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July 25, 2014

Hinesburg Selectboard
10360 Route 116
Hinesburg, VT. 05461

Re: Lawrence & Cynthia Caron
274 Richmond Road
Perpetual Offer of Dedication

Dear Members,

As a condition for approval of their ongoing application for a proposed 3-lot PUD, the Applicants have offered space on Lot #3 for the Town to address any future storm water treatment requirements that may be imposed by State regulations. At the preliminary hearing held on May 6, 2014, the Applicants offered an easement to a 100 foot wide strip of land adjoining the Richmond Road right-of-way across the north end of Lot #3, along with a "Proposed Offer of Dedication" (see Item #1). Staff comments on this proposal are found in the "3-Lot Subdivision Preliminary Plat Report" included as Item #2. The staff has concerns about the amount of land offered as opposed to their possible needs in the future. The recently approved Silver Street rain garden layout has provide an example for comparison.

To address these concerns, Lawrence & Cynthia Caron are willing to make a "Perpetual Offer of Dedication" for fee title to the Town of Hinesburg for more than half of what is currently designated as Lot #3. The area outline in yellow on Item #3 - "Proposed Stormwater Parcel" dated 7-24-14 shows Lot #3A as containing about 0.95 Acres. This will leave the remaining residential portion of Lot #3 with 0.85 Acres.

The offered area is bordered on the west by a stream, is subject to a water line easement to a private residence on Partridge Hill Road, and has a Class 3 wetland area designated with green hatch marks. Item #4 is an e-mail from Laura Lapierre, Wetlands Ecologist, explaining her designation of the wetland. This area is sloped gently away from the road, and could easily host a series of rain gardens or other available storm water solutions. Thank you for your consideration of this offer. Please advise us of the required procedures going forward.

Cordially,

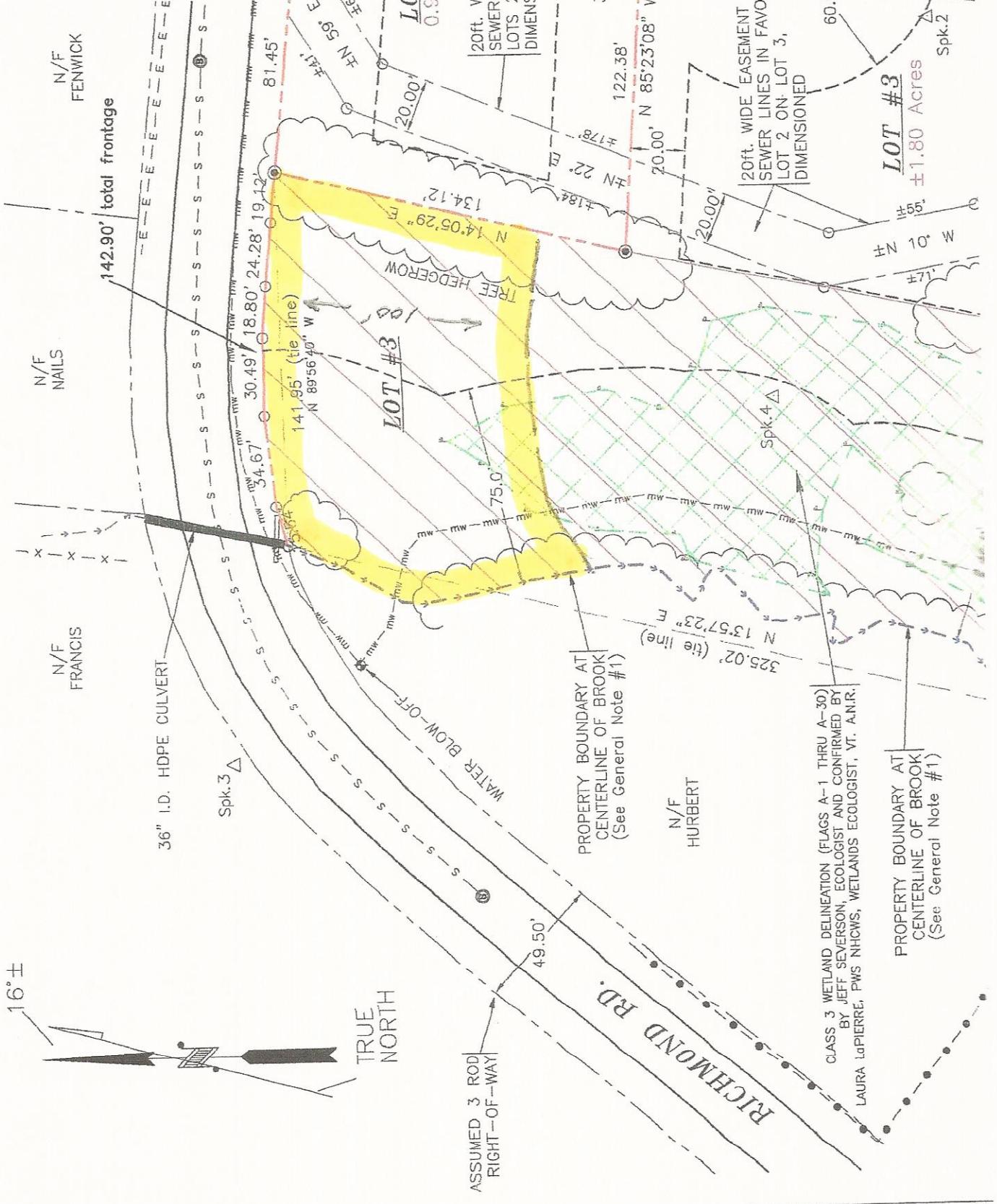


George E. Bedard

cc: L. & C. Caron

ITEM #1

PROPOSED STORMWATER EASEMENT



16'±



TRUE NORTH

ASSUMED 3 ROD RIGHT-OF-WAY

49.50'

RICHMOND RD.

PROPERTY BOUNDARY AT CENTERLINE OF BROOK (See General Note #1)

N/F HURBERT

CLASS 3 WETLAND DELINEATION (FLAGS A-1 THRU A-30) BY JEFF SEYERSON, ECOLOGIST AND CONFIRMED BY LAURA LAPIERRE, PWS NHCWS, WETLANDS ECOLOGIST, VT. A.M.R.

PROPERTY BOUNDARY AT CENTERLINE OF BROOK (See General Note #1)

RINTS ETC., FARRELL ST., SOUTH BURLINGTON, VT.

“Proposed Offer of Dedication”

As a condition of approval for their proposed 3 lot PUD at 274 Richmond Road, Lawrence & Cynthia Caron agree to make an “offer of dedication” to the Town of Hinesburg for an easement to the 100 foot wide strip of land across the northerly end of Lot #3 adjacent to the southerly edge of the Richmond Road right-of-way, as shown on a Survey Plat for Cynthia & Lawrence Caron, 274 Richmond Road, Hinesburg, Vermont by David A. Tudhope and dated

The purpose for this “offer of dedication” is to provide the Town of Hinesburg sufficient space to intercept and treat storm water runoff flowing along the southerly side of the Richmond Road before it enters into the stream located at the westerly boundary of Lot #3.

It is understood that there are no current plans for such storm water treatment, but all Vermont towns will be required to come into compliance with State Storm Water Regulations in the next decade or so.

When and if the offered space is determined to be necessary to the successful completion of a Town storm water plan, the Carons, or their heirs and assigns, agree to sign any related easement documents presented to them by the Town of Hinesburg.

By the acceptance of a storm water easement, the Town of Hinesburg will agree to design and construct their storm water system components in a fashion that will assure no future outflows will be directed towards the yard areas of any lot in the PUD.

By the acceptance of a storm water easement, the Town of Hinesburg will agree to place no assessment for taxes on Lot #3 acreage within the footprint of the constructed elements of the future storm water systems within said easement.

When the Town of Hinesburg has been certified to be in compliance with the State Storm Water Regulations, and if the offered easement has not been found necessary to the accomplishment of said certification, then this offer of dedication shall be considered terminated.

The above concepts will be put into appropriate legal format and approved by all parties prior to the transfer of said easement.

3-LOT SUBDIVISION PRELIMINARY PLAT REPORT

| | |
|--|---|
| Owner: Lawrence & Cynthia Caron PO Box 473, Williston, VT 05495 | Applicant: same |
| Surveyor/Engineer: George Bedard, Surveyor | Property Tax Parcel: 17-22-45.200 Approximately 3.2 acres |

BACKGROUND

Lawrence & Cynthia Caron were granted Sketch Plan Approval on March 19, 2013 for a 3-lot Planned Unit Development (PUD) subdivision in the Rural Residential 1 Zoning District. The DRB granted a 6-month extension to the sketch plan approval, hence the delay in this preliminary plat application and review. The subject parcel is approximately 3.2 acres, and is located at 274 Richmond Road; parcel # 17-22-45.200. It should be noted that this application is being reviewed under the 10/17/11 version of the zoning and the 5/16/11 version of the subdivision regulations. Substantial changes were made to the PUD regulations (section 4.5, Zoning) when the Zoning Regulations were revised on 11/5/2013, so review under the earlier version of the regulations is significant.

The original sketch application was for a conventional subdivision. During the sketch plan hearings it was determined that access to Partridge Hill Road was not desirable and that all access for this development would be better from the Richmond Road. The existing driveway is the only access available; however it was impossible to create the required 50 foot wide ROW for access to the two new lots while meeting the necessary setbacks from the existing house and the neighboring lot. It was determined that a revision of the application as a PUD was possible to allow access from Richmond Road with dimensional waivers to be specified by the Applicant and reviewed by the DRB.

The Applicant's preliminary plat application narrative is very complete. It appears to address all the conditions of the sketch plan approval.

STAFF COMMENTS - pay particular attention to underlined areas

Required Open Space Area (section 4.5.8, Zoning) – The 30' wide strip of proposed open space along the southern portion of lot 2 and part of lot 3 does not fit with the guidelines in section 4.5.8 #1. As such, it should not be counted as open space. Even with this area removed, the project should have ample open space and community facilities on the western portion of lot 3 – i.e., still more than the required minimum acreage. This southern 30' strip of land is really intended to be used for screening and stormwater control for the two new building lots. Removing it from the open space designation will allow the future owners that much more flexibility to utilize this strip of land for those purposes without worrying about open space compliance issues.

→ **Community Facility Size (section 4.5.8, Zoning)** – The proposed easement area for a future community facility (i.e., municipal stormwater control/treatment) should be enlarged. As

proposed, the easement area is only a 100' strip of land along the Richmond Road. As shown on the proposed stormwater easement map, additional land is available to the south that is within the open space area and unencumbered by the delineated wetland. I recommend the easement area be extended approximately 60' to the south to ensure that this future community facility has the necessary space, and so that the Town has more design flexibility.

→ **Irrevocable Offer (section 4.2.2, Subdivision)** – The “Proposed Offer of Dedication” needs to be reformatted and rephrased so as to be consistent with standard irrevocable offers of dedication the Town has received with other development projects. We can provide sample language from other projects, and there is certainly time and opportunity to make the necessary revisions ahead of the final plat application and review. More importantly, the proposed offer is too encumbered with conditions, time horizons, and tie-ins to State mandates or town-wide stormwater control plans. All of these provisions should be stripped from the final irrevocable offer of dedication. The provision regarding assessment of the easement area should also be removed. Removing such a small acreage of land from lot 3's assessment will have little to no effect on lot 3's overall assessed value. If the Applicant is concerned about this, they can propose another lot and an irrevocable offer of dedication to the Town for fee ownership of that lot instead of an easement area.

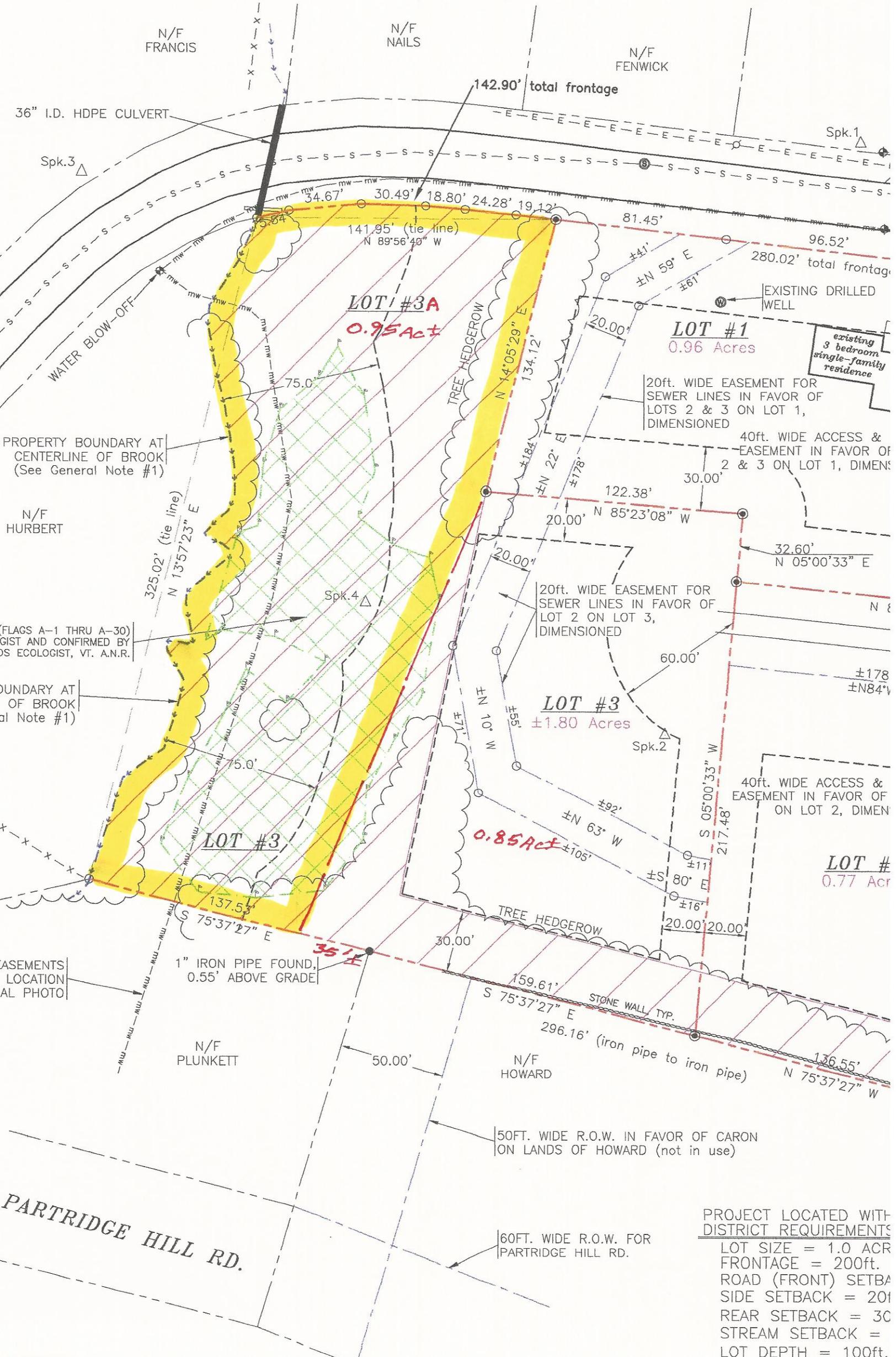
Furthermore, the final irrevocable offer of dedication must reference and be accompanied by corresponding easement deed. To clarify the process, first the DRB reviews these documents, and typically requires that they be finalized with the Selectboard after final approval and prior to recording of the subdivision survey mylar. After DRB final approval, the Applicant finalizes the offer and deed with the Selectboard. The final irrevocable offer of dedication is then recorded in the Town land records. The final signed easement deed is held by the Town until such time as the Selectboard decides to record it and exercise its right to the easement per the irrevocable offer of dedication.

Open Space Management Plan (section 4.5.8, Zoning) – Per the Applicant's narrative, the stated purpose of the open space on lot 3 is to, “further protect stream water quality by reinforcing the buffer zone, allowing for future storm water treatment along Richmond Road with a ‘Proposed Offer of Dedication’, and to maintaining wildlife access to and through the ‘open space’”. This purpose is compatible with the type of open space listed in section 4.5.8 #1 (e.g., fragile features via riparian areas; community facilities as noted above). However, the narrative indicates that the non-wooded areas will be mowed on a regular schedule in an attempt to “mow out” invasive wild parsnip. Control of invasive, exotic plants in a stream buffer area certainly makes sense, but mowing the stream buffer area in perpetuity runs counter to proper management of riparian areas. Woody vegetation should be planted or at least revegetate the area within 75' of the stream. Perhaps mowing for a limited time period (2-3 years) within the stream buffer area could be specified.

Respectfully submitted,
Planning and Zoning Office
cc:Applicant

PROPOSED STORMWATER PARCEL

7-24-14



PROJECT LOCATED WITH DISTRICT REQUIREMENTS
 LOT SIZE = 1.0 ACR
 FRONTAGE = 200ft.
 ROAD (FRONT) SETBACK = 20ft.
 SIDE SETBACK = 20ft.
 REAR SETBACK = 30ft.
 STREAM SETBACK = 30ft.
 LOT DEPTH = 100ft.

ITEM # 4

From: Lapierre, Laura <Laura.Lapierre@state.vt.us>
To: Jeffrey Severson <jeff.severson@burlingtontelecom.net>; Quackenbush, Alan <Alan.Quackenbush@state.vt.us>
Cc: George Bedard <gbedard920@aol.com>
Subject: RE: Caron Property Site Visit
Date: Thu, Oct 31, 2013 2:49 pm

Hi Jeff,

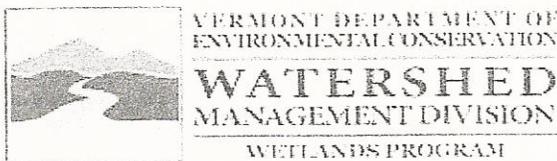
On October 23, 2013, I conducted a site visit with you and George Bedard. Wetland "A" along the western edge of Lot #3 is connected to a tributary to Patrick Brook along approximately 50ft of bank. Along the bank, the wetland provides some erosion control, surface water protection and water storage. The majority of wetland A is within an existing mowed field and is functioning at a lower level. Based on my evaluation, this wetland is considered Class III. If the project alignment changes so that there are proposed impacts within the wetland, you should contact the Army Corps of Engineers as they likely hold jurisdiction.

Per George's request, I have been looking into alternative ways to control wild parsnip and am finding that mowing is the most commonly used tool. If I find any new information, I will be sure to pass it along to George.

Please feel free to contact me if you have any questions.

Regards,

Laura



Laura Lapierre PWS NHCWS, Wetlands Ecologist
1 National Life Drive, Main 2

Montpelier, VT 05620-3522

802-490-6177 / laura.lapierre@state.vt.us
www.watershedmanagement.gov

From: Jeffrey Severson [<mailto:jeff.severson@burlingtontelecom.net>]
Sent: Friday, October 18, 2013 8:51 AM
To: Quackenbush, Alan; Lapierre, Laura
Cc: George Bedard
Subject: Caron Property Site Visit

Hi Alan and Laura,