

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

**Haystack Crossing LLC & Town of Hinesburg
Final Plat Approval for a 2-lot Subdivision
Parcel Number 16-20-56.500**

This matter came before the Hinesburg Development Review Board (DRB) on the final plat application of Haystack Crossing LLC and the Town of Hinesburg, hereafter referred to as the Applicant, for a 2-lot subdivision of an 84-acre parcel located on the west side of Route 116, south of Shelburne Falls Road and north of Patrick Brook. 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 final plat approval of a 2-lot subdivision in the Village Northwest and Agricultural Zoning Districts in order to create a lot for the Town to use for recreation fields and supporting infrastructure. The subject parcel is approximately 84.5 acres, and is located on the west side of Route 116, south of Shelburne Falls Road and north of Patrick Brook; parcel # 16-20-56.500. The property is located in two zoning districts. Approximately 39 acres on the eastern side is in the Village Northwest zoning district, with the remaining 45 acres to the west in the Agricultural zoning district. The property is largely undeveloped with the eastern half comprised of agricultural fields, and the western half comprised of woodland. The parcel to be subdivided is lot 4 from the 2011 4-lot Bissonette subdivision (approved plat recorded on slide #191A). The Applicant proposes to create a new 8.11-acre lot on the western edge of the agricultural fields, which will be improved for municipal recreation fields and related infrastructure. This new lot is numbered as lot 5, and is entirely within the Agricultural zoning district. With the exception of an access road to lot 5, this application proposes no new development on the retained land (lot 4). With that said, there has been coordination between the Applicant and Black Rock Construction regarding their conceptual-level proposal for extensive development on the eastern side of lot 4.
2. Three recreation fields are proposed – two large rectangular fields suitable for a variety of sports (e.g., soccer, football, lacrosse, etc.) and one baseball/softball field. Supporting infrastructure includes: an access road from Shelburne Falls Road; a 77-space parking lot; a 10-space overflow parking area; a multi-purpose building (e.g., equipment storage, restrooms, concessions, etc.); a playground area; landscaping; drainage.
3. Prime agricultural soil dominates nearly the entire parcel. The topography gently transitions downward from the northeastern corner of the parcel to the south and southwest toward Patrick Brook and the LaPlatte River on the abutting Lyman property. One topographic exception is a slight cobble, or higher point of land, on the northwestern wooded side of the property. A stream originating on the CVU high school property runs through and along the boundary of the parcel. Another smaller stream originating just across Route 116 runs along the northern boundary, draining into the other stream mentioned above. The most significant water features are the flood hazard areas associated with the LaPlatte River and Patrick Brook, and associated wetland areas – all located on the western and southwestern portion of the property. Other natural features include the forested area on the far western side. Other features include: a water and sewer line running north/south through the eastern side of the property; a VAST snowmobile trail; a VELCO high-voltage transmission line near the western boundary.

4. This decision is for one of four specific applications reviewed simultaneously for the 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.
5. The DRB reviewed the Applicant's sketch plan on November 20, 2012, and granted sketch plan approval on December 18, 2012. The DRB reviewed the preliminary plat application on March 19, 2013, and granted preliminary plat approval on April 16, 2013. Preparation of the final plat application was delayed, and the DRB approved a 6-month extension to the preliminary plat approval on April 1, 2014.
6. 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.
7. 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).
8. The November 18, 2014 public hearing was warned in *The Citizen* on October 30.
9. Both the sketch and preliminary plat approvals were based on an application as a 2-lot subdivision and Planned Unit Development (PUD). The final application does not request PUD approval, and instead the subdivision is proposed as a conventional 2-lot subdivision. The intent of the subdivision hasn't changed; however, the landowner no longer wishes to transfer residential development potential from the recreation field lot (lot 5) to the remaining land (lot 4).
10. The development potential for the property is different and separate within the two zoning districts. The portion of the property in the Village Northwest district is zoned for relatively high residential density mixed with non-residential uses (commercial, light industrial, community facilities, etc.). The area in the Agricultural district is zoned for much lower residential density with a focus on non-residential uses such as agricultural and other compatible uses. Pursuant to section 2.10.2 of the Zoning Regulations, the 45 acres in the Agricultural district has a potential

residential development density of 10 acres per unit. As such, the total residential development potential within the Agricultural district is four dwelling units, exclusive of any bonuses for PUD design. The development potential in this portion of the property is allocated as follows:

- a. Lot 5 – one dwelling unit. This lot is planned for municipal recreation fields, and no residential development is planned. Any future residential use would require a revision to this subdivision approval; however, the residential density allocation makes future consideration possible.
 - b. Lot 4 (portion in Agricultural district) – three dwelling units. This application proposes no development on any portion of lot 4, other than the access road to lot 5 and drainage outlets from lot 5.
11. The previous 2011 4-lot subdivision that created the subject property included a master plan for the overall property that called for recreation fields in roughly the proposed location. The current subdivision has configured the boundaries of lot 5 and the access road in coordination with a revised master plan proposed for lot 4 by Black Rock Construction that is still under DRB review. The proposed recreation field subdivision is consistent with both the approved 2011 master plan for the property, and the current/ongoing planning underway for the property. This approval in no way addresses or approves the Black Rock Construction project currently under DRB review.
 12. The Hinesburg Official Map shows that a variety of future public infrastructure is planned for the subject parcel given the important role it plays in the VG-NW district and the overall Village Growth Area. These elements include:
 - a. Improvements to the Route 116, Shelburne Falls Road intersection.
 - b. A new road cut (for West Side Road) and intersection improvements at Shelburne Falls Road. This element was installed as part of the Hinesburg Family Health project.
 - c. A through road south from Shelburne Falls Road to Farmall Drive (West Side Road), including a connection to Route 116 opposite Riggs Road.
 - d. Sidewalks along the aforementioned new roads as well as along the Shelburne Falls Road and Route 116 frontages.
 - e. Two different trails - one along a portion of the southern boundary line, and one providing access from here to the north.
 - f. A community facilities area (approximately 2-3 acres) - possible uses mentioned on Official Map; Selectboard conversation during Official Map adoption centered on developed park/recreation facilities.
 13. The Applicant clarified at the November 18 meeting that the project will be completed in phases as funding allows. The first phase will include the access road, parking lot, and the two rectangular multi-use fields. The baseball field, the multi-use building (restrooms, concessions, equipment storage, etc.), and the playground would be installed later as funding allows. Installation of underground utilities will likely happen during later phases – i.e., when the multi-use building is completed. See the site plan approval for specifics regarding the recreation fields, infrastructure, and timing.
 14. Lot 5 is proposed to be served by municipal water and sewer; however, the lot is outside of the Town’s current sewer service area. Per the June 24, 2013 letter from the former Town Administrator, Joe Colangelo, the Selectboard has agreed to allow a wastewater connection for this public amenity pursuant to the provisions of the Wastewater Allocation Ordinance.

15. While a general plan for the utilities (i.e., necessary easement area identified) has been proposed, no utilities are necessary for the initial build out of the recreation fields. At the November 18, 2014 meeting, the Town Administrator stated that portable restrooms would be located in the vicinity of the multi-use building until funding allows for construction of building and associated restrooms.
16. The draft deed language references a 20' wide easement for underground utilities from Shelburne Falls Road to lot 5. The 2011 subdivision survey indicates a 10' wide utility easement from Shelburne Falls Road to the stream, along the west side of lot 1. Furthermore, the deed describes this easement proceeding on the northwesterly sideline of the access easement; whereas, the existing, installed utilities are on the easterly sideline of the existing Haystack Crossing road access.
17. 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.

CONCLUSIONS

1. The deed language indicates that the specifics of the shared responsibility for the road will be determined at a later date by all parties, but that the responsibilities will be shared in a reasonable fashion. The Town is not interested in joining the previously established Haystack Crossing road association. Typically, the Board requires that the specifics of shared infrastructure responsibility be determined ahead of time. However, the municipality is not the equivalent of a private lot owner. The potential for some or all of the access road to become a public road in the future is also a compelling reason for the Town to establish agreements with the private road association without actually joining it.
2. 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.
3. The only Official Map elements relevant to the proposed development of the recreation fields are related to the future West Side Road and the future trails. The development plan adequately accommodates both elements.
4. The proposed southerly trail connecting to Route 116 is necessary to ensure pedestrian access from the existing village core to the recreation area pursuant to section 6.2.3 of the Subdivision Regulations.
5. The grading and erosion/stormwater control plan adequately addresses the development on lot 5. Stormwater control will primarily be through sheet flow and grass-lined swales with discharges well away from watercourses. The grading plan accounts for existing topography that could allow the northerly stream to jump its banks during an extreme storm event. The site grading

provides a route for such an extreme drainage circumstance along the eastern edge of the property that should minimize damage to recreation field infrastructure.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB approves the proposed 2-lot subdivision subject to the final plat modifications and conditions listed below.

1. Two full size paper copies and a digital version (Adobe PDF) of the final/revised plans shall be submitted prior to recording of the survey mylar with the Town Clerk.
2. The deed language shall be modified as follows:
 - a. To include a drainage easement on lot 4 to accommodate the drainage discharges from lot 5 as shown on engineering sheet 3.
 - b. To revise the underground utility easement area (width and location) to better agree with the previously approved utility easement area from the 2011 subdivision, and the existing/installed lines.
3. The proposed irrevocable offer of dedication and temporary trail easement deed shall be finalized with the Selectboard prior to recording of the subdivision survey mylar.
4. The landscaping shall be installed in the initial phase along with the parking lot, two fields, and access road. Minor deviations to the timing for installation of specific and minor landscaping elements (e.g., a few trees) may be approved by the Zoning Administrator – e.g., delayed planting of a few trees between parking area and baseball field to allow for construction access. Nursery stock shall be used for all tree and shrub plantings.
5. The proposed southerly trail connection to Route 116 shall be constructed and available for public use when recreational use of the fields begins.
6. Utility service shall be via underground lines. The proposed utility easement locations on lot 4 (for the benefit of lot 5) may be realigned pursuant to DRB review of development on lot 4.
7. 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 completed project elements (at minimum – parking lots, access road, landscaping, perimeter drainage, culverts under access road, stabilized base for pedestrian path and emergency vehicle access) have been installed per the plan and this approval.
8. This approval revises the previous 2011 subdivision approval for this parcel, only with regard to the creation of the new Town recreation field project on lot 5 as described in this approval and the approved plans. All conditions from the prior approval not addressed in this decision shall remain in force.
9. Areas exposed during construction shall be treated consistent with the procedures contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites.
10. No further subdivision of this property shall occur without the approval of the Hinesburg DRB.

11. 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.

12. In accordance with State statute, the Mylar, containing a date and signature of approval of the Development Review Board, of this subdivision shall be recorded in the Hinesburg Land Records within 180 days (or 270 days if permitted by the Zoning Administrator pursuant to the Subdivision Regulations, section 7.5) of this approval and before any property is transferred.

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.