Town of Hinesburg
Development Review Board
December 3rd, 2013
Approved 12/17

Members Present: Zoe Wainer, Kate Myhre, Greg Waples, Ted Bloomhardt, Sarah Murphy, Andrea Bayer. Dick Jordan arrived at 7:36pm.

Absent: Dennis Place

Also present: Peter Erb (Zoning Administrator), Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary). Representing Applications: Allan Norris, David Carse.

Public Present: Bill M., Andrew Steirman.

Zoe W. chaired the meeting, which was called to order at 7:33pm.

Minutes from 11/19/13:

Zoe W. **made a motion to approve as amended** the minutes from 11/19/13. Greg W. **seconded the motion.** The motion was approved **7-0.**

Rural Area Zoning Training:

Alex W. presented the Board with a brief over-view of the new Rural Area Zoning regulation revisions. Bill M. asked if the meeting could start with applications first. Greg W. replied that some of what will be reviewed in this brief training will be pertinent to the Carse application which is on the agenda tonight. Zoe W. also added that the agenda has been submitted and posted as is, and it would not be prudent to begin applications prior to the order they were warned in. Ted B. also agreed, the information gained in the training will be pertinent.

Alex W. said that areas affected by the new regulation revisions are primarily in the AG district and the Rural Residential 2 district (roughly 80% of the town of Hinesburg). He said the proposal stems from the Town Plan so that regs can implement the community vision. Some general goals are expressed through the proposal as well as some more specific goals and recommendations from the Town Plan itself are included.

Copies of the newly revised Planning & Zoning regulations, the Town Plan and Map #14 were all provided to the Board. These documents are also available online, at the town website (www.hinesburg.org) and directly from staff at Town Hall (including the Town Clerk & the Planning & Zoning office).

While all three of these documents have been revised to some degree as a result of this project, Ted B. pointed out that these are not entirely new goals, many of them have been around for many years. Alex W. agreed, noting that the Planning Commission began some of these discussions as far back as 1991. Greg W. asked if the Planning Commission conceived of the revisions by borrowing and or improvising from other proposals tried previously; is the model anything we, the DRB, can relate to? Alex W. replied that the Conservation Commission did help a great deal in discussing how to address rural areas in respect to development. The Planning Commission also looked to some other towns' regulations as well (i.e., the town of Norwich). Some of the expanded uses discussions

did come from Shelburne, and integrated agricultural use language was borrowed and retooled from many other towns. Some parts of upstate NY were looked to for modeling in efforts to preserve large tracts of farm land, too. In summary, Alex W. said, the work is an amalgam of different pieces. One of the goals of the Planning Commission was to expand allowed uses, allowing land owners to have the ability to use the land with increased options towards the future. In addition, they wanted to open more innovative options to landowners. The other two objectives in the proposal were to Improve Design Standards with the aim to ensure the review process will be clear and predictable and to Define Development Density with a formula. Alex W. said that poor development creates unnecessary and expensive impacts. The new regulations attempt to clarify and support better design.

With the purpose to allow the land to "speak for itself", the Planning Commission proposed a 4-Step process: 1) Identify important resource areas (unbuildable, ecological sensitive areas). 2) Locate the most reasonable housing site. 3) Locate viable access. 4) Draw appropriate lot lines and (if necessary) building envelopes. This protocol, he said, revolves around identifying and prioritizing resource areas. These are described as Primary Resource areas and Secondary Resource areas. Generally, the proposal aims to stay away from Primary Resource areas and to minimize impacts in those Secondary Resource areas. Alex W. noted that some sensitive resource areas, (i.e., Deer Wintering Habitat) were additions to those already delineated on Map 14.

Alex W. went on, reviewing Objective #3 (Defining Density), which he described as explaining how many lots are possible, compatible, with the surrounding area. The new zoning, he said, disconnects Minimum Lot Size (now down to .5A) from Density. The objective formula for density is looking at the road type and assigning one of three density numbers based on that. The Board reviewed the new density scale as it relates to access from differing road classes. Alex W. said this replaces what was a more complicated way of deciding density which looked at "take-outs". In this formulary, he said, all parcels are treated the same, simply apply the density to a given lot to determine the base number of units.

Alex W. said that the PUD development bonus has also changed; up to a 25% bonus. Previously, these PUD projects had to meet criteria and meet special standards. Now, having PUD and Conventional Development use the same design standards, the benefits of PUD developments are found in Master Planning and Open Space requirements (now up to 50% of parcel). Greg W. asked if PUD development has ever occurred in these districts. Alex W. and Peter E. both replied yes.

Alex W. explained to the Board the exemption of landowners with parcels of 12A or more, who have the ability to come before the DRB any time for one final subdivision request. Those landowners with lots 10-12A have the option until March 2015 (to put in application). Zoe W. asked if regulations still apply. Alex W. said yes, it is only a density exemption. Alex W. asked if the Board had any further questions regarding the new revisions.

Ted B. asked about #3 in Objective #3 (pg. 2 of 5) in regards to DRB need to track development potential of lots after subdivisions have taken place. Alex W. said this is to keep a record of the development potential of a lot to be assured when lots go to new ownership, there is an allocation given at the time of the initial subdivision application. Greg W. said that is interesting. To him, it sounds like Alex W. is saying that the allocation must be made at the initial subdivision application. He said he does not see that the regulations come down clearly one way or another on this. He said though he is not adverse to this as an intellectual matter, he sees it as a matter of contract among parties. His concern is with implementation. He sees potential for the Board to run into complications with this one way or another. Alex W. agreed that the regulations are not clear on this. David Carse (applicant on agenda) replied from the audience, saying he sees this as a

difference between tracking development potential and allocating that potential within the subdivided lots. Alex W. clarified that the intent was to track the potential so that the overall development does not change from day one. This should result in the ultimate flexibility in development potential. Ted B. said, for clarification, if the seller of the lot doesn't put in the deed what you're allowed to do as the new buyer of the lot, then it is a bit of "first come, first served" (again, if not restricted by the deed). Alex W. said if you're a potential land buyer, you should be looking at the development allocation. David Carse spoke from the audience, saying by hearing this, he feels his subdivision is similar to a PUD if he needs an overall plan for the entire lot. Alex W. explained that not necessarily as this is only in regards to allocations, not house lots, sites, infrastructure, etc. Greg W. said there is nothing in our regulations that prevents mutually agreeing parties to come back to the DRB for a revision to the subdivision that would allow what we might have thought of as the "final deal" to be recreated. Alex W. said absolutely, not etched in stone. Very similar to what you've talked about in the past with PUD projects. The Board had some discussion as to the aim of tracking and allocating development potential. Ted B. said it seems important to decide the lot potential at the onset of subdivision. Peter E. and David C. both said they feel that the requirement to allocate at the onset of subdivision is creating a commodities market. Peter E. said there needs to be some assurance that when assigning allocations, the proposal is actually possible, realistic. David C. said he would like to have some say in how the land looks/is used going forward.

The Board viewed two local land parcels (Geprag's & Fred Johnson Wildlife area) to see actual examples and note how the new regulations would impact the potential on a given lot. Zoë W. asked if staff would review a parcel with the landowner in regards to primary and secondary resource areas, potential house sites, etc. Alex W. said yes.

Alex W. also noted that RR2 never had much as a purpose statement—one sentence—and it now has a more clearly stated purpose statement.

David Carse: (4-lot Subdivision Sketch Plan Review) - The applicant is seeking sketch plan review for a 4-lot subdivision located on a 181.04 acre parcel to the east of Charlotte Road and Baldwin Road and south of Lagoon Road in the Agricultural Zoning District.

David Carse, applicant, addressed the Board by describing his relationship to the large land parcel he is proposing for subdivision. He said he was born and raised on this farm, and the decision to break it up at all comes very hard. He wants to do something he will be able to sleep with at night. His gut feeling of the parcel is that it breaks down into several distinct areas—a brook runs through the middle, large fields of hard-pan clay across the road from the farmhouse, etc. He is undecided as far as allocations go, but is adamant he does not want development on what is denoted as Lot 2. He went on to describe the Baldwin Road area (where lots #3 &#4 are located) which he said is mostly made up of larger lots with small farms. He would like to limit those two lots to one building each. He noted woods in the area which are not large enough tracts to be true wildlife habitat corridors, but are good for firewood collection. He expressed his desire to leave the western 2/3rds of those lots as open as possible.

Zoë W. inquired on access. David C. said access would be from Baldwin Road to lots 3&4. Greg W. suggested consideration of a shared driveway to those two lots from Baldwin Road. David C. said that is a possibility, but did note steep slopes as a potential issue. He assured the Board that the town Road Foreman, Mike Anthony, will have input in regards to access roads/driveways. David C. went on to describe Lot 1 as a working woodlot, saying the A.Johnson Lumber Co. has plans to log there this winter.

Greg W. encouraged the applicant to consider the development potential of the lots in regards to their potential value as it relates to expansion of growth in the Village.

Dick J. asked if the development potential of 15 units on Lot 1 is reasonable. Peter E. said yes, a dense PUD on 10A could happen. Dick J. said he does not agree. The Board viewed more maps of sensitive resources (i.e., steep slopes) as they relate to the overall parcel. Zoë W. opened discussion to the public.

Bill M. asked why there seemed to be such concern with the 15 unit maximum density potential. Dick J. said because it doesn't make sense to him to put 15 units on this lot. Alex W. added that the lot does not have to be built out to full maximum. Zoë W. said it is important for the applicant to be clear in their desires as it relates to density. Peter E. said the decision will be made as clear as possible. David C. said he would like Zero development within Lot 2. Zoë W. said in regards to the applicant's proposed building envelopes within Lots 3&4, typically the DRB looks for more defined building envelopes. David C. was hesitant to provide that, as he sees sensitive resources throughout those lots.

Andy Steirman spoke from the audience. As an interested land owner, he just wanted to voice his approval of the proposal and said it is nice to hear Mr. Carses' intentions in regards to the property and was pleased to see everyone doing their due diligence in regards to the application. He thanked the Board. Zoë W. said he is welcome. At this time, Zoë W. **made a motion to close the public hearing and take up in deliberative session**. Sarah M. **seconded the motion.** The Board voted 7-0.

Alan & Nancy Norris: (Preliminary Plat Review for a 25-unit Planned Unit Development) Cont'd from 11/5– **This agenda item is for DRB discussion only.**

Alex W. noted that the Internal Street Scape was not thoroughly discussed at the 11-5 meeting. Zoë W. said there was a lot of input from Staff in regards to how the project relates to planning and zoning regulations, specifically Village Design Standards Section 5.22.2 & 5.22.3. Dick J. said in his opinion, the interior roads do not come under the street scape regulations. Peter E. said as the Zoning Administrator, he sees them as a series of drives that lead to something, therefore they are interior streets, not a parking area. Alex W. agreed, saying in his opinion, they are still considered streets. Ted B. clarified they may be privately owned streets, but are streets nonetheless. Alex W. agreed.

There was some discussion as to the best placement of the garages in the project. Some examples were of development at Thistle Hill, which placed garages under the homes so to speak, which addresses the entrance issues but which also results in smaller living space for each unit. Alex W. reminded the Board that the garages as shown are the same as they were in the sketch approval process, however he concedes that review was looking at layout rather than design.

Ted B. said he sees the site as totally constrained. He said in his opinion, the applicant cannot move the buildings and remain out of the buffer areas. Peter E. suggested considering detached garages. Dick J. suggested flipping every other garage so that they were "door to door" in order to widen the available open space between the driveways, increasing available tree planting space. Alex W. said the Board needs to decide if this issue is relevant enough to require changes to the proposal. Zoë

W. said she feels there is likely a middle ground to achieve better justice to the regulations without "blowing" the plan. Greg W. said he feels more work can and should be done by the applicant. Sarah M. said she feels more strongly about the back 2 structures (units 16-25). Dick J. said he sees room for improvement in the proposal but said he does not think removing the garages is necessary. Kate M. agreed with Dick J. Ted B. said it is up to the applicant whether to take them out or not, so long as the proposal meets zoning requirements.

Other Business:

Dennis Place/Dan Coolbeth: Sketch Plan Approval Extension Request. Ted B. **made a motion to approve the extension request.** Zoë W. **seconded the motion.** The Board voted **7-0.**

Mission Statement Review/Discussion /Annual Report Submission: Zoë W. goes before the Select Board on Monday the 16th to discuss the DRB mission statement and review of their work for the year. She encouraged other Board members to contact her with any topics they would like her to discuss at that time. Among specific items she plans to bring up are Zoning Violations and Enforcement, Noise Violations (i.e., decibels, limits, thresholds). Dick J. asked her to address the visible bulb rule as it relates to lighting sources (i.e., suggest lumen maximum).

Zoë W. **made a motion to go into deliberative session to discuss the Hinesburg Center LLC (Phase One Revisions) Decision** (Public Hearing Closed on 11/19/13) & the **Carse application.** Greg W. **seconded the motion.** The Board voted **7-0** and entered deliberative session at 10:05pm**.**

The meeting adjourned at 11:30 pm.

Respectfully Submitted,
Freeda Powers---Recording Secretary