

**Town of Hinesburg**  
**Planning Commission Meeting Minutes**  
**March 22, 2023**  
*Draft*

**Members Present:** Dan Baldwin, Lenore Budd, James Donegan (via Zoom), Barbara Forauer, John Kiedaisch, Alison Lesure (arrived after minutes were approved), Denver Wilson.

**Members Absent:** Nicholas Chlumecky, Marie Gardner.

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

**Public Present:** Sam Lash (in-person), Place Sense Consultants Rod Francis and Brandy Saxton

Denver W. 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 March 8, 2023 meeting:**

John K. **made a motion, seconded by Barbara F., to approve the minutes from 3/08/23 meeting as written. The motion passed 6-0.**

**4. Regulation Modernization for Housing**

Alex W. introduced PlaceSense consultants, Rod Francis and Brandy Saxton and noted that Hinesburg has been awarded a bylaw modernization grant from VT state to update zoning regulations to allow for more housing and to get rid of outdated code. Alex W. reminded the commissioners that PlaceSense did a detailed technical review of the zoning and subdivision regulations, and will lead them through their review, some discussion points and potential changes to each of those sections.

Rod F and Brandy S. introduced themselves, and explained their professional backgrounds and experience in the planning field. They reviewed the purpose of the project: 1) increase housing choice, affordability and opportunity; 2) remove regulatory barriers to housing creation. Rod F. discussed the spectrum of approaches used in the development review process, highlighting two approaches on opposites side of a spectrum: dialog-based (conversational style, discussions in broad terms) or rule-based (staff member review of application and use of “checklist”). Rod F. also highlighted the notion of discretion in the review process, more specifically who exercises the discretion and what is that discretion supported by.

Rod F. and Brandy S. asked *what is the benefit of community members being directly involved in the development review process?* Barbara F. said it lets the board know what people want and what they want the town to look like. Lenore B. said it gives the community a chance to bring up something that may have been overlooked during the review process. She added that it can be educational, especially for people who don’t understand the process. Alex W. said it brings hyper-local considerations to the attention of staff, that for whatever reason, may not be familiar with. He also noted that advisory committees (Affordable Housing Committee, Energy Committee, Trails Committee, etc.) may also become involved in the process because of a specific application, and will participate and give feedback.

John K. said the Planning Commission (PC) will sometimes comment on Development Review Board (DRB) applications and participate in discussions to provide input. Dan B. said that by allowing homeowners to participate in the review process can give clarity on certain issues (i.e., area resources) and help inform decisions. James D. said that the DRB review is held accountable when community members are involved in the process.

The consultants noted the importance of perspective within the review process, and brought up the following points:

- Decision makers have significant discretion and local voices have significant influence
- Some people are comfortable or experienced at effective participation
- Hearing testimony is often weighted – towards the status quo & and towards the opinions of people active in public life.

The question, *who isn't heard from during the development review process*, was asked by Rod F. and Brandy S. and Dan B. said that it was most of the town. Denver W. said that people who aren't directly impacted by a specific application generally don't participate.

Rod F. and Brandy S. agreed that generally people who do not have concerns or issues about a proposed project will not participate in the process. It was also noted that there are parts of the population that don't participate in the process for other reasons, some being:

- Inability to attend meetings due to schedule conflicts, lack of child care, or a mobility issue, etc.
- Feeling unwelcome to participate in the process

Additionally, they said that the future residents of a proposed development should also be considered because they won't get the chance to participate in the review process.

Rod F. said there is virtue to contemplate a rule-based approach, and noted the following:

- Expectations are clearer: all parties have greater certainty and predictability and disappointing outcomes are less likely for all parties.
- All parties are treated more equitably: consistency in process and decisions over time.

The recommendations, which lean towards a rule-based approach, are the following:

- Don't view the regulatory process in adversarial terms – town vs. developer;
- Use professional staff to ensure only conforming applications reach the DRB;
- Use the DRB process to publicly affirm the rules are being applied properly;
- Set a requirement and offer flexibility within defined bounds, where needed;
- Expand use of administrative review (what is directed to the DRB);
- Don't rely on incentives to deliver the public good.

45:27mins

Stewardship of the land

Process of developing clear standards, so that there is transparency.

Fair housing law – the town is subject to the fair housing law. VT has expanded protected classes, including income.

- Town government is obligated to meet federal and state law;

- Town government = the entity and each individual acting on behalf of it;
- Vermont statute is more expansive than federal law and has six additional protected classes;
- Restrictions on housing types and densities, particularly if they favor detached single-unit ownership housing, are increasingly viewed as discriminatory.

Neighborhood Development Area (NDA): a policy tool established by the state to facilitate affordable housing being constructed in suitable communities across the state. A few things to consider:

- The state funding for affordable housing is extremely limited and highly competitive;
- Projects need to be in designated areas, on sewer/water and already permitted;
- NDA provides an exemption from Act 250 that is critical for affordable (priority) housing projects;
- It saves developers time and money. They can get local approvals and then apply for funding.

It was noted that an NDA primarily benefits a developer, specifically the exemption from Act 250 (triggered at 10 units or more) and preferential financing tied to building affordable housing. Alex W. said that Kelley's Field is considered an NDA. Brandy S. said the state provided two avenues to pursue an NDA: project based or area-wide designation. The designation in turn signals to potential developers that the town is open to having a project that conforms to the criteria of an NDA. The NDA program requirements are prescriptive – walkability, baseline density, diversity of housing types. Brandy S. touched on what the likely development scenario for the Village over the next 10-20 years, based on the recent development approvals, and how it might be focused on in-fill and smaller scale projects.

Brandy S. and Rod F. asked the Commissioners if they had any questions regarding the technical review document and John K. asked the difference between minimum and maximum density. Brandy S. said that most town regulations are set up with a maximum density, limiting the number of units that can be built, and can become very confusing. Alex W. said that Hinesburg has a base and maximum density in the village – but both should be thought of as a maximum, unless certain bonuses are met. Rod F. described it as the state defining the lowest possible maximum. Brandy S. described the technical review as a combination of smaller, tactical changes that can be made more quickly versus the larger long-term projects.

PlaceSense shared their bylaw modernization review priorities: 1) Density; 2) Districts; 3) Definitions; and 4) Others?

The consultants highlighted that density is not a direct corollary for built form – there is a range. Built form has a carrying capacity, detached single unit homes (11-13 dwelling units per acre). The multiunit is dependent on the size of units and type of construction. Lenore B. said that seeing graphics of specific buildings was very helpful. Alex W. noted the maximum 4 units per acre (up to 8.8 units per acre with bonuses) in the core village area. Denver W. said he thought the PC and town would be onboard for increasing housing potential without new construction.

Brandy S. said that the Better Places Guide suggests getting rid of the maximum density in your core village growth and neighborhood areas and replacing density with dwelling units as a unit of measurement. Additionally, unit size is another consideration. Alex W. said he believes there is a difference in public perception when comparing new development versus in-fill or redevelopment projects and would probably have less of an issue taking an existing home and increasing the units within.

Brandy S. and Rod F. discussed what housing types could be utilized in the village and what options there are in terms of a built form. Denver W. noted the PC just finished reviewing the village design standards which will help to guide and manage what gets built. Brandy S. noted another benefit of expanding the types of housing offered is diversity - single-level living, fairly low maintenance, smaller sizes, etc.

Rod F. reviewed the “Districts” priority and noted 7 zoning districts, and asked if they were all working for the town. Alex W. said the village was supposed to be the most densely settled area of town, and the zoning districts would serve to differentiate between residential only and mixed-use districts, each with different use allowances to accomplish different goals. Alex W. also thought that it was worth taking a fresh look at the districts to make sure they are actually functional in the way they were intended. Brandy S. and Rod F. said it’s important to think about streamlining the regulations, how to facilitate housing creation, and noted that a simplified zoning map may help (in conjunction with other changes) to make that happen. Denver W. said it makes sense to him that there would be different zones, to give the town the flexibility and power to dictate what happens in each of the districts.

There was additional discussion about an NDA application and designation, and the likelihood of having support from the Selectboard to apply for an NDA. Alex W. said he thinks there would be support to move forward with pursuing an NDA designation. James D. commented that a lot of the benefits go to the developer, not the town (who is looking out for the public good).

The consultants reiterated that if an NDA is pursued, there are necessary changes needed to the current regulations. Rod F. confirmed their plan to focus on density questions, in-fill and small-scale development, and scale housing types (relax the distinction between primary and secondary structures), tweaking ADUs, etc. Brandy S. noted some of the recommendations they made are to ensure the regulations are in sync with current terminology and regulatory language, and some are because the regulations are out of statute. Brandy S. said the plan will be to put together an initial drafting of these ideas with feedback loops and come back for the April 26<sup>th</sup> meeting.

## **5. Other Business:**

Alex W. said he will deliver the RR1 rezoning proposal for the 4/12/23 meeting.

Denver W. **adjourned the meeting at approximately 9:30 PM.**

Respectfully submitted,  
Danielle Peterson, Planning & Zoning Administrative Assistant