

Town of Hinesburg
Development Review Board
September 4th, 2012
Approved 10/2/2012

Members Present: Zoë Wainer, Tom McGlenn, Dennis Place, Dick Jordan, Ted Bloomhardt and Kate Myhre arrived at 8:08 pm.

Members Absent: Greg Waples

Also Present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning), Renae Marshall (Recording Secretary) .

Public present included: Bill Moller, Sarah Murphy, John King, and Margery Sharp

Tom McGlenn chaired the meeting, which started at 7:33 pm.

Minutes from August 21st, 2012 meeting:

Dick J. **MOVED to approve as written.** Dennis P. seconded the motion. The motion **PASSED 4-0.** Zoë W. abstained, as she was not present for that meeting.

Discussion of Planning Commission's Rural Area Zoning Proposal:

Alex gave a brief summary regarding the changes. He stated that the Planning Commission is in charge of drafting the proposal and holding the public hearing. However, the Selectboard has final approval and has the authority to make changes.

Alex stated that the drafted proposal has three primary objectives—

- 1.) Expanding the number & type of uses in the Rural Residential 2 & Agricultural zoning districts in Hinesburg. It introduces new permitted and conditional uses for each zoning district so long as they have minimum impact on the land.
- 2.) Revise Design Standards by which DRB reviews residential development in these rural areas. This is improved by separating into primary & secondary resource areas. They also mapped all of these resource areas and have included definitions. New wildlife habitat maps and scenic resources maps have been created which resulted in the change to the Town Plan.
- 3.) Addresses build-out—how much residential development can occur in these areas. This is now clearly defined in regulations with a formula based on the class of road it is on.

Dennis P. had questions regarding the amount of take-outs. He questioned what happens to families that want to create lots for their children. Alex stated that there is an exemption if your property is 12 acres or more. Alex also noted that the areas included in the take-outs are generally non-buildable.

Dennis P. felt that people will have issues with this because they are required to pay the same amount of taxes on the property regardless if it is buildable or not. He stated that this would increase the cost of each lot if there were fewer lots to be created. Alex said this was a policy

choice by the PC. Alex pointed out that people with less than 12 acres would still have the option of creating an accessory apartment or having a home occupation as an alternative to subdividing.

Alex said that the DRB has been the density calculator up until now. The PC is attempting to clarify this so it is clear what the density numbers are to everyone. He stated the PC looked at these numbers and felt they best reflected the development patterns in Hinesburg's existing neighborhoods and surrounding towns. Alex said the effective density is closer to 12 to 15 acres/unit and the historic density has been 6-8 acres/unit.

Ted B. felt this would bring much more clearly defined projects to the Board that won't contain so many variables. It will be up to the applicant to show they have minimized the impact on the secondary resources.

Zoë W. feels it makes it a clear objective formula for the DRB, however, there are questions if it is calibrated right to make it fair. Alex stated that the PC wanted an exemption to apply to people who were close but didn't want it to apply to the 10 acre lots because there were so many of these lots created in the past due to the septic loophole in the state regulations. He said if you have 12 acres, you have the option of coming before the Board to request one additional lot as an exemption.

Dennis P. initiated a discussion on stone walls with regard to Objective 2 under identifying primary and secondary resources areas. He pointed out that stone walls are listed as an example of an important cultural feature. He questioned who determines which stone walls fall under this category. Alex replied that is in reference to development and to ensure it is planned properly. This process is designed so that important resource areas are identified and considered first before they site the building location.

Ted B. had questions regarding Planned Unit Developments (PUD). He felt it wasn't clear on what was needed in order to qualify for a PUD. Alex stated that PUD is addressed in both the Objective 3 document as well as Section 4.5 PUD. The PUD requires the landowner to provide a full master plan and provide green space. Ted B. felt it would be helpful to identify these requirements earlier in the document. Alex noted that perhaps this belongs in the purpose statement rather than the application.

Tom M. asked how Hinesburg's density compares with surrounding towns. Alex replied that Hinesburg's current requirement of having 25% set aside actually comes in lower than other towns. The PC decided to change the percentage to 50%. However, the density bonus is similar to other towns. The historic pattern of DRB approvals was about 8 acres/unit. The best option would be to go the PUD route, take the bonus, and you will be at about 8 acres/unit. The new zoning regulations allow the landowner to create whatever lot size makes sense to the property.

Alex also noted that the PC has attempted to improve consistency and simplify the process by making PUD density bonuses outside the village growth area "by right" instead of by

negotiation. They felt that the rural PUD's shouldn't have additional litmus tests to have the density bonus available.

Discussion continued with regard to the PUD planning process. It was noted that the location of the green space can be changed so long as it meets the criteria outlined in the PUD and promotes the most appropriate use of the land. However, it was noted that if the green space was sold to a land trust or legally conserved, it may prevent it from being able to change the location of the green space that was previously approved. However, Alex clarified that green space is not automatically placed in conservation; only if the landowner chooses to deed it over.

Zoë W. referenced Section 4.5 PUD document, pg. 50 #4. She questioned who determines if it is consistent with the best means of maintaining the resources on the site. Alex confirmed that would be the responsibility of the DRB. The Design Standards are intended to clarify the process that is currently in place.

Other Business: *Hannaford:* The DRB will reopen the site plan review of the Hannaford application for clarification regarding the easement for the Farmer's Market on September 18th. Alex informed the Board that Hannaford has received notice and the clarifying questions. He stated that once Hannaford replies back with clarification, the Town attorney would review the submitted information.

New Applications: Alex also gave the Board an overview of the upcoming applications to the DRB. Subdivision revision on Upper Access Road (Lisa & Steve Carlson property) – proposal to reduce planned road width; Conditional Use for a home occupation at 607 Birchwood Drive (Ed Waite property) – proposal for animal control officer to temporarily house lost/problem dogs; 2-lot Subdivision at 11093 Route 116 (Thibault Farms & Spillane property) – final review for proposal to put two existing multi-family residential buildings on their own lots (no new units proposed).

Burnett Scrap Metal: The Board continued deliberations on the Burnett Scrap Metals decision with Peter Erb, the Zoning Administrator. They looked at the draft decision and addressed questions and concerns that remain. Peter discussed the question of what implies expansion of use. Peter feels they are changing the business by accepting precious metals separately from scrap that has been traditionally dealt with. After some discussion, it was determined the Order should include what Peter noted would be considered a change in use.

The Board moved the discussion to landscaping. Tom M. suggested replacing the dead pine with spruce because it provides year-round screening.

Tom M made a **motion to adjourn at 9:15**. Kate M. **seconded the motion**. The motion **PASSED 6-0**.

Respectfully Submitted,
Renaë Marshall--Recording Secretary