Town of Hinesburg
Planning Commission
March 28, 2012
Approved April 11, 2012

Members Present: Joe Iadanza, Carrie Fenn, Tim Clancy, Ray Mainer, Kyle Bostwick, Tim Clancy, Johanna White.

Members Absent: Bob Linck, Jean Isham

Also Present: Alex Weinhagen (Planning/Zoning Director), Freeda Powers (Recording Secretary), Bill Marks, and David Hirth from the Conservation commission, and Mike Bissonnette.

Joe Iadanza chaired the meeting, which was called to order at 7:33pm.

Alex W handed out copies of a document submission from David Hirth regarding lot size.

Rural Area Zoning; Improving Subdivision Design Standards—cont'd from March 14th.

Joe I summarized points from last meeting's discussion which the board agreed required further clarification or finalization: Wetlands/Slopes/Elevation & Ridgelines, how to identify and implement protection of those areas. Joe I asked the board to consider the following: Should standards apply to other districts and should they apply to other projects beyond subdivisions. Also, he asked the board to consider application; applying standards to future development, retroactively, and enforcement.

Carrie F said she feels it appropriate to apply the standards to the RR1 Zoning District, saying while RR1 is currently more densely populated, as new development occurs; it makes sense to apply these standards now.

Tim C agreed, and wondered why retroactive application of standards should be a concern, as a grandfather clause should cover the issue. In his opinion, the true question becomes do we try to enforce these standards and if so, how?

Joe I asked if the board thought the standards should apply to commercial applications as well. Tim C said yes, he sees no reason why they shouldn't.

Joe I asked about use of existing structures; development of parking/access roads etc. (potential areas where *some* site planning *has* to occur) standards could be applied. He suggested changing the title of the standards to "Conservation Development Design Standards" in which the board could detail what the standards apply to (i.e., single residential homes, etc.).

Carrie F said she feels the board needs to make the language more inclusive. Tim C and Joe I agreed.

Alex W suggested the board put the standards in the Zoning Regulations and refer to them in the Planning Regulations. Per the board's agreement, Alex W will pare down the existing subdivision standards language to make the intent more widely applicable for use in the Ag Regs as well. He will present that draft language to the board at the next meeting.

Joe I directed the boards' attention to the identification and protection of Primary/Secondary Resource Areas. The board agreed that further discussion regarding Elevation/Grade/Ridgelines would be best taken up with the aid of maps provided by Alex W and postponed that topic to the following meeting.

In regards to Wetlands, the board continued its discussion around which standard to follow; state classification system (protecting class 1&2, class 3 are unprotected) or the federal standard, an across the board standard applied at 1acre impact threshold (all wetlands treated as equally important regardless of size or location).

Alex W reminded the board that they can work with a localized standard that finds a medium between what the State classification system offers and what the Federal standards offer. He suggested they consider all wetlands as equally important resource areas with carve outs for exceptions as the board sees fit.

David H spoke on behalf of the Conservation Commission, saying in his opinion, the difficulty with the Federal standard is that it is so inflexible. The trouble with the State standards is that they don't protect what they can't see; i.e., Class 3 Wetlands which include Vernal Pools and other miscellaneous areas of water out of view of the aerial photographs taken by the state for mapping of wetlands. Many areas the state deems Class 3 represent significantly important biological settings, which David H feels are worth protecting.

Tim C suggested the board protect all wetlands with a provision that requires Conditional Use review by the DRB should projects impact Class 3 areas. This would put the burden on the developer, rather than on the landowner.

Bill M asked who's responsible for identifying and delineating wetlands on any given lot. Alex W said that staff has the ability to provide landowners with maps indicating the state classified wetlands as well as USDA soil maps.

Joe I said the problem with protection & enforcement of Class 3 Wetlands is that someone needs to physically go to the site, do the work to test soils etc., in order to determine if there truly is a Class 3 there. Alex W suggested the board cover all wetlands as protected and carve out exceptions based on value/functions (i.e., vernal pools) and limit impact based on those determinations. Tim C wondered how a landowner would go about that without enlisting the help of an expert. He reiterated his desire to keep the expectations and process as simple as possible for the landowner.

Joe I asked if there is a fair and equitable way to protect these areas while also being conscientious of the financial obligation being placed at the feet of the landowners. Carrie F suggested a compromise in which Class 1 & Class 2 and *Biologically Significant* Class 3 are

protected and the board can then define that (i.e., wet meadows, vernal pools, etc.) She feels that with clear definitions, common sense can proactively weed out some development options and help curtail the cost and challenge on the part of the landowner.

David Hirth agreed with Carrie F's proposed language, but said there does still remain the issue of the cost to map these areas and the challenge of how to get around that. Joe I agreed that Carrie F's suggested language is a good place to start, perhaps enhanced with some type of checklist for landowners to complete (how long have you had land? Are parts of your land under water 2 mo./yr. or more?, etc.) in order to cull down concerns in subdivisions.

Alex W said the town has access to USDA Soil Maps as well, which identify "wet soils" that could help delineate wetlands based on plants, hydrology and hydric soils. He suggested staff could also supply those to landowners as a guide to mark potentially valuable wetland areas.

Kyle B suggested use of the hydric soils maps in determining the need for further DRB review process. In other words, if a map shows hydric soils on a parcel, that triggers due diligence to require the landowner to do further soil testing/wetland mapping. While this seemed a favorable option to the board, Joe I did voice concerns that those soil maps may not identify such things as vernal pools. David Hirth agreed it is unlikely these soil maps will be soundly reliable for identifying *vernal pools* in particular as they tend to have negligible hydric soil correlation beyond the immediate site of the pool and if that site is small or unseen, it will go unmapped and unprotected. He suggested additional topographic maps may aid in this goal of identifying Class 3 areas.

Joe I said he feels the key here is the Class 3 wetlands; he said he understands their biological importance but wonders what would be the mechanism to enforce their protection and how best to keep that burden from falling on the landowner. He feels the current system is unfair and in his opinion, fails to whole-heartedly protect the land. He wants the board to be clear and upfront for future developers, so that standards for resource conservation are evident.

Carrie F suggested the use of a combination map cross-referencing both the established state classified wetlands and the USDA hydric soils.

Joe I cautioned the board to avoid using maps alone as a determining factor for further review or standards application. He would like to incorporate additional information from the applicant, however reiterates the intent is to protect land, not to increase cost on the landowner.

Bill M wanted to address his submitted document regarding lot sizes at this time, however the board agreed it would best be looked at in the future discussion around Density.

Joe I asked if the board had questions or suggestions regarding Forest Area Standards. Carrie F suggested adding "assure biodiversity" to the last sentence of #2.

Joe I asked about General Standards, citing his concern that the language be clearly stated as a guideline, not as a requirement which could be denied by the DRB. Tim C agreed, saying the

language should be suggestive, not regulatory. Bill M suggested changing the language in #1 to read "or otherwise enable" in order to allow flexibility for landowners when considering subdivision.

The board agreed that #2 in General Standards was adequate as written. Johanna W and Joe I both agreed that #3 felt too restrictive. Bill M asked if the LEED requirements apply. Alex W said no. The board agreed that there is too much repetition in preservation of natural resources as they are covered in Natural Resources (Primary/Secondary). The board also agreed that General Standards #3/#4 are similar enough to combine to read: *"Residential structures shall be placed to enable new construction to be visually absorbed by natural landscape features and not to protrude above ridgelines."*

Joe I asked about General Standards #5: Carrie F said she thinks the reference to Energy Star should be removed. The board agreed to remove the last sentence entirely.

Minutes from March 14th, 2012 Meeting:
Carrie F **MOVED to approve** as written. Ray M **SECONDED the motion**. The motion **PASSED 7-0**

Other Business:
VT Gas will be running a new Trans line through town to serve communities to the south. They will be using the VELCO Corridor.
VTRANS will be doing culvert assessment work this summer in preparation for next year's Rte. 116 repaving project.
CCTA will be starting bus services to Hinesburg beginning April 23rd. Stops will be at Town Hall Park n' Ride, pull in to NRG, possible stop in front of Kinney's and possibility for one other stop along Rte. 116.
The failed Fire/Police Station proposal is being revised, to be discussed at the Monday night Select Board Meeting.
The Hinesburg Economic Development Board is forming with the help of a project by UVM students to compile business data from around the town.

Joe I **MOVED to adjourn**. Ray M **SECONDED the motion**. The motion **PASSED 7-0**. The meeting adjourned at 10:02pm.

Respectfully Submitted,
Freeda Powers Recording Secretary