

Town of Hinesburg
Planning Commission Meeting Minutes
August 10, 2022

Approved August 24, 2022

Members Present: Dan Baldwin, Lenore Budd (via Zoom), James Donegan, Barbara Forauer (via Zoom), John Kiedaisch (via Zoom), Denver Wilson.

Members Absent: Nick Chlumecky, Marie Gardner.

(There is currently one vacancy on the Planning Commission)

Also: Alex Weinhagen (Director of Planning & Zoning).

Public Present (in person): Frank Babbott, ?? Babbott, Dennis Place, Tony St. Hilaire.

Public Present (via Zoom): Kate Kelly, Kathleen Newton.

Denver W. called the meeting to order at approximately 7:00 PM.

1. Agenda Changes

None at this time.

2. Public Comments for Non-agenda items

None at this time.

3. Minutes of July 13 and July 27 meetings

Minutes for July 13 were tabled pending addition of further detail.

Lenore B. **made a motion**, and James D. **seconded**, to approve the minutes of July 27 as presented. The **motion passed 5-0** (Barbara F. **abstained**).

4. Rural Residential 1 District Zoning Revisions

(continued from July 13 meeting)

a. Observations from the July 27 site visit to the Babbott property

Denver W. asked how the terrain and the land compares to the site visit the Planning Commission had conducted on the property across the road in the Mount Pritchard area. Lenore B. said she was surprised at how rocky and full of ledges the property was. James D. said he was surprised at how remote the property felt. He said that the access to this property was much gentler, though the terrain had both flat and rugged areas. Dan B. said that there was some east-to-west drainage running through the property, but the center of the property is a shelf, which makes it feel isolated from the properties above and below. He noted that there is conventional septic on the property. He said that it has potential. John K. said that though the Babbott property was the same elevation as the previously-visited property in the Mount Pritchard area, they did not have to climb steep slopes to get to it. He said that the area that seemed to be suitable for developing a building was a relatively narrow strip in the middle of the property, with a drop-off to the west and a slope to the east. He said that some of the areas where the terrain changes were difficult to walk through. He said that the access to the Babbott property is through an easement, and that development of the parcel would impact the neighbor whose access Mr. Babbott is using.

Denver W. asked if Frank Babbott has a right-of-way through the Curtis and Boyle properties. Frank Babbott replied that he does, and additionally has one through the Hollenbeck property.

Alex W. shared his observations from the site visit to the Babbott property. He spoke about the shelf and the ledges on the property. He said it was interesting that there was an even entry into the property from Pond Road and an even grade through the property, but only for that middle, level shelf. He said that at the site visit they discussed Frank Babbott's vision for the property, noting a previously approved subdivision that was never acted upon.

Lenore B. said that in looking at the map of the property, all of the lots abutting the property have residential development on them. She said that in terms of comparing them to the properties that were visited on the north side of Pond Road, these are quite different.

John K. said that when the Planning Commission walked on the Stanilonis property, Kate Kelly (of the Conservation Commission) showed participants the wildlife habitats on the property. He said that this didn't occur at the Babbott site visit, and said that he missed having that kind of perspective at this site visit.

Barbara F. said that the Babbott property has an extraordinary amount of wildflowers in the spring and summer, and that there is a variety of wildlife that lives on the property. She asked how densely Frank Babbott is anticipating developing his lot. Denver W. said that if the terrain has numerous slopes, there may not be three developable lots on the property (but acknowledged that the Development Review Board has the final say in that).

Denver W. opened the discussion up to the public.

Kathleen Newton spoke about correspondence she submitted to the Planning Commission back when they began discussing this item (in February). Alex W. suggested revisiting this and other correspondence received back when the Commission conducted public outreach. Kathleen Newton said that they purchased their RR1 property in the 1970s with the thought that their children or grandchildren will be able to build on it someday. She said that they have been good stewards of the land and they do not want to be forced to subdivide in a certain time period.

Kate Kelly said that the Conservation Commission supports the use of the conservation subdivision design standards and reducing minimum lot sizes to allow for a Planned Unit Development (PUD), which would concentrate density and reduce wildlife habitat fragmentation. Denver W. asked if RR1 allows for PUDs currently, and Alex W. confirmed that they do. Kate Kelly said that it would be good to encourage more use of PUDs. Alex W. noted that there has been reluctance on the part of landowners and developers to do PUDs, as they require a certain amount of dedicated open space for wildlife habitat or recreation. He said that one advantage of a smaller minimum lot size is that developers or property-owners could do a conventional development (not a PUD) while still having smaller lots.

Dennis Place said that he subdivided some of his RR1 property into three-acre lots. He said that he has not noticed a difference in wildlife over the last few years, saying that it is abundant on those properties. He said that he wants to give land to his children and grandchildren but does not want to have cluster housing on his property. He said he also does not want to be forced to subdivide ahead of time. He pointed out that there are limiting factors other than regulations, such as the availability of sewer systems.

Denver W. said that when he reviewed the areas of RR1 that stuck out and did not seem to match the rest of the district, the Richmond Road area struck him as a very different kind of area (and noted that much of its current use does not comply with current regulations). He said that his proposal had been to make Richmond Road its own zoning district and leave the remainder of the district as it is. He agreed that factors such as sewer system viability and steep slopes already limit development in more forested, steep areas of RR1. He said that the DRB already has the tools it needs to manage healthy development.

James D. disagreed, saying that there is a disconnect between the 3-acre minimum lot size and how the project might look after DRB approval. He said that there is a perception that one can divide their property as many times as allowable with that 3-acre minimum. He said that the Planning Commission needs to take property rights into account, but that they also need to clarify that the 3-acre minimum lot size does not automatically guarantee that the DRB will approve a project as such.

Dennis Place disagreed, saying that most landowners understand that the math may not line up with reality. He reiterated that there are enough regulations in place to limit development where it is not appropriate.

Tony St. Hilaire expressed concern with changing minimum lot sizes and how it would affect landowners in the future. He said that the land speaks for itself and that there are opportunities in the regulations to protect the land. He expressed concern about limiting growth for Hinesburg in the future.

Lenore B. circled back to Denver W.'s proposal of carving out Richmond Road from RR1. She asked for his thoughts on whether they would then apply the conservation subdivision design standards to all of RR1 (minus Richmond Road). He asked whether that would include barring development from any area with a wildlife habitat area. Alex W. provided a summary of the standards, saying that they would prohibit development on generally unbuildable, primary resource areas (slopes >25%, wetlands, surface waters) and that development should minimize its impact on secondary resource areas (prime agricultural soils, wildlife habitat and corridors, and moderate slopes). He noted that these standards are currently applied to the RR2 and agricultural zoning districts. Denver W. said that in practice, the Town is already applying many of these standards through DRB review (though not formally). Alex W. said that the subdivision regulations have general planning standards, which include the protection of sensitive resources, as well as design standards, which is where the conservation design standards reside. He said that the general standards are far less specific than the conservation subdivision design standards, and that it could be helpful to apply the conservation standards to RR1 so that engineers can tailor design to those standards.

Barbara F. asked Dennis Place if it would be helpful to add the conservation regulations to RR1. Dennis Place replied that wildlife corridors in the regulations are problematic, given that there is not a common definition of how wide a wildlife corridor should be. Barbara F. noted that the Conservation Commission is conducting mapping currently, to clarify some of these questions. Kate Kelly noted that she reached out to the State to ask for recommendations on wildlife corridor dimensions, and was told that a number of factors go into it, such as length, width, and habitat condition. She said that in general, a wider wildlife corridor is better.

Lenore B. asked if core wildlife habitat/wildlife corridors are the same as the habitat blocks that are included in the State's Agency of Natural Resources (ANR) atlas. Alex W. replied that habitat blocks are encompassing, and the wildlife habitat makes up the largest cohesive chunks of those blocks and include buffers to buffer the habitat from roads. Lenore B. said that it would be useful to have the conservation

subdivision design standards process apply to the RR1 district in a similar fashion to how it's applied in RR2 and the agricultural zoning districts.

John K. asked if it would be possible to define a wildlife corridor based on the wildlife within a habitat, which would mean that corridors could have different dimensions. Denver W. said that this could be an interesting option, but that it is more in the purview of the Conservation Commission and the State ANR.

Alex W. showed a map of the wildlife habitat in the Town of Hinesburg. The map showed the habitat blocks, core wildlife habitat, and wildlife corridors and linkages. He said that it may be better for the Planning Commission to focus more on the core wildlife habitat areas and let the DRB discuss the wildlife corridors on a case-by-case basis. He noted a specific case before the DRB where the applicant hired a wetland consultant to help them assess where the corridors and vernal pools are located on the property. He said that it may be useful for the Planning Commission to provide more clarity on how much impact is allowable for development in core wildlife habitats.

Tony St. Hilaire reiterated that he does not want to be limited in what he is allowed to do with his land, but rather to let the land speak for itself. He said that he is not comfortable with anything less than 3 acres, in terms of density.

Dan B. asked whether a long, meandering driveway in a wildlife habitat block would aid animals traveling through that corridor or whether it would hinder them. Kate Kelly replied that there are a variety of animals with a variety of needs in the forest. She said that some of them would cross a driveway, but others would shy away from an open area. She said that driveways and development could also affect wildlife with the potential to bring in invasive species and have pets in proximity to the forest.

b. Continue discussion of rezoning options

Further discussion was tabled until the following meeting, to allow Planning Commissioners to consider feedback from today's meeting when discussing options.

5. Zoning Revisions – energy action items

(continued from the June 8 meeting)

a. Review current draft of possible regulation revisions – pending input from Energy Committee

Alex W. said that the last outstanding item around the Planning Commission's energy regulation discussion was proposed changes to the subdivision standards with regard to energy conservation, specifically solar access that a subdivision ought to provide. He noted that the item is one of the planning standards in the regulations (5.1.12), and that it discusses whether the proposed development promotes energy conservation and solar gain through use of compact structures and orientation. He noted that the Planning Commission added language about whether the building lots can meet this standard and whether structures built on them would meet the standard as well (through roof orientation). He said that they had proposed an additional sentence stating that the DRB should impose conditions on a site if it has not yet demonstrated that proposed structures meet the standard, so that the Zoning Administrator can ensure solar gain when a zoning or building permit application is submitted. He said that Josh Leckey from the Energy Committee provided input on these proposed edits. He said that Josh noted that it is difficult to demonstrate solar gain for all properties, especially in heavily forested locations, and that he suggested adding a feasibility test to this standard.

Alex W. said that he will package the language as a proposal and schedule a public hearing on the proposed changes. Planning Commissioners agreed, saying that a public hearing is a good next step.

6. Other Business & Correspondence

a. News, announcements, etc

Alex W. noted that the Town of Charlotte held a public hearing on August 9th and apologized for not alerting the Planning Commission to it ahead of time. He said that the change does not pertain to Hinesburg.

He also noted that the Hinesburg Center 2 developer requested to apply for Neighborhood Development Area designation, similarly to how the Town did that for the Kelley's Field project. He said that the Selectboard discussed it last month and will continue to discuss it on August 17th.

b. Agenda items for the August 24 meeting

Denver W. **adjourned the meeting at approximately 9:00 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary