

## SELECTBOARD MEETING **approved**

September 20, 2023

Attending the meeting; Merrily Lovell, Maggie Gordon, Dennis Place, Paul Lamberson, Mike Loner (joined about 15 minutes late), Joy Dubin Grossman, Chief Anthony Cambridge, Andrea Morgante, Meg Handler, Alison Lesure.

Attending remotely; Todd Odit, Margaret McNurlan, Jennifer Decker, Miranda Lescaze, Tyler Labrie, Javier Garcia, Lenore Budd, Alex Weinhausen, Sarah Craig, Patricia Stone, Shawn Barth.

Meeting called to order at 6:00 p.m. via zoom

### Agenda Additions or Deletions

None

### Public Comment

Jennifer commented that when we create affordable housing in Vermont the definition includes people making up to \$86,000 a year based on the presentation she heard at the Planning Commission. By that definition it does not address homelessness. When we allow development that creates more rental properties the advantages accrue to the landlords. She feels we are excluding low income, poor and disabled people from opportunities for housing and she knows that is not the Town's desired outcome.

Jennifer also addressed the capping at the landfill. She said it is capped with gravel which will not prevent PFOS from leaking out of the landfill. Joy commented that it is not capped with gravel and is properly capped.

### Approve Minutes of 9/6

Paul moved to approve the minutes of 9/6. Seconded by Maggie and approved with 4 yes votes.

### Selectboard Forum

Maggie said she attended the dog bite seminar and has some ideas on making our process more direct.

### Consider Approval of Neighborhood Development Area Application – Alex Weinhausen

Alex sent a memo to the Board noting that he followed up with the Planning Commission at the 9/6 meeting to discuss this application. 6 members were present and 3 were in favor of applying, two were undecided and one person was not in favor at this time. Alex added that Barb Forauer, who was not present at the meeting, contacted him to say she is not in favor. Those in favor recommended revising the area to exclude Hinesburg Center II.

Merrily said she looked up the benefits. Other developments such as Haystack Crossing, Hinesburg Center II and Joe Lassiter's project will not be exempt from ACT 250 but will get other benefits that will save costs.

Paul asked about excluding flood hazard areas as noted in Alex's memo and that flood hazard areas are up for revised definition. He asked if the draft map proposed shows current defined flood hazard areas or does it imply that if new areas become flood hazard, they will not be part of the NDA. Alex said it applies to the areas defined today. If they change the NDA it would have to go through a process to change the areas. Paul asked about modifying the NDA. Alex said the NDA is good for a certain number of years and then the Town needs to renew it at which point changes to the area can be made.

Maggie said she is in favor, the amount saved with the designation when Kelley's Field was done was helpful to the project. The fact that the ACT 250 exemption only applies to developments that set aside 20% of affordable housing. The big developments are meeting the minimum standards but they are nowhere near the required 20%. Windy Ridge will be 60 affordable homes and this will save an enormous amount of money to put toward another project in another town. She is comfortable with the level of review these projects get from the Town.

Margaret asked if Hinesburg Center II, is it included. Merrily said it is. Margaret noted that is not affordable housing. The Board then corrected to let Margaret know Hinesburg Center II is not included. Margaret asked about area #1 on the map. The Board replied that includes Haystack Crossing which will not be exempt from ACT 250 as it will not have the required number of affordable housing units.

Mike said if other projects decide the benefit is worth it and they apply for 20% affordable housing that is a win for the Town.

Meg said because the big developments would fall in the districts identified on the map it could be an inducement for them to change to 20% affordable housing. The Board is seeing this as a benefit but she said it becomes a vehicle for them to avoid ACT 250. She does not think the benefit of going up to 20% affordability outweighs the detriment of avoiding ACT 250.

Miranda, of Chittenden Housing Trust, addressed the importance of the NDA for the Windy Ridge project. She noted it would likely save \$200,000.00 In direct project costs. It would also prioritize the project for State funding.

Jennifer is opposed and does not think we need to streamline things for developers. It is not worth giving up the right to appeal. She asked about Windy Ridge volunteering to submit to ACT 250 review and get the other NDA benefits. She asked what the total current budget for the project is. Miranda said it is likely to be between \$18 and \$20 million. Jennifer said she feels a project with that budget could afford the additional \$200,000. She added if the project saves money, she would hope that money is put back into the hands of low-income people so they would be able to move into these places and not putting it into new projects in other Towns.

Tyler said this will be more a low-income restriction for income eligibility. Miranda added it is mixed income within an affordable range.

Dennis expressed his concern about the infrastructure to support this. Is this benefitting all the residents in Hinesburg or just Windy Ridge. If we cannot handle the infrastructure development cannot happen. Maggie said those are questions that should be part of the DRB process. Dennis said he is in favor of affordable housing but not at the expense of other residents.

Andrea wanted to clarify information in Alex's memo stating she was against the NDA. She said her concern was it coming to the Selectboard prior to going to the Planning Commission. This is an important land use planning decision that needs the scrutiny of the Board. Her primary concern is that the planning process may be robust but does not appreciate the uniqueness of Hinesburg's existing Village topography and the soils that define the Village. It is important to understand the difference between the flood hazard area and the flood plain. Andrea is not confident that our local review process will pick up and screen for everything that would be picked up at the ACT 250 level such as increased traffic needs.

Merrily asked Alex about the process, as Andrea noted, of not going to the PC first and the fact that there were members of the PC who are not in favor. Alex said this is technically not a decision of the PC, while the PC does not have a consensus, he encourages the Board to move forward.

Jennifer added her concern to others on the fact that the process has been out of order with minimal time for discussion. Conservation Commission members expressed concern about ACT 250 exemption at the PC meeting as well removing the right to appeal.

Margaret said she would like to advocate for discussion about the schools somewhere in the planning process.

Maggie said the PC planned for dense growth in the Village center and less density in surrounding areas and that is how the PC has weighed in. This is a Board decision.

Maggie is in favor but does see there is fear around the large developments but they will not qualify for the ACT 250 exemption. Windy Ridge is in the Village Northeast and not in the flood plain.

Merrily asked if Selectboard members feel ready to make a decision and all answered they do.

Allison said the length of the NDA is tied to the Village designation and renewal of the NDA would come up when the Village designation needs renewal. She said there are a lot of things happening with planning now and perhaps we can make the local review process more robust. She noted she was one of the undecided members of the PC.

Meg said she is concerned about how quickly the Board is ready to accept a decision like this. Consequences are huge and unseen. The Conservation Commission does not support removal of ACT 250 review.

Lenore asked for clarification of the ACT 250 exemption. Merrily agreed with her that it is only the projects that meet the 20% affordable housing threshold. Lenore noted the Hinesburg Community School is included in the NDA and while she does not know how the district funding works, this could give them an advantage in applying for funding for sidewalks, crosswalks and roundabouts.

Paul asked Alex about the implications of just including Windy Ridge. Alex said that could be done but all the other benefits of the NDA program would then only apply to the Windy Ridge project.

Mike moved to authorize the Director of Planning & Zoning to apply for Neighborhood Development Area designation for area generally known on the draft map dated September 15, 2023, with allowances for minor changes based on input from NDA program staff and/or the State Downtown Board. Seconded by Maggie. Merrily called for an individual vote and all Board members voted yes approving the motion.

### Police Department Update – Chief Cambridge

Anthony reported that the coverage we are providing to Richmond is working well and they are looking for more patrol time. Currently they are covering Richmond for the same amount of time as they cover Hinesburg. Hinesburg is charging \$50.00 an hour for general services, \$70.00 for patrol time and \$100.00 an hour for Chief coverage.

Paul asked about revenue from traffic tickets written. Anthony said it goes to the Town where the violation took place. Paul addressed patrolling and the importance of the officer having some knowledge of the area and the community. Anthony said there was an adjustment period during which the officers drove around to get to know the area.

Jennifer asked about the unmarked car, she said the community was told it would stop operating and then it came back. She said she would not feel safe pulling over for an unmarked vehicle not knowing if it was an official person or a random person. Anthony said they never stopped using it. It will be out of service sometime in October.

### Consider Approval of Amendments to Water and Wastewater Ordinances

Maggie moved to convene as the Board of Water and Wastewater Commissioners. Seconded by Paul and approved with 5 yes votes.

Mike recused himself from the vote on this due to a possible conflict of interest.

Jennifer said when last discussed there was a threshold for what staff could approve vs the Board, but now it sounds like only the Board will do these approvals. Todd said that is not accurate, the threshold has been reduced to 500 gpd from 1000 gpd. Jennifer said to her it feels like we are creating more advantages for developers, fast tracking development to the detriment of environmental concerns. She does not think the fees are too expensive and it is the cost to environment that is too great. She encourages the Town to maintain the current fee structure. Todd noted this does not address the fee structure.

Paul moved to approve the changes to the Water and Wastewater Ordinance as presented. Seconded by Maggie and approved with 4 yes votes and Mike abstaining.

Maggie moved to adjourn as the Board of Water and Wastewater Commissioners. Seconded by Mike and approved with 5 yes votes.

### Consider Approval of Loan Quote for Highway Trucks

Maggie moved to approve the loan from the Community Bank for a 4-year term with 4.89% financing with the goal of paying it off in 3 years. Seconded by Mike and approved with 5 yes votes.

### Consider Approval of Truck Quote for Water and Wastewater Department

This truck will be replacing the 2012 F250. Dennis asked if the truck will be used to help out with other Town plowing. Todd said it will.

Merrily moved to approve the proposal for a 2024 Silverado 2500 HD and plow in the amount of \$49,948.00. Seconded by Paul and approved with 5 yes votes.

#### Town Manager Report

- Todd said there will be an article in the Hinesburg Record from him.
- The Town applied for a municipal energy grant which will include a blower door test for Town Hall which will make the Town eligible for up to \$500,000.00 worth of energy, thermal and possibly heating improvements.
- Funds we have for landscaping at the Fire Station are recommended to be put toward paving the Fire Station parking lot

#### Approve Warrants and Payroll

Merrily moved to approve the warrants, including payroll, signed by Maggie and herself as submitted by the Town Treasurer. Second by Maggie and approved with 5 yes votes.

#### Adjourn

Mike moved to adjourn at 7:55 p.m. Seconded by Paul and approved with 5 yes votes.

Respectfully submitted,

Valerie Spadaccini, clerk of the Board