

Town of Hinesburg
Planning Commission Meeting Minutes
September 13, 2023

Approved September 27, 2023

Members Present: Lenore Budd, James Donegan, John Kiedaisch, Alison Lesure, John Little, Denver Wilson

Members Absent: Becky Alford, Nicholas Chlumecky, Barbara Forauer

Staff: Alex Weinhagen (Director of Planning & Zoning)

Public Present: Jennifer Decker **(In person)**, Bob Hyams **(In person)**, Meg Handler **(via Zoom)**

Denver W. called the meeting to order at approximately 7:03 PM.

1. Agenda Changes:

None.

2. Public Comment for Non-agenda Items:

None.

3. Minutes from August 23, 2023 meeting:

Denver W. **made a motion, seconded by John L., to approve the minutes from the 8/23/26 meeting as amended. The motion passed 5-0**, with Lenore B. abstaining.

4. Public Hearing – Zoning & Subdivision Regulation Revisions

Rural Residential 1 district rezoning & other changes - Continued from prior meetings

a. Recognition of any new public comments (since August 23rd meeting)

Kate K. emailed additional comments regarding wetland protection and vernal pools.

b. Close public hearing (first opened at the June 14th meeting)

Jennifer D. wanted to confirm her comments regarding affordable housing will be discussed by the Commission at some point, and Alex W. said there will be the opportunity to talk more about affordable housing during the ongoing Bylaw Modernization project (which includes Inclusionary Zoning) that the Commission has been working on.

Meg H. reiterated the concern of moving significant environmental resources to primary status.

Denver W. noted this topic is on the agenda for discussion tonight.

Alex W. recommended the Commissioners vote to close the public hearing for the RR1 proposal.

Denver W. **made a motion, seconded by Lenore B., to close the public hearing for the proposed Zoning and Subdivision Regulation Revisions. The motion passed 6-0.**

c. Continue discussion of revisions based on feedback received:

- Elevation of some resource areas from secondary to primary:

The Conservation Committee recommended elevating core wildlife habitat and interior forest

blocks in the RR1 proposal to primary resources. John K. asked if either category included vernal pool protection and Alex W. said that vernal pools are considered a special kind of wetland and are a separate category to be discussed. Alex W. shared a map of core wildlife habitat (CWH) from the Hinesburg Natural Resources Viewer. Alex W. explained that from a wildlife habitat perspective, the forest blocks on the eastern side of town that are large and contiguous, are good habitat whereas the forest blocks on the western side of town that are in a matrix of agricultural lands and more developed, the interior areas are more useful than the edges, for a variety of reasons. Alison L. asked if the mapped core wildlife areas primarily focused on forest habitat, rather than grassland or shrubland habitat, and Alex W. confirmed that was correct and what the VT Fish and Wildlife department does as well. Alex W. said all of the mapped forest habitat areas are considered secondary resources, which means they are considered when a property is subdivided, and development has to minimize its impact on these areas – which is different from a wetland area which cannot be impacted per our regulations. There was discussion about how making core wildlife habitat a primary resource (instead of secondary) could impact a large parcel of land on the eastern side of town, essentially removing all development potential from a number of properties. Alex W. talked about other methods of protecting these areas, such as overlay zoning districts (like the flood hazard overlay), lowering density allowance, utilizing special design standards that are more specific for how development is planned, etc. Alex W. said that the Commission needs to make sure that constitutionally property owners are not being deprived of their ability to use their property in some reasonable form.

Meg Handler commented regarding open land and noted that there are no guarantees of development when you buy raw land. She added that there could be a multitude of reasons why people end up not being able to develop a piece of property, and that they don't have an automatic right to development when they buy open land. Jennifer D. said she wasn't sure if waiting to discuss this topic was a good idea. After further discussion, the Commission decided to defer this topic to a near-future, separate project.

- Defer to State wetland rules for wetland protection:
Alex W. said the purpose of this conversation is to decide whether to expand the protection area beyond what the State requires, which is a 250 ft buffer area. John L. said he didn't think this was a good idea. John K. noted the Conservation Commission recommended that the vernal pool protection area be increased even beyond what the state recommendation is, and he thought it was compelling. John K. also said that he would assign a higher priority to allowing space for other species (as opposed to humans) at this point in time. Alison L. asked how prohibitive the buffer zones are, and what is allowed or not. Lenore B. added that the actual pool has very little value without the buffer around the pool. John L. is concerned with how and who does the defining of a vernal pool. The Commission discussed this at length.

Jennifer D. said that she supports the science behind the recommendation of a larger buffer zone, and does not think the town should defer to the state rules.

Meg H. said it's important to draw the distinction in the kind of development that leads to affordability, and if you're requiring additional consultants to evaluate the property for certain types of natural features, that makes development more expensive. She said that building a house on raw land is expensive (to buy the land and to put the infrastructure in place for a home), and arguably it should be more expensive because it has a greater impact on the surrounding environment and natural communities/ecology. Meg added her belief that having with strong regulations that require respect for what's already there (i.e., habitat, wildlife, etc.) is necessary.

Bob H. said that the Conservation Commission (CC) has some frustration that their input is not being considered as it should be and suggested that the CC find a time to meet with the Planning Commission (PC) and the Development Review Board (DRB) to see how their input can be more effective and impactful.

Denver W. **made a motion, seconded by James D., to move forward with the wetland protection proposal as drafted. The motion failed 4-2**, with Denver W., James D., Alison L., and Lenore B. voting in favor and John K. and John L. voting against. The Commission will discuss this at a future meeting.

- Zoning district line adjustment on Laster property (Mechanicsville Rd):
This item was not discussed and will be at a future meeting.
- Closing the "donut hole" – making the Buck Hill Rd, Lavigne Hill Rd area Rural 1:
This item was not discussed and will be at a future meeting.

5. Proposed Neighborhood Development Area Designation

Alex W. explained that the Neighborhood Development Area Designation (NDA) is a state offered designation that communities can apply for and have to be approved by the state's downtown board. It's one of five different designations that communities can received (Downtown, Village Center, NDA, Growth Center, and New Town Center), and all are designations to recognize areas that either have an important historic or economic development component for a community, or are areas that are planned for growth and development. Hinesburg has a Village Center designation already, and the parcel where Kelley's Field senior housing development is located has an NDA. The NDA designation provides an assortment of benefits to landowners, developers, and to the town. Alex W. noted that state grant programs (i.e., for a village sidewalk) are competitive, and having an NDA designation gives certain projects priority. The designation also exempts developers of affordable housing projects from the Act 250 process, which will be a cost and time savings. Alex W. said he thinks the town should apply for the designation.

The Commission discussed the benefits of the designation program, in particular the Act 250 permit exemption for affordable housing projects. Meg H., Jennifer D., and Bob H. all expressed opposition to any large development projects being exempt from Act 250 review. Andrea M. submitted a letter

expressing the same concern. Some Commissioners felt that this exemption made sense, and some felt it was problematic. A straw poll was taken and John L, Lenore B., and Dever W. were in favor of obtaining this designation. Alison L. and James D. were undecided and John K. had concerns and was not in favor at this time.

6. Other Business

a. Planning news and announcements

Alex W. and John L. made various announcements.

b. Agenda items for the September 27, 2023 meeting

Agenda items for the 9/27/23 meeting was discussed.

Denver W. **adjourned the meeting at approximately 9:50 PM.**

Respectfully submitted,

Danielle Peterson

Planning and Zoning Administrative Assistant