

**Town of Hinesburg  
Planning Commission  
December 11, 2019  
Approved January 8, 2020**

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

Members Absent: Dennis Place, Rolf Kielman

Public Present: Robert (Bob) Hyams, Jeff French, Bill Marks, Ken Brown, Catherine Goldsmith

Also Present: Alex Weinhagen (Director of Planning & Zoning)

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

**Joe Iadanza Recognition:** Maggie G. acknowledged that this will be Joe Iadanza's last meeting as a Planning Commissioner, and recognized his 22 years of service to the Town – 5 years on the Zoning Board of Adjustment and 17 years on the Planning Commission (PC). Maggie G. thanked Joe for his leadership, including many years serving as chairperson of the Commission. The Commission presented Joe with various tokens of appreciation including an apron crafted by Barbara F. that everyone signed. On behalf of the Town, Alex W. presented Joe with a framed photo of a foliage/trail scene on the Russell Farm.

Joe I. said it was an honor to serve with everyone, and that although he has had some second thoughts about leaving the Planning Commission, he feels it is in very good hands. Maggie G. noted that the work of the Contractors Yard subcommittee (that Joe served on) is likely not over yet, and that Joe's continued participation would be welcome. Joe I. said that although he is not signing up for another term on the Commission, he will still be around to provide feedback and perspective.

True to form, Joe I. brought gourmet, homemade desserts to share with everyone at the end of the meeting. After donning the apron for pictures, there was a hearty round of applause.

**Agenda Changes:** None.

**Public Comments for Non-Agenda Items:** Bob Hyams (Conservation Commission) let the PC know that a consultant was selected and the natural resource inventory project is underway. He anticipates reaching out to the PC in early 2020 when there are some preliminary results to review and comment on.

Speaking on his own behalf, he recommends that the PC consider further study and positive actions on the management of riparian areas along Patrick Brook and other feeder streams that lead to the LaPlatte River. He noted that the stream coming from CVU that flows around the Town's Bissonette Recreation Area is incising within its unnaturally constrained channel, which is causing a lot of sediment to end up in the LaPlatte. He thinks a larger effort is needed to address riparian issues along Hinesburg's waterways, and he recommends that this be on the PC's radar screen. Alex W. suggested that this sounds like an excellent project for the Conservation Commission to tackle in partnership with the watershed protection groups that are active in Hinesburg (e.g., Lewis Creek Association). Alex W. also suggested that perhaps we could also seek assistance from the Chittenden County Regional Planning Commission via their annual unified work program, proposals for which are due each January.

**Official Map – Review Select Board Change:** Alex W. explained that the Select Board held a public hearing on December 4 on the Planning Commission's proposed revisions to the Official Map and the Zoning Regulations. He said that just like at the March 27 Planning Commission public hearing, the bulk of the public feedback was in relation to proposed community facility #34, which is located on lot 15 of the Commerce Park subdivision (on Commerce Street), where the Hannaford supermarket was previously proposed. He said that at the conclusion of the hearing, the Select Board voted to remove community facility #34 from the Official Map revision proposal. Jeff French clarified that this motion passed on a 3-2 vote with himself and Merrily Lovell voting against the motion. Alex W. noted that Merrily voiced her approval of removing community facility #34 from the Official Map, and that her vote against the motion stemmed from other reasons (discussed below). Because the Select Board modified the proposal, they are required to provide public notice of the revised proposal and hold another public hearing before they can take action to adopt it. That public hearing will likely be in late January or February – i.e., date still to be determined.

Alex W. noted that pursuant to State statute, when the Select Board makes a substantive change to a PC proposal, the PC is supposed to submit a report outlining whether the revised proposal is still consistent with the Town Plan. He said that he drafted a report on consistency with the Town Plan ahead of the PC's March 27 public hearing, and that this report should be updated to reflect the new proposal. Beyond the statutory requirement for a report from the PC, the Select Board expressed appreciation for the PC's work, and a desire to hear from the PC on the revision.

Two other related items were discussed at the Select Board public hearing. First, Merrily Lovell noted comments submitted by Andrea Morgante that recommended reconsidering Official Map elements on the west side of Route 116 within a flood hazard area. Alex W. paraphrased Andrea's comments, saying that she was concerned that showing a future public road in the flood hazard area and across Patrick Brook essentially encourages filling and development in this area, and that this should be reconsidered. Alex W. said that this also made Merrily concerned, and drove her vote at the Select Board meeting. Second, Jeff French expressed a desire to see the Zoning Regulations changed to apply a 20,000 square foot limit on the size of retail buildings in the Commercial Zoning District. This limit applies to the other two village growth area zoning districts where retail uses are allowed (e.g., Village and Village Northwest).

districts), and Jeff felt that if community facility #34 was removed from the Official Map, applying this retail size cap to the Commercial District would be a good compromise and achieve greater consistency in the regulations and future development. Alex W. said that the Select Board was also interested in hearing the PC's thoughts on these two related issues, even though the Official Map and Zoning Regulation revisions don't address them.

John K. said that he supports Andrea Morgante's points. He feels community facility #14 and #15 (future road and Patrick Brook crossing) should come off the Official Map. He said that Andrea also suggested generalizing items on the Official Map, in particular, the location of the future sidewalk along Richmond Road. He supports making this change as well, noting how difficult this sidewalk project will be given the site constraints, and the location shown on the map (i.e., north side of the road) may not be ideal for the entire project. He also expressed support for Jeff French's suggestion that the 20,000 square foot retail size cap be extended to the Commercial zoning district. He said he will not support the Official Map revision proposal if these issues are not addressed.

Maggie G. disagreed, and feels that the Official Map revision and Zoning Regulation revision should move forward. She said that there are a lot of important changes in the package of revisions, and that the two issues that were raised (flood hazard area development; 20,000 square foot retail cap) can be discussed and potentially addressed in the future. She said both of those issues would require substantial discussion and public feedback, and that this can be had going forward, but should not block the adoption of the current proposal, which the PC started work on over a year ago in 2018. With that said, she expressed a desire to retain community facility #34 on the Official Map for multiple reasons. She continues to think it is an appropriate place for a future community gathering space given that it is in the center of the overall village growth area.

Marie G. agreed with Maggie. Marie G. said that we need to move forward with what has been discussed. She also thinks the flood hazard development issue and the 20,000 square foot retail cap issue warrant discussion, and that that discussion can happen going forward. She noted that these are not new issues, and that the Planning Commission has discussed them in the past.

Joe I. noted that the Official Map does not compel new development. Instead, it simply reserves area for potential future community use. He recommends keeping community facility #14 and #15 on the Official Map, as these future road connections are important to keeping Hinesburg's village connected, and not a one road (Route 116) village. He said that if not a connection here, then where. He noted that several years ago the Town adopted new flood hazard area development regulations with very stringent safeguards for any development in a flood hazard area. He agrees with Maggie and Marie that the 20,000 square foot retail size cap is a separate issue that will need public input, and should not be addressed as part of the current proposal. He noted that he has been strong supporter and defender of a community facility on lot 15 in Commerce Park – as shown on the current Official Map and as revised as community facility #34 on the PC's Official Map revision proposal. However, he said that he is OK with the Select Board's decision to remove community facility #34 based on public feedback and the

Select Board's role as the Town's legislative body. With that said, he said that he would ask that the area lost for future community facilities be made up elsewhere, as part of a future revision to the Official Map. He said he made the same argument when the PC decided to reduce the size of community facility in response to public feedback. Alex W. noted that the PC increased the size of community facility #36 as part of that decision.

Barbara F. said she feels it is important to get back to the discussion of the 20,000 square foot retail size cap. She said she also observed the Halloween storm event, and the resulting temporary ponding of water in the flood hazard area in and around Farmall Drive. She noted that she had conferred with Alex W. about this, and that Alex had said there were deficiencies with the way the water and sewer line extension and its related berm had been installed by a developer – i.e., deficiencies that contributed to the ponding. Alex W. clarified, saying that the water and wastewater line extension was reviewed and installed per the approved plans. However, there were two deficiencies with the project.

First, not enough culverts were installed under the berm. Only one culvert was installed, and while this provide drainage over time, it results in unnecessary ponding after large storm events. Alex W. observed the significant ponding each day after the Halloween storm, and noted that it fully dissipated by the evening of Sunday, November 3 (approximately three days after the storm). He said more culverts under this berm are needed. Second, the project was never reviewed for the fill (i.e., the berm) it added in the flood hazard area. He said this is a compliance issue that he's been working with the developer on for some time.

Alex W. went on to describe the history of the Hinesburg Center Phase Two development (currently in the permitting process), which proposes to fill and develop in a portion of the flood hazard area – west of Kinney Drugs and north of the Farmall Drive neighborhood. He noted that the developer hired a reputable consulting firm (Milone & MacBroom) to analyze the impacts of the proposed development in flood hazard area per the Town's zoning regulations and "no undue adverse impact" standards. This study indicated that the project would not increase flooding upstream or downstream of the project, and would not have an adverse impact on existing or proposed development or water quality. Alex W. noted that the road connection across Patrick Brook is on the current Official Map, and was part of the overall package of village growth area zoning changes passed in 2009. Joe I. noted that this "West Side Road" idea actually pre-dated the village growth area zoning changes. Alex W. concurred and said it was being studied when he started work in 2002.

Bill Marks said that we have better information now about flood hazard risks and the frequency and intensity of storm events. He said he might be OK with the Official Map revisions, but he recommended further discussion about the flood hazard issue.

Ken Brown recalled the history of the 20,000 square foot retail cap, and the discussion back in 2009 when he was on the Select Board as the village growth area zoning changes were adopted. He remembered questions raised about why the Commercial zoning district had different use allowances

from the rest of the village. He remembered conversation about why the 20,000 square foot retail cap didn't apply in the Commercial district. He said at that time the retail size cap wasn't added to the Commercial district because no one thought anything that large could be built there – particularly on the undeveloped lot 15 due to soil stability issues and wetland constraints. He said we should have extended the size cap to the Commercial district then, and we should certainly deal with it in the near term, and not let another 10 years go by with it not addressed.

Jeff French explained his perspective. He said he wants a consistent standard for retail building size across the village area. He said that the community might have avoided the Hannaford project controversy if we had that consistency with a 20,000 square foot retail size cap. He said that he also sent Alex W. an email with links to information from other communities on design standards to regulate franchise architecture, signage, etc. He recommended that the Commission's work on architectural and streetscape design standards consider regulations to address franchise/corporate construction.

Marie G. noted that the Commission is working on this, and that she expects that the design standards being drafted will address this. Maggie G. said that each Commissioner reviewed standards from other communities, and that standards related to franchise architecture are in the mix. Alex W. said that the Commission has had several discussions, and is waiting for him to prepare a first draft of the design standards for further review. He said that the 20,000 square foot retail size cap was not part of those discussions, but that it would be a logical extension of those, and that it could potentially be addressed in this package of zoning revisions. There was continued discussion about franchise architecture, including some history of Dollar General's past interest in locating in Hinesburg.

Alex W. summarized the main takeaways from the conversation in terms of the Commission's feedback to the Select Board:

- 1) The removal of community facility #34 should be balanced by adding area for such community facilities elsewhere. The Commission will likely take this up in a future Official Map update.
- 2) The Commission plans to include a discussion about the 20,000 square foot retail size cap in their current project to update architectural and streetscape design standards.
- 3) The Commission feels that further discussion of the planned community facilities and development in the flood hazard area is warranted, but should not delay the adoption of the proposed Official Map revisions.

Alex W. said he would draft the required report with the Commission's response to the Select Board changes, and present it to the Commission for review at the January 8 meeting.

**Contractor Yard Subcommittee Update:** Maggie G. said due to time constraints, this agenda item would need to be discussed further at the next meeting. James D. asked for clarification on the first part of the draft that defines a contractor's yard. He asked for clarity on how larger vehicles over one ton would be treated. Members of the subcommittee (Maggie, Joe, Marie, Dan) explained that their intent

was to allow smaller operations (without large vehicles) to be reviewed as simply home occupations, and not as a contractor yard. Alex W. said the wording needs some revisions to make sure that is clear.

**Minutes of November 21 Meeting:**

John K. **made a motion to approve the minutes of November 21, 2019 as written**, and Barbara F. **seconded the motion**. The Commission **voted 6-0** with James D. abstaining.

**Other Business & Correspondence:**

Alex W. noted that he presented the proposed FY21 Planning & Zoning Department budget to the Select Board on Monday (December 9), earlier than originally planned. He indicated that he included funds for local match to make it possible to apply for a municipal planning grant in 2021 as well as a project through the regional planning commission's annual unified work program.

Alex W. noted that our 2020 municipal planning grant application had been awarded full funding in just the last week or so. As such, we will have funds to hire a consultant to assist with graphics and illustrations to accompany the architectural and streetscape design standards we are working on.

This is the only meeting in December. The next meeting will be on January 8, 2020.

The meeting adjourned at 9:15pm.

Respectfully submitted,  
Alex Weinhagen, Director of Planning & Zoning