

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

**For RB & RH Goodrich LLC, and North and Observatory, LLC
Sketch Plan Approval for a 9-lot, 8-unit Subdivision
Parcel Number 09-01-69.100**

This matter came before the Hinesburg Development Review Board (DRB) on the sketch plan application of North and Observatory, LLC (Steve Pcolar), hereafter referred to as the Applicant, to subdivide a 63-acre parcel, located on the west side of North Road, at the Observatory Road intersection (between Buck Hill Road and Beecher Hill Road). The DRB reviewed the sketch plan on December 1, 2015, January 5, 2016, and February 2, 2016. The Applicant was in attendance at the three meetings.

Based on the above-mentioned 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 Sketch Plan approval of a 9-lot, 8-unit subdivision in the Rural Residential 1 (RR1) Zoning District. The subject parcel is approximately 63 acres, and is located on the west side of North Road, at the Observatory Road intersection (between Buck Hill Road and Beecher Hill Road); parcel # 09-01-69.100. The property is owned by RB & RH Goodrich LLC. The parcel has a small frontage (approx. 190’) along North Road and a larger frontage along Observatory Road. The parcel is currently undeveloped and was created via a 2003 division of land for agriculture, forestry, or conservation (Map Slide 41C).
2. The parcel is extensively forested with mostly south and west facing slopes. Some of these slopes are quite steep, more so on the eastern side of the lot, where a rock feature runs along Observatory Road and extends to the northern parcel boundary. Much of the western portion of the parcel contains core wildlife habitat, and a wildlife corridor/linkage connects this area, along the northern property line, to core wildlife habitat across North Road. The parcel is bounded to the west by a stream and there are no other mapped natural features (wetlands, deer wintering areas, etc.) located on the property.
3. The eastern half of the property will be developed with eight three-acre, single-family lots, leaving the remainder 38 acres of the property to the west (lot 9) with no future plan for development. Lot 1, of the proposed subdivision, is located in the northeastern corner of the parcel and has frontage on North Road and Observatory Road. Lot 8 is located west of lot 1 and will be accessed via a 50’ right of way across lot 1. Lot 8 need not have any road frontage, if it will be at the end of a dead-end private road (Section 5.7.2, Zoning). Lot 2 is directly south of lot 1 with a western boundary running perpendicular to the portion of Observatory Road running east to west. Lots 3-7 are stacked one after the other west of lot 2, each having 200’ of frontage on Observatory Road. Potential house sites, but no building envelopes or driveways, are indicated on the sketch plan for each of the 8 building lots. Individual drilled wells and individual a septic systems are planned for the development.
4. The sketch plan application was received on October 27, 2015 and deemed complete on November 2, 2015. This application included a variety of maps and related documents. These plans were revised by the Applicant several times to address concerns raised by staff and adjoining property owners. The final revised sketch plan is dated February 2, 2016. All of these submissions are contained in the document file (09-01-69.100) 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.

5. The following members of the DRB were present for the sketch plan review on December 1, 2015, constituting a quorum: Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, Andrea Bayer, John Lyman. The following members of the DRB were present for the sketch plan review on January 5, 2016, constituting a quorum: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, Andrea Bayer, John Lyman, Kevin Cheney. The following members of the DRB were present for the sketch plan review on February 2, 2016, constituting a quorum: Dennis Place, Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, Andrea Bayer, John Lyman, Kevin Cheney. See the official meeting minutes for a list of those present at the meeting(s).
6. The following Board members conducted a site visit on December 5, 2015: Dick Jordan, Sarah Murphy, Ted Bloomhardt, Greg Waples, Andrea Bayer, John Lyman. See the January 5, 2016 meeting minutes for a list of others present at the site visit.
7. The minutes reflect that several abutting property owners expressed concerns about the proposed development's possible negative impacts on surrounding well yields, groundwater contamination from the closed landfill, and additional and/or more damaging stormwater runoff discharge to abutting properties.

CONCLUSIONS

1. This project is classified as a major subdivision.
2. The proposed densities are compatible with the densities in the surrounding area in addition to the allowable lot size for this Zoning District.
3. Portions of Observatory Road will need to be improved to meet the minimum Town road standards (section 6.1.10, Subdivision).
4. The proposed house sites appear to adequately minimize impacts to the core wildlife habitat via minimal intrusion into the wildlife corridor/linkage that connects wildlife habitat on either side of North Road. Actual building envelopes and forest clearing limits should be refined with the preliminary plat application to ensure these impacts remain minimal (section 5.1.2 & 6.10.6, Subdivision; section 3.3, Zoning).
5. Subdivisions shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. Due to the presence of steep and moderate steep slopes on the southern side of lots 5 and 6 and the southeastern corner of lot 1 where the proposed driveway for lots 1 and 8 will connect with Observatory Road, these areas may not be suitable for development. Careful building envelope placement and driveway access is necessary.
6. Creation of a homeowners association would codify landowner sharing provisions and responsibilities, and would benefit the Town by creating a single entity with which the Town can negotiate to resolve issues, particularly as this property abuts Town owned land.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB gives sketch plan approval to the proposed 9-lot, 8-unit major subdivision subject to the conditions listed below.

1. The Applicant shall provide all the documentation required for Preliminary Plat review as stated in Section 4.1 of the Hinesburg Subdivision Regulations.
2. The preliminary plat shall include the following:
 - a) A perimeter survey of the existing lot and proposed lot lines with approximate dimensions for the new lots.
 - b) Building envelopes for the new lots, locatable from a fixed point, where structures can be located. Building envelopes shall be staked out, prior to submission of the preliminary plat application, so that staff and/or Board members can locate them on the ground. Building envelopes shall avoid steep and moderately steep slopes, and minimize the development area especially on lots 1,2,3 to help maintain a demonstrably viable corridor, e.g. validated by a wildlife professional, to facilitate wildlife movement east/west across this area.
 - c) Forest clearing limits for each lot that minimize the amount of clearing and give special attention to maintaining a demonstrably viable corridor, e.g. validated by a wildlife professional, to facilitate wildlife movement east/west across the development area.
 - d) Easements and right of ways detailing the location of the various shared infrastructure (e.g., road, utilities, septic, etc.).
3. The preliminary plat application shall include the following:
 - a) Utility information pursuant to section 6.9 of the Subdivision Bylaw.
 - b) Well information from the surrounding area to demonstrate likely adequate water supply (see sections 5.1.8 & 6.7 of Subdivision Regulations).
 - c) Stormwater and Erosion Control plan, including diagram and supporting narrative (see section 6.6 of Subdivision Regulations) and proposed driveway locations for each lot (see section 6.1.3 of Subdivision Regulations).
 - d) Plans and a narrative detailing proposed improvements to Observatory Road, including road width, gravel base and top course details, ditch treatment and drainage, culvert locations and sizes, and a typical road section. Evidence of coordination with the Selectboard or their designee on the proposed road improvement plans.
 - e) Driveway locations for each developed lot to demonstrate sufficient avoidance of steep and moderate slopes as well as the preservation of a demonstrably viable corridor, e.g. validated by a wildlife professional, to facilitate wildlife movement east/west across the development area.

4. The preliminary plat application shall include deed or other legal language to clarify the following:
 - a) Homeowners Association language that details responsibilities for the maintenance, repair and snowplowing of the development road as well as other shared land and infrastructure (e.g., common land, septic lines and septic area, stormwater drainage, etc.).
 - b) Easements and right of ways detailing the location and rights to the various shared infrastructure (e.g., road, utilities, septic, etc.).



For Development Review Board

March 15, 2016
Date

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

Vote to approve: 5-0

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.