

Town of Hinesburg
Planning Commission Meeting Minutes
April 10, 2024
DRAFT

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

Members Absent: N/A

Staff: Alex Weinhausen (Director of Planning & Zoning)

Public Present: Margaret McNurlan (via Zoom), Dale Wernoff (via Zoom), Jennifer Decker (via Zoom), Peter Erb

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

1. Agenda Changes: None.

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

3. Minutes from March 27, 2024 meeting:

John L. **made a motion, seconded by Lenore B., to approve the minutes from 3/27/24 as amended. The motion passed 5-0.**

4. Public Hearing – Zoning Modernization Regulation Revisions:

a. Brief overview of the proposal:

Alex said the purpose of this proposal to revise the town's zoning regulations is primarily to comply with state law. Alex W. explained that most land-use policy in Vermont is made at the local level, however, in an effort to help address the current housing crisis, the VT Legislature enacted statewide zoning (i.e., the HOME Act) which forces municipalities to allow specific changes to increase housing development. The HOME Act included mandatory allowances for a certain amount of development density in areas served by water and sewer; removed certain limitations on accessory dwelling units (ADUs); allowed duplexes to be treated the same as a single-unit home is without separate lot area requirements; and provisions for multi-unit structures (3 & 4-plexes) to be allowed in more places.

Alex went on to explain that the Planning Commission (PC) hired an outside consultant, *PlaceSense* (paid for by a state grant), to do a thorough review of Hinesburg's zoning regulations with special attention being paid to the goal of housing creation, and finding ways to fine-tune and simplify the existing zoning regulations to make housing creation easier. One of the recommendations from *PlaceSense* (and not mandated by the state), was to reorganize and collapse all of the Village Growth Area (VGA) zoning provisions which helps to simplify that section of the regulations.

Alex said this proposal also updates the Inclusionary Zoning (IZ) regulations to require 15% of a total project (large projects building 10 or more homes) be considered affordable rather than 10% which is what is currently required. Alex noted that the current regulations have a robust a 'la carte density bonus provision within the VGA (where there is municipal water & sewer), that gives density bonuses to developers if they produce desired outcomes, such as building smaller

dwelling, incorporate renewable energy technology, or create affordable units. *PlaceSense* recommended getting rid of the density bonus structure and set the allowed density at the level the town wants, rather than relying on developers to comply with the bonus system. Alex also said that there are some terminology changes to the regulations, and some protected uses that were added (based on state statute).

John L. thought these changes helped to clarify the regulations, which is a good thing.

b. Open the public hearing – community questions and comments:

Denver W. opened the hearing to the public.

Peter Erb said that he thinks Hinesburg has done a remarkable job respecting the working and rural landscape of the town. Peter E. added that the regulations we have for how we develop in rural areas and how we direct development into the growth area to try and make it more affordable and useable are amazing. He said the state ran over some of the work that previous PCs have done, specifically with regards to ADUs, because there is little control over the units and where they are located and how they may impact the landscape and town infrastructure. He said he hopes the town might consider having new ADUs actually be directed towards solving the housing crisis, and not just used as a tourist business, like a bed and breakfast. He added that if someone wanted to put in a bed and breakfast or short-term rental, they should have to comply with the design standards for rural areas.

Denver W. thought that Peter made a good point, and wondered how to differentiate the creation of ADUs and their possible usage as short-term rentals. Alex said it was interesting that this issue hadn't come up sooner, and thought that maybe a discussion about the global issue of short-term rentals could help inform a solution for more control over ADUs. Alex suggested that perhaps applying the design standards to new construction, as well as subdivisions, might help to control this issue but that would be a large change and would require more consideration. Lenore B. agreed that applying the design standards to new construction could help with this issue.

Jennifer D. asked if the PC would also discuss how to discourage too many ADUs being used as vacation rentals. Becky A. said she recently attended a convention about short-term rentals (STRs) and learned that the impact on housing (by STRs) tended to be very concentrated in tourism-focused communities like Stowe and Killington, and had less of an impact in smaller towns like Hinesburg. She added that she frequently looks for STRs for her clients (as a realtor) and finds them in very short supply, especially in Hinesburg. Alex W. said that understanding the need for STRs in a community is something that they should look at. John L. wondered if there was a way to track STRs in Hinesburg through a registry, perhaps by requiring a free permit. Peter E. wondered if the Town were to decide at some point to regulate STRs, would there be places that could be considered pre-existing and not subject to the regulations.

Maggie G. asked for more clarification about the State density bonus (of 40%), and Alex W. explained that in areas of municipal water and sewer, any residential or mixed-use project that has 20% or more of its dwellings as perpetually affordable would be entitled to a 40% density bonus and an additional story above the maximum building height limit. Maggie said she was sorry to lose the bonus for creating smaller dwelling units, and Alex agreed with her. Alex said that the PC could decide to add other bonuses back into the proposal, for items they felt were important, like the creation of smaller dwelling units.

Maggie then asked if there were any projects that utilized the green energy bonus and Alex said that one project did (Meadow Mist). Alex said that since the town is moving in the direction of requiring things like solar-ready roofs, it makes a bonus for renewable energy redundant. Alison L. thought the recent updates to the energy design standards would capture some of the desired outcomes for renewable/green energy. Alex agreed and noted that rather than Hinesburg having a higher standard than the state, the town would rely on the state's system to slowly get to net-zero construction for new building construction by 2030.

Maggie also asked about a new allowed use for storage facility in the village, and Alex explained that while there are several facilities (Lyman Storage and Cedar Knoll Storage) that fit into a pre-existing category (dead storage), Storage Solutions (an existing storage facility) did not and this new allowed use is an effort to clean-up the current regulations so that Storage Solutions is a conforming use. Alex added that because of the Village Area Design Standards, it is unlikely that another storage facility (like Storage Solutions) would be permitted in town, without serious innovation to meet the design standards. Maggie thought that another storage facility would not be the best use of prime village real estate, especially since the town is lacking in light industrial and commercial spaces that employ people. Maggie added that she likes the idea of streamlining the regulations, but would like to encourage smaller homes, if possible.

Dale Wernoff, spoke on behalf of the Affordable Housing Committee (AHC), and reiterated their support for the changes that promote the creation of affordable housing. Dale agreed that the regulation and tracking of ADUs was an interesting point, and he plans to bring this up at an AHC meeting.

Lenore B. asked if there was a place in the revised proposal that addresses Maggie Gordon's comment about offering a bonus for the creation of smaller dwelling units. Alex confirmed the density bonus for the creation of smaller dwelling units was removed from the proposal, but it could definitely be added back into the proposal if the PC wants to do so. John L. noted that the survey results (for the Town Plan update) indicated that there are a decent number of two-person households so having smaller housing options would be good. Becky A. wondered whether the promotion of more affordable housing and higher density would naturally lead to the creation of smaller units. Peter E. commented that the words "unit" and "house" seem to be used interchangeably in this discussion but he thinks they are vastly different, have different connotations to them, and it's important to think about that. Alex W. clarified that in the regulations do not differentiate between unit and house, they are the same. Alex noted that based on previous housing needs assessments, Hinesburg continues to be out of line with the state and county in terms of ownership to rental ratio of dwellings in town, being skewed to the ownership side. The Commissioners supported Alex working with the consultants to put back a bonus for the creation of smaller dwelling units in some capacity.

Alison L. reiterated her desire to have the conservation design standards apply more broadly as something to prioritize with the town plan update. Alex reminded the Commission that they had previously talked about using a natural resource overlay to the town map, so the Zoning Administrator and a landowner could see where building a house or ADU might work best.

Jennifer D. asked for clarification on the nature of bonuses (i.e., a percentage of what), and Denver W. explained it was related to density and if a developer satisfies a specified threshold, they could build more houses. Alex W. provided a mathematical example of how the bonus could

be applied.

Lenore B. asked where some of the content in the purpose statement (Section 1.4) came from, specifically items A through I, and Alex said the consultants suggested incorporating state statute in the purpose statement. Lenore expressed concern about whether the town could comply with some of the objectives, based on how they were worded.

Becky A. asked to what extent the Village Growth Area (VGA) aligns with the municipal water and sewer area, and Alex explained that 100% of the VGA is covered by those services. He added that there are legacy lines that go up Richmond and CVU Roads.

There was a discussion about the existing development density bonus structure, and Alex explained the history behind the a la carte system and how it was applied in certain situations. John was curious what percentage would make sense if the PC decided to put back the bonus for smaller units into the proposal, and Alex suggested a range between 20-30% and not allowing bonuses to be stacked (one or the other). Lenore B. said she was really happy that Maggie G. brought this up, and that the PC is reconsidering the change. Becky A. suggested using some type of visual aid to help people understand how this could impact an area (i.e., what a project would look like).

c. Continue or close the public hearing:

Denver W. proposed the public hearing remain open. Alex said he would put the feedback received during this hearing, as well as several technical updates that are needed, into a memo for the PC to review at their next meeting.

5. Other Business:

a. Planning news and announcements:

Alex shared that the Town applied for and received a grant to rehab the sidewalk in front of Champlain Valley Telecom and the Busier House on 116.

Alex shared that he spoke with the developer of Hinesburg Center 2 (HC2) regarding the denial from Act 250, and how the project could be updated so it can potentially be approved. The major update would be to only have a pedestrian crossing over Patrick Brook, disconnecting HC2 and the Haystack development. Several Commissioners asked additional questions about the impact of HC2 needing to revisit the project design.

Jennifer D. spoke about the denial of HC2 by Act 250, and asked if the PC could do something more to push back to ensure that development doesn't happen in the floodplain. Denver W. said that he thought the issue was being evaluated for environmental impact and suggested that we should trust the process.

Alex said he wasn't aware of anyone that has applied to be on the PC, and reminded the Commissioners that they should be reaching out to their networks, to fill one or both of the vacancies. Becky asked how representative of Hinesburg the PC was, in terms of having representation from differing zoning districts/experiences (business-owner, farmer, large

landowner), and Alex said it seemed like the PC was perhaps missing representation from the Village and the RR1 district.

b. RR1 zoning revisions update – Selectboard discussion & May 29th public hearing:

c. Agenda items for April 24, 2024 meeting:

- By-law Modernization review/hearing continued.

Denver W. **adjourned the meeting at approximately 9:00 PM.**

Respectfully submitted,
Danielle Peterson
Planning and Zoning Administrative Assistant