Town of Hinesburg
Planning Commission
May 9, 2012
Approved 05/23/2012

Members Present: Joe Iadanza, Johanna White, Carrie Fenn, Ray Mainer, Kyle Bostwick, Maggie Gordon , Bob Linck, Jean Isham.

Members Absent: Tim Clancy .

Also Present: Alex Weinhagen (Planning/Zoning Director), Freeda Powers (Recording Secretary), Bill Marks, and Dave Hirth.

Joe Iadanza chaired the meeting, which was called to order at 7:35pm.

Rural Area Zoning; Objective #2: Improving Subdivision Design Standards.

Joe I welcomed Maggie Gordon to her first official meeting as a new board member. The board picked up their discussion from April 11 on Rural Area Zoning, beginning this meeting with Objective #2.

Alex W reminded the board of the option to apply these standards to other permits/projects beyond Subdivision. Bill M asked if the new standards would apply to existing lots as well. Alex W said yes, these would be inserted into the Zoning Regulations. Joe I encouraged the board to consider the standards for any development. He said the Zoning Administrator can make landowners aware of expectations early on in the process.

Bill M spoke on behalf of the Conservation Commission, saying they want a simple procedure that gives guidance with some structure. Small scale projects without professional developers may not be aware of where the sensitive areas lay on their land. He would like to see some sort of regulatory guidance.

Joe I suggested making permitted uses Conditional Use would overwhelm the DRB. Bill M clarified, saying he did not intend to make them Conditional, but rather permitted uses with guidance. Part of that process would be providing landowners overlays with maps.

Joe I asked about the current number of undeveloped lots in town. Alex W said there are about 2,000 parcels in town of which about 600 are without residential dwellings. Joe I asked how many of those lots are situated with some type of sensitive areas (i.e., wetlands, slopes) Alex W said the answer will depend on how many variables you are interested in looking at. Jean I said while that is true, the number would be less than 600.

Bill M asked if new development occurs, won't existing subdivisions be "grandfathered" out of being held to new regulations? Alex W said yes, but that this is how the process works. Joe I

said they face that concern with every zoning regulation they work on, and that it is not a large problem.

Joe I asked how many lots in town are roughly 10.5 acres. Alex W said approximately 420. Joe I said landowners should work with the town to see where these sensitive areas are in relation to their lot. However, he notes the time this will take the Zoning Administrator and also cites the problem of needing the expertise to delineate wetlands etc.

Joe I said it appears that of the 600 parcels which exist currently without structures, approximately 250 are less than 10.5 acres. He said in his opinion, this appears to be a very small number of parcels, pointing out that the smaller lots are less likely to be subdivided.

Alex W clarified, asking if the board found that the regulations need not address this. The board was in agreement, saying it appears to not be a big issue and that the language can offer these regulations as guidelines.

Kyle B suggested a header for Design Standards #1-4. Bill M said he feels the Waiver Option language *good cause* is too vague, that *nullifying* is too strong, and wondered what was meant by *suitable* (reasonable?). He suggested the board tie in a reasonable mitigation which would get applicants to adhere to the standards to some degree.

Carrie F agreed, suggesting that Bill M rewrite the draft language. Joe I suggested removing the word *suitable* and await the public hearing for feedback and also suggested *substantially impair* to replace *nullifying*. The board agreed.

Joe I moved the discussion on to Resource Areas and asked for comments/questions. Maggie G asked if "ecologically significant" is a term used as delineation. Alex W said yes and referred the board to pg. 4 to demonstrate the state's use of the term in defining the function/values of Class 3 wetlands.

Kyle B said he feels ok with #1-4. Joe I addressed #4 (Energy & Solar). Bob L noted it does not address Energy, only Solar. The board agreed to drop the word "Energy." Kyle B said the word "should" makes it suggestive rather than mandatory. Alex W noted that is the case.

Next the board looked at maps showing Wetlands, which were noted for their significant role in flood storage as well as wildlife habitat. The distinction between state vs. local protection remains a challenge to the board; what to protect as far as what is mapped and how to delineate and identify those that remain unmapped. Alex W gave the board a hand out of the Vermont State Wetlands Info provided by the Dept. of Environmental Conservation. This document walks landowners through a series of steps to determine the likelihood of the presence of wetlands.

Jean I asked the board to be cognizant not to build in those areas as they mitigate flood waters as well. Dave H said he feels the maps give a good set of criteria for landowners to go out and determine the likelihood of wetland presence.

Carrie F asked if the regulations can reference or site this document provided by DEC. Alex W said yes. Bill M suggested including the document with applications. The board agreed.

On Hydric Soils: Maps provided show the Hydric Soils concentrated in the lowlands of town. Kip Potter (a soil scientist) spoke with David H via email regarding the importance/application of such soil maps. In that email, Kip P said "The bottom line is that the hydric soil map units can be used as a good planning tool, to evaluate general characteristics of the land, but should not be used to make wetland determinations without field verification of all three wetland parameters, soils, vegetation and hydrology."

Kyle B cautioned the board not to entirely trust the maps they are seeing as he noted known and existing wetlands which were not mapped and suggested the same might be true in other areas or vice versa in which areas mapped as wetland might not truly be wetlands at the actual site. He feels it important to use the maps in concert with other documents like the one from the DEC.

Alex W also reminded the board to consider applicants who come to the board in the winter months, who may not be able to visually see or recognize wetlands or hydric soils or their indicators.

Still, Jean I feels it is a good starting point for reference. She said the biggest question appears to be hydric soils, noting the difficulty many landowners might have in identifying the different soil types. She feels it is still better than what they had. Kyle B remained skeptical of seeing the maps as sufficient. Jean I said they are not relying solely on the maps, but reminded the board that the DRB will review and determine the ultimate decision on applications.

At 9:40pm Ray M excused himself from the meeting.

Joe I continued the discussion, saying that ultimately to some degree, the board has to rely on the honesty of landowners. He said it is up to the Town to provide the landowner with as much information as is available. He suggested including or referencing a checklist for landowners to identify wetlands but would like to drop the mention of hydric soils, saying he feels the identification of those areas is too complex for the average applicant.

The board then moved on to discuss Elevation Development; the main concerns in this area remain Storm Water, Runoff, Visibility, and Erosion.

Alex W said he finds it difficult to choose an elevation number as a threshold as the variance is so great. Bill M said it is relative, not absolute. Alex W asked the board to be clear in their intention when discussing elevation data. Is their main concern visibility? He showed a map identifying a Visibility Index, noting that not all high elevation areas are necessarily highly visible. Joe I clarified, saying he sees the issue as development *in the view shed but not blocking a view.*

Bill M said in his view, the environmental impact is the most important factor in consideration. Joe I noted that it is listed in Visual Impact, not Environmental Impact. He suggested the board be careful in what it protects and why; a hill in the eastern side of town is not the same in elevation as a hill in the western side of town.

Bill M said he prefers restriction over prohibition. Joe I asked what is the main concern in high elevation development vs. low slope development (15-25%). Bill M said in his opinion, the environmental impact on properties below high elevation development remains a major concern.

Joe I also noted the difference between slope development vs. elevation development. He said the board should prevent *blocking* view sheds, but can not prevent development *within* a view shed. Bill M reiterated that in his opinion, visibility is not prohibited, but that he does want the board to ask applicants to be cognizant to build in a least obstructive way.

Joe I said he feels a need to define "ridgeline" as well. Carrie F gave the example of the Thistle Hill neighborhood development, saying it is visible from Shelburne Falls Road while it is not at a very high elevation. Bill M agreed, saying he feels there should be a clear definition and identification of "ridgelines."

Minutes from April 11th, 2012 Meeting:
Carrie F **MOVED to approve** as amended. Jean I **SECONDED the motion**. Motion **PASSED 6-0**

Other Business: None.

Jean I **MOVED to adjourn**. Johanna W **SECONDED the motion**. The motion **PASSED 6-0**. The meeting adjourned at 9:55pm.

Respectfully Submitted,
Freeda Powers Recording Secretary