

**Town of Hinesburg
Planning Commission**

June 13th, 2012

Approved June 27th

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

Members Absent: Joe Iadanza.

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

Bob Linck chaired the meeting, which was called to order at 7:32pm.

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

Discussions resumed on Density and Maximum Build Out with Alex W presenting 3 scenarios for density figures; Scenario 1: have 3 density classes related to road classifications; 8 acres/unit for paved roads, 10/1 for class 3 & Silver St, 15/1 for class 4 roads. Scenario 2: 3 density classes; 10/1, 12/1, 15/1. Scenario 3: 2 density classes, based on 10/1 for best roads and 15/1 for class 3 & class 4 roads combined.

Tim C said in his opinion, the class 4 roads, which only cover about 3.5miles, are probably not worth spending a great deal of time considering. Johanna W agreed. Tim C suggested a very simplified calculation, proposing one density across the spectrum, set at 10/1, leaving out the 3.5 miles of class 4 roads. Maggie G cautioned that this could result in a small development cluster happening on a class 4 road, resulting in a required upgrade by the town which could be very costly. She disagrees with the proposal to leave out class 4 roads and suggests the commission should set a density number for them.

Bob L said in his opinion, combining class 3 & class 4 roads is not what they want to do. Carrie F agreed.

Tim C said he sees requiring class 4 roads to be less dense as unfair to those landowners who happen to have land off class 4 roads. Maggie G disagreed, saying having more density on class 4 roads would be unfair to the typical tax payer who pays for the increase in the municipal budget for road maintenance. Tim C questioned that assertion, saying he has never seen a study showing that cost offset. Jean I asked if the Select Board had discussed the cost difference between maintaining paved vs. dirt roads. Ray M said he believes the cost is relatively equal.

Kyle B said as far as the financial aspect goes, there is no doubt that an increase in development results in an increase in necessary road maintenance, but that there is also an increase in the

revenue to pay for that. Bob L disagreed, saying most studies actually show that residential development does not bring in enough revenue to offset the costs of increased public services.

Tim C said his concern also lies in a “walling-off” of open spaces by paved roadways. He reiterated his desire to simplify the density formula. Kyle B said he feels comfortable with a density of 10/1 and questions the ideology behind a 15/1 formula, saying he thinks people should be challenged to *use* the land appropriately. Bob L cautioned against comparisons to other towns as he points out Hinesburg is unique in its ambition to encourage development in a “Village Growth Area” in an effort to keep the rural areas rural.

The board viewed build-outs of existing neighborhoods and specific parcels.

Alex W mentioned the Small Lot Exemption and also said the board might consider *not* tying the density numbers to the road classifications at all.

Bill M said economics is an important factor, and there are studies that show that costs are more tightly tied to the distance of dwellings from roadways, rather than whether those roads are paved or dirt. He also said dirt roads actually increase the recreation value and quality of life in rural areas; they slow down vehicles and make an area more “livable.”

Johanna W said she has no problem combining class 3 & class 4 roads together at 15/1 density.

Ray M cautioned the board that he feels they are only looking at traffic, rather than at what the occupants *want*. He said traffic is an important consideration, but is only one facet.

Alex W said he gets the impression that the board is comfortable with a density of 10/1 with a distinction between class 3 & class 4 roads at 15/1.

Jean I reminded the board that the goal here is to bring development into conformance with the Town Plans’ aim to preserve the rural character of the town. Alex W said the question is, will 15/1 do that better than 10/1? Bill M asked how do you define that rural character? To him, the answer is simple; it’s the way you *feel* living here. He said it is an impression and a feeling one gets when they look around their neighborhood; does it *feel* rural. He said the density of 10/1 seems moderate; a compromise in every sense.

Jean I reminded the board that they already allow higher density in the Village area.

The board viewed more examples of local build-outs, running all three scenarios.

Tim C noted that it is interesting to see that with take-outs, the 15/1 actually ends up looking more like 25/1. The board could see that density numbers tended to increase slightly between scenarios 1-3 (i.e., a parcel on Baldwin Road showed build-out potential in scenario 1 at 8 units, in scenario 2 at 7 units and in scenario 3 at 6.) Alex W said this demonstrates that density numbers *do* matter; they have a definite bearing on development potential. He noted that as Tim C had pointed out, the effective density is often times lower due to take out areas.

While Alex W pointed out that Hinesburg's growth rate is slow, Tim C also asserted that there is no time limit on preserving rural character; the intent should be long term preservation.

Regarding the Small Lot Exemption, Bob L said he sees a potential situation where a small lot could have a higher density allowance than a larger lot with lots of take-out areas. Kyle B clarified this, saying there is no cap or limit on the Small Lot Exemption. Bill M said that is true, and therefore a more apt title would be the Preexisting Lot Exemption, as it really does not pertain to the size of the lot at all. The board agreed. Viewing existing lots that would qualify for this exemption, Alex W noted that many of them are located in areas already highly subdivided.

Jean I reminded the board that conservation easements also prevent subdivision. Alex W said that is correct and noted that conserved land was not counted in the buildable acreage.

Tim C said perhaps 12/1 achieves the rural character they want. He cautioned against the Preexisting Lot Exemption being open to too many landowners; indeed the idea of an "exemption" is that it does not apply to the greater portion of applicants. He said if all the eligible lots being looked at actually did subdivide, it would dramatically affect density. Kyle B suggested a time frame be ascribed, a sunset provision, that would prohibit further subdivision of these lots in the future.

Jean I noted that once subdivided, a landowner begins to pay taxes on *both* parcels, so it wouldn't be financially sensible for someone to subdivide their property now in an attempt to get out of that future ban; so such a provision might prove useful.

Tim C said he feels the exemption is pushing people into subdividing their current parcels. Bob L said that is counterproductive to what they are trying to accomplish.

Tim C & Ray M both opted for a density formula of 12acres/1unit. Johanna W, Carrie F and Jean I agreed. Kyle B felt 8/1 was adequate.

Tim C said he is not fixed to the road classifications. Bob L said in his opinion, it makes sense to have 3 classes for density. Carrie F said she likes scenario 2 best.

Jean I asked if the board felt that the Preexisting Lot Exemption should reflect the same density numbers as that for paved roads or Class 3&4 roads (i.e., Preexisting Lot Exemption of 10 to reflect the density numbers of paved roadways). Alex W said whatever they decide on they should feel comfortable explaining their decision at the public forum.

Tim C suggested 2 classes for density, but the board agreed to keep 3 classes and put density numbers at 10, 12, and 15 respectively.

In regards to Minimum Lot Size, Jean I said smaller Minimum Lot Sizes would increase flexibility for landowners. Maggie G asked for clarification; would smaller Minimum Lot Sizes make PUD development easier? Alex W said no, in fact most PUD development often happens as a result of the current Minimum Lot Size (2 acres in the Ag District, 3 acres in RR1&2) being too large.

Tim C said he does not see the point in the PUD process and feels the bonuses are too high.

Alex W said the DRB tended in the past to look most strongly to surrounding density in order to establish what they felt was appropriate for a given development project. Bill M said so in that sense, they are in fact inhibited in some cases due to the rural character of the land. Alex W said yes, to an extent that is true.

Tim C suggested eliminating Scenario 1 from the list of possible formulas. The board agreed. Tim C said the Preexisting Lot Exemption would potentially raise density. Alex W said that is right. Jean I said the Preexisting Lot Exemption won't affect large parcel owners as much as small lot owners.

Tim C noted that on page #2, the language sounds "grandfathered," as it states *...any parcel in existence prior to xxxxx date*. Alex W said the Preexisting Lot Exemption allows only a one time subdivision. Tim C noted that density was set at 8/1. Alex W said that density number was tied to the existing base density number. He said the board can recalibrate that number if they wish to correlate it with their revised base density of 10/1. Jean I said in her opinion, 15/1 would be too high for the Preexisting Lot Exemption. The board agreed. Johanna W suggested leaving it at 8/1. Jean I asked if Design Standards still apply to these lot subdivisions. Alex W said yes.

Regarding the PUD process; Alex W said the PUD exemptions allow for waivers including lot frontages etc. This is intended to allow for design variety and creation of open spaces. He acknowledged Tim C's frustration at the apparent complexities of the PUD process, saying at the last meeting the board had agreed to simplify that process. He said developers *do* like the PUD bonuses and exemptions; they just don't like the negotiating part.

Kyle B said he feels it is important to keep open the possibility for "out of the box" thinking when it comes to development. He is in favor of keeping the PUD process with some bonus and exemptions but agrees the process should be simplified. Tim C said he feels the density bonus should be eliminated.

Alex W said the point is well taken, and said he understands the board's concern that the PUD process should be about flexibility for innovative design, and maybe should not offer density bonuses. Kyle B agreed, saying the density bonus might not be what every developer is looking for in terms of developing incentives. He feels that should be part of the conversation, but ultimately left up to the developer to decide to take advantage of it or not.

Jean I brought Section 4.5.1 of the Zoning Regulations, regarding PUD development, to the board's attention. She specifically cited the Purpose & Objective. Bob L agreed the PUD process should be on the table for discussion with developers. He agrees that there needs to be more give & take with the DRB. He feels this issue has bigger questions/concerns than time allows in this discussion. Alex W said the board can revise Section 4.5.1 on PUD development at a future date, sticking for now with the density issue.

Maggie G asked Alex W if currently he sees the PUD process being taken advantage of specifically for the privilege of the density bonus. Alex W said he can not think of an example. Tim C suggested that might change if they decide to change the density numbers. Jean I asked if the board felt it prudent to allow for density bonuses in the rural areas. Kyle B said he thinks it should be part of the conversation but not a requirement. Alex W reminded the board that Conservation Design Standards don't have the same requirements as PUD development (i.e., open space requirements).

Bill M reiterated his desire that Design Standards address trail systems. Alex W said it is a laudable intention, and that in fact there is work being done now to protect potential trail systems but noted that the Town needs to identify where it wants these trails to go before such protection can be implemented. Alex W said he feels it would be jumping the gun to make that regulatory at this time.

Bob L suggested resuming the discussion on the PUD process at the next meeting. Jean I said in short she feels they should keep the PUD option; the real question is the bonus. Kyle B restated his opinion that ultimately the choice to take advantage of the bonus should be left up to the developer, that it should not just be given.

Minutes from May 30th, 2012 Meeting:

Jean I **MOVED to approve** as amended. Johanna W **SECONDED the motion**. Motion **PASSED 8-0**

Other Business: None.

Ray M **MOVED to adjourn**. Jean I **SECONDED the motion**. The motion **PASSED 8-0**. The meeting adjourned at 10:11pm.

Respectfully Submitted,
Freedra Powers Recording Secretary