

Town of Hinesburg
Planning Commission Meeting Minutes
December 13, 2023

Approved January 10, 2024

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

Members Absent: None

Staff: Alex Weinhausen (Director of Planning & Zoning)

Public Present via Zoom: Joe Laster, Carl Bohlen

Public Present in Person: Meg Handler, Andrea Morgante

Denver W. **called the meeting to order at approximately 7:04**

1. Agenda Changes: None.

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

3. Minutes from November 8, 2023 meeting:

Denver W. proposed the Commission hold off on approving the 11/8/23 minutes until they are updated to reflect the changes that were discussed at tonight's meeting.

4. Rural Residential 1 District Regulation Revisions:

a. **Consider further discussion and a second vote on a possible Residential 1 district line shift on Laster property:**

Alison L. spoke about the process of making a motion and voting, and wanted the public to be aware that a motion was made and ultimately failed at the previous meeting regarding the line shift. She added that she was not opposed to revisiting the conversation. It was noted that at the time of the vote at the 11/8/23 meeting, there were several Commissioners who wanted more information and discussion regarding this issue. Alex W. said there was nothing prohibiting the Commissioners from taking up the same motion, but wanted to make sure there was a purpose to continuing the discussion and ultimately a resolution. Lenore B. and John K. spoke about some details of Robert's Rules of Order, and Denver W. said that he made the motion as a way to determine the Commissioners stance on the issue.

Carl B. spoke on behalf of the Affordable Housing Committee (AHC), and reiterated their support for shifting the zoning district line, as their primary focus is to bring housing to Hinesburg. Carl B. added that there will be an impact to the wildlife habitat and forested area, regardless of whether the line is shifted. There will be additional impact to the land if the Laster project has access to municipal water and sewer or not, and Carl thought that the DRB would take all of this into account during their review of the later phases of the project. Carl added that he didn't believe there was any reason to doubt Joe Laster's intentions of conserving a good portion of the property.

Denver W. asked if there were additional questions about this topic, and added that he was in favor of making this line change.

John K. reiterated his opinion that he is uncomfortable that the only type of housing proposed is single-family homes, and doesn't believe that they will be affordable for the average person. John K. said he realized the time and effort the developer put into the project, but expressed concern that this zoning issue wasn't taken into consideration earlier in the process.

Alex W. clarified that the DRB reviewed the master plan (at the sketch plan phase), and the issue was that municipal water and sewer service stopped at the district line. He added that the project was designed to comply with the current Rural Residential 1 zoning in terms of density and development potential, so a zoning change was not necessary to make the master plan possible, but a change to the water and sewer service area was. Alex said there were no guarantees made at the time when the master plan was submitted that the service area would change. Alex said that including the Laster property in the municipal water and sewer service area made sense because it's an area that is going to be developed within the Village Growth Area (VGA). Alex said that if the eastern portion of the property is rezoned from Rural Residential 1 to Rural, the density changes and the master plan that calls for 15 units would be reduced to six. Alex also shared that Joe Laster was surprised because while he knew a change would happen in the Rural Residential 1 district, no one knew how and where the density differential would end up. Alex said that Joe L. designed a project that is allowable under the current zoning regulations with an accommodation for the water and sewer service. The proposal that is in front of the Commissioners now changes the eastern portion of the property into Rural the density allowance for the eastern portion of the project, and would ultimately not allow him to build according to his master plan.

Becky A. said she has the same hesitation as John K. that this is a missed opportunity for building affordable, varied types of housing. She added that since there is a housing crisis, she is leaning towards the thought that any housing is good housing. Becky talked about the developer's intent to conserve the land, but there not being a legal agreement in place to do so. John K. thought that maybe a letter of intent from the developer to state in writing his plan to conserve the land is more than a "handshake" agreement. John L. said that he felt uncomfortable imposing a condition that the land be conserved before a decision is made that will impact this property.

Lenore B. said that she read the comments from the AHC and was struck by one of the reasons for their recommendation was that it seemed unfair to change the rules for any project that has come before the DRB and received approval. She pointed out that it's a bit like pulling the rug out from under what's been approved, and that DRB will be weighing in on the subsequent phases. John K. asked if Joe L. received master plan approval, and Alex reiterated that a developer must submit a master plan as part of the review process, which Joe L. did during the Sketch Plan review. He went on to say that projects are approved in stages (i.e. sketch, preliminary or final) and will reference the master plan that was reviewed at the beginning of the project but ultimately what happens is that each phase of a project has details that were not included in the master plan.

Joe Laster said during the second phase of the project the required number of affordable housing units will be built, and he has the expectation that once people move into the homes some will add accessory dwelling units (ADUs) above a garage, for example, which will increase the density. Denver W. said that every additional home on the market contributes in a positive

manner to the overall affordability of housing.

Alison L. said not all housing is created equal, and one of the biggest issues is the consolidation of developers and investors across the country, not just in Vermont. Alison added that the greater number of houses doesn't necessarily shift the market significantly enough to ensure that there is going to be more affordable housing for people. She went on to say that in conjunction with housing, there have to be policies that support long terms affordability. Alison said that she tried to identify the pros and cons of this project, and the central issue for her is the decision to shift the zoning boundary to allow for more housing, without the guarantee it's going to be affordable other than what inclusionary Zoning regulations (IZ) will require. She added that there may be other opportunities that the Town can take advantage of to ensure there is more affordable and diverse housing.

Alex W. said that by adding more housing of any kind will result in a percentage of perpetually affordable home. Alex said that the AHC works really hard to encourage partnerships with non-profit housing developers as a way to get really substantial affordable housing.

Meg H. said the town should not be making specific decisions based on one development because it is setting a precedent. Meg noted that this project eats into a substantial portion of one of the remaining forest blocks/wildlife corridors in that area and wondered are we willing to sacrifice that to gain some extremely expensive houses. Meg added that if you were to look at the region, Hinesburg may not be the place to put more housing at the expense of what little remaining open land there still is. Alex noted that the area of mapped core wildlife habitat ends at the town cemetery and the bulk of the habitat is further to the east and connects to Lavigne Hill Road – and the portion of impacted would be a corner nearest to the cemetery.

John L. reminded the Commissioners that Alex brought this issue to them not Joe L.

Barbara F. wondered whether the Commission was opening a can of worms if they make this change. Alex W. said there have been situations like this that have happened over the years where businesses (i.e., Iroquois Manufacturing, Frost Brewing, NRG) have asked the Planning Commission to make changes, and in some cases, changes were made based on the request of the business/property owner. Alex said the important thing to consider is does it have a benefit to the community and is it consistent with the Town Plan.

James D. said if the remainder of the property was going to be conserved, that would change his perspective but since that is only an interest and not a set plan, he doesn't think the PC should make the change.

Nick C. said he agreed with James D., and also worried about the precedent being set in terms of developing wildlife habitats because when it's gone, it's gone.

Lenore B. confirmed that if the line is left where it is, there is still development potential in the portion of property that is in the Rural 1 district – just lower density. Alex said that by moving the line it will allow for the clustering of the development in one area, and it could result in less impact to the core wildlife habitat than we might see if the rural subdivision design standards were implemented.

Meg H. added that if the PC decides to move the line, it is definitively in violation of the value of preserving a forest block and wildlife corridor and she doesn't believe it would be the right thing to do.

Andrea M. said that the precedent would be set by shifting the values that have already been established by the Town Plan and in the zoning.

Alex said there would be a loss of wildlife habitat if the line is changed, but in the greater context of the proposal it's a very tiny amount of land that is lost versus what is gained overall. He added that you have weigh what you gain by having those 10 acres in a zone that allows for more dense development. He added that he doesn't want anyone to think the PC is trying to eliminate wildlife habitat in Hinesburg because the proposal does exactly the opposite, except in this one area.

Lenore B. made a motion, seconded by John L., to shift the boundary between Residential 1 and Rural 1, as delineated on the Laster Property Map dated 6/26/23. The motion failed 3-6, with John L., Lenore B., and Denver W. voting in favor, and John K., Alison L. Barbara F., Becky A., James D. and Nick C. voting against.

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

Lenore B. made some grammatical suggestions and changes to the order of some definitions. John L. made some suggestions about mapping. Lenore B. asked a density question impacted by the HOME Act, and Alex said he recommended that the PC forward the draft as it is and address the HOME Act updates in the Bylaw Modernization discussion.

c. Possible vote to forward final draft to Select Board

Denver W. made a motion, seconded by John L., to forward the proposal as amended to the Selectboard. Motion Passed 9-0.

5. Community Survey for Town Plan Update:

a. Review 2014 survey questions and results

There was a discussion about how the questions were asked in the previous survey and the value of open-ended questions and how to use that information. The importance of context when asking questions is important, and how to utilize the survey as a way to educate people on certain topics. Diversifying the access to the survey was talked about (i.e., a table at Lantman's, a post on a Facebook group, etc.) and the addition of some demographic information so they can know who answered and who was missed.

b. Discuss survey questions for 2024 survey

The Commissioners will send Alex questions they think should be included, and a small group of Commissioners (Nick C., Alison L., and John L.) will work closely with Alex to put together the final list of questions, with the goal being to send the survey out by the middle of January.

6. Other Business:

a. Planning news and announcements:

Barbara F. suggested the PC work with the DRB to provide feedback regarding regulation updates.

b. December 27th meeting cancelled.

c. Agenda items for January 10, 2024 meeting:

- Bylaw modernization regulation revisions – consolidated draft
- Discuss Town Plan update – issues to focus on

Denver W. **adjourned the meeting at approximately 9:28PM.**

Respectfully submitted,
Danielle Peterson
Planning and Zoning Administrative Assistant