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

Alan & Nancy Norris
Final Plat Approval for a 24-unit Planned Unit Development (PUD)
Parcel Number 09-01-64.500

This matter came before the Hinesburg Development Review Board (DRB) on the subdivision final plat application of Alan & Nancy Norris, hereafter referred to as the Applicant, for a 24-unit PUD, located on the west side of VT Route 116, across from New South Farm Road and Buck Hill Road West. The DRB held a public hearing on March 17, April 21, and May 5, 2015. Alan Norris attended 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 one-lot, 24-unit PUD on property located in the Residential 2 and Agricultural Zoning Districts. The 24 acre subject parcel is located at the southern edge of the village area on the west side of VT Route 116, across from New South Farm Road and Buck Hill Road West; parcel # 09-01-64.500. Development will occur in the 8 acre + northern portion which is in the Residential 2 district and the Town's wastewater treatment service area. The development will be served by new dead-end roads beginning directly across from Buck Hill Road. The overall parcel is flat and drains to the south west, with a small mapped stream passing through from Buck Hill Road west to the western boundary and then south. There is a significant drop off (4-5') from Route 116 into the parcel along the northern portion frontage. The parcel is essentially one large meadow with only a limited number of trees along Route 116 and a few along the stream noted above.

2. Natural and cultural features include:
   a. Agricultural soils (conditional on proper drainage) throughout the entire parcel. The parcel is maintained to keep it open; however, it is not part of a working farm ownership.
   b. Two streams (with corresponding 75' setback areas on both sides) - e.g., the stream mentioned above that divides the northern and southern portions and then proceeds along the southwestern property line, and another stream along the southern property line.
   c. Wetlands throughout the parcel. Extensive wetlands (class 2 regulated by the State) are present both on the property and immediately to the west on the Town land (HCS parcel).
   d. Southern gateway to village. The purpose statement of the Residential 2 district (Section 3.10, Zoning) recognizes the area along Route 116, north of the Buck Hill Road intersection, as an important gateway to the village. The purpose statement emphasizes that development must address multiple goals including: create a strong visual cue to define the edge of the village; enhance the Route 116 streetscape with special attention to the Route 116, Buck Hill Road intersection; integrate development with the Village district via pedestrian connections; preserve connections to the surrounding rural lands via functional green space.

3. The proposed development includes 24 dwelling units in five multi-family structures. The smallest structure will have three dwelling units and the largest structure will have seven dwelling units. Within each structure, there is a mix of two-story and single-story units, all with street-level access including a front door and a single-car garage. The five buildings are accessed via a series of dead-end private roads with a common access point to Route 116 opposite Buck Hill Road West. In addition to standard infrastructure (e.g., stormwater treatment, sidewalks/paths, landscaping, etc.), the project includes a central community space including a gazebo and patio area, play area and play structure, picnic tables, etc. The project also includes a designated

community garden area south of the buildings. Proposed greenspace pursuant to PUD requirements (section 4.5.7, Zoning) includes the large wetland/field south of the project as well as the developed community spaces mentioned above.

4. The Applicant submitted a separate conditional use application for the proposed development in the stream buffer area. The Board issued a separate decision on this application.

5. The DRB reviewed the Applicant's sketch plan on October 16 and November 20, 2012. The DRB granted sketch plan approval on December 4, 2012. The DRB reviewed the preliminary plat application on November 5, November 19, December 3 and December 17, 2013. The DRB granted preliminary plat approval on January 28, 2014.

6. The final application was received on November 20, 2014, and deemed complete after additional submittals on January 28, 2015. This application included a variety of survey, engineering, and related documents. Some of these plans were revised or supplemented during the course of the review. The final version of the plans reviewed by the DRB were as follows (last revised dates listed): sheet L1 Common Areas Landscape Plan 7/16/2014; sheet L2 Central Common Site Plan 7/16/2014; sheet L3 Landscape Details 7/16/2014; sheet L4 Meadow Mist Sections 7/16/2014; sheet A1 Schematic Elevations 4/8/2015 by Innovative Design, Inc.; sheet 1 Overall Plan 11/12/2014; sheet 2 Development Plan 11/12/2014; sheet 3 Plan and Profiles 7/16/13; sheet 4 Stormwater Management 7/16/13; sheet 5 Stormwater Management 7/16/13; sheet 6 Sewage Disposal 7/16/13; sheet 7 Sewage Disposal 7/16/13; sheet 8 Roads and Water 7/16/13; sheet 9 Storm and Erosion control 7/16/13; sheet 10 Lighting Plan 7/9/2014; sheet PL Boundary Plat 1/7/2013; unit lighting specifications from Progress Lighting (undated). Interior unit layout plans were provided during the preliminary plat review showing, first floor along 116, first floor other units, second floor, unit layouts (all four sheets undated). Draft legal language submissions include: a homeowners association declaration of covenants, easements, restrictions and liens (undated; last revised 4/27/2015); Easement deeds for public access from the Applicant to the Town (undated). Examples of proposed amenities (e.g., benches, playground equipment, etc.) for the central common were also submitted (12 pages; undated). All of these submissions are contained in the document file (09-01-01.100) 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 March 17, 2015, constituting a quorum: Zoe Wainer, Dennis Place, Sarah Murphy, Ted Bloomhardt, Greg Waples, Dick Jordan, Andrea Bayer. The following members of the DRB were present for the final plat hearing on April 21, 2015, constituting a quorum: Dennis Place, Greg Waples, Dick Jordan, John Lyman. The following members of the DRB were present for the final plat hearing on May 5, 2015, constituting a quorum: Dennis Place, Sarah Murphy, Ted Bloomhardt, Greg Waples, Dick Jordan, Andrea Bayer, Kevin Cheney. See the official meeting minutes for a list of others present at the meeting(s).

8. The March 17, 2015 public hearing was warned in *The Citizen* on February 26.

9. Necessary zoning waivers for this PUD include:
   a. Multiple structures/uses on one lot in the Residential 2 district instead of one per lot, per section 2.5.5, Zoning Regulations.

b. Garage setback in Village Growth Area (per section 5.22.3 #5, Zoning Regulations). Two interior buildings (units 15-18 and 19-24) have garages in front of the principal structure rather than 10 feet farther back from the front property line.
c. A waiver of the 40' street tree spacing requirement (section 6.4, Subdivision Regulations) to allow for the logical grouping of street trees in the areas shown on the plan.

10. The project represents the maximum possible development density (24 units) under the Zoning Regulations. The 24 units proposed is one less unit than calculated during the sketch plan review because a full survey showed slightly less acreage in total as well as in the Residential 2 zoning district. The density is calculated as follows. Area in Residential 2 district equals 7.53 acres and the portion of the R2 district exclusive of stream setback area equals 5.53 acres. Pursuant to section 2.4.3 (Zoning), this 5.53 acres is the acreage figure to use to calculate allowed residential development potential. The base residential density for this district is 2 units/acre, which means the base build out for this project area is 11.06 dwelling units. The applicant is proposing to utilize several bonus possibilities to achieve the maximum density bonus of 120%, which will result in a total of 24 units (actually 24.33, but the regulations don't address rounding).

11. The Applicant indicated that at least 50% of the 24 units will be under 1200 square feet, making one incentive point available for density bonuses pursuant to section 2.9 (Zoning). The Applicant indicated that the entire project will achieve the silver level of green home certification under the National Green Building Standards (NGBS) program administered by the Home Innovation Research Labs, Inc. This will allow for two incentive points pursuant to section 2.9 for the maximum density bonus of 120% when combined with the inclusionary zoning provisions in section 5.21.

12. Pursuant to the inclusionary zoning requirements in section 5.21 (Zoning), this project must provide at least one perpetually affordable dwelling unit. The Applicant provided evidence of coordination with the Town's Affordable Housing Committee and the Champlain Housing Trust (CHT). A letter from CHT dated August 4, 2014 provides more details. The Applicant anticipates making the perpetually affordable unit one of the two bedroom, one story, end units.

13. The Applicant plans to have a temporary sign for the project during construction. Sheet L3 depicts a permanent project sign, which is shown near the entrance to the project on sheet L1 – i.e., to name/identify the neighborhood. A separate sign application will have to be made at a later date if this kind of neighborhood sign is desired.

14. The southwestern portion of this property abuts Hinesburg Community School property, is within 250 feet of the LaPlatte Headwaters Town Forest, and the entrance road is within 400 feet of the trailhead to the Russell Family public trail system. Per a written request from the Trails Committee, the Applicant has agreed to offer a 20' wide pedestrian easement (exact location to be determined) to help provide connectivity with these public facilities. Such easements are expressly authorized in section 6.2.3 of the Subdivision Regulations.

15. The Applicant has proposed easements to the Town for access over the sidewalks internal to the project, and for trail access extending from the project to the western property line (for a possible future trail to the school). Irrevocable offers of dedication for these access easements along with any necessary municipal water and sewer lines were not submitted.

16. Per the purpose for the Residential 2 district and overall village growth area (Zoning, section 3.1 and 3.10) and Section 5.22.2 Village Area Design Standards and section 5.6.7 sidewalks, a

development of this density needs to be fully connected to the existing village sidewalk network. Approximately 1000 feet of sidewalk along Route 116 will be necessary for this connection. Several options for the location of this sidewalk and possible Route 116 crosswalks were discussed. The Applicant originally proposed a Route 116 crossing such that the bulk of the new sidewalk is built on the north side of Route 116 in order to connect to the end of the existing sidewalk at Lyman Meadows Road. However, pursuant to the recommendations of a December 2014 sidewalk scoping study done by the Town in conjunction with the regional planning commission and RSG, the Applicant modified the plan to show this sidewalk entirely on the south side of Route 116. This will connect the project to the Hinesburg Community School keeping the sidewalk on the same side of the road.

17. The Applicant obtained a letter of intent from the VT Agency of Transportation (dated 10/28/2014) for the proposed Route 116 access point. The Applicant also provided the Board with trip generation information for the project.

18. The Town's municipal water supply is at capacity, but the Town is actively working to bring a new water source online by the fall of 2015 that will provide capacity for this project. The State has indicated that no new major hookups to the municipal water system will be permitted until additional water supplies are established. Section 3.3.4 of the Subdivision Regulations allows the DRB to limit development or require phasing, and to ensure that project build out takes place over a sufficient period of time to allow for the provision of necessary public facilities/infrastructure.

19. At the hearing, the Applicant stipulated that the garage doors would be 7' tall and 9' wide.

CONCLUSIONS

1. The Applicant has submitted all information required by the Hinesburg Subdivision and Zoning Regulations for the aforementioned application.

2. The proposed street tree spacing waiver is only necessary for the portion of Redbud Lane within the stream buffer area. On all other road frontages in the development area, street trees are shown in compliance with the 40' spacing standard (section 6.4, Subdivision). The waiver is suitable given stream buffer and the extensive plantings proposed by the Applicant in other portions of the buffer area, including trees, shrubs and various wetland plantings to bolster the buffer area.

3. The Board had substantial discussion about whether or not the NGBS program should qualify as a green home certification for the purposes of achieving density bonuses under section 2.9 (Zoning). The regulation does not restrict this provision to a defined set of green home certification programs; however, it is based on the premise that such programs will typically result in homes that have a lesser overall environmental impact than conventional homes on a variety of fronts. The regulation also specifically requires that any such program be regionally based and include third party review and certification. The Applicant demonstrated that the NGBS program is regionally based and does include third party verification, in this case from trained staff at Efficiency Vermont (Lindsay Jones). The NGBS program includes four levels of green home certification – i.e., bronze, silver, gold, emerald. According to the Applicant and the third party reviewer, the project is designed to meet and exceed the silver level. The Applicant also demonstrated in all of the broad certification categories (lot design, resource efficiency, energy efficiency, water efficiency, indoor air quality, operation and owner education) that some credits claimed are in fact above and beyond what is required of conventional construction in

Vermont. With that said, the Applicant admitted that many of the overall credits claimed for the project are for features that would be required of conventional construction in Vermont. The Board finds that the proposed NGBS certification for this project qualifies for density bonuses.

4. The three building fronting on Route 116 (units 1-14) are in compliance with the garage setback provision of section 5.22.3 #5 because individual lots are not proposed. The principal front property line for the property is Route 116, and the proposed garages comply with the standard because they are on the opposite side of the structures. The two interior buildings (units 15-24) are not in compliance with this standard. A waiver of this standard is reasonable given the unique physical constraints of the property, the interior location of the buildings near the ends of private dead end roads, and the mitigation proposed via landscaping. Additional architectural mitigation to justify the waiver was requested by the Board, but only modest modifications were made by the Applicant – e.g., siding material variation and limited use of shutters. Additional architectural mitigation is necessary to allow the forward facing garages on the two interior buildings. The Applicant should take note that if individual or footprint lots are proposed at some point in the future, additional waivers would be necessary for the garages on the other three buildings.

5. The Board discussed at great length (during both preliminary and final review) whether the proposed streetscape and building design along the interior streets are in compliance with sections 3.10 (R2 district purpose) and 5.22 (village area site and building design standards). Sections 5.22.2 #7 (Building location & streetscape) and 5.22.3 #3 (Front facades) received the most attention. Clearly the attached garages represent a significant architectural element along the interior streetscapes, which create constraints with regard to conformance with site and building design standards as well as traditional streetscape landscaping. With that said, a majority of the Board felt that the basic design, with proper landscaping and architectural mitigation, is in conformance with the above standards due to the following design elements and reasons:

   a. Overall building architecture, including varying and separate roof lines.
   b. Porch roof over the set back front doors.
   c. Even with prominent garages, the overall building and site design still enables the buildings to relate both functionally and visually to the streetscape. Building facades remain proximate to the interior streets per the standard.
   d. Individual and separate garages with separate roof lines that are more consistent with pedestrian-scale design than combined garages or larger garage structures.
   e. Site constraints (e.g., wetland, topography, etc.) on this particular property that limit locations and options for garages given the proposed density and the maximum density allowed and encouraged for this district per sections 2.4.2 and 3.10 (Zoning).
   f. Site constraints due to the proximity of Route 116, and the stated purpose of the Residential 2 zoning district to allow medium to high density residential development that provides a strong visual cue to people entering the village. As such, the placement of buildings closer to Route 116 requires a building design without any possibility of garages on that side.

6. Given the clustered site design and similarity of all the buildings and dwelling units, any of the 24 units will be suitable to serve as the one required perpetually affordable dwelling unit. However, given the potential for phased construction of the five buildings, the one affordable unit must be in one of the first three buildings constructed in order to ensure that the affordable unit is made available for occupancy on approximately the same schedule as the market units pursuant to section 5.21.4 #6 (Zoning).

7. The PUD greenspace requirement has been met and exceeded in two ways. First of all, approximately 14 acres (nearly all the property in the Agricultural district) is set aside as greenspace to protect and preserve the extensive wetland area. The State wetland permit for the project includes conditions regarding the future management and protection of the wetland areas. This exceeds the minimum amount of greenspace acreage required by the regulations – i.e., 10% of 7.53 acres (in R2 district) + 50% of 14.75 acres (in AG district), which equals a minimum of 8.13 acres. Secondly, the proposed central common area provide neighborhood facilities and outdoor recreation – e.g., gazebo, play structures, etc. These sorts of recreational amenities are consistent with the intent for more developed greenspace in the village growth area.

8. A development of this density, even with greenspace for active and passive recreational uses, needs to be fully connected to the village in order to comply with the purpose for the Residential 2 district and overall village growth area (Zoning, section 3.1 and 3.10). This connectivity is also needed to provide access to active recreation (playgrounds, recreation fields, etc. – see section 5.1.4, Subdivision) and to provide safe and convenient access to important destinations (HCS, Lantmans, restaurants, etc.) per the Subdivision Regulation transportation planning standard (section 5.1.6). It will take approximately 1000 feet of sidewalk along Route 116 to connect with the existing Town sidewalk system. Pedestrian connectivity to the existing sidewalk network must be provided.

9. Since the Route 116 sidewalk is a required design component and should be considered an intrinsic part of the project, it is inappropriate to grant density bonus points for the construction of this public infrastructure under section 2.9.2 #4 (Zoning).

10. During the sketch plan review, there was discussion about installing a sidewalk along the Route 116 road frontage versus a sidewalk along the development's access drives and connecting back to Route 116 at the northern tip of the property. The Applicant proposes an interior sidewalk in place of one along the property's Route 116 frontage. The Board agrees that residents of this project would be more likely to use an interior sidewalk as opposed to one along the Route 116 frontage. The interior alignment would be closer to activity centers (parking, front doors for the homes, common elements, etc.). However, without a public sidewalk along Route 116, the streetscape along this critical entry to the village will be less prominent. Furthermore, with an interior alignment, there would be no public sidewalk unless the Applicant granted a pedestrian easement for the public to utilize the interior sidewalk connection. Overall, pedestrian infrastructure interior to the site makes the most sense, especially since this property will sit on the edge of the southern edge of the village growth area – i.e., much less surrounding pedestrian activity, and no plans for future sidewalks to the south beyond the development. With that said, sidewalks must be physically separated from the roadways or access drives, and public pedestrian easements must be secured since pedestrian access along the property's frontage will not be provided. Irrevocable offers of dedication and easement deeds shall be finalized with the Selectboard as a condition of this approval.

11. Since adequate water supply for the project will not be available until later this year, construction of the project must be delayed until that time. Furthermore, a State water supply permit application cannot be made without a letter from the Town indicating adequate capacity. While an Act 250 application can be made, it cannot be fully granted (e.g., only partial findings possible) without the State water supply permit. In other words, State approval of this project can only occur when water is actually available. A simple condition shall suffice to prohibit any site work or building permits until municipal water supply is assured and a State water supply permit is issued.

12. A utility pole exists on the subject property (opposite Buck Hill Road) which carries communication wires and serves as a guy pole for the line that goes up Buck Hill Road. In order for this pole to be eliminated it would require a large visible brace on the Buck Hill Pole on the other side of Route 116. While above ground electrical supplies are not ordinarily accepted (section 6.9.1, Subdivision), in this case, the need for the large visible brace in lieu of the existing pole is not a net visual gain. Overhead wires, only to the existing or a replacement pole, are reasonable in this case. All utilities for the project shall be underground from this point.

13. Pursuant to section 4.2.2 #3 of the Subdivision Regulations, the establishment of a performance bond, an escrow or a 3-party agreement is needed to secure the completion of critical project infrastructure (public and private) listed below. Formal drafting of this legal agreement with the Selectboard will occur subsequent to this approval, and before any site work begins. It is appropriate to allow the details of this legally binding financial surety to be worked out with the Selectboard after final plat approval since additional permits (e.g., Act 250) may be required, and since construction costs cannot be fairly estimated until after all permits are obtained and the construction timeline and sequencing can be formalized. The 3-party financial surety agreement shall cover, at minimum, the following:

    a. Route 116 sidewalk connection (off the property).
    b. Interior sidewalk system.
    c. Route 116 street trees.
    d. Water lines, sewer lines, fire hydrants, and related items.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB approves the proposed 24-unit PUD subject to the final plat modifications and conditions listed below. One mylar copy, two paper copies, and a digital version (Adobe PDF) of the final plat shall be submitted with the following modifications:

1. The required PUD waivers shall be added to the plat (sheet PL) consistent with Finding #8.

2. A line delineating the greenspace (the southern 14 acres of the property) shall be added to the plat along with note indicating it is dedicated greenspace and its acreage.

This approval is also subject to the following conditions:

3. Irrevocable offers of dedication and easement deeds for public pedestrian access (as noted in Finding of Fact #13, 14 and Conclusion #9) shall be finalized with the Selectboard prior to submission and recording of the final plat mylar. The irrevocable offers of dedication shall be submitted to the Town Clerk for recording prior to or concurrent with recording of the final plat mylar.

4. Site work shall be prohibited and no zoning permits for new construction shall be issued until municipal water supply is assured and a State water supply permit is issued.

5. All buildings shall be built within the footprints shown on the site plan (sheet 2).

6. Pursuant to Finding of Fact #19 and Conclusion #2 and #3, all garage doors shall be no larger than 7' tall by 9' wide, and shall include windows and accents. Specific window size and design is at the discretion of the Applicant, as long as the overall window area is no less than 15% of the garage door. Specific accents are at the discretion of the Applicant, but shall at minimum include door panel design and hardware elements (e.g., hinges, handles, etc.) that add visual interest.

7. The Applicant shall identify the one required dwelling unit of perpetually affordable housing prior to issuance of a zoning permit for any new structures. This unit shall made available for occupancy prior to the issuance of a zoning permit for construction of the fourth building.

8. The required performance bond, escrow or 3-party agreement (see Conclusion #13) shall be finalized with the Selectboard, and be fully in place (e.g., with 3rd party lending institution) prior to the commencement of any site preparation and manipulation, including but not limited to, earth moving, tree clearing, etc.

9. The Route 116 sidewalk (off the property) shall be installed no later than the issuance of a certificate of occupancy for the third building, or three years after the issuance of a certificate of occupancy for the first building, whichever comes first. Sidewalks interior to the project shall be installed as adjacent interior roads are installed, and certified as complete as noted below prior to issuance of certificates of occupancy. Beyond sidewalks adjacent to interior roads, interior sidewalk connections to Route 116 and the project's central common improvements shall be installed no later than the issuance of a certificate of occupancy for the third building, or three years after the issuance of a certificate of occupancy for the first building, whichever comes first.

10. The central common improvements shall be installed either concurrently with construction of the adjacent building (units 19-24), prior to a certificate of occupancy for the third building, or three years after the issuance of the certificate of occupancy for the first building, whichever comes first. These improvements may be installed earlier than the above time horizon at the discretion of the Applicant.

11. The wetland portion of the greenspace on the southern portion of the property shall be managed in a fashion that will not adversely impact the wetland or the following critical functions: water storage for flood water and stormwater runoff as well as wildlife habitat.

12. Maintenance of the interior sidewalks on the subject property shall include winter snow removal and related treatment to ensure year round pedestrian access.

13. The Applicant shall cover the cost for the Town to hire a qualified professional to review the project at the following intervals: a) when concrete is ready to be poured for major site improvements – i.e., each building foundation and sidewalks; b) prior to the request for a certificate of occupancy/use for each building. The consultant(s) shall work at the Town's direction and shall provide the Town such reports and assistance, as the Town deems necessary to determine the project's compliance with the approved plans and DRB decisions. The scope of the independent review shall be as narrow as possible, and the cost shall be minimized to the extent practical. The applicant shall be notified as to the choice of the consultant(s) and the estimated cost prior to the independent consultant(s) starting work.

14. Prior to the issuance of certificates of occupancy for each building, a qualified and licensed professional shall submit a letter to the Zoning Administrator stating that the structure location is within in the approved location, and that the necessary site improvements (e.g.,

stormwater/erosion control, landscaping, sidewalks, etc.) have been installed per the plan and this approval.

15. Prior to the issuance of certificates of occupancy for each building, the Applicant shall provide evidence to the Zoning Administrator that the NGBS third party verifier has inspected the project and deemed it on track to achieve the NGBS silver rating. Prior to the issuance of the certificate of occupancy for the last building, the Applicant shall provide evidence to the Zoning Administrator that the NGBS third party verifier has determined the project meets the NGBS silver rating requirements. Evidence of the final/actual NGBS silver certification shall be provided within one year of the certificate of occupancy for the last building.

16. If experience indicates problems with parking and/or traffic circulation, the Applicant shall immediately propose modifications to the plans for the DRB to review.

17. Hours of construction shall be 7am-7pm, Monday-Saturday, and not on federally recognized holidays. Interior work outside of these hours is allowed if no noise is discernible at the property line.

18. Utility service shall be via underground lines with the exception of the existing power pole at the Route 116 frontage as shown on the plans. The proposed utility locations may be modified slightly when installed, due to unforeseen site constraints and the need to best accommodate proposed street trees.

19. All exterior lighting shall be installed or shielded in such a manner as to be downcasting and to conceal light sources and reflector/refractor areas from view from points beyond the immediate illumination area.

20. The areas exposed during construction shall be treated in a manner consistent with the procedures contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites.

21. No further subdivision of this property shall occur without review and approval of the Hinesburg DRB.

22. 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.

23. 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.

24. All blasting shall be done by a licensed, insured contractor, utilizing all current industry safety standards. Any blasting or pounding shall occur only between the hours of 7:00 a.m. to 7:00 p.m.

Monday through Saturday and not on holidays. Neighbors of any blasting and pounding to take place shall be given as much notice as possible.

_____ June 2, 2015
Development Review Board Date

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

Vote to approve: 6-0

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 VT 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 879-5676 (111 West St, Essex Jct., VT 05452) for more information.

All new residential and/or commercial construction including additions, alterations, renovations, and repairs are subject to either the Vermont Residential Building Energy Standard (RBES) - 21 V.S.A. § 266, or the Vermont Commercial Building Energy Standard (CBES) - 30 V.S.A. § 53 . A certificate of occupancy cannot be issued until the required RBES or CBES certification has been filed in the town records.