

**Town of Hinesburg**  
**Planning Commission Meeting Minutes**  
**September 28, 2022**

*Approved October 26, 2022*

**Members Present:** Lenore Budd, James Donegan, Barbara Forauer, Marie Gardner (via Zoom), Denver Wilson.

**Members Absent:** Dan Baldwin, Nick Chlumecky, John Kiedaish, Allison Lesure.

**Also:** Alex Weinhausen (Director of Planning & Zoning), Amy Coonradt (Recording Secretary).

**Public Present (in person):** Frank Babbott, Shane Bissonnette, Jim Carroll, Ken Castonguay, Connie Kendall, Drew Lepple, Kathy Newton, Dennis Place.

**Public Present (via Zoom):** Kate Kelly, Tony St. Hilaire.

Denver W. called the meeting to order at approximately 7:06 PM.

**1. Agenda Changes – None.**

**2. Public Comments for Non-agenda items – None.**

**3. Minutes of September 14 meetings**

Denver W. **made a motion, and James D. seconded, to approve the minutes of the September 14 meeting. The motion passed 3-0 (2 members abstaining).**

**4. Rural Residential 1 District Zoning Revisions**

*(continued from September 14 meeting)*

a. Continue discussion of RR1 district zoning options

Denver W. asked how the Planning Commission feels about only creating a new zoning district for the Richmond Road area and CVU Road area and having the remainder be the Rural 1 district. Alex W. called this option 5A, since it's similar to Option 5. Denver W. said that he proposed 5A to minimize changes. He said that if others don't like Option 5 then they can likely come to a compromise based on Option 6. Lenore B. said that in all of their touring they thought there were 3 distinct areas or types of neighborhoods in RR1. She said it behooves the Planning Commission to come up with a solution that reflect the three different types of areas.

Alex W. summarized Option 6. He noted that this would create a new zoning district along Richmond Road and CVU Road, called Residential 3, to recognize greater density and different pattern of development along that corridor, which is serviced by municipal sewer and in most places municipal water. He said that this option would also create a Residential 4 district, which encompasses other areas within the current RR1 district that have a certain kind of neighborhood or development pattern that is not truly rural. He said that this encompasses the areas to the north of Residential 3 (Place Road, Aube Ridge, Pond Brook, Pond Road), as well as areas to the south including the Piette Meadow Neighborhood, North Road, and northern portion of Richmond Road. He said that this option would also create a third district that would be the most rural portion of current RR1, including the Mt. Pritchard and Lavigne Hill Road areas. He said that in terms of development density, it would leave the Residential 3 District with the existing allowance, which is a 1-acre minimum lot size along the Richmond Road area (which is on Town sewer). He said that Residential 4 would retain current RR1 de facto density of 3 acres

per dwelling unit, and the Rural 1 District would be somewhat reduced to 5 acres per dwelling unit. He said that minimum lot size would be dropped to 0.5 acres to provide landowners with maximum flexibility. He noted that further, the North Road has been tweaked so that the district is on both sides of the road and the road is no longer used as a boundary line between districts.

b. Review maps of possible zoning districts

The Planning Commission looked at proposed maps that illustrate these changes. One is a town-wide map that shows the full set of zoning districts and provides context and the next details the RR1 district and includes parcel lines.

Alex W. noted that the conservation subdivision design standards wouldn't have much impact on lots that have no development/subdivision potential remaining, but that the Planning Commission should make a decision about where to draw lines for districts. He said that generally, good criteria for where to draw boundary lines include avoiding dividing parcels, allowing topography to help dictate where lines are drawn, and the ease of explanation of where those lines are drawn.

Lenore B. asked about allowed and conditional uses in these districts. Alex W. asked how the Planning Commission would envision allowed uses to differ in the Rural 1 and Residential 3 and 4 districts. He said that in his opinion, the allowed uses in the Residential 3 district (along CVU and Richmond Roads), could be expanded, but isn't sure about Residential 4. He said that for the Rural 1 district, the Planning Commission may want to consider adding uses consistent with rural areas, such as the integrated agriculture and integrated forestry uses allowed in other rural and agricultural districts. He pointed out that lack of access in this part of Hinesburg would limit certain uses. Lenore B. asked about conditional uses and whether they could potentially differ between the new districts. Alex W. replied that if the Planning Commission does not think it is necessary to modify the uses, they could remain similar.

Alex W. noted that the proposed Rural 1 district abuts the Village Growth Area. He said that this makes sense to him. Marie G. said it feels strange to call it a rural district if it borders the Village. James D. said that where it does border the Village in certain areas, some of the Village properties also feel rural or are conserved and won't see development. Alex W. said that a lot of the properties on the east side of the Village Growth Area are rural and will stay rural.

Denver W. said that in order to maintain the definition of a rural area Alex W.'s first proposed rural zone drawing does a better job at capturing the truly rural areas, without lumping other developed areas and areas with more residential character into it. He said he would be in favor of paring down Rural 1. James D. said that he likes the expansion of it, especially lower Lavigne Hill and Beecher Road, since they feel rural. Alex W. said that they could move the zoning lines around to wrap around and capture more of the rural area (and exclude some of the residential areas). Denver W. said that the impact of including the residential area in question would be minimal and that the issue is more about semantics than anything else (it may not be worth the effort).

James D. asked what development by right is. Alex W. replied that the prior Planning Commission saw a problem with rural area development, since prior regulations only specified minimum lot size, not density. He said that it is not fair to the landowners or developers to imply that minimum lot size defines maximum development potential, since full buildout subdivisions with many lots rarely got approved by the DRB—oftentimes because they didn't reflect the character of the surrounding neighborhood. He said that when density is codified, landowners have that number of lots by right. He said that it is helpful to know what the maximum development potential for a parcel is.

James D. said he likes Option 6, as it differentiates the different parts of the current RR1 district that have been identified. He said that applying the conservation subdivision regulations to the rural parts makes sense. He said that keeping Residential 3's density at 1 acre makes sense, since it is on Town sewer. He said that by defining the density at 3 and 5, this makes development easier in these areas as it sets the density at the minimum lot size. He said that they should not be allowing more development in these areas. He said that he would like to see a lower density in some areas, and proposed 5 acres in the Residential 4 area and 10 acres in the Rural 1 area. Marie G. asked if there is currently any 10-acre zoning in place. Alex W. replied that there is in the Agricultural District and in RR2 along paved roads, and that there is 12-acre density in place for dirt roads in those areas. He said that density is 10 acres per dwelling, but minimum lot size is smaller to allow for more flexibility.

Denver W. said that there are enough 3 acre lots in the Rural 1 proposed designation that it would be inappropriate to go to 10 acres, and that it would also be inappropriate to go to a lower density in Residential 4 for that same reason. He said that if the Planning Commission reduces the density in those areas, it won't reflect the current development that is there. He said that he would like to keep the densities at 3 and 5 acres, respectively. Marie G. agreed. Lenore B. asked if applying the conservation subdivision standards would make James D. feel more comfortable with the increased density. James D. replied that it would, yes, as long as the number of lots allowed by the density can still be guaranteed. Alex W. said that the conservation design standards guide how the allowed number of lots need to be placed and planned to respect resources.

Alex W. asked how other Commissioners feel about the proposals and densities. Lenore B. said that she doesn't agree with some of the boundary line issues, but said that the 5 acre density is a good compromise. Barbara F. said that her perspective is to preserve the wildlife and water sources and other natural resources. She said that applying the conservation regulations to Rural 1 is important. She said that she likes the way that everything is divided up and likes Residential 3. She said she needs to think more about the 3, 5, or 10-acre density question. Denver W. said that the primary resources in Rural 1 will dictate how much development can occur, rather than the density being the dictating factor.

Denver W. said that they should talk about whether they're happy with how the boundaries have been drawn at the next meeting. He suggested thinking about this between meetings and sending feedback to staff, if they have suggestions around where those boundary lines should be.

Lenore B. said that they have received a substantial amount of public comment on this topic. She said that Residential 3 and 4 seem to fit in with a lot of the comments that have been received.

Barbara F. asked about whether Accessory Dwelling Units (ADUs) are permitted in the Town. Alex W. replied that where all single-family homes are permitted, municipalities must permit ADUs (unless neighborhoods have private covenants that prohibit that).

Denver W. said that the Planning Commission seems to be on the same page in terms of zones (barring some final definition in terms of boundaries). He said that the Planning Commission still needs to come to consensus on development density. He also said that in terms of public comments, the creation of the Residential 4 district and the alignment of density with minimum lot size acknowledges some of the concerns from landowners who said they would like few to no changes.

c. Review revisions to conservation subdivision design standards for rural areas

Alex W. said that he formalized feedback from Lenore B. and made those proposed revisions to the conservation subdivision design standards. He said that he modified the language regarding pre-development site preparation to be advisory. He said that in terms of enforcement, it's difficult to do (Charlotte and Norwich have both said this), and the local Act 250 coordinators have a more bureaucratic approach and response. He said that the current practice is to advise applicants about the location of primary/secondary resources on their properties, to prevent problems downstream with DRB approval.

Lenore B. noted that she proposed removing deer wintering language from the standards. Alex W. suggested changing the plan prior to changing the standards. Lenore B. said that her rationale is that there is not a lack of deer and that those areas may not need to be protected. Alex W. said that we're located at the northern edge of the white-tailed deer range, and that in hard winters, they will congregate in certain areas with southern exposure or softwood groves. Denver W. said that including these advisories regarding the pre-development site preparation in here is a good approach. He said that it's difficult to enforce them, but if people are aware of these, it's helpful and the Town has done its job. He said that overall, he is supportive of these edits.

Denver W. opened the discussion up to the public.

Kate Kelly expressed support for the changes and pushed for additional changes (which may be beyond the scope of what's been contemplated). One is stronger protections for vernal pools (a wider buffer than what is currently there). Another is to minimize the amount of clearing around building envelopes. She noted that the State's buffer for vernal pools is 50 feet, which helps, but a wider buffer would be more helpful for the survival of amphibians. She proposed a 100 foot buffer with a 90% canopy cover, and then 75% canopy cover in the next 300 feet to account for the amphibian life zone. Marie G. asked if foresters respect these buffer recommendations when marking trees. Kate Kelly replied that many are aware of this and respect the recommendations.

Connie Kendall said that the regulations on properties are already pretty stringent.

Kathy Newton said that the Planning Commission should consider how these standards may restrict landowners' activities on their land in future.

Jim Carroll said that initiatives, proposals, and priorities need to be thought about in the context of the Town and its natural environment. He said that the environmental conservation conversations need to take subject matter expertise heavily into account, as the issues are complex and interdependent.

## **5. Other Business & Correspondence**

### **a. News, announcements, etc.**

Alex W. noted that next week's DRB meeting will include the final review for Hinesburg Center II project.

### **b. Agenda items for October 12 meeting**

Planning Commissioners will come prepared with any boundary revisions for the Option 6 zoning proposal, as well as solidify thoughts on appropriate densities and review the conservation subdivision design standards.

Denver W. **adjourned the meeting at approximately 9:16 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary