Town of Hinesburg
Planning Commission
July 25th, 2012
Approved 08/22/12

Members Present: Joe Iadanza, Jean Isham, Carrie Fenn, Maggie Gordon, Kyle Bostwick, Tim Clancy, Johanna White and Bob Linck.

Members Absent: Ray Mainer

Also Present: Alex Weinhagen (Director of Planning & Zoning), Renae Marshall (Recording Secretary) . *Public Included Bill Marks and Matt Baldwin*

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

Rural Area Zoning—Cont'd from 7/11 meeting:
Alex reviewed the items needing clarifications from the last meeting. First, regarding Objective 1, page 4, item 9, he noted that he had made the change from "furriers" to "farriers". Second, he addressed the wording under Conditional Use Review—4.2.2. He explained that Statute dictates the verbiage in this portion of the document. "The character of area affected" comes from statutory language and we (Hinesburg) added "and the essential character of the neighborhood or district in which the property is located". He pointed out that area references the surrounding area around the property.

Bill Marks suggested changing "and" to "being" to make it less redundant. Alex will make the wording change to achieve this.

Next, Alex referenced the question that came up regarding the first sentence of 4.2.2. *Should language contain "*unduly*"?* Alex stated that the Statute uses the word "undue". He will make the change so it reads, "*The Development Review Board shall ensure that the proposed conditional use shall not have an undue adverse effect*".

Alex then addressed Ray's suggestion that newly formed VAST trails should be considered a Conditional Use like mountain bike trails. He noted that Bob L. had made the suggestion to remove the VAST trails from this list of exemptions as a possible solution. Alex clarified that the Commission must be clear on which way it decides on this. Alex stated that he would be surprised if there are any other towns where VAST has to come before a municipality to get a permit to add to their trail network.

Alex concurred that an outdoor recreation facility, such as a cross-country skiing center, constitutes a facility because it is a business and the land was purchased for that use. VAST trails are much like The Long Trail or The Catamount Trail; they aren't a facility and they aren't operating as a business.

Bob L. added that VAST trails typically don't have easements; they are used at the landowner's discretion. He feels it would be burdensome for VAST to have to contact the municipality for approval each time they wanted to add to their trail network.

Kyle B. **Made a MOTION** to keep VAST trails as an exemption. Joe **Seconded** the motion; All in favor. **The motion PASSED 8-0 with Ray M. absent**.

Alex addressed Jean Isham's suggestion on page 6 under Zoning Definitions. Jean had suggested that "maple sap" be replaced with "sugar maple trees" so it was more consistent with the list of things grown. Alex noted that people may see that as simply growing sugar maple trees and not see the connection to sugaring. Alex suggested it read "producing maple sap" and all members present agreed to the wording change.

Alex then introduced Matt Baldwin and wanted to give him the opportunity to share the perspective of a large landowner as well as a large landowner interested in conserving land. Alex stated that Matt would explain how density numbers impact the ability for those landowners to do that conservation effectively. Alex said that he and Matt had calculated the numbers for two of Matt's properties off Baldwin Road.

Matt Baldwin introduced himself as a large landowner and farmer that lives off of Baldwin Rd. He has been producing hay for 13-14 years. His family dairy farmed before that. He stated that with the proposed take-outs scenario, it effectively lowers the density considerably. This hurts the large landowner that has to pay to keep the land open, work the land, and pay taxes on it. Farmers conserve land so they can buy more farmland. By putting the density so low, it prevents the large landowner from getting paid for development rights or conserving it because the assessment will come in so low. Farmers need to use land assets to the fullest. Matt feels the proposed take-outs scenario would hurt farmers like him considerably. Keeping the density low forces us to sell off large parcels of land at high prices for a large home to be built on. This doesn't keep the land open for future generations of farmers and farmers won't be able to sustain for long this way. Matt stated that it is tough farming here because land is so expensive. The money you get for development rights is dependent upon the appraisal. Matt feels a better option would be to have the effective density (actual density) be set at 10-12 acres/unit.

Joe I. asked Matt if the bonuses are attractive at all.

Alex explained the PUD process would require a master plan that is based on full build out potential. Matt B. stated that large landowners don't want to do full build-outs; we either want to conserve it or put in a lot every once in a while to put more money back in the farm.

Bob L. clarified that an easement appraisal isn't based solely on what the full build-out potential is. It takes into consideration current zoning, comparable sales at the time, best use of the land, etc.

Kyle B. stated that with an 8-10-12 scenario; a density of 8 acres/unit, you would have the option of selling an 8-acre lot or combining two parcels (two 8-acre lots) and selling a 16-acre lot.

Bob L. said the issue is that we are dealing with all of Hinesburg. Not every landowner will be eligible for purchasing an easement from the Vermont Land Trust perspective—only certain special agricultural land and unusually productive forestland qualifies. This is a very small percentage of land in Hinesburg.

Jean I. stated that this isn't going to depend on conservation; it will depend on farmland quality and landowner interest.

Tim C. wanted to ensure he understood Matt's issue. He stated that he is hearing Matt's issue is that with the lower densities your development rights in relation to your land value assessment would be lower. However, Tim was under the impression if density is lower than land values for buildable lots will go up.

Matt B. stated that there is no market for 300-400 thousand dollar lots. You have to sell to the super rich; you can't keep your farm.

Joe I. stated the Commission had considered a large landowner scenario when they set these proposed density numbers. They had envisioned a large landowner creating smaller lots and putting them where they make sense to the land, and then have the remainder of land be owned potentially by the original landowner, and the farmer could continue to farm that piece of land.

Matt B. questioned what value is left after those ½ acre lots are sold off. The land won't be able to be conserved because the appraisal will come back with no development value.

Kyle B. stated what he felt Matt was saying is when you look at overall land value; an acre of potentially developable land is worth more on the open market than agricultural land. With a developable lot, larger lot size has less value per acre. He stated that when you build on a lot, acreage value doesn't increase based on acreage accordingly.

Tim C. felt that the same lot could be split in different ways and the amount you sell off the smaller lots for would be similar or equal to the amount you would receive for fewer larger lots.

Joe I. said that it is apparent that we need to consider revisiting the conversation on the density and the take-outs again now that we have a different understanding of how the farming community operates.

Matt B. stated that the density number is the key issue. The number of houses you can put on a property is what drives the value. As you bring this information public and people realize the take-outs and effective density, people will be shocked.

Alex then moved on to the second document, Objective 2--Design Standards. In reference to Bill's suggestion to add future town-wide trail network as #5 on page 2. The three options Joe noted from the last meeting were as follows: 1. Leave it as is. 2. Make it an advisory suggestion. 3. Make it a mandate. Alex included Lenore Budd's submission of proposed language as part of tonight's packet. Alex noted that Lenore's proposed language leans more toward the mandate option. The use of the word "shall" effectively makes it a requirement. Alex reminded the Commission that trail network creation doesn't have to happen at the DRB level through a regulatory process. We have been working with the Trails Committee so they can be included and can potentially talk with landowners outside of the DRB process. Alex posed the question to the Commission regarding which option they would choose.

Bob L. prefers to make it a suggestion because the vision is just that and more work will be done. Maggie G. asks what language would make it lean toward a suggestion. Alex suggests

using the word “collaboratively”. The Commission agrees this would be a good fit for making it a suggestion. Joe I. echoed the sentiment that suggestion is the way to go in his opinion. Alex will fix the language accordingly.

Alex then moved on to Conservation Commission Subdivision definition. He referenced maps that identify specific areas. Core Wildlife Habitat is identified as a secondary resource. The question is how much wildlife habitat to include as a secondary resource and how to ensure there is a map to define it. Alex showed a map by the Vermont Fish & Wildlife to identify wildlife habitat blocks. Criteria, if based on size of the wildlife block, will be different. Jans Hilke of VT Fish & Wildlife stated that 700 acre or larger blocks would capture the majority of the wildlife habitat. However, Bill Marks & David Hirth of the Conservation Commission say that this can exclude certain wildlife that we value.

Tim C. feels we are already strained in terms of take-outs, density, etc. at this point in the conversation---he feels we have gone over this many times and questioned what’s new.

Alex demonstrated on a map the current habitat blocks VT Fish & Wildlife have blocked off. These areas largely correspond to forested areas with certain smaller and more fragmented forest areas excluded. However, David Hirth says smaller forests may be considered ‘interior’ forests, if their configuration includes a buffer of at least 100 meters from human disturbances and the types of species involved.

Maggie G. expressed concern with having the larger wildlife blocks be eaten away in terms of non-core habitat and then being eligible for development.

Bill M. stated that wildlife habitats are not their (smaller forested parcels) only significance; forest values are diverse.

Bob L. questioned how steep slopes factor into the area in brown represented on the map. Alex showed the rural take-outs.

Joe I. asked the Commission what the consensus was for adding interior areas (100’ from edges) of smaller habitat blocks. After some discussion, they agreed to add these areas with the expectation that feedback will be received from the public.

Alex continued on to Objective 3—Defining Development Density. He noticed at the last meeting the Commission had suggested the removal of the Shoreline and RR1 Districts since we are separating districts. Alex noted Shoreline and RR1 are included in the Design Standards document as well; he asked the Commission if it was their intention to have them removed from both. The consensus was to remove both, and deal with these districts via a future, separate regulation revision.

Alex confirmed that he has made all the changes that were suggested in the prior meeting.

Joe I. asked the Commission to revisit Matt Baldwin’s concerns at this time. Alex reiterated the point if the minimum lot size was two acres, you couldn’t take the lot size and divide by two and come up with the number of lots. Tim C. questioned how we are impacting property values. Jean I. wondered if this was truly relevant to the Planning Commission’s work. Tim C. feels we need to discuss because it wasn’t our intent to decrease land values or make it more

difficult for large landowners to conserve their land. Carrie F. clarified that we are not having him take out primary agricultural land.

Alex showed the map of Matt's properties off Baldwin and Drinkwater Road. The Drinkwater parcel has 115 acres of which there is 34 ½ acres of take-outs, which leaves 80 acres of buildable land to do the density calculation. According to the proposed density, 1 unit/12 acres would equate to 6 units. The PUD option could go up to 8 units. The effective density would be 1 unit/14 acres.

Johanna W. reiterated Matt's point regarding decreasing the number of houses allowed on a parcel of land makes it less likely to be conserved.

Bob L. reminded the Commission that in addition to build-outs, appraisers look at other factors such as current zoning, what is the best use of the property, recent comps, etc. He cautioned the Commission not to jump off that point and simply change it because it devalues land. Tim C. added that a landowner could potentially sell off 12 lots at $10,000/each or sell or sell 8 lots at $15,000/each. He is not confident that reducing the density is driving land values down for developable lots. Kyle B. advised that it should be looked at from a developer's point of view. A house on a 15-acre lot is worth more than the same house on a 10-acre lot. However, the per acre value is higher in the smaller lot. Alex explained that developers don't necessarily build to the maximum build-out but more to the current/future market. Kyle B. supports Matt's point on property value that if you take away the opportunity; you are lowering the land value. Jean I. counters that it is how you market the land. The appraised value will be based on comparable sales in the area; not based on how many houses can I get on this lot. Tim C. feels it is still inconclusive if you are really damaging value if the density is lower.

Joe I. stated that in our new zoning approach, if a landowner didn't want to go with a conservation easement they could create smaller development lots by creating a master plan and selling off 1 or 2 lots at a time.

Tim C. feels this large landowner argument is going to come back again and again. Joe I. stated that what he has gathered from the discussion is the take-outs are too onerous and the densities are too low. Alex suggested the PC come to public hearing with basis of how you came up with the numbers. Respectively listen to the public views. Joe I. asked the Commission what if anything we do to the density numbers. The Commission decided to wait for feedback from the public at the hearing.

Alex stated that the historic numbers are denser than these proposed numbers. He noted that the public will compare these proposed numbers to what was granted previously.

Joe I. said that what he is hearing is what we have today is what we will submit to the public; the Commission agreed. The next item to be addressed is to look at the date for a public hearing. The group decided that Alex would have the final package ready for the August 8th meeting and the public hearing would be set for September 12th with a mid-October delivery to the Selectboard.

Other Business: Shelburne is doing a zoning update. Richmond is having a public hearing in August for a substantial revision on Rural Area Zoning in their community. Alex has copies available for those who are interested—send to Joe, Maggie, Jean, Bill, and Tim.

Joe I. **MOVED to adjourn**. Jean I. **Seconded the motion**. The motion **PASSED 8-0**. The meeting adjourned at 9:55 p.m.

Respectfully Submitted,
Renae Marshall--Recording Secretary