not yet constructed development projects.
 - e) A phasing plan that details the order of construction for the various portions of the project including critical infrastructure (e.g., sidewalks, roads, water/sewer lines).
 - f) An estimate of how many school-aged children the project would create, including the likely timing to reach the full estimate based on project phasing.

- g) A parking needs analysis for the southern portion of the project (lots 1-4), including the existing and projected parking needs for the existing Renewable NRG Systems use.
- 4) The following draft legal language shall be submitted with the preliminary application:
 - a) Homeowners association covenants and restrictions as well as an explanation of how the associations will interact with each other and the existing Renewable NRG Systems use.
 - b) Easements and right of ways detailing the location and rights to the various shared infrastructure (e.g., road, utilities, septic, etc.).
 - c) Any proposed public easements or irrevocable offers of dedication for proposed future public infrastructure (e.g., certain sidewalks and trails, water lines, sewer lines, etc.).



Development Review Board

October 20, 2015
Date

Board Members participating in this decision: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Andrea Bayer, John Lyman, Kevin Cheney.

Vote: 7-0

30-day Appeal Period:

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an “interested person”.

Notice of the appeal, along with applicable fees, should be sent by certified mail to the Vermont Superior Court - Environmental Division. A copy of the notice of appeal should also be mailed to the Hinesburg Planning & Zoning Department at 10632 Route 116, Hinesburg, VT 05461. Please contact the Court for more information on filing requirements, fees, and current mailing address.

State Permits:

It is the obligation of the Applicant or permittee to identify, apply for, and obtain required state permits for this project prior to any construction. The VT Agency of Natural Resources provides assistance. Please contact the regional Permit Specialist at 878-5676 (111 West St, Essex Jct., VT 05452) for more information.