

**Town of Hinesburg
Planning Commission
May 9, 2018
Approved June 13, 2018**

Members Present: Maggie Gordon, Marie Gardner, Barbara Forauer, John Kiedaisch, Jeff French, James Donegan, Dennis Place (arrived at 8:53 pm)

Members Absent: Joe Iadanza, Rolf Kielman

Public Present: Johanna White, James Dumont, Catherine Goldsmith

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

Maggie G. chaired the meeting, which was called to order at 7:34 pm.

Agenda Changes: None.

Public Comments for Non-Agenda Items: None.

Hannaford Project Discussion:

Alex W. said that during the previous Hannaford application hearing the Commission had provided comments to the DRB saying that they believed the project was not in compliance with the official Town Map. He said the goal of the discussion this evening was to decide whether the Commission would again like to provide the DRB with comments and if so, to determine what comments they would like to make.

Alex W. showed the application map on screen which detailed the proposed site and the surrounding area in Commerce Park. He described the project and said that this application was largely the same as the previous submission but noted that they had made changes to the stormwater plan. He went on to briefly describe the system.

General discussion about the plan followed, and Alex W. reminded the Commission that the goal of this discussion was to review their previous comments to the DRB and to determine if they would again like to submit comments with regard to the Official Map.

Alex W. said that the Official Map earmarked the entire portion of Lot 15 for a community facility, but the Map did not specifically identify what facility it should be. He said that when the Map was created, it was believed that the lot was not significantly developable. He went on to say that the Town envisioned perhaps 1 or 2 small-scale commercial enterprises, with the remaining space to be utilized by the

community. With that in mind, the Map listed a few examples of what community facilities should be in the location but did not provide more specificity than that.

Alex W. said that during the first review, the project's proposal was to accommodate the Town Map by purchasing a small parcel of adjacent land to be used as a farmer's market. They also committed to allowing the nearest portion of the parking lot to be used for the market. He said that at the time, the Commission did not feel that the proposal adequately met the requirements of the Map so they submitted comments to the DRB accordingly. The DRB determined that despite the Commission's concerns, the application met the minimum uses provided on the Map. However, Alex W. noted that the current Board may come to a different conclusion during this review.

Jeff F. noted that the project proposed a parking lot in front of the building and asked if that was a violation of the regulations. Alex W. said that the Supreme Court had already ruled on the subject of the parking lot and that the DRB will not be discussing the matter during the review. He explained that the front yard of a lot is determined by the closest portion of the building to the frontage, which in this case is Mechanicsville Rd., and the Court determined that the parking lot was therefore not in the front yard.

Alex W. then presented two additional slides to the Commission showing the proposed landscaping plan and building elevations. General discussion followed.

Jeff F. expressed concern about the proposed location for the farmers market, saying that it was situated in between the back of the neighboring auto retailer and the grocery store loading zone, which is not an inviting location. He added that it is also not easily accessible by the public and does not meet the Commission's desire for a walkable, connected community gathering spot. John K. agreed that the space does not meet the criteria for public spaces as outlined in the Town Plan.

Jeff F. expressed further concern regarding the easement for the property, noting that if the market is not in use for 5 years then Hannaford has the right to cancel the easement. He said that the Town currently does not have a farmer's market and may not have one in the foreseeable future. Therefore, the project could easily end up with no community space on Lot 15 in 5 years. Additional discussion about the community space location and proposed uses followed.

John K. said that the current application includes a study that is now 5 years old and suggested that the Commission encourage the DRB to consider an updated version. He said that the Town has much more information now about how Lot 15 functions as part of the area's water flow and he felt that it would be irresponsible to not consider that new information during this review.

Marie G. said that she felt uncomfortable with John K.'s participation in the discussion given that his wife is an appellant in the Hannaford lawsuit, which she believes is against the Town's conflict of interest policy. She suggested that John K. may want to recuse himself from the discussion. Alex W. said that according to the conflict of interest policy it is up to the individual commissioner to speak to that.

John K. said that he is present on the Commission to serve the Town of Hinesburg and that he listens to all voices and all opinions. He said that he in no way feels that there is a conflict of interest. Additional discussion followed. Jeff F. said that his only concern is whether simply the appearance of a conflict of interest would be enough for the DRB to disregard the Commission's comments, regardless of whether one actually existed or not. James Dumont (Attorney for Responsible Growth Hinesburg) suggested that to avoid the appearance of a conflict, John K. might participate in the discussion but abstain from the vote.

Maggie G. said that the Town's conflict of interest policy says that it is up to the commission member to decide whether a conflict of interest exists or not and suggested moving forward with the discussion about comments to the DRB. She went on to say that the role of the Commission is to give guidance to the DRB in the form of regulations and that she felt uncomfortable making recommendations about stormwater studies when that is not the Commission's role. She said that she believed the strength of the Commission's comments lies in discussing the Map. Barbara F. and Marie G. agreed.

General discussion followed about how best to avoid the perception of a conflict of interest, and whether the comments should include recommendations about stormwater as well as the proposed use and location of the community facility.

Maggie G. said that she was in favor of retaining a large portion of the previous comments to the DRB and then adding additional recommendations about the easement in relation to the lack of a farmer's market. Additional discussion about the community facility property followed.

Maggie G. opened the discussion to the public. Johanna White asked about the elevation of the building in relation to the surrounding buildings and whether it would be highly visible. Alex W. said that he believed the store would be largely screened from VT Rte 116 by neighboring buildings, but that it would be visible from Mechanicsville Rd. and the Thistle Hill neighborhood.

Catherine Goldsmith said that she did not believe the strip of grass in between the proposed facility and the recreation path was large enough to meet the definition of a park and suggested including something about that in the comments. Maggie G. agreed that it would be helpful to add.

Alex W. recommended that the Commission continue to think about what language they would like to include in the comments and he would prepare a draft for review at the next meeting.

Village Area Design Standards:

Dennis P. joined the meeting.

Alex W. said that he had not yet finished the map discussed at the previous meeting. Instead, he presented the Commission with a first draft of standards for public open spaces and asked for feedback. Jeff F. said that he liked the chart, which he felt gives a little clarity about the amount of public space expected based on the size of the development. Alex W. said that the numbers on the chart were a starting point for discussion and the Commission could discuss whether they should be adjusted. There was general discussion about what policy other towns have in place, and whether or not open space in Hinesburg should always be open to the public.

Additional discussion followed about existing open spaces in town (both public and private) and the best approach for phased developments. Barbara F. said that she would like to see more specific and substantial open space design standards, but that she had not decided what that might be. Alex W. suggested she think about it and perhaps speak with him and he would include her feedback in the next draft.

The Commission said they would continue to think about what language they would like to include in the standards.

Minutes of 4/25/18 Meeting: Maggie G. **made a motion to approve the 4/25/18 minutes as amended.** John K. **seconded the motion.** The Commission voted **6-0**. Barbara F. abstained.

Other Business & Correspondence:

• **Water Matters workshop summary materials – follow up agenda item for next meeting**

Alex W. said that he had uploaded a summary of the Water Matters workshop to the Dropbox site. Maggie G. said that Marty Illick, from the Lewis Creek Association, is interested in talking with the Commission to see how they can incorporate the information into the village growth area and rezoning discussions. Maggie G. suggested adding it to the agenda of a June meeting.

• **Community dinner on 5/25/18**

Barbara F. reminded the Commission will co-host that the community dinner with the Selectboard on Friday, 5/25/18 in the hall of the United Church of Hinesburg. She said the food will be Italian themed and requested that members let her know what they plan to bring.

Maggie G. **made a motion to adjourn the meeting at 9:39 pm.** Barbara F. **seconded the motion.** The Commission voted **7-0**.

Respectfully submitted,

Dawn Morgan, Recording Secretary