

Town of Hinesburg
Planning Commission Meeting Minutes
September 27, 2023
Approved October 11, 2023

Members Present: Becky Alford, Lenore Budd, James Donegan (via Zoom), Alison Lesure, John Little, Denver Wilson

Members Absent: Nicholas Chlumecky, Barbara Forauer, John Kiedaisch

Staff: Alex Weinhagen (Director of Planning & Zoning)

Public Present: Jennifer Decker **(via Zoom)**, Margaret McNurlan **(via Zoom)**

Denver W. called the meeting to order at approximately 7:00 PM.

1. Agenda Changes & Public Comments for Non-agenda Items:

None.

2. Minutes from September 13, 2023 meeting:

Denver W. **made a motion, seconded by Lenore B., to approve the minutes from the 9/13/23 meeting as amended. The motion passed 6-0.**

3. Rural Residential 1 District Regulation Revisions

Continued from 9/13/23 meeting – revisions based on public hearing feedback

a. Vernal pool buffer area protection vs. State wetland protections:

Alex W. shared his opinion that perhaps the best way to proceed with this topic would be to clean up the language in the proposal, as John L. suggested, to make sure vernal pools are recognized as distinct class 2 wetlands with a 50-foot buffer (as required by the state), and then take up the question of 250 or 500-foot buffers at a later date, as part of the discussion of resource elevation. Alex W. said he received feedback from a few towns about how they handle the buffer zone – Burlington has a 100-foot buffer; Jericho has a 100-foot no-go zone and an additional 400' beyond that (total of 500'); Montpelier has something similar. Additionally, these towns handle how the vernal pools are identified differently (if they are mapped or discovered). Lenore B. shared some observations she made after reviewing the VT DEC wetlands page, and said she would like to see if the 250-foot buffer in the proposal is approved by the Selectboard. Denver W. said he reached out to Ethan Tapper, and they didn't have a chance to have a conversation, but Ethan did relay to Denver that Kate K. (from the Conservation Commission (CC)) knows what she's talking about. John L. said he believes this would be a great tie-in to the resource conversation that the Commissioner's will be having in the near future. Denver W. said he agrees with Alex's recommendation that the proposal should defer to the state regulations and pick this back up in the near future. Alison L. said that if there is an opportunity to do better, than we should – and she isn't opposed to this also being discussed further during the primary/secondary resource conversation. Alison L. asked if there was a plan to have more vernal pool mapping done, and Alex said he wasn't sure. Becky A. commented that if the recommendation is more conservative, it's easier to make adjustments in the future rather than trying to make corrections after the fact. James D. said he thinks the Commission should put the proposal forward as drafted and revisit this

topic during the resource conservation discussion. John L. reiterated that the definition should to refer to the State regulations so there is no confusion about defining vernal pools.

Lenore B. **made a motion to revise the vernal pool definition to mirror the state definition; forward the proposal to the Selectboard with a 250-foot buffer and we revisit the discussion again as part of a future regulation revision project, focusing on resource conservation. The motion passed 5-1**, with Lenore B., Becky A., Alison L., James D. and Denver W. voting in favor and John L. voting against.

b. Zoning district line adjustment on Laster property (Mechanicsville Rd.):

Alex W. shared mapping of the Laster property, and noted that the official map is for planning and regulatory purposes, outlining where the town anticipates having future community facilities (i.e., roads, sidewalks, trails, parks, etc.). Alex W. explained that the Laster property spans two zoning districts (Residential 1 and Rural Residential 1), and has a lot of development potential because a large portion of the property is in the Village Growth Area (VGA), which has access to water and sewer, and is in an area where the town wants development. Alex W. added that the final build-out for this property is for 50 homes; the first phase, which has been approved, is only for eight. He said those first eight homes will be closest to Mechanicsville Road; however, later development of property will push into the area that is in Rural Residential 1, and Joe Laster has asked if the town could tweak that boundary line so that the area he plans to develop is in the same district (Residential 1). Alex W. said that the master plan included a neighborhood park with facilities and additional trail connections that this development could benefit from, but would also be available to the wider community. Alex W. noted his opinion that this change would make sense, and added that the Development Review process identified this area as having core habitat area, but thought that the plan as it exists, was a reasonable way to cluster development in that corner of the property, in return for seeing the balance of the property conserved which is where the bulk of the core wildlife habitat and steeper slopes are. Becky A. asked if Joe Laster was planning to officially conserve the land, so that no further development could occur there, and Alex W. clarified that it was not purposed as officially conserved land, but that Joe Laster might be amenable to doing so in return for this zoning expansion.

Jennifer D. commented that there should be something legally binding stating that the rest of the area would not be developed. She does not agree with taking up core wildlife habitat with more housing, and thinks that there are more creative ways to build community and conserve energy than building single family homes. She asked if the project was subject to Act 250. Alex W. explained the first phase of the project, which is for eight units, is not subject to Act 250 because the trigger is 10. He said the future phases might be, but it will depend on how long it takes Joe Laster to apply for future phases because Act 250 has a five-year lookback provision, so if the next phase is proposed within five years, it will trigger Act 250 – but if Joe L. waits five years, and then applies for another phase that’s fewer than 10 units, they could avoid Act 250. Jennifer also asked if putting a development in this area would impact the town’s ability to develop a “green cemetery” area of the cemetery and Alex said the area that the Cemetery Commission has been

looking at for that is currently owned by the Town. Alex said there has been discussion with the developer regarding the road that will serve this neighborhood could also serve the back portion of the cemetery, and noted that the plans already show a 20-foot easement for cemetery access. John L. asked to see the core wildlife habitat outside of the planned development area, to see if these plans were just “pinching off” a little spot. Alison L. confirmed that none of this project is subject to the conservation design standards because it is in the RR1 district and in the VGA. Based on a resource map, the portion under question is in the north-west chunk of the core habitat, and connected to other blocks of habitat to the east and south.

Denver W. said that because this development is in the VGA and the town wants to promote growth in that area, he thinks this discussion is streamlining the process to encourage growth where the town wants it to be. John L. agreed with Denver’s comment. Alison L. said because the conservation design standards don’t apply in this area, that’s even more of a reason to look critically at this area where there is core wildlife habitat (and other things) – and she is not 100% opposed to shifting the line, but doesn’t feel there is a good reason right now to do so without more consideration. Denver W. noted that legally Joe Laster could potentially develop anywhere in this property, if he is minimizing his impacts to the resources found there, so regardless of whether the zoning district line is moved, he has that ability. Alex W. encouraged the Commissioners to consider this as an expansion of the VGA and whether it makes sense in terms of VGA planning and to also consider what could be lost in the process (core wildlife habitat on the northern portion of the area). Becky A. thought this is a significant ask (on Joe L.’s part) to move the zoning district line, and wondered why the development isn’t being clustered more towards Mechanicsville Road. Alex W. said that in previous conversations with Joe L. about other options (i.e., multi-unit buildings), his response was that the parcel is very constrained by the natural features of the property (i.e., streams, wetlands, slopes) and he was doing the best he could with the parcel.

Lenore B. asked for clarification of the community facility/park being proposed, and there was some discussion about where it has been proposed on the map and whether it made sense because of the resources found there. Alex W. shared a natural resource map showing core wildlife habitat in town, and pointed out the Laster parcel and noted the wildlife habitat is pretty cut-up. Alex W. then talked about some other examples of where the Commission has proposed zoning district line changes, and the factors they considered when making those decisions. Alison L. reiterated the importance of making these decisions based on policy, and not individual landowner’s wishes.

Jennifer D. said it’s a red flag for her if a developer is deliberately trying to avoid Act 250 and that she thinks the PC should talk with the CC about how to reduce the impacts on core wildlife habitat based on science. She also asked to see the mapped wildlife habitat on the Laster property again, and whether the Agency of Natural Resources (ANR) would object to this change.

James D. said he was not in favor of changing the boundary lines. Becky A. said she wants to hear

about the option of more permanent conservation. Alex W. said he would follow-up with Joe Laster regarding conservation of the remaining acreage. Alison L. said she would follow-up with the Hinesburg Land Trust and CC about the project as well.

- c. Closing the “donut hole” – making the Buck Hill Rd./Lavigne Hill Rd. area Rural 1:
John L. **made a motion, seconded by** Becky A., **to make the entire area part of Rural 1 Zoning District. The motion passed 6-0.**

4. Planning Commission Work Plan & Budget Review

- a. Updated project list and time horizons
- b. FY24-25 Planning & Zoning Budget
- c. Municipal Planning Grant – discuss possible project ideas

This discussion was tabled to the October 11th meeting.

5. Regulation Modernization for Housing

- a. Affordable housing thresholds – sale/rent maximum and income eligibility
- b. Village area design standards applicability

This discussion was tabled to the October 11th meeting.

6. Other Business

- a. Planning news and announcements
- b. Agenda items for the September 27, 2023 meeting

Denver W. **adjourned the meeting at approximately 9:10 PM.**

Respectfully submitted,
Danielle Peterson
Planning and Zoning Administrative Assistant