

Town of Hinesburg
Planning Commission
October 10th, 2012
Approved 10/24/2012

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

Members Absent: Tim Clancy, Ray Mainer

Also Present: Alex Weinhagen (Director of Planning & Zoning), Peter Erb (Zoning Administrator), Renae Marshall (Recording Secretary) .

Public Included: Anne Donegan, Matt Baldwin, Mark Ames, James Donegan

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

Rural Area Regulations & Town Plan Revisions

Joe I. opened the meeting up to the audience for brief comments before the Commission begins to discuss the feedback from the Zoning Administrator.

Mark Ames lives on Baldwin Rd. He stated he is supportive of the time that the Planning Commission has put into this. However, he isn't in agreement with all aspects of this plan. He commented that there are two main ideas that he continues to hear from the public:

- 1.) It should be a fair and equitable process.
- 2.) Let the land speak for itself.

The plan, as it is now, prevents people with less than 12 acres from developing their land, yet we want to encourage clustered development. By doing this, we have taken the areas that are the most developable off the map. Rural lands should be preserved by bond votes and buying it, not by *taking* of the land. He feels everyone that owns land should have choice of what they do with their land. Those of us that don't live on paved roads are essentially being penalized by being allowed less ability to develop their land. I live in an area of town where you are suggesting that we have a 16-acre minimum in general. Many other towns have 3-acre minimums. He did compliment the Board for making the change to removing the take-outs and allowing them to be included as part of the parcel. The land does speak for itself—you can divide up lands and include the steep slopes, wetlands, etc. as part of the lot. Towns that are buying large parcels of rural land as Town land are preserving the rural character. Mark A. feels this plan isn't the solution to preserving the rural character of the Town.

Joe I. asked if there were any further comments from the audience. No other comments were made so Joe I. stated they would go back to where we left off at the August 22nd meeting on Peter's comments. This is feedback provided by Peter regarding what he feels will work and what won't work from a zoning administrator's perspective.

Forest Management Accessory Uses—(Pg. 3 # 9 of Peter's comments)

Alex reminded the Board that we left off with Peter's comments regarding the Objective 1 document—Expanding Allowed Uses. We left off where his comments were referencing the new and revised allowed uses. Peter questioned what constitutes subordinate. He also wondered if an accessory use includes trails, at what point does it become an outdoor recreational facility? Alex stated that all of these uses are non-residential uses therefore all will require site-plan review before the DRB unless they are exempt from zoning through the state's regulations. Alex stated that site-plan review is probably the lowest hurdle for a DRB review.

Peter E. had questions related to the definition of forest management. Does this mean you have to be conducting activities related to the growing, managing, harvesting of trees *and* other forest products? Who can use a forest management accessory use? Peter suggests this should have a minimum acreage limit. He is concerned with the prospect of a large farm café being started on a small parcel of land. He feels we should be working toward preserving an open landscape. Joe I. stated that the minimum acreage for an accessory use should depend on what use is for. Some uses can adequately function on small pieces of land while another type of use may require a large parcel. Joe I. doesn't feel comfortable using an acreage test.

The board discussed ways to clarify the definition of forest management in order to specify what it qualifies you for in terms of uses. Jean suggested changing "and" to "or" in the first sentence of the forest management definition in order to specify that we aren't requiring the landowner to be doing all of the listed activities in order to utilize those uses—Alex will make that change.

Carrie F. asked if you have forestland in current use, don't you have to have it managed? Bob L. replied yes, but there are exceptions. You can have ESTA's (Ecological Sensitive Treatment Areas) established that allow for designated areas that have special ecological values.

Alex commented that Peter's point seems to be more of an acreage minimum and how many landowners get to take advantages of these additional uses. Maggie reiterated that different agricultural uses need different amounts of land. Alex clarified that Peter is trying to establish what a forest management use is and define what accessory uses are for that. He stated that instead of having an acreage test, perhaps we tie specific uses with acreage limits but not close off other uses. Again, Joe I stated his concern with implementing an acreage limit.

Matt Baldwin asked if Agricultural Machinery Sales & Repair could be allowed as many farmers are turning to this as an option for an additional income source. Joe I. stated that he agrees with Matt. He tends to see this as a common site in agricultural land. Peter cautioned that it may not necessarily be supporting a farmer but potentially could be providing a non-farmer the ability to buy a piece of land and start up a machine sales business. Jean I. doesn't feel Chittenden County would support this type of business. She feels this would be better supported in Addison County or upstate New York.

Joe I. doesn't feel a large volume business would fall within this definition but a small business would. Alex feels we can have a middle ground—low impact is a stand-alone business but this could be allowed "as part of farm".

Joe I. returned the conversation back to Forest Management Accessory Uses. Peter wants to ensure that not everyone is allowed to have Forest Management Accessory Uses. Peter proposed some sort of acreage test. The Board discussed different ways to amend the language in an attempt to accomplish this. It was determined to scratch "and subordinate" in the 1st sentence and remove the second sentence entirely.

Farm Café

Alex stated this is an agricultural use in the Agricultural District as well as the Rural Residential 2 District. It was acknowledged that they would be less likely to occur in the RR2 District. The Board decided to strike the first part of #2, "one of the principle objectives is" and say, "Café must use some products produced on the farm.

Peter asked the Board to think of the Farm Café as being integrated into a farm and essentially showcasing the farm. However, if you require that it must be on 15 acres, you may be separating it from the main part of the farm. The Board discussed proposed language. Joe I suggested replacing parcel with "farm" in #3 and add "total" after 15 acres. It was suggested they add a second sentence in #3 that reads, "The Farm Café is located on one of the parcels associated with the agricultural

use. Alex will work proximity into #3. Alex stated that zoning is not intended to govern & regulate ownership; it is intended to govern & regulate use.

Integrated Forestry

The Board discussed the distinction between event hosting and a function hall. Event hosting may or may not use a structure. However a function hall implies a physical structure and holds regular and semi-regular events.

Commercial Riding/Boarding Facilities

Peter expressed a policy concern regarding some of these types of structures. He feels that some of these structures are objectionable, and wonders why the PC is considering listing them as an allowed use, instead of keeping it so they can only exist as a function of the agricultural exemption from Zoning. Alex reminded the Board that all of these are conditional uses and therefore would require conditional use review. If the DRB found it to indeed to be objectionable then it would get denied. After considerable discussion, it was decided to delete this from the list of conditional uses.

Low Impact Agriculture

Alex stated that the definition of low impact agribusiness is a business that supports the agricultural economy of Hinesburg and the surrounding communities. Kyle pointed out that this is a place that Matt's business of Agricultural Machinery Sales & Service could be included. Alex stated the other place for this type of use is Integrated Agriculture. Alex noted that this would require that it includes repair work in order for it to fit under this. Considerable discussion took place with regard to what types of uses fit within this definition. Alex suggested that the Board consider including some of the cottage industry regulations that would include limits or triggers that could be included in this. When this use fails to meet the small to negligible impact, it will have to move to another district. It was agreed to let Alex incorporate some of the cottage industry regulations into this and bring back to the Board at the next meeting.

Recognize Written Feedback

Anne Donegan submitted a letter encouraging the PC to consider putting the take-outs back in. Linda Smith submitted a letter with the same feedback. Other comments were made by Fred Haulenbeek as well as others via Front Porch Forum.

Alex stated that the DRB did review this proposal at their meeting. They had very little feedback but encouraged the PC to do something about the density formula to formalize it for them.

Minutes from September 26, 2012 meeting:

Carrie F. made a **MOTION to approve as amended**. Johanna W. **seconded the motion**. The motion **PASSED 6-0**. Jean Isham abstained, as she wasn't at that meeting.

Joe I. made a **MOTION to adjourn**. Jean I. **SECONDED the motion**; all in favor. The meeting adjourned at 10:29 p.m.

Respectfully Submitted,
Renaë Marshall--Recording Secretary