

Town of Hinesburg
Planning Commission Meeting Minutes
February 8, 2023

Approved February 22, 2023

Members Present: Lenore Budd, Nicholas Chlumecky, Barbara Forauer, John Kiedaisch, Dan Baldwin (via Zoom)

Members Absent: Denver Wilson, James Donegan, Alison Lesure, Marie Gardner.

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

Public Present (in person): Dennis Place, Kathleen & David Newton, Shane Bissonette

Public Present (via Zoom): Andrea Morgante

Lenore B. called the meeting to order at approximately 7:05 PM.

1. Agenda Changes

None.

2. Public Comment for Non-agenda Items

None.

3. Minutes of January 25, 2023 meetings

Alex W. noted that the recording secretary, Amy C. resigned, and Danielle Peterson (P&Z Admin. Assistant) will be helping with the minutes. John K. and Barbara F. said the minutes looked good. Lenore B. suggested that on pg. 3, 2nd to last paragraph, the sentence should say reduction of fossil fuel use instead of reduction of use so as not to be vague.

Nick C. **made a motion, seconded by John K., to approve the minutes of 1/25/23 with the suggested edits. The motion passed 5-0.**

4. Rural Residential 1 Zoning Revisions

(Continued from the January 25, 2023 meeting)

Lenore B. began the meeting with a review of the proposed purpose statement for Residential 4 district. Lenore B. thought that the statement would be less confusing if the word “rural” was removed from the first and last sentences of the statement and proposed that the last sentence could read “in the context of existing development patterns”. Nick C. and John K. both agreed that removing the word rural made sense. Alex W. said he thought that was a good change and noted the reference to “rural” in the last sentence was perhaps because the proposed Res 4 district is more like the existing RR1 district (the portions without water and sewer service) and currently it’s thought of as a rural residential district. Lenore B. felt that “existing development patterns” might be more appropriate. Nick C. said using the word “existing” might be confusing, as things will change in the future, and suggested using “lower density” instead. Alex W. agreed that we look to the zoning regulations to guide the DRB’s review of projects and this district will see additional residential development, so we need to keep it in the context of low-density residential development. Alex W. will rephrase the statement so that it does not include the words rural or existing.

Lenore B. asked if the subdivision conservation design standards would apply in Residential 4 and whether those standards should be referenced in the purpose statement. Alex W. said in previous

meetings and via straw poll, most of the planning commission agreed that the design standards would apply. Alex W. added that the conservation standards aren't mentioned in other purpose statements because they are addressed in a different section of the subdivision regulations. Alex W. also said that the purpose statements should be consistent, and if the conservation design standards are referenced in one purpose statement, they should be referenced in each purpose statements they apply to. Nick C. asked whether other towns followed the same practice re: purpose statements, and Alex W. said that other examples he has seen don't identify special provisions unless they are specific to that district. Alex W. added that Hinesburg will have a common set of design standards applying to multiple districts, and it seemed unnecessary to repeat that information in each section. Barbara F. suggested making a reference to it, perhaps as a parenthesis, "see subdivision standards". Lenore B. agreed with Barbara F.'s comment, and Alex W. noted he would make the addition to the other applicable purpose statements.

Rural 1 district purpose statement review:

Lenore B. suggested using the word "varied" instead of "dynamic" in the 3rd sentence of the purpose statement for Rural 1. Barbara F. asked whether the word "encouraged" used in the last sentence was strong enough. Alex W. noted that the sentence was referencing the allowed uses in the district, and he didn't think they would want to require that any of those uses happen, just highlight what is possible. Nick C. added that his takeaway was if someone could make an allowable use work in the district, by working within the confines of the regulations and adds to the character of R1, that's what we want. Alex W. clarified the intent behind the statement was to notify people living in that district what is possible, and that the residents should prepare for the possibility of seeing a particular use that hasn't been seen in that district before, especially if it helps to maintain the working landscape of the area. Nick C. added that he thinks it helps to clarify that the R1 can undergo change.

Andrea M. said that the Residential 4 district should be viewed as a transition zone between the Eastern and Western parts of town, and it's important to emphasize the low-density aspect of the district. Andrea M. said that it's the connection for wildlife and the forest, as well as for biodiversity, storm water run-off, etc. Lenore B. asked if Andrea M. thought the language should be stronger in the purpose statement. Andrea M. said that it should be recognized as the critical transition point, in terms of connectivity between the AG district and the forest district. Andrea M. also added the concept of "rural residential" is important and we shouldn't increase the density of those existing lots.

Nick C. asked Andrea M. if one of her concerns was to make sure that development is tempered so that it doesn't encroach on the wildlife in the district. Andrea M. confirmed that was one of her concerns and added that if the discussion becomes about subdividing the lots and therefore increasing the density in that district, that will result in water and sewer being brought in, which will cut off the Eastern and Western sides of town. Andrea M. said it would be quite distinct from the village or the Res 3 district that has water and sewer and added that we can't think about increasing density without increasing the infrastructure. John K. asked Andrea M. what she thought should come first, either an increase to the infrastructure or more residential development. Andrea M. said that we need to decide what the purpose of that district is and whether we want contiguous habitat and connectivity, or more residential development. Lenore B. stated that Andrea's comments were very helpful and would be more applicable when discussing density. Andrea M. reiterated it's important to consider these ideas when creating the purpose statement, and what the priority should be for that district. Lenore B. added that in a perfect world we would want to accomplish both, but she isn't sure it's realistic and Andrea M. agreed.

Shane B. stated that taking away landowner's rights for the sake of maintaining connectivity isn't right, and as a landowner of properties in multiple districts, he should have the right to build a house on his lots if he chooses to. Kathleen N. agreed with Shane B.'s comment. Dennis P. said he had never heard of bringing water and sewer up to Res 4. Alex W. confirmed the purpose statement for Res 4 makes it clear that water and sewer is not anticipated in the district. Lenore B. said she thought the first sentence clarified there not being sewer and water.

Barbara F. brought up a thought she had about what was more important and if we are aiming to protect the habitat or whether we are more focused on providing places for people to live in Res 4. Barbara F. added it seemed like Res. 4 was more people focused and that's where we want development, whereas R1 needs to be maintained as more concerned with wildlife. Nick C. said his understanding was that the goal of Res 4 is to strike more balance and be a transitional zone, whereas Res 3 is seen as more "urbanized". Nick C. added he doesn't believe saying one is more important than another, it's more a shade of grey. Lenore B. said that she sees R1 and Res 3 are extremes and Res 4 is the intermediate between the two districts.

5. Discussion of allowed uses for proposed districts:

Alex W. reminded the board that the list of allowed uses was reviewed at the last meeting, and that he made several changes based on the suggestions James D. made to allow the more innovative agricultural and forestry uses in Res 4 as conditional, rather than not allow them at all.

Alex W. revisited the topic of multi-unit dwellings, and asked whether it made sense to increase the total number of allowable units to 6 in the different districts. Alex W. added that the regulations currently allow 3- and 4-unit buildings in RR1 as conditional, and in the village 6 units or less are allowed. John K. said he thinks that it is connected to density overall, and what the minimum lot size is in any of the districts will affect density. Alex W. said that if you apply a consistent density factor per acre, the advantage of allowing multi-unit structure is that you can cluster the development more effectively and potentially have more cost-effective housing in a multiunit structure. Alex W. added that if a lot is large enough to allow 6 dwelling units, the question is whether it's appropriate to allow them to be in the same building or on separate lots. Lenore B. added that she had trouble envisioning that happening in what is considered R1.

Shane B. noted the differences between multiunit buildings, specifically those with 5 units or more being considered commercial space and buildings with 4 units or less would be the maximum where someone could live while taking out a residential loan. Shane B. added that typically the buildings with an investor (6 units and up) are more affordable. If you want to maintain the aesthetic, it's not going to be affordable. Barbara F. said she thought because of the nature of living in a rural area, it's not affordable. Lenore B. added that if you have 6 units in one structure versus them being dispersed, it would be more affordable to construct. Shane B. agreed you can cut your costs by building one structure.

Alex W. referenced examples of a 4-plex building on Pond Road and the Meadow Mist project on Rt. 116 as a project with a higher number of units. Lenore B. asked if leaving it as a conditional use, it could give the DRB the opportunity to use judgement about the character of what is being proposed. Alex W. said that you cannot use "character of the neighbor" as a reason to deny multiunit housing because it is viewed as discriminatory.

Alex W. added that other conditional use criteria, like adverse impacts on the neighbors or the roads would be at play. Alex W. also commented that it's important to remember that multiunit housing tends to be more affordable, which is why he proposed increasing the allowable units up to 6-units in these portions of RR1. John K. noted that the complexity of the construction of a building contributes to the costs for a builder, and if someone was trying to build something lower in cost, it might impact the way the building looks (for instance, a simpler design versus one with more architectural detailing). Alex W. agreed that there is a balancing act for developers in terms of cost and marketability, and it all depends on what market the developer is trying to meet. John K. added that by not defining how a building should look, a developer can decide how they want to construct a 6-unit building. Lenore B. asked John K. if he thought that was bad, and John K. said that by allowing more units in a building, we're opening it up to more people and more density, and if we're trying to keep the density down, then it is bad. Shane B. added that he thought John K. was talking more about high-end luxury apartments or town homes, rather than affordable house. Shane B. added there is a big need for more affordable housing, but if you constrain someone to build a certain way, they won't be affordable.

Dan B. asked for clarification on what district they had been talking about regarding 6-unit buildings, and Alex W. noted the conversation was about the three new districts that RR1 will become (Res 3, Res 4, and Rural 1) with differing allowances for multiunit dwellings of 6 units or less. Alex W. said that either being permitted in Res 3, which is what's proposed and conditional use allowed in the other two districts, or some other variant. Dan B. shared that he thought the increased number of allowable units was tied to where town sewer was available, and Alex W. said he changed it to allow up to 6 units permittable in areas with sewer so a person wouldn't have to go through additional review hoops and to also allow it in areas without town sewer as a conditional use, assuming the property has suitable septic capacity.

Dan B. asked if there would continue to be a specific number of acres needed for a 6-unit building, and Alex W. confirmed that there would still be a requirement of 3-acres per dwelling unit. Dan B. also agreed with John K. that in more rural parts of town, without strict design standards, you might end up with an apartment building next to a farm, for example. Alex W. reiterated that because so many communities are exclusively zoned for single family homes, it can have a discriminatory result, and that in the future, allowing for a variety of development is the goal. Dan B. added he thinks it makes more sense to allow more units closer to town, or with access to sewer and water service. Andrea M. thought that there might be some confusion. She said if an 18-acre lot would allow for six living units, allowing multi-unit structures wouldn't simply allow those six living units to be in one building, rather than in separate one-unit dwellings on their own small lots. She said six units, each on their own lot, are more likely to be ownership properties; whereas six units in a single structure are more likely to be rental. Not allowing multi-unit structures is more likely to be discriminating against rental units. She also added that it's difficult to separate architecture from density from ownership.

Barbara F. asked if it was considered an apartment building, with two floors and apartments on each floor. Shane B. confirmed that it was and said that the more complicated design you have the more expensive the build will be. He also mentioned a recent article in seven-days about another Vermont town having discriminatory zoning regulations.

Lenore B. added that she thought having one 6-unit building versus 6 separate dwelling units, will result in significantly less disruption to the area.

Dennis P. said he would leave it as conditional, but it seemed unlikely that there would be a place with enough sewer for 6 units. Dennis P. also said he didn't think affordable housing existed in Hinesburg, and the more restrictions you put on people's land in terms of density, will continue to make it even less affordable to live in Hinesburg. Kathy N. shared that the new home in the Cottage Hill development is going for 760k. Alex W. brought the conversation back to the central concept of allowed uses and defining the universe of what is possible and noted a different conversation might be adjusting the density, when the time comes. Lenore B. said she didn't see the harm in listing 6-unit dwellings as conditional, and John K. agreed. John K. added that it's very difficult to build affordable housing in rural areas, and potentially the only way to make it happen is probably to partner with another non-profit organization subsidize the cost.

John K. asked for definitions of some of the allowable uses, specifically Retail Sale of unprocessed ag products, Farm Stand, Farm Market, Market café. Alex W. reminded the board that those were discussed at the previous meeting, and that all of the uses are defined but that some of the definitions might need to be updated. Alex W. indicated those uses on the chart with an NA were going to be done away with.

Lenore B. asked about the Service Establishments and Community Center Allowable Uses, and Alex W. clarified that those are not allowed uses in the RR1 district today, but it might make sense to allow those uses in the Res 3 district. John K. asked where something like the Audubon Center or Birds of Vermont museum, not being residential/farms/businesses, could fit in. Alex W. said he thought those uses would be a blend of several categories and would need to think about where those ideas could fit into the regulations. Alex W. added that he wanted everyone to think about what uses might be missing from the list of allowable uses, and perhaps a museum would be listed as a separate use. Nick C. suggested this might need to be talked about at another meeting.

Dan B. asked why the Function Hall is not an allowed use in Res. 4. Alex W. said a function hall is meant to be for concerts, weddings, and other potentially disruptive activities, and perhaps not so appropriate in a mostly residential area. Alex W. agreed portions of Res 4 could handle a Function Hall. Shane B. brought up Isham Farm, and how using their barn as a function hall has allowed them to keep the farm operational, and making it a conditional use makes sense, based on the proposal that is made.

Dennis P. added that he would like function hall as a conditional use in Res 4. He added that the conditional use review is lengthy, and it's not guaranteed every application would be approved. Dan B. brought up the minimum setback requirement, and Dennis P. said that he thought that number needed to be tweaked because it depends on the lay of the land. Shane B. also added that other towns have ways to restrict noise/sound, like decibel limits, to keep things under control. John K. mentioned the Old Lantern in Charlotte and the conflicts that came up between the neighbors of the venue as an example.

Barbara F. asked what Dead Storage as an allowed use was, and Alex W. shared the definition explaining it as an innovative way to use an old barn. John K. said it was like what the Ayer's did with their storage units south of town.

6. Discussion of revisions to dimensional standards:

Alex W. shared Table 1 from the zoning regulations which he described as a one-stop-shop to see all of the dimensional standards for each of the districts. The standards are broken down into Minimum Lot Size (which applies when creating a new lot); Minimum Lot Frontage (which also applies when creating a

new lot); Minimum Lot Depth (also applies when creating a new lot); Building Setbacks (minimum distances from front, rear, and side); and Maximum Lot Coverage (the amount of the lot that can be covered by structures, driveways, road, parking lot – not including sidewalks or paths). Alex W. also noted that there are different requirements for principal structures and smaller accessory structures.

Dennis P. asked why the max lot coverage in Res 4 is 40% because it seemed like it would be really limiting in terms of what you could build. Alex W. noted that max lot coverage is for the entire lot without the need to factor in setbacks. Alex W. explained that side yard setbacks are based on the side property lines, and rear setback based on the rear property line, and lastly the front setbacks are measured from the road, and depending on what district you're in, it's either measured from the center of the road or the edge of the right-of-way. Alex W. added that the purpose of setbacks was to ensure that neighbors couldn't build on top of each other, and to make sure that one building didn't unduly impact a neighbor's ability to enjoy the sun, breeze, etc. Additionally, the front yard setbacks were designed to keep the area clear where infrastructure improvements (drainage, utilities ran, etc.) might need to happen in the future. Having a common front yard setback also creates a similar look in a neighborhood or street scape. Alex W. said there is a section in the zoning regulations that deals with corner lots town-wide. John K. noted that in the shoreline district, the max lot coverage is 10%, which is the lowest in all the districts. Alex W. said that in an effort to limit the impact to the lakes. Alex W. added there is a minimum set back to bodies of water (streams, ponds, lakes), generally being 75 ft from the top of the bank and is uniform except in the village growth area.

The board agreed a minimum lot size of 0.5-acres is good.

Lenore B. asked why Res 3 has a differing minimum lot frontage from Res 1 and 2. Alex W. explained the difference in minimum lot frontage for the new proposed districts, and added that if a lot is as small as 0.5-acres, the minimum lot frontage and lot width should yield a lot that is that big (if you drop the lot frontage and width lower, and someone complies, they won't comply with the lot size because it will be smaller than 0.5-acres). Alex W. also noted there is existing regulation for new lots being created to avoid more than a 20% differential in length and width. Alex W. said he would check the math to consider 60 ft lot frontage for Res 3. Dan B. added that depending on the density, it might make sense to lower the minimum lot frontage. Alex W. suggested the board could draw some sample lots to help visualize the numbers.

There were no concerns or comments about minimum lot depth.

Barbara F. noticed on a recent drive on Pond Road that a lot of the houses were setback from the road similarly, and she found it appealing. Alex W. said that 60 ft has been the standard for a long time, which is why he proposed it for the new RR1 districts. Alex W. added the setbacks apply to both public and private roads, and shared right-of-way (ROW). Alex W. also said that having an exception for private shared (ROWS) with a specific number of houses (and lower) would allow for in-fill projects to happen without creating setback compliance issues.

Alex W. went on to explain that in 2009 the village growth area was re-zoned, and the way front yard setbacks were measured changed. Throughout most of Hinesburg (and prior to the re-zone in 2009), a front yard setback was measured from the center of ROW or road. In 2009, the front yard setback in the Village growth zone was changed to be measured from the edge of the ROW. Alex W. said that there should be one definition of front yard setback for the whole town.

7. News and Announcements:

Barbara F. noted that on a recent drive through the village area after dark, she noted more lighting than she remembered in the past – both interior lights within structures and outdoor lighting.

Alex W. shared the following with the Commission:

- Proposed housing legislation is being discussed in the VT Legislature. The current draft of the bill would pre-empt portions of municipal zoning, including restricting municipalities from requiring more than one parking space per dwelling unit, and requiring that municipalities allow a development density of at least five dwelling units per acre in areas served by municipal water and sewer. A public hearing is scheduled for February 16. Alex W. will email information to the PC.
- Homelessness data. Alex W. shared information from a recent VT Digger news story and data from the US Department of Housing and Urban Development on homelessness from the 2022 nationwide point-in-time count that happens annually in January. The number of people experiencing homelessness in Vermont was up to 2780, which is a 150% increase since 2020.
- An assessment of options for a new Fire Station is coming in March. Two locations being considered – existing site and lot 15 on Commerce Street (behind National Bank of Middlebury).
- Allocation of the Town's ARPA funds is being discussed by the Select Board. The Town has approximately \$1.2 million.
- Water supply expansion project. The Town is applying for grant funding and is co-applying with the Haystack Crossing developer for the necessary permits. Hoping for installation as part of the Haystack Crossing project site work. Possibly beginning this fall with completion in 2024.
- Wastewater treatment facility upgrade project. The project is going out to bid soon. The most recent cost estimate is approximately \$4-5 million more than original estimates – i.e., \$16 million instead of \$11 million. Additional funding is being sought, and the Select Board will make a decision on how to proceed after bids come in with actual costs.
- Development updates:
 - Haystack Crossing, 176 dwelling units including 20 affordable homes and 50 senior homes – approved by DRB in November 2022, applying for State permits, hopes to break ground in the fall.
 - Hinesburg Center 2, 73 dwelling units including 8 affordable homes – DRB review closed January 17 with approval pending, applying for State permits, hopes to break ground in the fall.
 - Kelleys Field 2, 24 affordable senior dwelling units – DRB approved in 2022, zoning permit issued, construction to begin this spring.
 - Champlain Housing Trust, 90 dwelling units including 60 affordable homes – awaiting initial application, expected soon.
 - Laster, 8 dwelling units – preliminary approval in 2022, expecting final application soon.

Lenore B. adjourned the meeting at approximately 9:30 PM.

Respectfully submitted,
Danielle Peterson, Planning & Zoning Administrative Assistant