

Town of Hinesburg
Planning Commission Meeting Minutes
November 8, 2023
Approved January 10, 2024

Members Present: Becky Alford (via Zoom after review of minutes), Lenore Budd, Barbara Forauer, John Kiedaisch, Alison Lesure, John Little, Denver Wilson

Members Absent: Nicholas Chlumecky, James Donegan

Staff: Alex Weinhausen (Director of Planning & Zoning)

Public Present via Zoom: Joe Laster, Kate Kelly, Toby Schulman, Meg Handler, Carl Bohlen, Andrea Morgante.

Denver W. **called the meeting to order at approximately 7:16 PM (due to technical difficulties).**

1. Agenda Changes: None.

2. Public Comments for non-agenda Items: None.

3. Minutes from October 25, 2023 meeting:

Lenore B. **made a motion, seconded by John K., to approve the minutes from the 10/25/23 meeting as drafted. The motion passed 5-0, with Barbara F. abstaining.**

4. Rural Residential 1 District Regulation Revisions:

Alex W. said the purpose of this meeting is to review the updated version of the Rural Residential 1 district regulation revisions, based on the public feedback the Commission has received since opening a public hearing on June 14, 2023 (that ran through the Summer). Alex W. noted that a lot of time has been spent trying to make changes and adjustments based on the public feedback received.

a. Discuss possible Residential 1 district line shift on Laster property:

Alex W. reviewed his proposal to shift the Residential 1 district line on the Laster property on the east side of Mechanicsville Road next to the Town Cemetery. This change would expand the village growth area slightly, adding approximately nine acres to the Residential 1 zoning district. He referenced his memo to the Commission (dated November 2, 2023) that outlines the proposed change, and how it will benefit the community. He also noted that the Conservation Commission is opposed to the proposed change. He reminded the Commissioners that Joe Laster's property is currently split between the Residential 1 (Village Growth Area) and the Rural Residential 1 (RR1) districts. The proposed change would incorporate the full development area, shown in the Laster property master plan, into the village growth area. Joe Laster and his design team crafted the master plan for the 102-acre property as part of the Town's review process for an eight-unit subdivision (phase 1 of the master plan) that the DRB granted final approval to on June 20, 2023, after an approximately two-year subdivision review process.

Lenore B. confirmed that the Development Review Board (DRB) reviewed and approved just the first phase of Joe Laster's master plan. Alex W. said that any proposal within the Village Growth

Area (VGA) on properties over one-acre in size is required to submit a master plan for the full scope of the project, which Joe Laster did during the sketch plan review of his subdivision proposal and that master plan showed the development footprint and where forest conservation would occur. Alex W. added that as Joe Laster went through the subdivision review steps, he decided to move forward with the first phase and receive a final approval for that so construction could begin. At the point when Joe L. is ready to start the next phases of his project, he will need to receive DRB approval, like his did for phase one. Lenore B. asked if the DRB approved the master plan, and Alex W. noted they don't formally approve it but it is a component of their review process, during which the DRB makes comments and discusses the master plan.

Alison L. asked whether the project was under appeal, and Alex W. clarified the appeal has been dismissed by the Vermont Environmental Court. John K. asked about the planned community park that was shown in the master plan. Alex W. explained the evolution of the park location and the reason why the Laster master plan shows it in a slightly different location than the Town's Official map indicates. The proposed change to the park location is due to site constraints (i.e., wetlands) that were better delineated by the Laster design team. Lenore B. asked what the acreage of the proposed neighborhood park would be, and Alison L. asked who would own the park. Alex W. said the assumption is the parks would be owned by the Town and the Selectboard will make a final decision regarding that.

Joe L. said that he wanted to address comments that were made at previous meetings, in which he sensed some skepticism about his intentions for this project. He said that initially he wanted to permit the entire project but was constrained by not having enough water allocation from the Town because the new well hadn't been drilled yet. He said he was not trying to avoid triggering an Act 250 review by phasing his construction plans (which had been suggested at previous meetings), and he noted that part of the project crosses a wetland closer to Mechanicsville Road so he is going through state wetland permitting which has taken many months. Joe L. said he was very surprised to receive the letter in June that said the zoning will be changed because the proposed zoning changes make it so his master plan can't be realized. He reiterated his intention to cluster the homes in the least impactful way to the forest, and by utilizing town water and sewer service the project can avoid having to put in septic and drain fields which will be much less impact to the land. Joe L. shared that a great deal of thought and planning had gone into his proposal, which is very mindful of the resources on the property. Denver W. commented that he appreciated the consideration put into the plans.

John K. asked if there was a plan to legally conserve the specified land (southern and eastern portions of the property) and Joe L. said that was his intention but he didn't know how or when.

John L. asked what would happen if the project ended up needing septic systems and wells, and how much more land would have to be disturbed to accommodate that. Alex W. said that accommodating on-site water and sewer service would be very difficult given the lot sizes of ¼-acre.

Alex W. said this is an opportunity to have a cohesive plan and utilize existing infrastructure in an efficient way to accomplish goals of conservation, clustered development, and affordability. Alison L. said she thinks priorities need to be identified, and she noted by not having a legally binding agreement regarding the conservation of the land, means it could ultimately become developed.

Carl Bohlen, spoke on behalf of the Affordable Housing Committee (AHC), and shared that he walked the land with Joe Laster and Andrea Morgante several years ago. He said he hoped to have Joe L. meet with staff from Champlain Housing Trust (CHT) and Vermont Housing Conservation Board (VHCB) to seek funding to conserve portions of the property, but this all took place during COVID, and the plans were never realized. Carl B. said the AHC would re-engage in these conversations with Joe L., who has also said he wants to see the land conserved. Lenore B. asked who would hold the easement to the land if the conservation effort went through, and Alison L. added that this has been on the radar of the Land Trust for a while.

Tobi Schulman, on behalf of the Conservation Commission, appreciated hearing from Joe L. about his intentions for the project. She asked if the project is untenable if the district line doesn't move, and if the line is not moved and he can only build six homes in the eastern portion of the property, could they be cluster to minimize the impact to the land. Joe L. said the infrastructure and road construction to that portion of the project is extremely costly so he needs a higher density allowance to offset those costs. He added that there would definitely be fewer resources for that community if he can only build six homes, so maybe the park space is lost or there are fewer affordable units or sidewalks – he doesn't know.

Barbara F. asked if Joe L. was intending to live in one of the homes. Joe L. said that he did not have the intention of moving to Hinesburg, but his sister hopes to. Barbara F. noted that she is in support of moving the boundary based on the project material that she has seen and reviewed.

Denver W. agreed with Barbara F., and mentioned Thistle Hill development as an example of a subdivision in town, in a similar location. Denver also noted that if Joe were to build four houses on larger lots on the property, it would have the same amount of disturbance to the land as building 16 houses on smaller lots. Denver said that he felt there were more than enough positive impacts to allow this project to move forward.

John K. pointed out that there would be no impact to the land if no houses were built. He said he was concerned there was too much emphasis on utilizing such a large portion of the property, rather than building in a smaller area closer to the road.

Alison L. said she's noticed the Commission talk about Core Wildlife Habitat often, but wanted to make sure all of the other resources/landscapes aren't forgotten in these discussions. Denver W. added that every house built in Hinesburg has an impact, regardless of how or where it's built, and

it's important for people to have places to live.

John L. reminded the Commission that when the zoning district lines were drawn, it was arbitrary where the line was put.

Alex W. showed a map with core wildlife and forest edge habitats and there was discussion about how to avoid developing in those areas. Alex reminded the Commissioners that Joe L. discovered the property was much more constrained than was originally anticipated when the Residential 1 zoning district was created in 2009.

Meg H. said the Planning Commission should be making fair and equitable decisions, and that she felt the current discussion is too focused on a particular developer, rather than what is best town-wide. Meg said a property with constraints can lead to more creativity in terms of how it's developed, and that the homes being proposed by Joe L. are not going to be affordable for the people in Hinesburg. Meg added that the Conservation Commission (CC) had this same conversation and took a vote and it was nearly unanimous (with one member abstaining) that the CC did not support moving the district line in responses to the request of a particular developer.

Lenore B. asked Carl B. what he thought about the feasibility and affordability of condensing the proposed housing built in the lower portion of the property (closer to Mechanicsville Rd.). Carl said he wasn't an expert, but building any new housing should be considered a benefit. He added the DRB might want more density so maybe Joe L. could address that in the later phases of his project.

John K. asked if the district line isn't moved and remains where it is, would Joe L. still move forward with his development plans. Alex W. said that he wanted to make sure the Commissioners understood how development works, from securing property control (option or purchase), to site evaluations and identification of resource areas, to project design, to cost estimating of necessary infrastructure, to the sometimes multi-year permit review process. Alex said it's a complicated process and many issues can stop a project from moving forward – e.g., lack of permitting predictability, an inability to leverage existing infrastructure, and density allowances.

Joe L. said that Meg H. made some really good points, but he wanted to correct a few things she commented on. He said that the Town made this change in zoning after his proposal had already been submitted. He added that if he had known this change was coming, he might've permitted the whole project and not just phase 1. Joe said that this has been a huge shock to him, and that so much time and money has already been spent on the plans, and it's so much more complicated than just moving homes closer to the road. He added that this project came from his sister's desire to build a home in Hinesburg where her son could walk to both Hinesburg Community School and Champlain Valley Union High School, and the assumption that there were other families who might want the same. Joe L. stated again that his intentions have not changed throughout this entire process.

Alex W. clarified the nuances that come with the different districts, and the density allowances and connection to municipal water and sewer.

Denver W. **made a motion, seconded by John L., to shift the district line shown on the map provided by Alex.** Becky A. indicated that she didn't realize a vote on this would happen at this point. Alison L. said that she wished the Commission could postpone this vote a little bit. The motion failed, 4-3. Denver W., John L., Barbara F., and Lenore B. voted in favor and Alison L., Becky A., and John K. voted against.

b. Review final draft with edits based on public hearing feedback:

No discussion took place. This item was continued to the December 13, 2023 meeting.

c. Possible vote to forward final draft to Select Board

No vote was taken. This item was continued to the December 13, 2023 meeting.

5. Other Business:

a. Planning news and announcements:

Alex W. shared that he attended the Northern New England Planning Conference and heard lots of interesting discussion about wildlife habitat, and a regional initiative called Staying Connected that would be good to discuss when talking about the town plan revision and forest blocks and holding habitat connectivity together.

b. November 22nd meeting cancelled.

c. Agenda items for the December 13, 2023 meeting:

- Bylaw modernization regulation revisions – consolidated draft.
- Community Survey for Town Plan update – review questions.

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

Respectfully submitted,
Danielle Peterson
Planning and Zoning Administrative Assistant