



Select Board

Town of Hinesburg
10632 Route 116 Hinesburg VT 05461
802.482.2281 | hinesburg.org

Meeting Minutes – February 4, 2019

- Draft -

Attending the Meeting: Phil Pouech, Aaron Kimball, Merrily Lovell, Tom Ayer, Jeff French, Renae Marshall, Joy Dubin Grossman and attached list.

Meeting called to order at 6:30 p.m.

Consider a Motion to Enter Executive Session Under Provisions of 1 V.S.A. § 313(a)(1)(E),(F)&(a)(2)

Andrea moved to go into executive session for legal matters as premature disclosure could compromise the Town's position under the provisions of 1 V.S.A. § 313(a)(1)(E),(F)&(a)(2). Second by Tom and approved with 4 yes votes. (Merrily had not yet arrived)

Andrea moved to include Renae, Joy and David Rugh, Town Attorney in executive session. Second by Tom and approved with 5 yes votes.

Andrea moved to come out of executive session, second by Tom and approved with 5 yes votes.

Phil explained the executive session was concerning the Hannaford issue. The Town has a motion with the court to stay regarding the timeline to make a decision on the Town map which is still pending. There are four other motions with the court on the issue. The timeline required a decision for going ahead with the condemnation by February 14. The Board is looking at meeting next Monday the 11th to make a final decision based on any action from the court. There will be three choices 1) move forward with proceedings for condemnation, 2) not to move forward, or 3) do nothing and let the timeline run out.

Agenda

No changes.

Public Comment

No public comment.

Board, Committee, Commission Interviews

Bret Golann, applicant for a position on the Trails Committee, spoke of his personal use of the Town trails as well as his experience as a trail crew supervisor. Tom moved to appoint Bret Golann to the Trails Committee for a term ending 1/01/22. Second by Aaron and approved with 5 yes votes.

Will Eggleston, is an applicant for the Revolving Loan Fund Committee. Will is employed by the Bank of Middlebury and works out of the Hinesburg office as a commercial loan officer. Will is a resident of Charlotte but Hinesburg residency is not a requirement for this committee. Tom moved to appoint Will Eggleston to the Revolving Loan Fund Committee for a term to expire 1/01/2023. Second by Merrill and approved with 5 yes votes.

Discussion of Lot 15 Committee Work from 2011

Andrea provided the Board with the following information about the official map and Hannaford application.

May 2009 Official map adopted after extensive research and public hearings by both the PC and SB and VSC Inclusion of LOT 15 was decided due to its central location within the village and proximity to both planned residential growth and existing commercial activities and the understanding that there could be limited development of the parcel due to wetlands and other constraints as evaluated by several other potential developers. The 3 town boards all agreed that there could be limited development of the lot with a combination of private/commercial and public uses or possible all public use including a public building. The Official Map never prescribed that it was an either or situation. The boards had envisioned that some development of the lot was possible and it was intended that when development was proposed there would be an opportunity to work with the developer to accommodate some type of public facility either built or park.

November 2010 Hannaford's submits application for development of Lot 15.

December 2010 SB learns of its possible role in the Hannaford application process because of Official Map designation and decides it needs information related to Official Map issues and discusses need for group to gather this info in case DRB makes decision that Official map is not accommodated by the applicant and Select Board would need to act within 120 days. Lot 15 Committee formed and gathers information from February 2011 until January 2012 and presents to the Select Board in January 2102. Three alternatives for development of the site including 2 with buildings and parking. Committee is disbanded and information is not shared with DRB.

DRB/Hannaford review is from January 2011 until November 2012. Applicant proposes uses and legal language to accommodate concerns of the DRB regarding the Official Map. DRB approves the project and Select Board is not required to take any action. Application is appealed to Environmental Court and then Supreme Court on other issues and then ends up back at DRB as new application in January 2018. New application contains different and much more restrictive legal language to accommodate the Official Map than had been presented in the first application. DRB hearings are held until August 2018 and DRB decision denies the project in

November 2018 on basis of not accommodating the Official Map, Stormwater and Traffic. Because of the denial based on non-compliance with Official Map the State Statute regarding the Official Map is triggered and Select Board has 120 days to decide if it is in the town's interest to pursue acquisition of all or part of Lot 15 and begin Condemnation Hearings.

Phil said the timeline and information shared by Andrea was helpful in understanding why we are where we are today. Phil also noted depending on the Board's decision conceivably the Town could be purchasing just a portion of lot 15 to accommodate the Town map.

Dawn Francis thanked Andrea for her service to the Town on the Select Board for so many years.

Dawn said she quickly looked at the lot 15 report when she found out this was on the agenda. Dawn continued by making the following statement (see attachment).

Keith Roberts asked if he understands correctly that the Board is going to make a decision in the next 10 days whether to take lot 15 by eminent domain or not? Phil said that is a fair understanding, the Board is waiting to hear from the court on the motion, if that does not happen he will be looking for the Board to make a decision. Keith asked about the motion to stay that is in the environmental court. Keith said while he trusts the process he questions the reference to things that happened years ago and have not been updated and may even have been ignored based on what Dawn said. He feels it would be irresponsible to make a decision within the next 10 days on lot 15 with what he feels are an undeveloped and incomplete set of facts. He advocates not to rush this decision. He went on to say that lot 15 is a commercial property in the middle of the village and the community decided we want to have a vibrant village center. He does not feel taking the land by eminent domain is the correct move.

Lenore Budd asked if the Board if they know what it would cost to purchase. Phil said there have been discussions and there would need to be an appraisal.

John Little asked where the purchase funds would come from if the Town has 10 days to do this. Phil said the Board would not have to make that decision in the 10 days. Phil explained the issue is that by February 14th there needs to be a decision if the Board will deny the applicant based on the Town map.

Mary Beth Bowman asked if it needs to be the whole lot and Phil said it does not.

Jeff French, Planning Commission member, said the Planning Commission voted to support lot 15 to be on the official map which is a regulatory document and has existed long before the Hannaford application.

Continuation of Committee Appointments

Nathan Fry was present to apply for a position on the Village Steering Committee. Nathan expressed his interest to increase accessibility and transit and improve business opportunities in Town. Merrily

moved to appoint Nathan Fry to the Village Steering Committee for a term to expire 1/01/2022. Second by Aaron and approved with 5 yes votes.

Question and Answer Period for Residents Regarding the FY 20 Proposed Budget

Phil noted the Board has gone through the budget and feels they are presenting a good budget to residents. Renae said the FY 20 budget represents a 2.79% increase without the \$50,000 in the warned article.

Johanna White addressed the danger of the current configuration of the intersection and light.

Consider Approving 2019 Certificate of Highway Mileage

Tom asked if the “connector road” is included. Renae said it is not and it is still debatable how the road will be used.

Tom moved to approve the Certificate of Highway Mileage for the year ending February 10, 2019. Second by Andrea and approved with 5 yes votes.

Town Administrator Report

- Renae advised the Board the Certificate of no appeal or suit pending for the grand list needs to signed by board members.
- February 1st was the wastewater upgrade committee meeting, they plan to visit South Burlington, Waterbury and Quechee town plants to talk to the operators and view the plants.
- There are some staff issues with one member of the highway department out sick and a member of the water and wastewater department out on military leave which leaves the Town with some staffing shortages. Tomorrow morning the firm that will provide backup coverage will be meeting with water wastewater employees for training on the system.
- Andrea asked about updates on the well. Renae said Cindy Sprague will start her work in the spring. Andrea asked when it will be tested for potential pollutants. Renae said that will be done soon.
- Joy said they will sending out approximately 350 letters about well source protection.

Select Board Forum

Tom reminded us of the Conservation Commission’s winter gathering at Geprag’s park on the 10th.

Aaron reported that the Police Chief search committee will bring the names for committee members to the Board at the next meeting for appointment.

Aaron asked about the Village North Sidewalk bid posted through February 7th. Renae said bid opening is on the 7th and she will report on the outcome at the next meeting.

Review Minutes from January 28, 2019

Andrea moved to approve the minutes as amended, second by Merrily and approved with 5 yes votes.
Consider Approving Warrants.

Aaron moved to approve the warrants, including payroll, by the Town Treasurer. Second by Andrea
and approved with 5 yes votes.

Andrea moved to adjourn at 9:15 p.m., second by Tom and approved with 5 yes votes.

Respectfully submitted,
Valerie Spadaccini, Clerk of the Board

February 4, 2019

Dear Hinesburg Selectboard:

I have read both the Lot 15 Committee's 2011/2012 findings (prepared by a citizen group) and the submission of the current Lot 15 applicant's fiscal impact analysis (prepared by a known expert on fiscal impacts, Northern Economic Consulting) dated 1/19/13 available on the town's website. I suggest that any further consideration of this topic by the Selectboard should weigh not only the Lot 15 committee's report but the current Lot 15 applicant's report and the District Environmental Commission's findings with regards to the potential economic impact of a commercial use on lot 15 since this is new information available and prepared after the submission of the committee's report.

Lot 15 Committee Report Scope is Too Limited

The scope of the Lot 15 committee's work on fiscal impact was extremely limited by it being primarily about property taxes and therefore, the credibility of the report must be called into question. The report does not include the secondary benefits gained from commercial uses such as jobs, payroll taxes, sales taxes, charitable contributions, the continued availability of a market and demand for local producers, the continued viability of a small grocery store in a growing community and the direct spin-off effects a commercial anchor use would provide to other nearby businesses and residents. It also cites an old report prepared for Williston by Deluca that is not relevant as it compares apples and oranges - Williston and Hinesburg. If you use the premise that the Lot 15 Committee seems to have - that is commercial development doesn't contribute much to the tax base and is a drain on municipal services, then we would not have employers such as NRG, Iroquois Manufacturing, the businesses in the old cheese plant or all of the retail uses Hinesburg residents use now such as the hardware store, drug store, liquor store, convenience store, etc.

Furthermore, the Committee's report low balls the cost of acquiring the land in a commercial park and does not include the cost of planning, engineering, design and maintaining the property as a public, non tax generating parcel in the future. Finally, the report lists a number of potential revenue sources, however, the likelihood of these small pots of grant sources covering all the costs of acquisition is minimal and the community disagreement over its future use will serve to discourage these funders from investing in this land.

Current Lot 15 Application Finds Positive Financial Impacts

While I'm not trying to make a case for the current applicant, the information provided in testimony and the findings and conclusions of a neutral, quasi-judicial board (District Environmental Commission) should be considered by the Selectboard.

To summarize:

- The proposed project will have "a positive economic impact on the host town and regions. It will generate a total 49 jobs and a payroll of \$1.3 million during its operation." (Twenty- one construction jobs will be created during project construction.)
- The combined net cost to the municipal budget was calculated and the project "will lower the municipal tax rate by about six-tenths of one percent. This will lower the annual municipal tax bill of the average single family home in Hinesburg by \$6.65 per year." *Note - 2013 estimate so it will now be more and it does not include taxes that accrue to the state for the education tax that does trickle down to Hinesburg residents.*
- It will "only minimally affect the growth and rate of growth in the region."
- The applicant will also provide benefits such as health/dental insurance and other compensation to its employees, thereby increasing their disposable income.

Other benefits to the town include:

- Improving traffic flow at Route 116 and Charlotte Road.
- Traffic mitigation and improvements including more pedestrian amenities.
- A pocket park and streetscape amenities along the canal path way.
- An easement for a farmer's market that can use and share the parking provided by the applicant.
- improvements to drainage in Commerce Park subdivision.

-contribution to the fire department and other impact fees.

Changed Conditions

Since the original Official Map adoption many conditions have changed that warrant reconsideration of the requirement for public facilities in Commerce Park.

-The town has changed the zoning such that no commercial uses larger than 20,000 square feet can be developed thereby limiting our becoming a big box retail area.

-A development application for Lot 15 included a pocket park and an area for a farmer's market after public input and in the absence of specific language in the Official Map as to what type of public facility should be on the lot.

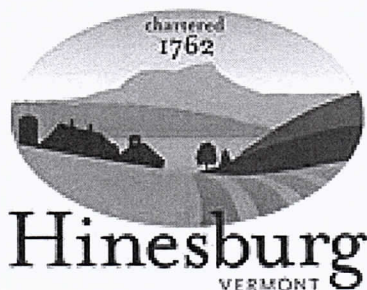
-We have many undeveloped publicly owned properties - Lot 1 near Creekside; there are recreation fields near the Town Hall and United Church and the Bissonette Fields near Ballards Corners; we have underdeveloped recreation areas at Lyman Park and HCS; we have development proposals for the NRG site and the Haystack Crossing plan west of Route 116. The latter two development proposals should be required to have public gathering spaces or future community buildings set aside as part of their development review process.

-Both the State and Federal Government determined that the wetlands on the lot were not significant, again another changed condition. **The concept drawings provided and continually referred to by the Lot 15 Committee and HRG as showing wetlands are therefore, misleading.**

Summary

We must prioritize how our town's resources are spent (time, money, staff) to save taxpayer dollars and keep Hinesburg affordable. Having public facilities such as a park take 5 acres in a commercial area served by infrastructure when other public lands are available nearby is not a wise use of tax dollars or in the public good. The most compatible use given the surrounding land uses is a commercial use especially when Lot 15 is now the only vacant commercially zoned parcel available for a building larger than 20,000 sf. This land will provide benefits such as jobs, services, tax base expansion and will anchor our Village Center thereby benefitting other nearby commercial uses. It will also preserve our options for the future should a larger grocery store be needed to serve our growing community, keep our dollars local and reduce our having to drive to shop elsewhere.

Dawn H. Francis
Butternut Lane



Selectboard Meeting

Sign-in Sheet

February 4, 2019

1. David Rugh

2. John Little

3. [Signature]

4. Bill Coates

5. Jane Osgood

6. Russell M. Greer

7. Will Gu

8. Lenore Budel

9. Nancy Morris

10. Alan Morris

11. Bret Colann

12. Shannon White

13. Jeff French

14. Barbara Torrance

15. Mary Beth Bowman

16. Mary Jo Brace

17. Madeline Hyler

18. Steve Brown

19. Dawn Francis

20. Jean Kiedaich

21. John Kiedaich

22. Catherine Goldsmith

23. _____

24. _____

25. _____

26. _____