

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

**Haystack Crossing LLC & Town of Hinesburg
Conditional Use Approval for Stream Buffer Development
Parcel Number 16-20-56.500**

This matter came before the Hinesburg Development Review Board (DRB) on the conditional use application of Haystack Crossing LLC and the Town of Hinesburg, hereafter referred to as the Applicant, for development in a stream buffer area located on the west side of Route 116, south of Shelburne Falls Road. The DRB held a public hearing on November 18 and December 2, 2014. Trevor Lashua (Town Administrator), representing the Applicant, was in attendance at the meetings.

Based on the above-mentioned public hearing 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 conditional use approval development in a stream buffer area in the Village Northwest Zoning District. The Applicant proposes an access road south from the end of the existing access to Hinesburg Family Health to a new municipal recreation area. This access road will cross a stream and associated stream buffer area. The subdivision to create the 8.11-acre municipal recreation area lot was reviewed and approved concurrently with this conditional use review. The subject property is located on the west side of Route 116, south of Shelburne Falls Road and north of Patrick Brook; parcel # 16-20-56.500.
2. Work was done in the buffer area in 2011-2012 when the landowner (currently Haystack Crossing LLC; formerly Wayne and Barbara Bissonette) installed new water and sewer lines from Shelburne Falls Road south to Farmall Drive. This included installation of the water and sewer lines, fill on top of those lines, and a culvert for the stream crossing. This work in the stream buffer area was not reviewed or approved, so the current project is doing a bit of catch up on the regulatory front. The fill associated with the water and sewer line serves as a very rough service road providing access to this infrastructure for maintenance. The existing culvert is 24” in diameter and approximately 62’ long. Pursuant to the Town’s Official Map and the master plan for the property, this will become a main road as the Village Northwest district is developed.
3. This decision is for one of four specific applications reviewed simultaneously for the municipal recreation area project. The four applications included:
 - a. Subdivision Final Plat for a two-lot subdivision.
 - b. Site Plan for the municipal recreation area.
 - c. Conditional Use for development in a flood hazard area.
 - d. Conditional Use for development in a stream buffer area.
4. Early stages of the subdivision review included discussions about the access road, even though the formal conditional use application was made recently with the final subdivision application. The DRB reviewed the Applicant’s subdivision sketch plan on November 20, 2012, and granted sketch plan approval on December 18, 2012. The DRB reviewed the subdivision preliminary plat application on March 19, 2013, and granted preliminary plat approval on April 16, 2013. Preparation of the subdivision final plat application was delayed, and the DRB approved a 6-month extension to the preliminary plat approval on April 1, 2014.

5. The combined final application was received on September 22, 2014 and deemed complete on October 14, 2014. This application included a variety of survey, engineering, and related documents. The final version of the plans reviewed by the DRB were as follows: 1) Final plat by Scott Taylor (Trudell Consulting Engineers) dated February 8, 2010 and last revised on December 1, 2014 (stamped received 12/2/2014); 2) Engineering sheets 1-8 by Doug Henson (Lamoureux & Dickinson) dated June 2014 and last revised on December 2014 (stamped received 12/2/2014); 3) Landscaping and overall project cost estimates by Doug Henson (Lamoureux & Dickinson); 4) Project narrative by Alex Weinhagen (Town of Hinesburg) dated November 4, 2014; 5) Draft deed language prepared by Roger Kohn (prepared on behalf of the Town with review by other interested parties); 6) Draft irrevocable offer of dedication and temporary trail easement language prepared by Joe Fallon (on behalf of the landowner). All of these submissions are contained in the document file (16-20-56.500) 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.
6. The following members of the DRB were present for the final plat hearing on November 18, 2014, constituting a quorum: Zoe Wainer, Dennis Place, Ted Bloomhardt, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer. The following members of the DRB were present for the final plat hearing on December 2, 2014, constituting a quorum: Zoe Wainer, Ted Bloomhardt, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer. See the official meeting minutes for a list of others present at the meeting(s).
7. The November 18, 2014 public hearing was warned in *The Citizen* on October 30.
8. The Hinesburg Official Map shows a future public road in the location of the proposed stream buffer crossing. The previously approved master plan (2011) for the property shows the recreation fields and access road in roughly the locations proposed.
9. Engineering sheet 6 shows details for the proposed access road including a 26' wide gravel road, with two 10' travel lanes and a 3' stabilized shoulder on each side with either gravel or grass surface. The plan indicates gravel 24" deep on top of road fabric to separate the road base from the existing sub-base soils. The project engineer stated at the November 18 meeting that the road design is recommended for this site, and is the same as what he would recommend for a subdivision on similar terrain/soils. With that said, he indicated that the amount and type of gravel could be modified from 24" to 18" in compliance with the Town's road standard for class 3 roads. Sheet 6 includes a note to this effect, thereby giving the Town both design options.
10. At the December 2, 2014 meeting, the project engineer (Doug Henson) indicated that the existing 24" culvert is not adequate to handle runoff from a 100 year storm. The plan is to replace the existing culvert, and he indicated that to handle a 100 year storm, the new culvert would need to have approximately 2,000 square inches of opening. He presented two culvert style options for this: a 54" round culvert or a 64"x43" squash culvert. He said that a detailed engineering sheet for the stream buffer area will be completed once the Town selects the final culvert style.

CONCLUSIONS

1. The road width is an important component because it will accommodate both vehicles and pedestrians. Either design option for depth and type of road gravel, as indicated on sheet 6, is acceptable for the proposed access road. It is understood that future development on lot 4 (i.e., should the Black Rock Construction project proceed) will likely make further and final improvements to the access road.

2. The grading and erosion/stormwater control plans adequately address protection of water quality by stopping sediment from sediment from the new road from fouling the stream (during and after construction). However, the detailed plan for the buffer area (e.g., culvert replacement, erosion control during and after construction) must be completed prior to the commencement any work. It makes sense to size the replacement culvert to handle runoff from a 100 year storm event so as to better protect the road infrastructure and surrounding properties. Either culvert type proposed by the engineer is adequate, as long as the opening is sized to handle the 100 year storm flow.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB approves the proposed conditional use for encroachment into the stream buffer subject to the conditions listed below.

1. Two full size paper copies and a digital version (Adobe PDF) of the final/revised plans shall be submitted.
2. Prior to the commencement of any site work, the engineering plans shall be revised/supplemented to provide detail for the stream buffer area, including culvert specifications, erosion control provisions during and after construction and related stormwater control to minimize sediment and pollutant discharge into the stream.
3. No revision to this approval is necessary for ongoing maintenance and road repair. Future improvements to the road (e.g., widening, sidewalks, etc.) that require new fill or earth moving within the stream buffer area shall require a revision to this approval.
4. Prior to recreational use of any of the fields, a qualified and licensed professional shall submit a letter to the Zoning Administrator stating that the infrastructure in the stream buffer area was installed per the plan and this approval.
5. Installation of underground utility lines shall not require a revision to this approval as long as they involve no additional disturbance to surface area of the stream buffer area – e.g., under road or bored under the stream.
6. Areas exposed during construction shall be treated consistent with the submitted plans and the procedures contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites.
7. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval. Deviations may be made from these plans if they are:
 - a. Approved by the designer, or equivalent, and
 - b. In conformance with the intent of this decision, and
 - c. Determined by the Zoning Administrator that they are not significant enough to require a formal revision to the DRB decision.

Development Review Board

December 2, 2014

Date

Board Members participating in this decision: Zoe Wainer, Ted Bloomhardt, Greg Waples, Dick Jordan, Sarah Murphy, Andrea Bayer.

Vote to approve: 6-0 (see December 2, 2014 meeting minutes)

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.