



Select Board

Town Of Hinesburg
10632 Route 116 Hinesburg VT 05461
802.482.2281 | hinesburg.org

Meeting Minutes - May 9, 2016

- Draft -

Attending the Meeting: Phil Pouech, Andrea Morgante, Aaron Kimball, Michael Bissonette joined at 8:00, Trevor Lashua and attached list.

Phil called the meeting to order at 7:00 p.m.

Public Comment

Rachel Smolker addressed the Board concerning the VT Gas issue. She submitted a letter on behalf of herself and 6 other residents requesting the Board seek expert legal counsel and noted they have not applied for funds available through the Department of Public Service. She noted the duties of the Town Agent from Vermont State Statute.

Phil asked Aaron if he wanted to address this as a member of the subcommittee. Aaron noted they have sought out additional legal advice.

Trevor addressed the purpose of the subcommittee and noted they will not be doing any negotiating.

Andrea also stated the subcommittee is not tasked with negotiation and there is a difference between seeking legal opinion and negotiation.

The next step in the process of crafting an agreement will be in negotiation.

Phil stated the Board has heard the request they get legal advice and feels that will come into play during negotiation.

Bill Marks agreed for the need for expert advice for negotiations.

John Kiedaisch agreed with Bill and Andrea and added he feels there is need for expert advice throughout the process not just negotiations.

Agenda Changes

Trevor asked to add addressing an extension on the note with the Merchants Bank as item 4.5.

Discuss Interim Bylaws

Joe Iadanza explained the purpose of requesting the Board to revisit Interim Zoning and noted the language has been slightly revised from the previous proposal.

He noted the Planning Commission is in a phase of working on the Town Plan revisions at this time.

Interim Zoning runs for two years with a possible extension of one year and now includes that development is prohibited in the wastewater district.

Erik Bailey, superintendent of the wastewater works, said hopefully Hinesburg will have the limits from the State within this month.

Andrea noted the TMDL is the limit established in Lake Champlain and our permit is based on the assumption of what Hinesburg contributes to that.

John Kiedaisch said he attended the special meeting of the PC discussing why Interim Zoning was important, when a project reaches a “vested” point it ties them into being able to get a wastewater permit. Any rejection must be based on current regulations. He feels it is irresponsible to proceed without the knowledge of regulations that will come from the State and we have no idea what can be allowed. He said Interim Zoning can be stopped by the Select Board if they choose to.

Benjamin Avary, of Blackrock Construction, encouraged the Select Board to consider the reason for a change to Interim Zoning, is it wastewater and infrastructure. The developers clearly recognize the challenge with continuing in moving a project forward. Ben said the zoning created in 2009 is now happening and now some don't like what they are seeing, use infrastructure challenges to reset and deny. Interim Zoning would kill the 2 major projects in the system.

Erik Bailey said the consultant study brought up phosphorous limit issues, he is also very confident we will be hit with a stringent ammonia limit. The system will not be able to handle the ammonia piece without new development. That being said with the cost due to the ammonia limit – he does not see how we can afford without new development to help pay for it.

Andrea asked about the capacity of the LaPlatte. What is the cost to meet the required limits. We don't know the numbers yet and don't know where a new system would be built. She said there are many questions to formulate.

Aaron asked if the water has to go into the LaPlatte, or is there some other way to disperse the water.

Erik said the Town should look into ways to reduce influent, such as sump pumps.

Trevor noted in the draft report on wastewater capacity and treatment there is some of the information.

Alex said based on last year's summary 92,000 gpd remain to allocate, assuming the 250,000 gpd capacity leaves approximately 308 residential units and that does not make up the funding gap. We will need new development to shoulder the burden of cost of upgrade.

Aaron asked Ben about the projected units, Ben said 25 units in a year, 2 units per month is about the number they are aiming at. The Town can pick the number they want to allow.

Maggie Gordon said her take of the meeting last week was not to shut the door on developers but to invite them into the conversation including phasing and design standards to fine tune what is proposed.

Jeff French said at 60% of our capacity if we do nothing we have to spend 3 to 3 ½ million dollars to upgrade and it increases accordingly if we expand. His concern is how we grow out the Town depending on what allocation there is. He is in favor of Interim Zoning to give breathing room to work out all the questions.

Phil said Erik has made it very clear there is no guarantee the limits will continue to be met.

DD Erb said she hopes the Select Board will give credit to the work done and careful listening to the committees who work on these proposals.

Joe Iadanza said speaking as a resident his reason for advocating for Interim Zoning is the numbers discussed tonight and the unknown. Current users likely have no idea of the changes they will be faced with.

Phil asked about the timeline for updating the Town Plan. Alex said he would like to be ready to hold a public hearing in June.

Ben addressed the time it has taken to get to the current status of the project.

Bill Marks responded to the equity – water and wastewater problems in Town have been going on for years, this is not a surprise to developers.

Peter Erb said the worse case scenario for Blackrock is to come back for sketch plan. The Town is feeling the pressures of the unknown.

Jeff Glassbery of Wind Energy Assoc. said they started the process in 2013 to develop their plan. The Town has a moratorium on water and that is different from prohibition on development which indicated no development is wanted.

Meg Handler is concerned with moving quickly on these issues, we need time to work out the best plan for development moving forward, she advocates for good preparation.

John K said there is value to have Blackrock and Wind Energy in Town and recognizes they have spent a lot of money. He feels nothing about Interim Zoning indicated the developers should go away.

Andrea said we used Interim Zoning for the Cheese Factory and the developer was at the table with the Town working on it. She supports taking a public vote.

Aaron feels we need to recognize the two developers here want to work with us and he is not sure if Interim Zoning is the path to take, phasing could be part of the solution.

Phil said when Interim Zoning first came to the Select Board the Board went in a different direction with ordinances. There is need to solve the cost impact, and sees Interim Zoning as a pause. We should bring developers into the conversation and need to get costs.

Mike B, speaking as a resident, asked how the new ordinances will work with Interim Zoning.

Andrea moved the Board consider a motion to vote to warn a Public Hearing on Interim Zoning as proposed by the Planning Commission.

Development that requires new wastewater allocation shall be prohibited in the Town wastewater service area with the following exceptions:

1. Expansion or redevelopment of existing structures.
2. Residential development that creates three or fewer new dwelling units (e.g., accessory apartments, minor subdivisions, etc.)

This moratorium shall not apply to the issuance of zoning permits for development projects that have already received final DRB approvals (as of the adoption date of the Interim Bylaw) but are not yet built or are partially built, nor shall it apply to applications for minor revisions to any project with final DRB approval as long as no additional wastewater capacity is required.

Second by Aaron. Andrea noted there are still opportunities for applications to be submitted.

Jeff G asked with Interim Zoning can an application go to the Select Board and was advised it can.

Ben A said if any of the current approvals time out does that require going back to master plan again. Alex said the DRB can extend the time.

Alex suggested taking time to seek legal counsel to be sure we have appropriate language.

Phil noted on June 1st the Board will review the language.

Motion voted with 3 yes votes and Mike B abstaining. Motion approved.

The Select Board has to hold a public hearing, warned at least 15 days in advance, prior to any formal action on interim bylaws. Interim bylaws are effective upon adoption for two years, with the possibility of a one-year extension. Adoption of interim bylaws is subject to voter repeal or amendment, following the submittal of a petition signed by 5% of the legal voters.

Note with Merchants Bank

The note currently matures on 5/11/16 the extension will move the date out 7/11/2016.

Mike B moved the Board vote to consider a motion to extend the loan with the Merchants Bank for \$300,000 to July 11, 2016. Second by Andrea and approved with 4 yes votes.

Aaron moved the Board adjourn at 9:10 p.m., second by Andrea and approved.

Respectfully submitted,
Valerie Spadaccini, secretary



Selectboard Meeting Sign-in Sheet May 9th, 2016

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| 1. <u>Benjamin Avery</u> | 14. <u>Jeff Friesen</u> |
| 2. <u>Joanne White</u> | 15. <u>Jeff Guttorbi</u> |
| 3. <u>Richard Smith</u> | 16. <u>James Donigan</u> |
| 4. <u>Laurence Shelton</u> | 17. <u>Meg Handler</u> |
| 5. <u>Deir Han</u> | 18. <u>Ed Blumhardt</u> |
| 6. <u>Joe Iodan</u> | 19. _____ |
| 7. <u>Alex Weinman</u> | 20. _____ |
| 8. <u>Maggie Gordon</u> | 21. _____ |
| 9. <u>Greg LeRoy</u> | 22. _____ |
| 10. <u>Russell</u> | 23. _____ |
| 11. <u>Mary Beth Bawyer</u> | 24. _____ |
| 12. <u>Bill Marks</u> | 25. _____ |
| 13. <u>John Kiederich</u> | 26. _____ |