Town of Hinesburg
Planning Commission
September 12th, 2012
Approved 9/26/12

Members Present: Joe Iadanza, Jean Isham, Carrie Fenn, Maggie Gordon, Kyle Bostwick, Tim Clancy, Johanna White and Bob Linck, Ray Mainer
Also Present: Alex Weinhagen (Director of Planning & Zoning), Renae Marshall (Recording Secretary) .
Public Included: George Dameron, Richard Francis, Brent Francis, Trey Polk, David Newton, Roger Giroux, Carolyn Duffy, Kristy Mcleod, Carl Bohlen, Alison Lesure, Jonathan Trefry, Roger Kohn, Jim Collins, Sam Collins, Lynn Gardner, Marie Gardner, Andrea Haulenbeek, Grace Ciffo, Anne Donegan, Meg Handler, Mary Baldwin, Chris Nielsen, Victoria Nielsen, Liz Winterbauer, Niel Winterbauer, Peter Erb, Christiana Bedard, George Bedard, Leonard Duffy, Dennis Casey, Kate Schubart, Bill Schubart, Tom Marrinson, Jeff Hinsdale, Pam Matthews, Will Patten, Joe Colangelo, David Fenn, Dorothy Pellett, John Kiedaisch, John Veilleux, Sandra Veilleux, Margery Sharp, Gill Coates, Rob Farley, Larry Telford, Dave Hirth, William Chatoff, Mark Ames, John Lyman, Val Spadacinni, David Lyman, Barb Lyman, Roger Lawson, Elaine Lawson, Andrea Morgante, Gary Fenwick, Deb Howard, Bart Frisbie, Catherine Goldsmith, Christopher Murphy, Ben Olender, George Holoch, Tony St. Hilaire, Matt Baldwin.
Note: A head count of 75 was noted for the evening (not including PC & Town staff) however, only 65 people signed the attendance list.

Joe Iadanza chaired the meeting, which was called to order at 7:34 pm.

Joe I. asked that before they begin the meeting, they take a moment of silence to honor Ambassador Stevens, members of the Diplomatic staff, and all the others who have died for this nation.

Rural Area Regulations & Town Plan Revisions

Joe I. gave a brief overview of the Rural Area Zoning and how it came to be. He stated that tonight's hearing was just the Planning Commissions next step in the process towards taking the Town Plan & discussing it with the Commission, Town staff, and members of the public and ultimately with the goal of turning it into zoning bylaws. Joe I. stated that there are essentially four parts to this proposal.

1. Modifications to the Town Plan
2. Changes to density
3. Changes in the types of land uses allowed in rural areas.
4. Siting (how to divide up the lots and where to locate the house site.)

Joe I. thanked the public for coming and turned the floor over to Alex Weinhagen, the Town Planner. Alex W. stated that the current Town Plan was adopted in 2011. The purpose of the current proposal is to determine how best to respond to development as it slowly moves out to these rural areas (Rural Residential 2 & Agricultural Districts). Alex stated that this proposal has three primary objectives.

1. Expands types of uses in these rural areas.
2. Improve the Design Standards
3. Define what the allowed density will be in rural parts of town

Expanding allowed Uses: This proposal seeks to expand uses to allow commercial uses that are compatible in rural areas and that bring value to the agricultural & forest economy. Alex gave examples of these types of uses in different towns in Vermont such as the Cellars at Jasper Hill in Greensboro, VT, Cloudland Farm (Farm Café) in No. Pomfret, and Sleepy Hollow Ski & Bike Center in Huntington, VT. He stated that under our current zoning, these types of businesses wouldn't be allowed in Hinesburg, but with this proposal they would, with the review process.

Improve Design Standards: Defining how much development would be allowed and how it should be designed. Ensure that the primary/secondary resource areas are considered in the design process. Primary resources are generally unbuildable areas such as streams, wetlands, slopes greater than 25%, flood hazard areas, surface water such as ponds, streams, etc. Secondary resources are prime agricultural soils, core wildlife habitat, wildlife corridors, significant scenic views from public roadways, etc. Alex noted that all of these primary & secondary resources are now mapped. This offers the landowner the ability to locate the potential house site based on these identified resource areas and keeps development off the primary resources and minimizes the impact on the secondary resources.

Defining Density: The current minimum lot size is two acres in the Agricultural District and 3 acres in the RR2 District. This proposal reduces the minimum lot size to 0.5 acres for greater flexibility for the landowner. This proposal also utilizes a clear and objective formula to calculate development potential for greater clarity & predictability.

Alex gave an example of how the formula works. If a landowner has 100 acres of land, he stated that first you must calculate how much of that land includes primary resources and take that part of the land out from the total, then apply the density formula to the land remaining. He also noted that the road classification plays a role in the density calculation. A class 2 road would be 10 acres/unit, a class 3 road would be 12 acres/unit, and a class 4 road would be 15 acres/unit.

Alex briefly touched on the PUD (Planned Unit Developments) process. He stated that if a landowner is willing to do a full build-out of his property and develop a master plan, the landowner would receive an automatic density bonus of 25%. Alex also noted that they have included an exemption for people with 12-acre or larger lots to come before the DRB and if they meet the criteria, they can create one additional lot.

Alex closed by saying based on past public forums; the general consensus was that people wanted the land to speak for itself. The Planning Commission feels this proposal achieves this request. Alex returned the floor to Joe who opened it up to the audience for questions and comments.

Matt Baldwin introduced himself as a farmer in the southwest part of Hinesburg. He noted that Alex hadn't mentioned how much land had to be set aside in the PUD process. Alex replied that 50% of land has to be set aside for master planning. Matt B. stated that he & Alex had examined his 116 acre parcel; the take-outs were 20-30 acres and after implementing the formula, Matt was left with a low number of buildable lots. Matt B. feels the take-outs shouldn't be involved in this. We should simply have a defined density number. He feels that forcing conservation on people and yet still requiring the landowner to pay taxes on this land is unfair. He stated that many people share this same view.

Joe I. responded to Matt's comments. He stated the PC found if we simply did this, we would end up with very high density clusters in these areas and would lose the rural feel.

Matt B. questioned if landowners would be paid for these development rights that they would be required to give up. Joe I. responded that no, there would not be a financial reimbursement from the Town based on this proposal.

Mark Ames identified himself and stated that he owns 105 acres on Baldwin Rd. His family has a long history of conserving land. However, he doesn't agree with the Town *taking* land from landowners. He has seen development occur on wetlands in the village but yet, this isn't even considered in the rural areas. He feels it isn't fair to place all of these limits on someone who is trying to make a living in an agricultural environment. He doesn't feel the Town should have the right to tell people what they can and can't do with their land.

Tim Casey lives in Hinesburg. He stated that it used to be up to the landowner to determine what part of land should be developed. Joe I. replied that there would not be additional take-outs for secondary resources. He stated that the PC's hope was, by reducing the minimum lot size from 2 acres to 0.5 acres, this would offer the landowner more flexibility.

Roger Giroux questioned where half acre lots would be possible under these new regulations. Alex W. replied with an example of one in recent years. He confirmed that it is definitely possible and they do exist.

Bill Schubart stated that he lives on Drinkwater Rd. He stated that many of the take-outs for unbuildable areas stem from state and federal regulations. Joe I. clarified that the maps are from the state and federal government however, the Town's piece is how we are proposing to deal with these primary/secondary areas.

John Lyman commented that if the land is going to speak for itself then let it, and don't regulate it.

George Bedard stated that from his perspective, the first thing you look at is what setbacks are present on the property. He said that the take-outs will really hurt some landowners. In the current zoning, there are no take-outs except for access roads in acreage count. You create lots around available septic. Under this new proposal, there wouldn't be potential to subdivide anything less than 12 acres. George B. felt that the first test should be what you have for septic service. This new proposal would limit growth on even the best of lands. Our farming community has changed forever; most dairy farms are gone. We need to plan for our Town's future. George B. feels the density currently in place is working.

Val Spadaccini asked the PC to explain the logic of having a different density based on if your property is located on a paved road vs. dirt road vs. class 4 road. Joe I. replied that this change goes back to the past Town forums. Primarily it is noted that maintenance cost increase as traffic increases. Paved roads can handle higher amounts of traffic than dirt roads, etc. Residents value dirt roads. The PC made an effort to balance development with costs to the Town and how people value dirt roads. Val S. felt that it isn't fair to penalize people that live on the dirt roads by not allowing them to develop as many lots as landowners on paved roads.

Kyle Bostwick responded from the Planning Commission. He noted that the PC is made up of a diverse group of individuals. While we don't always fall on the same side of each issue, we do strongly feel that there are some parts of Hinesburg where development shouldn't be allowed. However, Kyle agrees with an earlier comment regarding how all of the land is taxed. He feels that only the buildable portion of the land should be taxed and not what is deemed unbuildable.

James Meyers stated that looking at the current proposal, it seems as though the landowner has lost all control in the process. He also noted that he doesn't feel the wildlife corridors are correctly mapped. He stated that the wildlife corridors are not correctly marked on his land. In his opinion, people that don't qualify based on this new density formula with the take-outs will be forced to find other ways to make money off their land such as clear-cutting to make money from the sale of the wood from their property.

Roger Kohn felt that Roger Giroux's question regarding where these ½ acre lots will be located wasn't completely answered. Currently, the taxes you pay are dependent upon the quality of the land and the zoning regulations that apply. He recognizes that there are reasons for rural zoning. We have designed the village to have a higher density because the costs of fire protection, roads, etc. are more efficient if the houses are consolidated in one area. However, we have always been concerned with having 100 acre parcels split up into 50 lots in rural areas. Roger acknowledged the hard work of the Planning Commission and felt they have done an excellent job of developing a mechanism to make a decision as to what rural zoning should look like.

Will Patten who lives on Turkey Lane noted that he was a former Planning Commission member. He congratulated the PC and acknowledged the hard work that has been done. He stated that the lesson he took away from a high school civics class was that the purpose of government was to act for the greater good and he feels this proposal meets that purpose for Hinesburg. He stated that we will need the agricultural lands and we must preserve them. He cautioned that if we eliminate the scenic vistas, it will destroy the Vermont economy.

Ray Mainer clarified that the reason that there are take-outs is to allow the land to speak for itself. These take-outs are flood plains, wetlands, steep slopes, etc.—they are the unbuildable areas on a piece of property.

Leonard Duffy also expressed appreciation for the hard work of the Planning Commission. He also identified himself as a former member of the PC. He stated that the rural areas have essentially stayed the same in the past 40 years. He stated that regarding the procedure; the PC has lumped together changes to the Town Plan with changes to Zoning and changes to subdivision regulations. He is aware of how much is involved in these changes and asked that they break it up into pieces in the future and not try to make the changes all at once. He feels that expanding the uses is a great idea and long overdue. However, he feels there are many additional uses that are not listed. Regarding the density issue and lot sizes, he feels these proposed changes would affect the small lot holders more so than the large landowners. There seems to be confusion between density and lot size. Lot size and other zoning restrictions are an inherent part of the value of your property. By reducing potential development, you also reduce property values. There is a direct connection between property value and existing lot size. One of the bases for tax assessment is development potential. If you reduce development

potential, you reduce assessed value. However, you still pay the same property taxes. Essentially the Town is taking development rights from people that own property in this town. Leonard questioned if Hinesburg is prepared to reimburse 844 landowners for the reduction in their property values.

Ray M. responded to Len's list of potential uses. He stated that the PC racked their brains to come up with other uses and suggested that Len share some of his ideas with the PC.

Carrie F. clarified that accessory apartments are allowed by state and town regulations. An accessory building on a lot is allowed.

Rob Farley appreciated the viewpoints of everyone who has participated in this discussion. He felt it has been very well thought out. It is a good start in preserving the rural character and not having fragmented land. He liked the idea of placing development where it best fits the land. He wanted everyone to consider the effects of Hurricane Irene. He stated that Rutland suffered extensive damage due to flooding. Although Middlebury is positioned further downstream where the water would have the ability to increase its force and intensity, Middlebury actually fared much better due to the floodplains. Rob agreed with Kyle B.'s statement that we don't want to pay the increased insurance costs due to a Town's lack of planning with regard to these types of disasters. Rob F. was in support of considering the primary and secondary resources in terms of locating building sites.

However, Rob F. did state one point he feels planning always lacks is considering property values and how property will be assessed. He agrees there is unfairness to large landowners if they carry the burden of the taxes. He feels the Town should look at this to create equity so people's taxes don't increase as a result. Town planning must address the tax portion of it. Bob L. replied that the Current Use program does attempt to address this with landowners that own 25 acres or more.

Matt B. stated that there has been talk about inviting large landowners in to discuss this proposal. He strongly feels that large landowners should have been invited into the discussion in the beginning before this proposal was created.

Chuck Reiss identified himself as a builder in town. He thanked the PC for putting this proposal together. He felt that it is very logical and thoughtful. It assists the large landowner in finding other ways/uses to generate additional income from their property. Chuck R. feels that by identifying the resources such as wetlands, ag soils, etc. and placing the house site accordingly is a logical way of planning development and supports what we want as a rural community. He feels densities can be further negotiated as a community and tax reductions can still be considered.

Chris Nielson stated that people look at their land as potential income for retirement, or for helping family in need, providing land for their children, etc. He feels that members of the PC are against clustering. Chris N. feels that clustering houses is a compromise that must be made.

Bob L. clarified that the PC is not discouraging clustering. Joe I. added that perhaps his earlier comment was misunderstood. He stated that he is not against clustering. He feels it is a valid means in keeping open land.

Chris N. stated that he did attend the forums a few years ago. He doesn't feel that any of his input made it into this proposal.

Roger G. felt that there should be a grandfather clause for families that have been here for hundreds of years. If their land was developable at the time their family purchased the land, it should still be developable today. He questioned how that in the Village District, our best agricultural soils in town became a large development.

George Dameron also thanked the PC for all of the hard work they have done in creating this proposal. He asked how similar this proposal is to neighboring towns and also how it differs from neighboring towns. Alex replied that the PC looked at the zoning from a lot of other towns. They tried to take what they felt was best from each town.

Alex noted that in Objective 1– Expanding allowed uses, the integrated agriculture use came from Shelburne. He said they looked at the Bread & Butter Farm as an example. However a new part, unique to Hinesburg, is the stand-alone uses and the low-impact agri-businesses. Hinesburg has a long tradition of home occupations as well as the cottage industries where you don't have to live on the property. He stated that Objective 2—improving design standards is very similar to other Vermont towns. As for Objective 3—defining development density, the take-out model is used in many towns. Establishing a clear and predictable formula is a common practice and highly recommended. In fact, Hinesburg was very rare in that they didn't have this in place.

Carl Bohlen thanked the PC for the work they have done. He felt there were a lot of interesting points made during the evening. He asked the Commission how these take-outs (flood plains, streams, steep slopes, scenic views, etc.) are handled under the current regulations. He also asked the PC if they have evidence of what happens to property values in these other towns that are currently doing this. He supported the earlier comments that it is important that we plan development so what happened to the Irene victims doesn't happen here.

Joe I. responded by saying the PC doesn't have the information regarding the effect on property values. However, he stated the PC was aware of the Irene ramifications. He noted that the PC was advised by the State to consider this when we were making these changes—we listened to this advice.

Catherine Goldsmith thanked the PC for the tremendous hours of work that they put into this proposal. She appreciates that this provides more structure to the process. Traditionally it has depended upon who shows up at the DRB meetings as to what gets approved. She agrees that land has limitations based on where it is located.

Grace Ciffo introduced herself as being part of a farm family that lives on Baldwin Rd. She stated her family is interested in keeping the land undeveloped. She asked that the PC consider the burden of paying taxes on land that you can't develop or make a living farming on, etc. She encouraged the PC to give people a chance to afford to keep their land undeveloped.

Dennis Casey stated that he owns 70 acres along Rte. 116 near Starksboro. He noted that 39-45 acres of his property are well-drained. He doesn't want to develop at this point however; he feels that option should remain open if needed in the future. He stated that we went from

having a development potential of 20 lots down to maybe 3 in the new proposal. He feels that is a huge jump and loss for landowners. It is not fair to these people.

Ray M. stated the PC looked at the current densities in subdivisions around Hinesburg. They found the average densities to be between 10 and 12 acres. The PC feels the densities would be very similar in this new proposal. He said the goal of the PC was to attempt to establish clear guidelines for the DRB.

John Kiedasch lives on Lewis Creek Road. He thanked the PC for all the hours spent working on this. John K. stated that growth doesn't necessarily mean more houses. In order for land to stay open, the land has to work for it. He questioned why the core wildlife habitats and prime agricultural soils were not included as primary resources. He also wondered why the PC didn't distinguish the density between gravel roads in the flat part of town vs. the hilly parts of town. He noted there would be a significant difference in maintenance.

Carrie F. said she agreed that the prime agricultural soils should be a primary resource. However, the consensus among the PC was to not include them as a primary resource. Joe I. recognized the importance of the primary ag soils. However, we had to make a compromise by saying:

1.) Stay off the primary resources.
2.) Minimize impact on the secondary resources.

Marie Gardner identified herself as a Lister in Hinesburg for 24 years. She feels that taxes are the number one issue. The value of the land and what you pay taxes on is strictly driven by recent sales of comparable properties and not speculation about future development potential. The Current Use program provides assistance for the larger landowners. Marie clarified that the current price for rural lots starts at $100,000.

Anne Donegan had a question related to an earlier comment that landowners might have to clear cut their land in order to find other ways to make money off their land. She wanted the PC to clarify whether forest land was included as a primary resource or not. The PC affirmed that forest land is not included as a primary resource. Anne noted therefore forest lands could be developed so they wouldn't need to clear cut as the only means to make money off forest lands.

Tom Miner questioned if landowners would be compensated in any way for the value of the land that is taken away from them. Joe I. said there is not a compensation method. He acknowledged that there is a change to the density and it does bring down the number of lots available for development, but it does provide more uses. Bob L. noted that the development that does take place will bring a higher value per lot.

Deb Howard lives on one of the hill roads and was a former PC member. Deb H. stated that she wholeheartedly supports this proposal. She feels more encouraged about Hinesburg's future than she has felt in a long time. She believes property values will rise over time as a result of this proposal. She feels proud to be a Hinesburg resident this evening and encouraged the Commission to be even more aggressive than they already have. She questioned if they had considered ridgeline zoning. Joe I. stated that ridgeline zoning was discussed somewhat. He

personally feels that there can be good development at or near the ridge so long as clear cutting doesn't occur.

Andrea Haulenbeek owns a farm on Baldwin Road. She commented on the take-outs. As George Bedard stated, previously it was driven by septic. She doesn't feel there should be take-outs. Andrea also stated that multigenerational farms should be considered. As far as wildlife corridors, we have a lot of wildlife because the land has been kept open. Andrea doesn't feel that large landowners should be penalized for this by including all of these restrictions. She also supports the previous statements that the large landowners should be involved in these discussions.

Gill Coates stated that the changes to the Town Plan refer to open fields. He is not clear on what open space and scenic areas refer to. He questioned what the plan is to maintain physically open space and physically open views.

Peter Erb stated that a lot of misinformation has been produced with regard to septic systems. In the past, septic was the driving force behind development. However, with new technology, septic systems can now be placed on any size lot. However, he agrees that the really good septic soils should be protected.

John Veilleux who lives on Texas Hill Road sympathized with what the PC was trying to accomplish. He stated that with the current regulations there are controls included but the landowners also have control. Landowners don't want to give up that control as written by this new proposal. John feels the greatest flaw is with the Town Plan. He stated that the Town Plan may have been created by small percentage of people who are not landowners and didn't have a vested interest in the issues. Wildlife corridors are driveways, snowmobile trails, etc. The animals are taking the easiest path. He disagrees with the notion that dirt roads are glamorous—he stated washboard is definitely not glamorous. Lastly, he encouraged the PC to go back to the part of the Town Plan that he feels is flawed.

Mark Ames asked the Commission if they could come up with the number of potential building lots before this proposal and then a number with this proposal. Bob L. replied that this proposal is not changing things dramatically; it is simply making a clearly understood process. He stated that Starksboro is much more restrictive than this current proposal for Hinesburg.

Chris N. reiterated that the impact is greater for some than others. He feels this new proposal is taking millions of dollars in development rights from the large landowners. Joe I. stated that the proposal, as written, would take out the wetlands, etc. from the developable land. Chris stated that several lots of land will have many take-outs. He feels that not everyone is being treated fairly. He doesn't feel that take-outs should be included in this proposal. This essentially is taking vital pieces of land away from landowners.

Dennis Casey discussed the objectives of Affordable Housing. He stated that he is the chairman of the Starksboro Planning Commission. He clarified that the figure of 25 acres in the Rural Residential 1 District is incorrect; actually in Starksboro it is 5 acres in this district. It is 25 acres in the Agricultural District. Dennis noted that Starksboro doesn't use take-outs. He stated that the Starksboro Planning Commission is in the process of redoing their Rural Zoning as well and they do plan to invite large landowners into the conversation.

Ray Mainer addressed the audience and stated that the next meeting is on September 26th. Ray stated that the PC meets on the 2nd and 4th Wednesday of each month at 7:30. He encouraged people to attend. He noted that the PC has been discussing this for many months and only 1 or 2 people have attended the meetings. Carrie F. added that all PC meetings are public meetings and are advertised in the Hinesburg Record and on Front Porch Forum.

Tony St. Hilaire stated that with these take-outs, his 48 acres of land would not qualify for any future development. He feels that so many things are being allowed in the Village that are impacting the landscape such as the lights, the red roof on the fire station, etc. He wonders why they are trying to place so many limits on landowners in these rural areas.

Leonard Duffy stated that after listening to the viewpoints from tonight's discussion, he feels that he has heard what would be the basis for a potential compromise. He feels that no one is objecting to the take out concept so long as it is completely well defined. However, he does feel many object to the density that is left after the take-outs. He believes the compromise could be to keep the 2 and 3-acre lots as a density goal and keep the ½ acre as the minimum lot size and then define the take-out areas to a better extent.

Alex encouraged folks to come to the Town office and go over the effects of this proposal on their piece of land. Joe I. thanked the audience for coming and for the comments that were made.

The meeting adjourned at 10:07 p.m.

Respectfully Submitted,
Renae Marshall--Recording Secretary