

**Town of Hinesburg  
Planning Commission  
September 25, 2019  
Approved October 9, 2019**

Members Present: Maggie Gordon, Joe Iadanza, Dan Myhre, John Kiedaisch, Barbara Forauer, James Donegan

Members Absent: Rolf Kielman, Marie Gardner, Dennis Place

Public Present: Johanna White, Scooter MacMillan, John Mazzuchi, Chad Hayden, Arnold Hayden, Tabitha Blais

Also Present: Alex Weinhausen (Director of Planning & Zoning), Kate Kelly (Recording Secretary)

Maggie G. chaired the meeting, which was called to order at 7:00 PM.

**Agenda Changes:**

**Public Comments for Non-Agenda Items:**

Johanna White said the sixth Water Matters event will be on November 7 at 7 PM, at Hinesburg Town Hall. The subtitle of the program is "individual actions for the greater good". Jessica Louiso of Milone & MacBroom will use a Powerpoint to give landowners ideas of practices (from simple to complex) they can use to improve water quality. VCAM has agreed to film it. Johanna White provided the Commission background information on Ahead of the Storm. Lewis Creek Association (Marty Illick and Kate Kelly) are helping to plan. The group plans to borrow a hands-on water table, and will invite surrounding towns.

Dan Myhre asked what is involved with co-sponsoring the event. Johanna said they are not looking for money, but instead for input from the Planning Commission, having Alex W. available, and agreeing this is an important thing. John K. suggested Johanna W. share draft agendas.

Barbara F. **made a motion for the Planning Commission to sponsor Water Matters #6.** John K. **seconded the motion.** The Commission **voted 6-0.**

Johanna White left the meeting.

**Growth Management Scoring System for Water/Wastewater Allocation:**

Alex W. discussed the proposed scoring system and recommendations from the Water/Wastewater Allocation Committee. Currently in town, water/wastewater is doled out on first-come, first-serve basis. There are three categories: special category for use by Selectboard (affordable housing, schools, etc.), two is for village core area, three is for everybody else. The Selectboard requested that this temporary committee form to see if there is a better way to value our water resources more, and find out if we can make the process better support the town plan. In the Water/Wastewater Allocation Committee's review, they found that most communities give allocations on a first-come first-serve basis. Williston is the only one that has a growth management system, that limits the amount given out at a time, and prioritizes areas. The Committee used this basic structure, and proposed that the Selectboard would place allocation in certain pots, with the biggest amount given to the DRB, and the DRB would make decisions once a year. The town would need changes to water/wastewater ordinance and zoning regulations. The Planning Commission's job is to review, and see if they would like to propose a zoning change to support this.

Dan M. said they did a lot of research to come up with a good system for Hinesburg. There were good discussions along the way, and he is excited to have the Commission look through and give their feedback.

John K. asked if we'd still have the three categories Alex W. described. Alex W. replied he didn't think so – likely there will still be one similar to category 1 (Selectboard), but categories 2 & 3 would likely change. In the scoring system, there was discussion about how to prioritize areas closer to the village core, and this is included in the scoring system. An exemption or shortcut for small projects is important, so this might be placed outside the scoring system and Selectboard pot (e.g., subdivisions of 3 or fewer lots or 1000 gallons a day or less). The Selectboard will have to decide this.

James D. noted that this is separate from our open space requirement. He felt developers shouldn't get points for something they are required to do, it should be for above and beyond. Alex W. said the Water/Wastewater Allocation Committee wanted these points to accrue for above and beyond, and the PC should confirm that there's no overlap with the open space requirement. Dan M. said that the Water/Wastewater Allocation Committee had this discussion around energy efficiency.

Dan M. said one point to discuss was how much allocation we have left, and asked Alex W. if this has changed at all since the document was written. Alex W. displayed the page of the report that showed what water capacity is left. The allocable capacity was about 3,091 gallons per day. Since then, that has been recalculated, so right now, we have 11,893 gallons per day to allocate. However, that is still a small number that can't meet the requirements of the proposed developments. One single family home would use 210 gallons per day for wastewater and 420 gallons per day for water. So, this would cover 28 houses per day.

John K. asked about the Blomstrann/NRG proposal. Alex W. said they withdrew their site plan application, but their water allocation is still active (for 3 years). They've been assigned 3,100 gallons,

plus 1,350 gallons = 4,450 gallons. Since this was done, there's been another sketch plan review (Donovan-O'Donnell) along Mechanicsville, and they expect them to come forward to request 9-10 units worth of allocation. Alex W. continued that the status of the new well is that at the last Selectboard meeting, Haystack Crossing LLC gave the town the well and the easements to connect to the treatment system. There is an agreement between Blackrock and the town to drill the well deeper, and hopefully we will know by the end of the year if there is enough capacity to bring it online or if we will need to drill another.

Barbara F. asked if we are in a wastewater quandary too. Alex W. said the capacity was nearly 40,000 gallons per day (this is not enough to meet the standards for the state, or the full increase in proposed development, but we have more capacity here than in the water department). Even if we don't do any more hook-ups today, we will have to make these improvements to the facility. John K. asked if developments can move forward without these improvements. Alex W. said the permit for the town from the state said you are permitted for the next 5 years, and you can continue to add people to the system in that time, but you have to show us steps towards improvement. The town has submitted plans to the state. The town is hoping to go to a bond vote for that upgrade in the spring.

Maggie G. clarified that the DRB will review allocations once a year. She wondered if this could delay projects; Alex W. said there was acknowledgment that this could delay them. Joe I. asked about the new development chart and why Hinesburg is so much higher than other towns. Lenore Budd reviewed materials to create these charts. From a user cost perspective, we are an expensive town – this is not unusual, as we are a small number of users. The new development cost chart shows that we are well above other towns. The Selectboard wanted those users to build up a fund. Carl Bohlen is concerned that we may be shooting ourselves in the foot, driving housing costs up.

John K. asked what staff or committee person will manage, once a project is approved, that they're doing what they said they'd do. He also asked if you could get fewer points than what is shown on list. Alex W. said some scoring items are discrete (yes or no), and others are flexible based on DRB's decision. The Water/Wastewater Allocation Committee envisioned applicants making their proposal, and planning/zoning staff making a recommendation. John K. asked about the timeline. Alex W. replied that in the new system, a developer would go to the DRB to propose a project, then wait for the once a year scoring opportunity, to see if the project can progress to the next phase of DRB review. The allocation is good for 3 years. The Water/Wastewater Allocation Committee felt the DRB was the best board to make these decisions, so zoning regulations will need to have the scoring system, with some additional language referring to the ordinance.

Maggie G. asked about the process (vetting and holding a hearing). Alex W. said they'd like to have everything effective July 1, 2020 (therefore, hold a public hearing by end of this year). Because there won't be new water online next year, it could potentially be later. Joe I. said the later we do this the more things we potentially disrupt things already in process. Alex said that to meet a November hearing, the Commission would have to have this put together by the second October meeting.

John K. and Joe I. felt the Commission should take their time on this, maybe February timeline. Barbara F. asked if this will speed up the process; Alex W. replied it would not (it will be the well that holds us up, as this will also require a bond vote; unknown if this will be at Town Meeting or in November elections). It will likely be at least 1.5 years until we see new water capacity.

Alex W. replied to John K.'s earlier question: the town will have to do that (enforce), but the experience in Williston is that they haven't run into problems on that front. Joe I. agreed that we should make sure this is in the regulations.

Maggie G. asked about Mitchel C.'s feedback. Alex W. said he hasn't heard about this yet, nor has the DRB. Dan M. mentioned that if we had this in place in the past, there wouldn't be a lot of projects presented per year. Alex W. said one of his worries is that there may not be a lot of competition among projects. The Water/Wastewater Allocation Committee addressed this by setting a floor (minimum score they need to meet).

Barbara F. asked about other states that have similar systems. Dan M. said they looked at other states and nation-wide, but found that most were on a first-come first-serve basis. The Commission discussed the process of coming up with these categories.

John Mazzuchi, Chad Hayden, Arnold Hayden, and Tabitha Blais entered the meeting.

Maggie G. suggested they come up with a plan for scheduling. Alex W. asked the Commission to come to the second meeting in October with questions and suggestions on how to improve it. The minutes from the Water/Wastewater Allocation Committee meetings are available on the town website.

#### **Contractor Yard Regulation Revisions:**

Alex W. explained that there is an action item in the town plan to review the contractor yard regulations. It can be difficult for a contractor to move a yard due to required setback distances from roads, etc. A contractor's yard and vehicle repair is considered a special home occupation. A contractor's yard is a business that has heavy equipment and does work off site. There is a definition tied to the weight of the vehicles. You have to live on the property to do this.

Alex W. said the Planning Commission could form a sub-committee (3 Commissioners) to review and come back to the full committee with recommendations. Maggie G. said this is a way to fast-track this. John K. asked if there are particular problems associated with these two uses. Alex W. said when Peter Erb was Zoning Administrator, he worked with someone who had a hard time relocating a contractor's yard due to setback distances (you have to have an exceedingly large property and be away from neighbors). Alex W. said he understood the rationale for these regulations (to buffer neighbors from noise and exhaust), but stated that these businesses are critical to rural VT.

Arnold Hayden and Chad Hayden introduced themselves. John Mazzuchi, for Chad, is also a Hinesburg resident. He felt it would be useful to talk about Chad's situation, on North Road and Hayden Hill Rd. John M. reviewed that Chad has a 3-acre parcel, and he's been operating for 7 years, and never had complaints from neighbors. He put up a sign in front of the business, and realized he needed a permit to operate the business. The requirements of being 600 feet from any neighbor's house means that many houses around (~10) would be covered up. Arnold Hayden said this would require a 40 acre lot to meet the requirement. John Mazzuchi continued that one dimensional requirement is 200 feet from lot line. The smallest possible area, therefore, would be 400 x 400 sq. ft., which is 3.67 acres. It would be impossible to have a contractor yard on a 3 acre lot, therefore. They would be willing to help the sub-committee's work. Arnold Hayden said if they are moved to up Hayden Hill further, they can't drive road during mud season. Alex W. pointed out that grandfathered yards exist – if these are ok with neighbors, why do we need to have a different set of regulations?

Alex W. displayed the area in question and drew a circle out 600 feet. Maggie G. and Arnold H. felt it would be hard to find this size open land that would be affordable.

Marie G. had expressed interest in being on the sub-committee, and Maggie G. also would like to. She asked if the Commission was in favor of forming a sub-committee; they are. Dan M. volunteered to join the sub-committee as well. Alex W. will also help.

Maggie G. will discuss the timeline with Alex W. and the subcommittee. Alex W. said this will still take time to warn the public hearing, send to Selectboard, then they would need to warn a public hearing, before action. Alex W. said the earliest possible date for changes is likely late spring.

John K. asked if their business is being affected. Alex W. said the Zoning Administrator is issuing a notice of violation; Alex W. plans to go before Select Board to argue on the Hayden's behalf. This has been in the town plan for many years, and it relates to a type of business that is extremely important to the community.

Arnold Hayden asked what other things will they address besides setbacks. He said the regulations say you can only have 3 pieces of equipment or 2 trucks. Alex W. clarified that this is what puts you into the category of a contractor yard, and suggested an overall look at this – including lot size, and exemption number of vehicles that puts you into contractor's yard vs traditional home occupation. Dan M. asked the Haydens if there are other parts of the regulations that affect their business. Arnold Hayden said it is the tonnage. The Commission will review everything – acreage, lot size, tonnage, etc.

#### **Municipal Planning Grant Endorsement:**

Alex W. reviewed that at the last meeting the Commission discussed two ideas for the municipal planning grant application. The Selectboard said the design standards application would be best given the cost parameters of grant. Maggie G. will need to sign to endorse.

John K. **made a motion to pursue the design illustrations consultant for the Municipal Planning Grant.**  
Joe I. **seconded the motion.** The Board **voted 6-0.**

#### **Minutes of September 11 Meeting:**

James D. **made a motion to approve the minutes of September 11, 2019 as written,** and Barbara F. **seconded the motion.** The Commission **voted 6-0.**

#### **Other Business & Correspondence:**

Alex W. said the Select Board discussion of the Official Map was bumped until the first meeting of October (Monday, October 7), but could change again. The Planning Commission's public hearing for this was in February; if the Select Board doesn't hold a public hearing and approve it by February, it is considered a denial. Maggie G. suggested an email to everyone to update them on the schedule.

Alex W. said he was in DC for a Planners' Conference, and he was able to meet with staffers and advocate for good planning.

James D. asked about other towns' water & sewer fees (for example, Middlebury, which is quite low). Alex W. suggested that Middlebury College is a skewing factor there. James D. asked why would anyone have a business here, given how much cheaper it is to go to Middlebury? Alex W. said current fees could increase, given wastewater upgrade costs.

The meeting adjourned at 8:55 PM.

Respectfully submitted,

Kate Kelly, Recording Secretary