Town of Hinesburg
Planning Commission
May 23rd, 2012
APPROVED 5/30/2012

Members Present: Joe Iadanza, Johanna White, Carrie Fenn, Maggie Gordon, Bob Linck, Jean Isham, Tim Clancy. Ray Mainer arrived at 7:45pm.

Members Absent: Kyle Bostwick.

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 7:37pm.

Rural Area Zoning; Objective #3: Rural Area Development Density/ Maximum Build Out.

The commission began discussions on Density and Maximum Build Out with a brief review of draft language, which is largely the same as the 2009 language. There are two determining factors in deciding development density; developable area & road condition/classification. Conventional calculation works by deducting "takeout" areas (sensitive areas i.e., slopes, wetlands etc.) and basing density on the remaining "buildable land" acreage. This system simplifies concerns on how to identify, define or avoid sensitive areas for development and allows the land to speak for itself.

Alex W noted that in the proposed language they are looking at, he has taken out the reference to Prime Ag Soils and asked the commissioners to consider if they want that left in or not. There has been some discussion that while other sensitive areas (slopes, wetlands) are truly not developable, most Prime Ag Soil areas are potentially very developable, with adequate septic potential etc.

The second option for subdivisions is PUD (Planned Unit Development) in which developers are encouraged through incentives to cluster buildings (via shared access, small footprints etc.) so as to minimize impacts and preserve open spaces. PUD development offers the greatest density allowances. It is a way to retain the value in land and works to dedicate Open Space while rewarding innovative, comprehensively planned development.

Alex W reminded the commissioners that the Units/Acre they decide will be *very* specific to Hinesburg; there are no hard and fast rules to go by, they can not replicate from other towns.

Bob L asked about Prime Ag Soils, do they trigger Act 250 review? Alex W said yes, above a size threshold, Act 250 would require projects to minimize impact and mitigate where possible. Alex W said this rarely happens in Hinesburg as the size of projects triggering Act 250 (10 units or more), are not common here. While most local subdivisions are smaller in scale, he said it is

important for the commissioners to consider future growth and anticipate that such large projects are possible.

Bob L asked if the Act 250 review requires mitigation on development already done up to the point of review. Alex W said this is a good question, he is uncertain if the review, once prompted, retroactively requires a developer to mitigate areas already developed. He does not believe so.

Carrie F asked what does mitigation for Prime Ag Soils look like. Joe I said it means money or land being set aside for conservation. Alex W said that is correct, developers are required to minimize their impact, then stipulate land will not be developed; land is conserved.

Jean I noted the different soil classifications; state and "Prime Ag" and wanted to know if both require mitigation. Alex W said yes, but noted the exception to areas that suffer from known drainage, compaction, slope or other issues which render the good soils undesirable for purposes of planting.

Joe I asked why not link the soils to the Primary Resource Areas. Alex W said the commission can do that if they wish, but would recommend cross referencing. Alex W encouraged the commissioners to be clear in their regulations, advising they not rely on the DRB for determining allowances.

Bob L asked about habitat areas; how are they discussed with applicants. Alex W said staff provide that data to landowners/applicants. Bob L voiced concerns about data being used, noting it is usually many years old. He wonders who verifies the data. Alex W said in the one case he has seen come before the DRB where this came up as an issue, an agreement was reached by communication between Town staff, the landowner, and the VT Fish & Wildlife Dept. That particular subdivision proceeded using the PUD process, making available a large "open space" which mostly contained the mapped habitat area of concern.

Joe I suggested small lot development needs more parameters, encouraging shared access etc. in order to minimize impacts. Alex W said that the Design Standards do help with that.

Jean I also suggested thinking and planning into the future, to avoid impairing future lot use potential. Alex W said the reality is that most people don't, which leaves the potential to fragment property. Joe I agreed, saying his concern is in keeping the process simple. He feels it would be pertinent to retain Current Use capabilities.

Bob L asked about road designations; do road statuses change, say, if they get paved. Alex W said the road designations do change, but not often. Bob L also asked if a paved road is automatically considered a Class I road. Alex W said no, the classification system is a state construct that includes factors such as traffic demands, surface composition, and others.

Jean I said it makes sense that the regulations reflect the classifications/conditions of the roads as they are currently, allowing future PC changes to occur as road changes do. The board agreed.

Tim C asked about neighboring towns' approaches to using Rural Area Density data. Alex W said it is commonly established that current data be used, so that density numbers are not reflective of the actual build-out at the given density as the process happens at a slow progression.

Tim C asked about the soil takeouts, asking if they are intended to remain as unbuildable areas. If this is the case, he has concerns as most areas found to be Prime Ag Soils, are in fact quite buildable parcels.

Jean I said she thought that would be addressed with Design Standards. Alex W said yes, but to the degree that it requires minimized impact. He asked if the board wanted to consider a threshold to that.

Carrie F cautioned that Prime Ag Soils, while potentially buildable areas, are in fact a valuable and irreplaceable natural resource and urged the board to recognize them as such through protection and preservation. Johanna W pointed out that a large chunk of the Prime Ag Soils does appear in the village area. Alex W concurred, but noted the application for Rural Districts.

The Commission viewed Soils Data Maps provided by Alex W. Maggie G noted that both State and Prime Ag Soils are considered Secondary Resources. The board agreed that the soils maps indicate good soils found in a significant percentage of town, and Alex W reminded them of the importance of allowing some possibilities (i.e., not a *thou shalt never touch these areas* but more of a *minimize & mitigate* approach). He noted the "tools" available to landowners including clustering and shared access to accomplish this goal.

Carrie F suggested a calculation to help landowners with this issue; perhaps 25% of Ag Soils be considered for takeouts. Johanna W asked if PUD development would be 50%.

Alex W reminded the board that the idea was to make the PUD option an attractive one. He said the board can make the PUD % whatever they feel comfortable with, but noted that the incentive should be an effort to maximize Open Space preservation and encourage Master Planning. Johanna W and Jean I both agreed the current density credits are too high. Alex W reminded them that most landowners do *not* do PUD.

Tim C said density remains his main concern. In his opinion, suggested density numbers are too high to be viewed as "rural" or as maintaining "rural character." He feels the board should lower the density numbers across the spectrum. He said he does not envision a large development positioned right next to a large open field as being "rural." He feels the current takeouts are intuitive; the land being substantially unbuildable.

Joe I agreed the density numbers need to be modified. In his opinion, the Ag Soils impact on too much area to be considered off limits. He proposed if he were a landowner with Prime Ag Soils on his parcel, and could develop without impacting those soils, should he still be penalized for them? He feels a graduating scale would be appropriate here; the greater the impact, the

lower density allowances. Carrie F felt such a scale would be too complex for the average landowner. She feels clear & simple regulations are the best way to go.

Tim C said in his opinion, resources should be dealt with in Design Standards and Density should be discussed head-on as its own matter.

Jean I asked if PUD development has a limit on the number of lots allowed. Alex W clarified, asking if she meant a limit on the number of PUDs in an area or the number of lots allowed within a PUD development project. Jean I said she was referring to the number of lots within a PUD. Alex W said there is no limit, but noted that PUD design standards are different and suggested the board could tweak them to require clusters to be properly screened, designed better into the landscape etc. Jean I agreed this would be a good idea. Tim C disagreed, saying that while laudable, it felt to him far too narrow an order; visibility is not the biggest impact concern.

Bill M asked about Forest areas not being considered a Secondary Resource Area. Alex W clarified, saying while small forest areas are not considered Secondary Resources, the board had decided on large blocks (700 acres) being protected in order to conserve Wildlife Habitat as well as important Linkage Corridors. Alex W noted that Bill M had a valid point with the forest areas; saying it is a value standard and the board should be clear on this subject.

Bill M suggested language that encourages development to occur at the forests' edge rather than in the heart of a forested area. He feels this will help balance the value and protection offered to both important resources (Forests and Prime Ag soils), preserving the integrity by impacting each slightly but neither profoundly.

Minutes from May 9th, 2012 Meeting:
Jean I **MOVED to approve** as written. Ray M **SECONDED the motion**. Motion **PASSED 8-0**

Other Business: Alex W emailed the board updating them on new development going on around town including **Hinesburg Center LLC, Cheese Factory Redevelopment, Hinesburg Family Health, Bissonette Property – Haystack Crossing, and Burnett Scrap Metal,** all of whom are either in development or considering it.

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

Respectfully Submitted,
Freeda Powers Recording Secretary