

1 **SELECTBOARD MEETING DRAFT**

2 April 3, 2024

3 Attending the meeting; Merrily Lovell, Maggie Gordon, Mike Loner, Dennis Place, Paul Lamberson, Joy
4 Dubin Grossman, Robin Pierce, John Little, Andrea Morgante, Meg Handler, Alison Lesure, Denver
5 Wilson, John Lyman,

6 Attending remotely; Todd Odit, Margaret McNurlan, Dale Wernhoff, Tobi Schulman, Nate Methot, Carl
7 Bohlen, Lenore Budd, Elizabeth Doran, Kate Kelly, Tony St. Hilaire, Joseph Laster, Ruchel St. Hilaire.

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

9 Agenda Additions or Deletions

10 none

11 Public Comment

12 none

13 Selectboard Forum

14 Paul wanted to toot the horn for the Highway Department. At Town Meeting a community member
15 questioned why so many staff members. Seeing the work they have done on the dirt roads during mud
16 season is phenomenal.

17 Approve Minutes of 3/20/24

18 Maggie moved to approve the minutes of 3/20/24 as amended. Seconded by Mike and approved with 5
19 yes votes.

20 Consideration of Grant to Mechanicsville Green Mountain Habitat for Humanity Project

21 Robin Pierce, of Green Mountain Habitat for Humanity, said they purchased the property on
22 Mechanicsville Rd several months ago and feel they will be able to build 6 homes on the property. They
23 sell the houses for what it cost to build them and try to sell to the people living in the community they
24 are building in.

25 Maggie asked how the homes remain perpetually affordable? Robin said it is the same mechanism that
26 Champlain Housing Trust uses. The home goes into the CHT portfolio. Maggie asked about when the
27 home is sold. Robin said when it is sold it must be to a family that qualifies for the same criteria, they
28 can't be put in the open market. Mike added there is a grant that continuously stays with the house.

29 Mike asked if this is already approved for partnership with CHT and Robin said it is.

30 Paul moved to support the grant of \$5,000 per unit for a total of \$30,000 for the Mechanicsville Green
31 Mountain Habitat for Humanity project. Seconded by Mike.

32 Paul said as part of the discussion on the motion he would like to address the source of funding. He is
33 excited about the project and the creative energy put toward it. He questions the \$50,000 remaining in

34 the economic development housing fund for affordable housing why not use \$30,000 of that for this
35 project.

36 Merrily said it seems that is a good option as some members were uncomfortable using ARPA funds as
37 this is not for a large population.

38 Carl explained the Economic Development Loan Fund is a result of a Community Development Block
39 Grant from the Town to VT Smoke and Cure. 50% of that comes back to the Town which was used to
40 start the Revolving Loan Fund. Kelly's Field project requested \$50,000 in ARPA funds. Alex worked with
41 the Economic Development Committee to set up \$100,000 of the Revolving Loan Fund for housing
42 projects of which \$50,000 went to Kelly's Field. The Affordable Housing Committee has been seeking
43 ARPA funds and would like to see ARPA funds used for this project. The Housing Committee is
44 earmarking the \$50,000 in the fund for assisting Windy Ridge in its competitiveness for getting funding.

45 Dennis said in the memo it states we can't give priority to public safety employees because they don't
46 meet the income requirements. He said if public safety employees don't meet the requirements, he
47 doubts employees of Smoke and Cure would. Mike asked if that is an assumption in the memo or do we
48 know that as a fact? Todd said he checked and what the Town offers to public safety employees for pay
49 is above the wage requirement eligibility for these houses.

50 Maggie said again she feels there is no single ARPA project that will benefit everyone in Town but this is a
51 fabulous opportunity to make a difference and increase the affordable housing inventory and will be
52 perpetually affordable.

53 Merrily said there are four options. 1- use only ARPA funds, 2- use only the Economic Development
54 Housing fund, 3- use funds from the capital budget that are available, 4- split the payment between the
55 ARPA funds and funds in Economic Housing.

56 Mike said it is less important where the funds come for him but more important this gets funded. He
57 added if we use the Economic Housing funds, we will need to replace them in the future so it is just
58 moving money around. If we don't use ARPA funds for this project which is 6 houses, we should take
59 affordable housing off the list of possible ARPA fund projects and priorities.

60 Paul modified his motion to read use \$15,000 from the Economic Development Affordable Housing fund
61 and \$15,000 from ARPA funds. Mike accepted the modification to the motion. Motion voted and
62 approved with 5 yes votes.

63

64 Consider Adoption of Fair Housing Resolution

65 Merrily asked Carl to read the resolution so all can hear it.

66 Carl said this is third year the Affordable Housing Committee has brought the resolution to the Town.
67 The proclamation declares April 2024 to be fair housing month in Hinesburg. He then read the
68 resolution.

69 Merrily moved the Board adopt this proclamation. Seconded by Mike and approved with 5 yes votes.

70 Consider Adoption of Local Emergency Management Plan

71 Merrily moved the Board adopt the Local Emergency Plan in April 2024 for the coming year. Seconded
72 by Paul and approved with 5 yes votes.

73 Consider Approval of Various Committee Appointments

74 Maggie moved to reappoint Brian Bock to the Trails Committee for a three-year term and Michael Webb
75 to the Recreation Commission for a three-year term. Seconded by Mike and approved with 5 yes votes.

76 Energy Committee Interview – Margaret McNurlan

77 Margaret said she has lived in Hinesburg for about five years and it is a wonderful place to live and wants
78 to give back to the community. She feels energy is an important area and while does not have any
79 qualifications in the field of energy she has grant writing experience.

80 Merrily moved to appoint Margaret McNurlan to the Energy Committee for a term of three years.
81 Seconded by Maggie and approved with 5 yes votes.

82 Energy Committee Interview – Nathan Methot

83 Nathan said he has become aware of energy through the solar in his home. He has attended an Energy
84 Committee meeting and done some research on several energy items.

85 Merrily moved to approve Nathan Methot to the Energy Committee for a term of three years. Seconded
86 by Maggie and approved with 5 yes votes.

87 Consider Request to Change Recreation Committee to Five Members

88 Maggie moved to reduce the number of members on the Recreation Committee from 7 to 5. Seconded
89 by Mike and approved with 5 yes votes.

90 Consider Acceptance of Irrevocable Offer of Dedication for Trail Easement

91 This will allow a trail from Cottage Hill to Geprag's park.

92 Maggie moved the Selectboard accept the irrevocable offer of dedication of a trail easement deed.
93 Seconded by Mike and approved with 5 yes votes.

94 Town Manager Report

- 95 • Todd was happy to announce Hinesburg was awarded a \$410,000 Transportation Alternatives
96 grant to fix the sidewalk along Route 116 between Champlain Waitsfield building and just past
97 Kelley's Field.
- 98 • ACT 250 permit for Hinesburg Center II was denied and there is a recess order for Haystack
99 development related to the denial asking about the crossings.

100 Presentation of Proposed Rural Residential 1 District Zoning Regulation Amendments

101 Mike said he has a potential financial conflict. He has questions but will recuse himself from any voting.

102 Alex reviewed the choices the Selectboard has going forward with the proposed changes and went over
103 the proposed changes.

104 Dennis said we have heard concerns from the public about landowners who have owned the land for 60
105 or more years who were saving it for their kids or grandchildren. This is taking away some of their
106 property rights. There are so many regulations for these areas already that he feels will take care of
107 these issues without changing the zoning. It is 3 acre zoning now in RR1 and he feels a good
108 compromise would be to give the opportunity to have smaller lots but leave the potential still for 3 acre
109 zoning. He added a lot of the landowners are not planning on developing, and in taking away the
110 opportunity some may plan to develop ahead of time because they will lose that opportunity.

111 Paul addressed the fact that in a previous major zoning change he watched a lot go to development
112 because they had to do it before they lost the chance resulting in poor decisions just to make the
113 deadline. His question is are there deadlines or incentives that would inadvertently create a hustle of
114 action before this zoning went into effect.

115 Alex said that is a good question. When we did the rural zoning revisions in 2013, they did include some
116 time sensitive triggers and provisions. This proposal does not include those and once adopted that is the
117 new zoning strategy. If someone wanted to do a subdivision under the current regulations because they
118 felt the proposed ones would forestall some sort of option they were interested in they would be looking
119 to start the process right away unless we add in some sort of trigger mechanism. Alex said with the
120 2013 change about a dozen landowners, even though it was not what they wanted to do at that time,
121 used that option and of the dozen he thinks about six followed through and created the lots.

122 Paul asked if these changes are made will there still be any parts of the Town that have “permissive”
123 zoning. We are trying to put more restrictions on some properties. Alex said the proposal is to divide
124 one district into three and there is a difference on how restrictive the regulations are within those three.

125 Paul, further asked if we pursue this efficiently following all obligations and do not allow a time frame
126 would that stand a legal challenge even if it could be seen as a taking of sort. Alex replied yes, zoning in
127 general is not a taking and that has been litigated at the Supreme Court level. Changes to zoning are not
128 a taking unless you are literally taking all rights from the property owner. A diminution of development
129 potential or a perceived development potential is not a legal taking. Alex added we are under no State
130 requirement for these changes to take effect by a certain date.

131 Mike asked if the 10, 12 and 15 acres is intended to match the Ag. Alex said it is, originally when the PC
132 had their public hearing there was an entirely new zoning district for the most rural portions of RR1.
133 One of the comments was it looked like the most rural district being proposed is the same as the RR2
134 district, why not make it the same and treat everyone fairly. The PC agreed and changed the proposal to
135 reflect that.

136 Maggie said she thinks the Board should set a date for the public hearing where we can hear everybody
137 and if a decision is made to vote it should be done as rural residential and stormwater was voted. Alex
138 said there is a change in the law. Before last year the Selectboard had the option to adopt zoning
139 changes or send it to the voters. The only option now is for the Selectboard to adopt or reject. Maggie
140 said she is aware it would require a petition from the public to do that.

141 Dennis asked Alex if he agrees that with the current regulations new development on Dynamite Hill
142 would be difficult to get approval. Alex agreed but noted the DRB granted a sketch plan approval to a
143 sub-division at the top of Dynamite Hill Rd. Alex also commented that Shane Bissonette has two

144 properties on the road he is looking to develop. Dennis said at least give the opportunity to come to the
145 DRB and see if he can get approval with the current regulations. Alex referred to the memo he wrote
146 which shows the potential development for the Bissonette property.

147 Lenore Budd noted the PC worked long and hard on this and it can be difficult to balance all the
148 comments. She encourages the Selectboard to set a date for a public hearing. Lenore talked about the
149 purpose of each of the three districts proposed.

150 Denver Wilson, chair of the PC, wanted to let the Board know that a lot of the work they did is in
151 accordance with the Town Plan request to assume the task had to do with identifying different regions of
152 the RR1 Zone. He feels the work they have done stands. He feels density rather than lot size is
153 beneficial to the Town and landowners.

154 Joe Laster addressed the master plan he had approved in the sketch plan phase about a year and half
155 ago that would allow more density. He asked Alex if they considered the effect on something that has
156 already been approved. Would they consider grandfathering pre-approvals to this proposal. Alex said
157 the PC did consider Joe's situation. This proposed plan would require the master plan to be revised
158 because the development potential on the eastern side would be less than it currently is. Alex said the
159 way to acknowledge that with some sort of pre-existing allowance for projects that had a master plan in
160 review to continue to go forward has not been talked about a lot with PC. He thinks Paul's comment
161 about the runway issue and if this project should have an extended effective date needs discussion.

162 John Little, PC member, said they spent many meetings talking about the Laster property and got
163 comments from the Conservation Committee who opposed the change as well as the Affordable Housing
164 Committee who supports the change. As a Town member he feels there is a big benefit to the Town by
165 making a change to both the Village Growth area and including a 9 acre change to Joe's lot size.

166 Tony St. Hilaire said people keep talking about the rural part of Hinesburg, he does not want to lose the
167 potential of the 3-acre zoning and the right to do what he wants with his property.

168 John Lyman said we are hearing more about the housing crunch and before we go ahead with this there
169 needs to be a lot more discussion not add more restrictions.

170 Margaret McNurlan said the PC spent 3 years working on this and made a lot of compromises. She
171 asked Alex to comment on the changes made by the State regarding density. Alex explained the Home
172 Act that passed last year made significant changes to State law which preempted municipal zoning. One
173 change is we have to allow duplexes the same as single unit homes, accessory apartments must be at
174 least 900 sf., any area with municipal sewer and water are allowed 5 dwellings per acre.

175 Alison Lesure, member of the PC, said zoning is a tool and is not static. It is frustrating as a landowner to
176 go into something and have certain expectations and to see those sometimes change, but that is the
177 reality. She also wanted to address the concept of taking and cautions to be careful with that
178 terminology, there are regulations about that. She talked about areas of compromise as they worked on
179 this over the past few years. She advocates having the public hearing to get a wider swath of feedback.

180 Elizabeth Doran, said she agrees with what has been said by Margaret and Alison and respecting the
181 amount of time and amount of thoughtful deliberation that has been made by the PC in developing this
182 proposal should be top of mind for the Selectboard in their determination of whether to move forward

183 to a public hearing which she advocates for and as a Conservation Committee member is ready to see
184 this move forward.

185 Meg Handler, Conservation Commission member, spoke to the process and the perspective of a
186 volunteer. It is hard to get people to serve on any of the supportive advisory boards. People have
187 worked so hard on coming up with the balancing and listening to all points of view. In the public hearing
188 the Board will hear from the most discontented property owners but behind them is a silent majority of
189 people in Town who took the PC Town plan survey and consistently value that this is a rural community.
190 This zoning allows for greater density in the Village and the preservation of what is already in the rural
191 district.

192 Tobi Schulman, a CC member, also thanks the PC for time and thought put into this. She agrees the
193 majority of Town people indicated they value open space. There are examples of what happens when
194 you don't protect rural areas.

195 Frank Babbot said he does not think the development potential is what others think it is for large
196 landowners. He does not think the large landowners, which is one reason they bought a large piece of
197 land, are really that interested in developing it. He does agree they are not interested in having their
198 rights taken away and agrees the more restrictive you make it the more unhappy they will become. He
199 also hears this is what we want, this is what the Town wants. He said no, that is what you want not what
200 landowners want. Landowners want to be left alone to have their property and their rights. He does not
201 think the development potential of the Mr. Pritchard area is what they think it is.

202 John Little said the big take away from the survey is people in the Village wanted more growth and
203 people in the rural areas don't want more development.

204 Kate Kelly said she agrees the PC has done a good job on the proposal. She agrees with many of the
205 landowners and said they have done a good job protecting and managing their lands, particularly these
206 forested areas. She is aware many of them don't want to see development on their land. Her concern is
207 what will happen in the future when there is a new landowner. As the current regulations are written
208 the forest flocks don't have the same protections afforded by the RR2 and Ag districts through the
209 conservation subdivision design process. She encouraged the Board to hold a public hearing to hear
210 what everyone is thinking.

211 Merrily moved the Selectboard go ahead with a public hearing on the RR1 zoning amendments

212 Maggie said she does want to move this along but is concerned that someone who made it through final
213 plat review has to go back to square one. Alex asked if she is referring to the Joe Laster situation.
214 Maggie said she is. Alex clarified the master plan did not make it through final plat, one piece of it was
215 brought through to final plat. Alex said the concern that someone did a lot of planning and now
216 potentially need to redesign a project.

217 Dennis said that is not what this is about. The question is about agreeing with the zoning changes.

218 Paul seconded Merrily's motion.

219 Merrily said the PC has worked for three years on this, she trusts the PC to have more expertise than she
220 does. Joe went to the PC with his concern and after discussion on it the PC voted against his request and
221 she supports that.

222 Dennis said the PC has worked very hard on this but wants to be sure if a public hearing is held, they will
223 listen to the concerns. If 70% want a change, would it be made. A PC member said they have made
224 changes every time they held a public hearing. Alison said all the compromises she shared were based
225 on feedback the PC received.

226 Maggie said it is part of the process. If these regulations are approved and residents don't agree they
227 can submit a petition and bring it to a vote.

228 Motion voted and approved with 4 yes votes and Mike recusing himself.

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232

233 Approve Warrants and Payroll

234 Dennis moved to approve the warrants signed by Merrily and Maggie, including payroll, as submitted by
235 the Town Treasurer. Seconded by Paul and approved with 5 yes votes.

236 Adjourn

237 Mike moved to adjourn at 8:40 p.m. Seconded by Maggie and approved with 5 yes votes.

238

239 Respectfully submitted,

240 Valerie Spadaccini, clerk of the Board

241