

**Town of Hinesburg
Planning Commission
January 24, 2018
Approved February 14, 2018**

Members Present: Maggie Gordon, Jeff French, Marie Gardner, Dennis Place, Joe Iadanza, Barbara Forauer, Rolf Kielman, James Donegan (arrived at 7:39 pm)

Members Absent: John Kiedaisch

Public Present: Peter Erb, Johanna White

Also Present: Alex Weinhagen (Director of Planning & Zoning), Dawn Morgan (Recording Secretary)

Joe I. chaired the meeting, which was called to order at 7:31 pm.

Agenda Changes: None.

Public Comments for Non-Agenda Items: None.

Housekeeping Changes to Zoning & Subdivision Regulations

- Discuss feedback received from the Development Review Coordinator
- Discuss additional changes – retail store vs. convenience store clarification; abandonment definition
- Discuss desired revisions based on feedback, and next steps

The Commission was able to complete its review of public feedback on the zoning housekeeping changes at the previous meeting and began the discussion with public feedback on subdivision changes.

Section 2.1 – Boundary adjustments and transfer of land to adjoinder

Alex W. said that under the current regulations, the need for a survey for a simple boundary line adjustment is between a landowner and their attorney. However, he said that the proposed change would now require surveys (or partial surveys) in line adjustment situations.

He said that Roger Kohn (a member of the public) provided feedback saying that surveys can be costly and potentially prohibitive for landowners who want to have a simple boundary line adjustment between neighbors. He said Roger K.'s point was that sometimes reference points are readily available and therefore a survey is not necessary. Maggie G. said that she agreed with Roger K.'s comments.

Rolf K. said that there are three typical scenarios for boundary line adjustments between adjoining properties. First is a case where surveys already exist for both parcels, and in that case the cost of a survey would be modest. The second case is where one property has a survey and the other does not. He said that in that scenario the cost might be a little higher, but still fairly modest. Finally, under a case where neither property has a survey then it would be necessary in order to clarify boundary lines, both for the landowners and for official records. Rolf K. noted that proper records are important to maintain clarity as time passes. Barbara F. agreed, saying that if there is a need for an adjustment then there must be some confusion surrounding boundary lines and clarifying through a survey makes sense.

Alex W. said that Andrea M. (a member of the public) suggested adding clarification to the term “partial survey”. The Commission discussed the feedback and agreed that clarifying language would be appropriate.

Section 6.5 - Landscaping standards for growing medium and plant health

The Commission agreed with Andrea M.’s suggestion to make the same changes in this section as are being made to Sections 4.3.8 #2b and #2f of the Zoning Regulations. The Commission agreed.

Section 6.10.7 – Building envelopes

Joe I. said that part of the proposed change opens up building envelopes to be larger and/or multiple on a landowner’s property, provided there is no impact to constrained resource areas. He noted that the Commission received public feedback showing concern about larger envelopes having a bigger impact on the environment and visible landscape of the town. Additionally, he went on to say that the proposed language would allow simple building envelope adjustments to become an administrative permitting process rather than a required reappearance before the DRB.

Alex W. said that feedback received from the Development Review Coordinator was that building envelopes were important enough that they should appear before the DRB. He went on to say that the question of envelope size was a philosophical question of whether landowners should be allowed to build anywhere (provided there is no impact to sensitive resources), or if envelopes should be small and landowners should be required to demonstrate why they would need a larger envelope.

Joe I. said his understanding was that, in addition to building envelope size, the proposed change was also about the need to shift envelope locations and eliminating the requirement for those shifts to appear before the DRB. Alex W. agreed that part of the impetus for the proposed change was that often a developer will appear before the DRB during the subdivision process and estimate an appropriate location for the building envelope. However, he said that once the land is sold the new owner often prefers a slightly different location for the envelope. The proposed change would make simple envelope

shifts an administrative process rather than a DRB review. Alex W. said that after discussing the matter with the Development Review Coordinator he had come to agree that all building envelope adjustments should be required to be reviewed by the DRB.

General discussion followed about building envelope size, the possibility of setting location variance thresholds as a trigger for DRB review, and the importance of review for location adjustments. Maggie G. noted that if envelope shifts were left as an administrative process, neighboring landowners would not be notified of the adjustment and they would not have an opportunity to comment. Dennis P. said that multiple envelopes can be beneficial for maple sugar outbuildings or other agricultural uses.

The Commission decided to keep building envelopes smaller and empower the DRB to apply their discretion in regards to size and multiples.

Feedback received from the Development Review Coordinator

Alex W. briefly discussed feedback from the Development Review Coordinator on language adjustments for clarity and consistency. He said that he agreed with feedback to clarify what needs to be submitted for small projects (e.g., narrative and plan) with more details for sensitive areas, and would draft language for the Commission's review. He also agreed with the suggestion to have building envelopes depicted on the plat and to reduce the number of copies required with an application.

Retail store vs. convenience store clarification

Alex W. said that his recommendation is to collapse convenience stores and retail stores into one category (retail stores). He said that in other towns convenience stores are often allowed in other areas where retail is not typically allowed (e.g., a corner store in a residential area), but that he did not believe that Hinesburg was to that point yet. He said that restricting retail (and convenience stores under the proposed combining of categories) is more consistent with the Town Plan.

There was general discussion about the definition of convenience stores and appropriate zoning areas in relation to the Commission's overall vision of a walkable community. Joe I. noted that this is a large topic that warrants further discussion. He suggested adding a definition and limiting approved locations for the time being and revisiting the topic after the Commission has had an opportunity to work on the Design Standards project. The Commission agreed.

Abandonment definition

Alex W. suggested holding the discussion for a future round of housekeeping changes. The Commission agreed.

Alex W. said that he would provide a clean revised copy of the housekeeping changes for the Commission's review at the next meeting.

Size Limit for Retail Establishments

- Update on Select Board consideration of interim bylaw recommendation
- Charting research and next steps on normal zoning revision process

Alex W. said that the Selectboard discussed in executive session with legal counsel the Commission's request to consider interim zoning in the Commercial District. He said that they will discuss it further at a future meeting, most likely in February. There was brief discussion about the process for an application to become vested (i.e., to have zoning laws in effect at the time of submission apply to a completed application).

Alex W. said that the Commission has been discussing 4-6 topics about village zoning. He said that Jeff F. suggested first working on square-footage limitations for retail spaces, and asked how the Commission would like to proceed. The Commission agreed that the cap was a nuanced topic that calls for thoughtful discussion, but recognized the need to stay focused and move toward the goal of a public hearing.

Alex W. suggested identifying 1-2 Commissioners to do additional research and to help provide information and guidance to the Commission. Jeff F. suggested breaking the topic into smaller pieces, and suggested that first discussing extending the 20,000 square-foot cap to the commercial district might move the project forward a little quicker. Alex W. suggested instead refining design standards first and then having those standards apply to all areas allowing retail. He said that he would provide square-footage sizes for all buildings in Commerce Park for reference.

Johanna White (a member of the public) said that when the original official map was created it designated Lot 15 as something the Town should own for its own purposes. Joe I. noted that it is still on the official map but that the Town does not have the financial model to pay for it. Johanna W. said that, to her, the issue of Lot 15 is not about specific projects but about keeping that particular piece of land for Town use (e.g., a park, ice skating, etc.).

Maggie G. and Jeff F. volunteered to perform additional research. Alex W. said that the hope would be to provide some information to further the discussion at the next meeting.

Minutes of 12/13/17 Meeting: Rolf K. **made a motion to approve the 12/13/17 minutes as written.** Barbara F. **seconded the motion.** The Board voted **6-0.** Dennis P. and James D. abstained.

Minutes of 1/10/18 Meeting: Jeff F. **made a motion to approve the 1/10/18 minutes as amended.** James D. **seconded the motion.** The Board voted **7-0.** James D. abstained.

Other Business & Correspondence

- Alex W. provided a letter from Johanna W. discussing a hydrologist's report disputing the Hannaford project's most recent stormwater plan. He said she provided it because she felt it might be relevant to the Commission's discussion about 20,000-square foot cap on retail space.
- Alex W. said that the Town of Williston will be holding a public hearing on regulation changes 2/6/18.
- Joe I. said that he received an email from SunCommon saying that they will be in the Hinesburg area. Alex W. said that he also received an email and that he let them know that if it is residential work then he does not need to meet. However, he said that he would like to meet with them if it is commercial in nature because the Town has specific ideas about where they would like solar to be installed. He also referred them to the Energy Committee.
- There was brief discussion about the Magee Hill solar project that was recently brought online.

The meeting adjourned at 9:49 pm.

Respectfully submitted,

Dawn Morgan, Recording Secretary