

Town of Hinesburg
Planning Commission Meeting Minutes
January 24, 2024

Approved on February 28, 2024

Members Present: Becky Alford (via Zoom), Lenore Budd (via Zoom), John Kiedaisch (via Zoom), Alison Lesure, John Little, Denver Wilson

Members Absent: Nicholas Chlumecky, James Donegan, Barbara Forauer

Staff: Alex Weinhausen (Director of Planning & Zoning)

Public Present via Zoom: Margaret McNurlan (via Zoom), Jennifer Decker (via Zoom), Jake Middleton (via Zoom)

Denver W. **called the meeting to order at approximately 7:05 PM**

1. Agenda Changes: None.

2. Public Comments for non-agenda Items: None.

3. Minutes from January 10, 2024 meeting:

Denver W. **made a motion, seconded by John L., to approve the minutes from the 1/10/24 meeting as amended. The motion passed 6-0.**

4. Bylaw Modernization for Housing – Zoning Revisions:

a. Review consolidated draft:

Alex W. walked the Commission through the substantive changes that were listed on page two of the zoning regulation revision document (draft 2, dated 1/21/2024). He indicated that he had additional “tidy up” changes to make, but that this draft consolidates the consultant’s proposed changes and what the PC discussed previously.

Those changes include: an update to the purpose statement to reference state statute and to underscore what the purpose of zoning is; an update to density allowances per new State mandates; an elimination of artificially reduced density schemes and density bonus requirements; a consolidation of district information (i.e., allowed uses) into a more user-friendly table; the additional of allowed uses as required by the HOME Act; a reduction of off-street parking required for development projects; an update to Accessory Dwelling Units (ADU) regulations, as required by the HOME Act; an increase in affordable housing provided when a project triggers Inclusionary Zoning (IZ) requirements, from 10% to 15%.

Lenore B. asked if the maximum building footprints (Section 3.1.3.) changed and Alex W. said the wording changed but the actual square footage was not changed from the existing regulations. Lenore asked for an explanation of Table 3.01 (Village Growth Area Dimensions and Density Table) and if the numbers changed or it was just a format change, and Alex W. said that all of the numbers remained the same, with the exception of minimum lot size (for each dwelling greater than 2) which is a new concept that has to do with the density scheme that is not in the current

regulations. Alex W. explained that the Village Growth Area (VGA) density allowances (as they exist today) are described in terms of units per acre and the consultants suggested that the density calculation change from lot area versus per acre. Alex reviewed some examples of how this would impact the multi-unit density allowance in the VGA. Alex added that the HOME Act requires 5 dwelling units per acre and the regulations as they exist today allow for more than that with the density bonus scheme, so the Commissioners can make changes to the proposal based on what they think is appropriate for the community. Lenore expressed some lingering uncertainty about this information, and Alex agreed that the information was pretty confusing and he wanted to make sure the information was digestible for the public hearing. Denver asked if the measurement could stay units per acre versus minimum lot size and Alex said that was possible, as the HOME Act references units per acre.

John L. and Alison L. wondered what the reasoning behind the consultants suggesting the minimum lot size for dwellings of 2 or greater, and Alex said they recognized that the current zoning strategy of has a diminution of allowed density (i.e., decreases as you move away from the core). Alex W. said he wasn't sure that Hinesburg's VGA area is large enough to warrant having different densities within the districts. Denver W. said he felt pretty certain this had been discussed at length, and the PC had agreed with the gradient of density within this area. Alex W. agreed with Denver and said that he wasn't sure if any of the Commissioners had understood that the distinction of different development densities across districts would only apply to a specific type of residential construction. John L. said he would be in favor of making it a universal number for multi-unit construction, but wanted to hear from other Commissioners if they were in favor of using the gradient. Lenore B. said she didn't understand why there was a distinction between single and multi-unit construction, and Alison L. said she also didn't understand the rationale.

Jennifer D. asked a question in the Zoom chat feature, and Alex W. acknowledged that this was an easy conversation to get lost in and went on to say that the proposal allows for residential building at the same level across the whole VGA if a project is building single detached homes but varies if the project builds multi-unit structures.

Becky A. agreed that she had some of the same confusion as other Commissioners, and asked if there would be a change in how tall buildings can be in the VGA versus further out (i.e., visually different), and Alex W. said most of the dimensional standards are the same so there would be no difference in the allowed building height, which doesn't correspond to the idea of creating a gradient of development. Becky A. added that it didn't seem to support affordable housing goals and Alex agreed. Alison L. agreed with Becky. Lenore B. asked how many stories a building height of 35 feet would be and Alex said depending on the type of roof (pitched or flat) it could be 2.5 or 3 stories.

Lenore B. expressed some confusion about the requirement of the submission of a master plan in section 3.1.06 and the approval process, and Alex clarified the intention of the requirement. Lenore explained her concern about the specificity of the language in the proposal in terms of

what it will be required from the Town. Alex W. noted that the courts have ruled that unless there is a substantially complete and final plan for a property, a project doesn't vest itself in the regulations that are in place at any given time.

Lenore B. asked if the Affordable Housing Committee (AHC) reviewed this proposal and were comfortable with the numbers included, and Alex W. explained that while the AHC has not seen this specific draft, the numbers were based on their recommendations. Alex W. noted the significant changes in the section were increasing the amount from 10% to 15% and to change the affordability level for ownership units from 80% of area median income (AMI) to 100% AMI, recognizing those changes will make it easier to build affordable housing. Lenore B. asked if the trigger for IZ is set at 10 units and she wondered if it could be lowered to 8 units. Alex said he wanted to reach out to developers to get a sense of whether it's feasible, and he hasn't had a chance to do that. Margaret or Morgan (via Zoom chat) commented that moving to 100% of AMI might shut out a lot of buyers, and Alex agreed that could be an issue and noted the State changed its definition of affordable housing for ownership housing from 80% AMI to 120% AMI, so the proposal is trying to straddle those numbers. Alex added that IZ requirements are going to be leveraged against market rate projects to get a minimal amount of affordable housing, and added a way to achieve more significant and truly affordable housing is not through the IZ provisions but through partnerships with nonprofit housing developers that can bring subsidy and deliver projects like Kelley's Field and Green Street.

John L. mentioned section 3.1.7.8D regarding density bonus and other development incentives and suggested that the wording change to say there is no charge rather than saying there is a 100% reduction in zoning permit fees. Alex W. noted that the impact fees won't be waived.

Becky A. brought up the perpetual affordability provisions, section 10 resale restrictions part B, and asked if the consultants provided the formula or if the State provided it. Alex W. said it was from when the IZ regulations were first adopted in 2009 (modeled after the City of Burlington's IZ regulations) and it hasn't been tweaked since. Becky A. said it was a bit of a double-edged sword because you want to keep those units perpetually affordable but it also means the people who are living there won't be able to sell their house for as much (based on the increasing value of home around them). John L. asked a question about the section referencing rent increases and who approves those, and Alex said he thought the same thing and wondered if it needed to be spelled out. Lenore B. said she noticed in several sections where it stated "approved by the town" and wondered if that should be more specific. Alex explained that "approved by the town" was referencing an anticipated partnership with Champlain Housing Trust (CHT), and it might make sense to be more specific about a town official or board, such as the Town Manager or Director of Planning and Zoning or the AHC (or a designee). Denver W. said he was comfortable leaving it as is, with the assumption that the delegation of responsibility will be filtered down to the appropriate person. Jennifer D. said that she thought the AHC would be an efficient group of people to make those decisions and they could consult with Town Staff as needed. John K. asked if the Selectboard would want to make a decision about who to assign this type of job to and Alex

W. said it could happen either by the regulations specifying a person responsible and the Selectboard (SB) approving the proposal as written or specifying a different person they want responsible OR by keeping the regulations vague and having the SB appoint someone when it becomes necessary to do so. John K. said he would prefer to specify in the proposal. Jennifer D. said it might make sense to give that responsibility to a group of people who are elected, rather than a specific employee or committee.

Lenore B. couldn't recall if there were changes being proposed to the subdivision regulations as well, and Alex W. confirmed that changes were only being proposed for the zoning regulations.

b. Time horizon for public hearing:

Alex W. said that he will follow up with the consultants, and bring a revised draft to the February 14th meeting for the Commission to review. Alex said realistically the earliest a public hearing could be scheduled would be at the March 27th meeting. Margaret M. suggested that the final document highlight (color-code) actual changes versus formatting changes and Alex agreed that was a good idea for comprehension of the material.

5. Town Plan Update:

Due to a lack of time, there was only a brief discussion of the Town Plan update. Alex W. noted that the survey was still active. John L. asked Alex W. to email around a sign-up sheet so that Commissioners could volunteer to liaise with another Town Committee, and to review one or more particular chapters in the plan.

6. Other Business:

a. Planning news and announcements:

- Alex W. noted that the Chittenden County Regional Planning Commission will hold a training for new Planning Commissioners here in Hinesburg on January 31 at 7pm. He also noted that the Town of Williston's Planning Commission will hold a public hearing on February 6th regarding proposed updates to their land use regulations.

b. Agenda items for the February 14, 2024 meeting:

- Bylaw modernization revisions – continued discussion
- Town plan – early survey results, scheduling community forums

Denver W. **adjourned the meeting at approximately 8:58 PM.**

Respectfully submitted,
Danielle Peterson
Planning and Zoning Administrative Assistant