

Town of Hinesburg
Planning Commission Meeting Minutes
February 22, 2023
Approved March 8, 2023

Members Present: Lenore Budd, Nicholas Chlumecky, James Donegan, Barbara Forauer (via Zoom), Alison Lesure, Denver Wilson.

Members Absent: John Kiedaisch, Dan Baldwin, Marie Gardner.

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

Public Present (via Zoom): Tony St. Hilaire, Kathleen Newton, Constance Kendall, Margaret McNurlan

Denver Wilson 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 February 8, 2023 meetings

No updates needed.

Lenore B. **made a motion, seconded by Nick C., to approve the minutes of 2/08/23. The motion passed 6-0.**

4. Rural Residential 1 Zoning Revisions

(Continued from the February 8, 2023 meeting)

Alex W. reviewed the discussion from the last PC meeting regarding dimensional requirements (such as setbacks, frontage, lot coverage, etc.), as well as Lenore B.'s suggestion of possibly lowering the minimum lot frontage in Res 3 (a more developed landscape) from 100 ft to 60 ft. Alex W. said in an effort to avoid long skinny lots, town-wide zoning regulations state that any newly created lot of 5-acres or less, should not have a differential between the lot length and width of more than 20%. Both Alex W. and Lenore B. ultimately calculated that a minimum lot size of 0.5-acres would require a minimum lot frontage of at least 66 ft to meet the zoning requirements, therefore the suggestion to reduce lot frontage in Res 3 to 60 ft isn't feasible.

Maximum Residential Development Density:

Alex W. shared that the RR1 district, as it stands today, does not have a defined maximum residential development density. Alex W. added that when a development proposal is received, it's reviewed based on what is being proposed, the specific site constraints, as well as who attends the review meeting. Alex W. added that RR1 defines the minimum lot size of 1-acre for any new lot created within the town sewer service, and a minimum lot size of 3-acres for any new lot created outside of the town sewer service.

Alex W. said that maximum development density is defined in the other zoning districts in town, with the exception of the Shoreline district. Alex W. added that by defining the maximum density in a district it can give landowners an idea of their development potential, as well giving the community a sense of what future build-out could be – both of which are valuable. Alex W. reminded the board of their previous discussions regarding the Res 3 district (with access to sewer and water) having a potential max density of 1-acre per unit, which was generally agreed upon. Alex W. noted more debate regarding the Res 4 district density and whether it should be set at 3-acres or 5-acres per unit, and in the R1 district density and whether it should be set at 5-acres, 10-acres, or higher. Alex W. added that the board isn't constrained by their previous discussions.

Alex W. shared his opinion that the density discussion is a balancing act between listening to the feedback from landowners who want to retain as much development potential as possible, while also ensuring there is a reasonable amount of development, and that the natural resources/land is being protected. Alex W. recommended 3-acres per unit density in Res 4, as it respects the feedback the board has received from landowners, and it will be less controversial going forward in the process. Alex W. added that the charge of the town plan isn't to reform the development potential across the entire RR1 district, but more so in the most rural portions of it (i.e., Mt. Pritchard and Lavigne Hill). Alex W. also noted that by applying the conservation subdivision design standards to development in the Res 4, regardless of the development density, the resources and land will be considered.

Alex W. said he doesn't have a specific recommendation for the density of Rural 1, however, based on the information the board has (via public feedback, walking the land, resource maps, discussions, etc.), and there are clear reasons why having a lower development density makes sense in the Rural 1. Denver W. said that he agreed the board should listen to the public feedback and is in favor of keeping Res 4 district at 3-acres per unit density.

James D. said that he has been lobbying for lower density because as a Planning Commissioner, he has a responsibility to think about big picture environmental issues, in addition to the town development details - such as how we prepare for climate change, storm/water run-off, forest fragmentation and how the forest ecology is functioning – all of those things are important to consider. James D. mentioned deer habitat, but he also noted the importance of hunting, and that in a neighboring town hunting isn't allowed because it is too residential. James D. shared that he emailed Ethan Tapper, the county forester, and then read a few excerpts from their email exchange that discussed the importance and protection of contiguous forest blocks; clustering development; limiting long driveways that penetrate into forest blocks; and how to disincentivize development in more rural areas.

Denver W. said he is in agreement with a majority of what James D. shared, and thought that his statements applied to the Rural 1 district, more so than the Res 4 district.

Alex W. noted that there are existing neighborhoods off Richmond Road (i.e., Garvey Farm, Hidden Pasture, Strawberry Hill) and others within Res 4 that have been built out at approximately 3-acres per lot, so there is a basis for using that number because it is reflective of the district development overall.

Alex W. shared a chart of lot size distribution in Res 4, and noted that the vast majority of lots in the district are less than 6-acres, which under the current regulations wouldn't have subdivision potential because they would need to be a least 6-acres. Lenore B. brought up the desire to have lots that conform to existing zoning regulations, and Alex W. said that the bulk of the lots in Res 4 do conform to the proposed 3-acre lot size. Denver W. said that based on the chart Alex shared, it appeared that the proposed 3-acre density is reflective of having effective zoning because the majority of the lots fit into the metric. Alex W. added that creating the chart it helped him to see how many new lots could be created, based on the proposed 3-acre density.

Nick C. said that he thought the board was in agreement for 3-acre density for Res 4, and that John K. was someone who proposed a higher acre density. James D. said he would be comfortable supporting 3-acre density for Res 4 as long as Rural 1 is set at 10-acres per unit. Lenore B. said she felt torn, and agreed with James D. Lenore B. added that the board's mission, according to the town plan, is to deal with the rural parts of town. Lenore B. said it's important that the work the board is doing will amount to something (i.e. changing the regulations). Nick C. said he thought if the group can agree on proposing 3-acres for Res 4 district, maybe they can move forward with one decision at a time rather than making a decision on both Rural 1 and Res 4. Alison L. said she agreed with most of what has been said, especially the lower density for Rural 1. Alison L. added that for her it's the "how" are we going to accomplish these goals/address the issues and she thinks it's a good compromise for the district. Barbara F. agreed with 3-acre density for Res 4.

Connie Kendall said she would advocate for 5-acre density in Rural 1 as she has a specific business proposal she would like to make happen. Alex W. said that other rural parts of town (RR2 & AG) have 10/12/15-acres per unit. Connie K. noted that for the specific business model she wanted to explore, she could make it work with 5-acre per unit density, but wouldn't be able to if the density is set at 10-acres per unit. Alex W. added that Connie K. had a suggestion for an Allowed Use that wasn't addressed and he thought it was worth going back to review her idea.

Tony St. Hilaire said that he doesn't want to develop his land, but he will if the density is set at 10-acres per unit. Tony S. said he doesn't believe the board is listening to landowners.

James D. added that he thinks the board has gotten feedback advocating for both sides of the debate. Alison L. said she thinks it's a challenge to balance what an individual homeowner wants to do with their land versus taking a more holistic look at the community and what the purpose of these districts are. Alison L. asked what makes Rural 1 different from RR2 and the AG districts, and why would we say 5-acres when other similar districts are set at 10-acre density. Alison L. said she feels sympathetic to the landowners, but we need to not dismiss

comments from people who don't necessarily live in a district that they have a comment about. She thinks for consistency-sake, it makes sense to have Rural 1 align with the other rural districts. Alison L. added that getting a proposal out to the town is important, so we can get more feedback from a larger audience.

Denver W. said he wants to be sensitive to landowner's rights, as they have paid taxes with the expectation that they could build a house on it if they wanted to. Denver W. added that he didn't think the board could ignore the meaning of ownership in the pursuit of achieving the commissions goals. Lenore B. said she doesn't think the board is trying to ignore ownership, but more so weigh it against the fact that they have an obligation to both current and future landowners and resources.

Tony St. Hilaire asked how Hinesburg continue to grow and how is revenue created with zoning regulations that stop landowners from developing their land in the coming years. Tony S. said that the potential density change is pushing him to make a decision he doesn't want to do. He doesn't agree with the changes being proposed, and doesn't think the board has the best interests of landowners in mind.

Denver W. said he thought they could vote on density in one vote, but didn't think they were at a point where they were ready to vote. Lenore B. asked Denver W. what he thought would get us to a point where they could vote, and added that she thought they should get a proposal to put forward to the town. Alex W. said the next steps would be to put together a proposal for the community to review and get public feedback on the proposed changes.

Lenore B. asked about some potential legislation in the pipeline that could impact Res 3 zoning, specifically in areas that are served by sewer and water (i.e., Res 3, up to Iroquois Trucking), the municipality would have to allow up to 4 units per acre. Alex W. said that there is no way to predict what will happen with the legislation being proposed, so the board should just move forward with the work they are doing currently.

James D. made a motion, seconded by Lenore B., to instruct Alex W. to prepare proposed zoning revisions with maximum residential development densities of one acre per unit in the Residential 3 district, three acres per unit in the Residential 4 district, and 10 acres per unit in the Rural 1 district. The motion passed 5-0-1 with Denver W. abstaining.

Barbara F. asked Connie K. and Tony S., if they've considered conserving any part of their land. Connie K. said she wanted to share her land with people, but couldn't do it for free. Tony S. noted that he doesn't want to develop his land, but the density changes the board is talking about implementing will push him to do something (7-lot subdivision) because there won't be an alternative for him. Tony S. added that these restrictions will only effect 9 landowners on Mt. Pritchard, and he is very frustrated with how the board is moving forward. Barbara F. added that she thinks there has to be a way to help landowners do what they want with their land (i.e., preserve or develop), but she's not sure what that is. Alex W. added that the Hinesburg land trust has been a partner with the town, and has done amazing things to both

conserve land and allow for development, and thought it might make sense to have a conversation about this.

Dimensional standards:

(Continued from the February 8, 2023 meeting)

Alex W. reminded the board where their discussion stopped at the last meeting regarding the dimensional standards he proposed for the new districts. Alex W. noted a question had been asked whether smaller lot frontage could be allowed in Res 3 to allow for more in-fill projects, but based on the calculations from earlier in the meeting, that couldn't work because of the minimum lot size needed. Alex W. added that the minimum lot size could be adjusted in Res 3, which would aid in the creation of more usable lots with appropriate dimensions.

Alex W. also brought up the limitations of front yard setbacks (FYSB), and once a shared driveway is created, a FYSB is also created and it can be difficult for the existing structure to meet the setback standard. Alex W. said he spoke to other planners in the state and he thinks that the easiest way to tackle the setback issue would be to redefine what is considered a FYSB – specifying that the setback is from the main road, rather than a shared driveway. Alex W. noted that in most rural communities, FYSBs are applied to private and public roads. The FYSB for new lots would stay 60 ft, but would exempt shared driveways that serve a specific number of homes. James D. and Lenore B. thought that suggestion made sense. Alex W. noted it would allow more in-fill projects, and have less environmental impact to the surrounding land. Tony S. asked a specific question regarding his driveway on Texas Hill, and Alex W. said he would be happy to talk off-line with him.

Alex W. said the board should consider lowering the minimum lot size, perhaps 0.5-acres to 0.25-acres, and the density will cap how much development can happen. Lenore B. agreed that lowering the lot size makes land potentially more developable. Denver W. said that because Res 3 is already fairly developed, he didn't think it would be out of character to allow for smaller lots. Barbara F. asked for an example of a 0.5-acre lot to help her visualize, and Alex W. showed her a map of the current RR1 district and pointed out the different areas being discussed. Alex W. clarified lowering the lot size would only impact parcels that have enough acreage to subdivide.

Lenore B. and Denver W. are both in favor of 0.25-acre lot size in Res 3. Alex W. said he has enough information to put together a draft proposal for the board to review at the April 8th meeting.

Other Business:

None

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

Respectfully submitted,
Danielle Peterson, Planning & Zoning Administrative Assistant