

Town of Hinesburg
Planning Commission Meeting Minutes
August 24, 2022

Approved September 14, 2022

Members Present: Dan Baldwin, Lenore Budd, Nick Chlumecky, James Donegan, Barbara Forauer, John Kiedaisch, Alison Lesure, Denver Wilson.

Members Absent: Marie Gardner.

Also: Alex Weinhagen (Director of Planning & Zoning); Amy Coonradt (Recording Secretary).

Public Present (in person): Frank Babbott, Shane Bissonette, Ken Castonguay, Connie Kendall, Drew & Susan Lepple, Dennis Place, Tony & Ruchel St. Hilaire, Paul Stanilonis.

Public Present (via Zoom): Mary Jo Brace, Lisa Daggett, Kate Kelly, Andrea Morgante, Kathleen Newton, Peter & Anne Parkinson, Glenn & Laurie Place, Dan Stanilonis.

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

1. Agenda Changes - None

2. Public Comments for Non-agenda items - None

3. Minutes of July 13 and August 10 meetings

Lenore B. **made a motion, and John K. seconded, to approve the minutes of July 13 as amended. The motion passed 7-0.**

The July 13, 2022 minutes were amended as follows:

- P1, Item #4a, second paragraph: Strike and replace second sentence with “He said that the Hinesburg Zoning and Subdivision codes prohibit building structures on slopes greater than 25 % and that building access roads on similarly sloped land will be demanding, i.e. costly.”

Lenore B. **made a motion, and Barbara F. seconded, to approve the minutes of August 10 as presented. The motion passed 7-0.**

4. Rural Residential 1 District Zoning Revisions

(continued from August 10 meeting)

a. Continue discussion of rezoning options

Denver W. noted that the last meeting entailed discussion about takeaways from the site visit to the Babbott property, as well as continued discussion around zoning change options.

Denver W. noted that a number of members of the public submitted comments regarding changes to RR1 zoning. He said that Parkinson submitted comments saying that they are in favor of changing the zoning in certain rural areas of the Town to maintain the rural character of the Town, per the Town Plan. Alex W. noted that the Parkinson property is 66 acres in size. Denver W. noted that theoretically, the Parkinson property could theoretically subdivide into up to 22 lots with current regulations, or 5 lots if the regulations are changed to RR2’s density. He said that a density change in RR1 will not address peoples’ concerns about forest fragmentation, even if changed to the RR2 density. He said that the

Development Review Board (DRB) already has the tools to control where homes are put and prevent fragmentation.

John K. said that it would be good to apply the conservation regulations that are currently in place for RR2 to RR1 as well. He said that once that occurs, he would agree that the DRB would have the tools needed to prevent forest fragmentation.

James D. said that there are distinct parts of RR1 and asked whether other Commissioners think there should be different zoning regulations for different parts of RR1. Barbara F. said that there should be different regulations for different parts. She said that most of the public is concerned about losing their 3-acre minimum lot size, but said that if they apply the conservation regulations to that area, it would protect open forests and other parts of the environment. Lenore B. said that based on past conversation, the Planning Commission has identified three distinctly different areas that could be treated differently. She said that Option 6 has gotten so much discussion because it lays out those different areas. She said that she agrees with John K. and Barbara F. in that she is interested in the process of applying the conservation standards to development review.

Nick C. asked if there is another solution that Denver W. has in mind, if he doesn't think changing the density is it. Denver W. replied that the conservation standards are being carried out in process by landowners and developers, who are considering features like slope and wetlands. He asked what the other components are. Alex W. replied that in the conservation subdivision design standards include steep slopes, wetlands, flood hazard areas, and surface waters as prime resources that are generally not developable, and that the secondary resources, such as agricultural soils, wildlife habitat, wildlife corridors, and moderately steep slopes, can be impacted through development but that impact should be minimized. Denver W. reiterated that the DRB is already using those regulations to prevent people from developing on those primary resource areas. Lenore B. asked if they should make this more explicit. Denver W. replied that he wouldn't oppose this, but he would object to making secondary resources primary. He said that if he were a landowner in one of those areas being discussed, in reality, people aren't worried about the number of houses that they can cram into the woods, but he would be concerned that the Town is dictating and constraining through rule change.

Denver W. said that this discussion is based on an action item in the Town Plan that calls for the Planning Commission to look at the northern and southern portions of RR1, as they are the most rural. He asked if there was community input on this action item when it went into the Town Plan. Alex W. replied that this was based on a recommendation from a prior Planning Commission back in 2013-2014. Denver W. said that a lot of the potential solutions to this have centered around subdivision density, but from the beginning, it hasn't seemed like the solution to him. Barbara F. said that she likes the idea of using the conservation standards, as the natural resources drive where building can occur, rather than building driving what happens to the resources. She expressed support for looking at the conservation standards and potentially changing them, but she believes they are the solution. Denver W. said that they could take a closer look at the standards and that applying them would be a more appropriate solution, mostly because the Town is already using them.

Denver W. said that if they have these conservation standards applied to RR1, it allows the terrain to dictate development, rather than using zones to do that. He said that they don't necessarily need to go through the trouble of carving out special zones, if they have those conservation standards. John K. pointed out the areas of RR1 that have different, denser characteristics (the Richmond Road area) and said that they should be dealt with differently than the more rural areas. Denver W. replied that the

conservation standards will dictate how development can occur, but that there may be a need to carve out that Richmond Road area. Lenore B. said that the conservation design standards will prevent development on slopes, but they need to also maintain intact forests. She said that she would like to see the conservation design standards apply, and tweak the forest area standards as well. James D. asked if applying that across the entire district would accomplish that, or if they should divide the areas up and apply the standards to certain portions. Lenore B. said she'd like to divide it up, since the areas in the district are so distinct. James D. said that they should apply the conservation standards but also address these different areas of RR1 separately, and determine whether there should be different regulations for different parts of the district.

Denver W. asked what variables they would look at to determine which differences to adjust within the RR1 district. Alex W. replied that the Town can differentiate between districts using different uses, different dimensional standards such as setbacks from property lines and streams, development potential and density requirements, and special design standards for some districts (such as in the Village Growth Area).

Denver W. said that he is in favor of the Richmond Road having its own district. He said that that portion of RR1 is unique, since it is hooked up to Town sewer and is more densely populated. Lenore B. pointed out that in the map, one of the key differences between Mount Pritchard/Lavigne Hill Road area and the rest of the district, is the intact forest blocks in those areas. Denver W. said that the Richmond Road area is the area that should be separated, since the rest of the RR1 district has relatively similar characteristics. Lenore B. disagreed, saying that as soon as the forest begins to be chopped up, the value of that forest is largely lost. She supported Option 6. James D. said that Option 6 identifies different areas that should be zoned differently. Dan B. said that the Richmond Road area, Pond Brook Road, and Place Road are highly developed. He said that in Option 6, he would be in favor of expanding a newly-created Residential 3 area, since it is less similar to Mount Pritchard and Lavigne Hill area. Denver W. said that what really stands out is Richmond Road, with lots smaller than an acre, and is preferred development. Dan B. said that he would be in favor of not applying conservation standards in that area. Denver W. pointed out that the standards may not even apply to that area, if there isn't slope or wildlife habitat or other primary resources in that area. Dan B. said that predictability for those who want to develop land is important, so it would be useful to have the conservation design standards apply. He also said it would be good to apply the conservation design standards to all rural residential districts, rather than just to some of them.

Denver W. suggested that the Planning Commission could codify the conservation design standards in the RR1 district and it would have minimal impact on landowners. He said that the approach and resulting process would be slightly different, but the result would be the same.

Dan B. asked how the Agricultural District and RR2 District's densities were developed. Alex W. replied that the Planning Commission analyzed the existing development densities in the district and also looked at 10 years of development applications to get a sense of volume over time and trend. He said that the Planning Commission felt that in those most rural areas, a density of 1 per 10 acres represented the historic pattern of development. He said that prior to that zoning change, all that they had discussed was minimum lot size, not density. He said that what the Planning Commission did with those districts was define that development potential, and tried to give landowners as much flexibility as possible on minimum lot size. Dan B. said that if RR1 is broken up into multiple district, they could take that analytical approach. Alex W. replied that they could to some extent—it's a much smaller area, so the ability to analyze historic development patterns in terms of density would be difficult since there is less

land to review, especially in these more rural sections. He said that however, the Planning Commission could look at patterns as they stand now in terms of average density and lot size. John K. noted that the analysis that was conducted on past development levels did not look at the patterns prior to development and also did not make a determination around whether development was good for the land or not. Alex W. said that the analysis made the assumption that the Town is happy with development patterns as they have occurred. John K. asked if there was a lot of discussion about protecting the environment 20 years ago and whether people were concerned about protecting the land. Alex W. replied that the Conservation Commission was helping to drive that part of the conversation and they were actively obtaining information and language from other communities with progressive regulations across VT, which were reviewed by the Planning Commission. He said that their emphasis was to ensure that the regulations preserve Hinesburg's ecosystems and keep it intact, and that the Planning Commission was receptive to that. He said the Planning Commission also recognized that there are residents here who have stewarded and invested in land for a long time, and part of the return on investment they want to see is an allowance for some development.

Barbara F. said that they should be looking at ways to preserve the forestland and wildlife for the future. James D. asked if adopting the conservation subdivision regulations would satisfy that or if they need to break down the district into smaller districts. Barbara F. replied that they should do both, with the understanding that the standards need some tweaking.

Denver W. opened the discussion up to the public.

Frank Babbott said that there needs to be a way to strike a balance between conservation and allowing for some development. He said that he would be interested if the large landowners have any permits pending, because they seem to be holding a fair amount of property with no permits, which is the opposite of the rest of the Town. He said he would use that to suggest that large landowners are taking care of their property, and that they don't want their options to be taken away. He said that the Town can strike a balance between being relatively flexible for development and also preserve the land in a responsible way. He said that a heavy-handed approach with blanket regulations will be more difficult. He suggested that if they still want to change regulations, he offered that the RR1 large landowners put together a proposal. He pointed out that a large amount of forested land in RR1 is in land use, signaling that it is being stewarded and managed appropriately. He said that he supports the conservation design standards around avoiding steep slopes, wetlands, and surface waters.

Ann Parkinson asked that the Planning Commission not make the 3-acre minimum lot size larger, and would like it to be smaller. Denver W. clarified that they are contemplating changing the minimum lot size to ½-acre. He said that some other districts, such as RR2, have a maximum density of 12 acres, with a minimum lot size of ½-acre. James D. noted that if regulations from the RR2 or Agricultural District were applied to her property, the density would be 10 acres and Ms. Parkinson could have lots as small as ½-acre and could have up to 6 of them.

Shane Bissonnette said that he has two 12-acre parcels on Dynamite Hill and can subdivide under the current rules and provide his children with housing when they grow up. He said that if they move to 12-acre density, that is taken away and he cannot subdivide either parcel anymore. He asked what will be done for landowners who have their ability to subdivide taken away, in terms of financial recompense. Alex W. replied that the Planning Commission hasn't discussed this yet, noting that when they developed the RR2 zoning requirements, they made an exception for smaller lots to have the ability to subdivide once.

Paul Stanilonis asked how the Planning Commission arrived at a 3-acre minimum, saying that it should be 2 (to align with State standards). Alex W. replied that the 3-acre minimum regulation has been in place for a long time and that he does not know how it was arrived at. Dr. Stanilonis also said that access for emergency services should be included in the Town Plan. Alex W. replied that there are regulations in the subdivision design standards around emergency vehicle access and agreed that they should be adopted in the Town Plan. Dr. Stanilonis then said that he and the other RR1 landowners are excellent stewards of the land and does not need to be further regulated in that regard.

Connie Kendall said that RR1 landowners in the Mount Pritchard areas are already regulated by the primary and secondary resources on their parcels. She supports leaving the regulations as they are and said that the conservation design standards already apply to landowners in RR1. She said that she is already burdened by the State's regulations and Act 250 regulations, as well as the DRB regulations. She said that too many different agencies and regulations already prevent high densities from occurring in the Mount Pritchard area.

Alex W. noted written comments received from Howard Russell, Andrea Morgante, Pat Mainer, Jonathan Trefry, Susan Vacarelli, and Jack Bird.

5. Other Business & Correspondence

a. News, announcements, etc

Alex W. introduced the new Planning Commissioner, Alison Lesure.

He also noted that the Shelburne Planning Commission is having a hearing on September 9 on proposed regulation changes along Shelburne Road. He said that they are proposing changes to their form-based code to remove one mixed-residential district from it.

He also noted an environmental leadership training and other standard trainings that are offered through the Department of Fish and Wildlife.

b. Agenda items for the September 14 meeting

The Planning Commission will discuss the draft energy regulation changes at the September 14 meeting.

The Planning Commission will also continue its discussion of RR1 changes, but will specifically focus on the conservation design standards.

Denver W. **adjourned the meeting at approximately 9:04 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary