

**Town of Hinesburg
Planning Commission
December 12, 2018
Approved January 23, 2019**

Members Present: Rolf Kielman, James Donegan, Marie Gardner, Joe Iadanza, Maggie Gordon, Dennis Place, Barbara Forauer

Members Absent: Jeff French, John Kiedaisch

Public Present: David Newton, Kathleen Newton, Dawn Francis, Maureen Barnard, Merrily Lovell, Johanna White, Mark Pendergrass, Maureen & Dave Blanck, Bill Marks, Linda Parent, Peter Modley, Dan Opton

Also Present: Alex Weinhagen (Director of Planning & Zoning), Kate Kelly (Recording Secretary)

Joe I. chaired the meeting, which was called to order at 7:00 PM.

Agenda changes:

Public Comments for Non-Agenda Items: None.

Official Map Revisions:

Joe I. asked Alex W. for his update. Alex W. said there were several correspondences to mention.

Joe I. opened the discussion to the public.

Dawn Francis, who lives on Butternut Lane, thanked the Commission for their service. She is a former PC member, and made comments summarizing a Front Porch Forum post and email with Rolf. When Commerce Park was going through design phase, we were trying to get commercial investment in town. At that time, the Planning Commission was excited when the Giroux's wanted to invest and develop Commerce Park. In regards to the discussion about lot 15:

- 1) prioritize limited resources and taxes: she has had to balance time, money, people, and land in her job. What's most important and provides the most bang for the buck? She feels alternate plans for lot 15 are not a wise use of public money.
- 2) preserve & maximize future investments: most compatible use is as a commercial use (only vacant commercially-zoned parcel in our community that can accommodate >20,000 sq ft.)
- 3) determine most compatible land use pattern: regardless of Hannaford's or other commercial use, it is a revenue generator (not just taxes, but jobs, services, payroll taxes & sales taxes, anchor for Village Center)

4) acceptance that developer has offered a space for a public facility

She requests they consider removing lot 15 entirely from the map, or have it reflect the amenities offered by the developer for this parcel.

She also mentioned the corner of North Rd. and Richmond Rd. It is a huge population density, and people walk down to the village from there all the time. She thinks there should be a neighborhood park there.

However, with dwindling resources, not a lot of capacity to pay, a public park in this area would require staffing and maintenance.

Joe I. mentioned that for North Rd./Richmond Rd., the PC is concentrating on the village. In the future, the Commission needs to expand the Official Map. He mentioned that the farmer's market could be taken away at the discretion of the grocery store if not used for a certain amount of time. Dawn F. said this could be addressed in future appeal or conditions process.

She also mentioned the intersection of North Rd. and Richmond Rd. and Texas Hill Rd. Alex W. said they have talked about it before, but didn't want to place on map because they haven't talked about the location thoroughly enough. If the intersection went to a four-way stop, there may be enough room there for a park.

Bill Marks stated that he doesn't have Dawn's Chamber of Commerce background, but he wonders about if all businesses are of value. Dawn's point was good that this is a logical spot for commerce. But this ignores that Hannaford's has endless resources to bring in experts, challenge our ordinances/laws/decisions. RGH's experts showed that the validity of sources vary. The town has limited resources to get their own experts, so he thanked RGH for bringing in experts. Dawn's comments ignored natural resources, stormwater, traffic issues. We need to be careful in zoning of this lot that we don't have to face this kind of threat again. Joe I. replied that he wanted to bring us back to the Official Map; this came out before Hannaford's proposal (10 years ago). The Map still needs to be about what the town needs for future infrastructure, not a weapon to use against a particular development. Bill M. clarified/added that the job of the Official Map needs to describe what it needs, but also what it doesn't need. Joe I. disagreed, and felt there are other places in Zoning to describe what it doesn't need.

Dan Opton questioned about where the Giroux family was when it was earmarked as a future facility. Joe I. said it happened in this room, went through Selectboard and was approved. Alex W. said he didn't recall much involvement with the Giroux family at that time; there was some criticism about it last time. They are trying to do it better this time, and reach out to affected landowners. As background, he mentioned that when the PC looked at the previous town plan from 2005, it said to grow the village, but their first proposal was sent back from Selectboard because it didn't show public facilities.

Dan Option asked if lot 1 is not being highlighted because it's already owned by the town, does that mean it isn't a future facility? Joe I. said the Official Map statute instructs the PC to put together siting for future uses so it can be considered in zoning/subdivision to make sure town can still provide that facility, so there's a mechanism for town to acquire the property if the developer won't meet the requirement of the Official Map. Dan O. said as a townspeople looking at this map, he doesn't view lot 1 as a future space. Alex W. said they could label this area as police, fire, and future green space. Alex W. felt the town plan should include a facilities map that shows where facilities are, then this map can reflect future facilities.

Kathleen Newton said she didn't know what is proposed for lot 15, but in the future, she sees that the west side of 116 will become very populated. Will they have a playground there? Will children be coming across 116? It doesn't make sense to make it a public space. She also sees that the town library is evolving as a community center; maybe we should be thinking about putting something up in that area. Could we connect to Geprag's Park? We also have the Resource Center in that area. Joe I. replied we do have connections up to Geprag's. Joe I. said there is also green space marked out to west of 116. She asked then why we'd take away a commercial lot if we have it on the west side of 116. Joe I. replied that at the same time as they worked on zoning, they created Village NE and Village NW; they also created residential areas up Mechanicsville Rd. There will be growth on the east side of the village as well as the west. Rolf K. said the bulk of the village lives east of 116. He felt it is useful to see the map of why that lot was designated as community facility. Alex W. pointed out we've added more (D and G) on this map. He wondered if E is as important as it used to be. Rolf K. asked about the size of lot 1: Alex W. replied it was 1.8 acres; about 1 acre remaining to be used (due to road required by Act 250). Lot 15 is 4.6 acres, but heavily constrained by wetlands.

Johanna White served on the PC when the Official Map was conceived and studied. One of the things they looked at was what was still undeveloped. This particular lot had been visited by 2-3 businesses (NRG, vet), and the problem was they had to drill down 80 feet to get to solid enough ground to build on. The PC didn't think anyone had interest in it, and they felt it might be a good place for the town to have extra space. Her/RGH's concern is the wetland, and they'd like to protect that.

Dave Blanck commented that lot 15 is in the commercial district; Hannaford's feels they could build on it. It seems like that would be a good use for that area. We have Rec Fields (Bissonette, Lyman, soccer fields behind Town Hall, school). Perhaps town should put structure near Town Hall. For a park, lot 1, perhaps they could move the road to the south to allow more green space. Work toward accomplishing community plan before development occurs. If you want a 100 ft corridor along 116, he'd recommend trying to purchase it before development occurs. He also mentioned thinking about lighting in the future; keep things safe for people out on sidewalks at night.

Mark Pendergrass spoke in support of park at lot 15. As a parent of young kids, they currently drive to Richmond to use their park and spend their money there; they'd love to have playground/park nearby to use. Lot 15 would be an excellent location selection.

Peter Modley on Spencer Hill Rd off Texas Hill: municipal use of lot 15 was a good idea from the beginning; central use, controlled modulation of what goes on lot 15 that would still respect the wetlands and not attract the traffic that a big box development would. Makes sense to go with original plan; regulate in favor of what is the best use. When you have a commercial facility, you will draw people from many places (down to Ferrisburgh, etc.). If you have a low-turnover-parking situation we will be in better space. Better development of North Rd/Richmond Rd/Texas Hill Rd would be good; a park here would be lovely. The informal use here is reverse park 'n' ride for those who can't get up Texas Hill Rd. Would be good to have at least five spaces of parking plowed out all winter here. It is also the last sweet spot for cell reception. He supports lot 15 as originally, well-considered use, and a blockage of an abomination.

Merrily Lovell said it is important to protect the wetland, and pointed out that DRB also denied based on stormwater issues.

Dawn F. said we are looking at the map again because there are changing conditions (more applications, growth, etc.). Some of those conditions that should be considered are: Hannaford was granted a state and Army Corps permit. Hinesburg has always been a sub-regional center (Monkton, etc.); many stop at the store on their way out of town. Another changing condition is we no longer have the church as a farmer's market; Hannaford's offered this. We could require future developers to pay for open spaces; this is a changed condition. Thistle Hill has access to Russell Trails in back. Joe I. thanked her and agreed with much of what she said. He said Russell property is a gem. But if you're trying to bring a child to play on a swingset, that's not the place. Each of these municipal uses should have different amenities/qualities to serve the public as a whole.

Bill M. asked if Official Map has to follow property lines. Alex W. replied you don't have to. Bill M. said actual wetlands studies out of litigation; could use those to delineate areas within lot 15 as inappropriate for development. Joe I. said that isn't the place of the Official Map; zoning bylaws would cover this. Bill M. said Hannaford's relied on the original stormwater permit; they didn't apply for an updated permit, and didn't know if they would qualify. Bill M. said we have to watch after ourselves; state agencies don't always have the best information. He gave example of wetlands at Geprag's Park. Joe I. replied it doesn't apply to the official map.

Merrily L. asked if they decided if lot 15 should be a park, how would it work. Joe I. said development would go before DRB; they'd then have to consider this as part of review process. Is the proposed use in conflict or agreement with Official Map? If there's no conflict with the Official Map, the developer just has to leave space for it. If it is in conflict with the Official Map, then the DRB should deny. This kicks off a 120-day time period for town to make substantial progress in purchasing the land or coming to an agreement with landowner and developer. If town decides not to pursue the land purchase, then the developer brings the application back to the DRB without consideration of the Official Map; any other reasons for denial still stand. Dave Blanck asked if there is a reason you wouldn't try to buy the property

right away; Joe I. replied because we aren't flush with cash. Alex W. said there are a variety of situations; there are some elements on the OM that the community should be setting money aside for, some that will be a long way down the road, etc. Joe I. replied it makes sense to, if not buy property, have a fund to buy property. Joe I. gave background on Act 250 hearing; he testified at that hearing that the Act 250 Commission replied that because the town didn't have a fund to purchase land, it must show that we are not serious about purchasing it.

Joe I. said we are beholden to Open Meeting laws, so he'd prefer that all comments go directly to Alex W. and he will send them on to the PC.

Alex W. walked through recent comments for the record:

Steve Barnard wrote to concur with Dawn.

Lenore Budd had similar comments.

Paul Lamberson

Dawn Francis

Linda Parent

Jennifer and Louis Prue

Ute Talley comments about the Farmall Drive, and also lot 15

Sylvie Vidrine

Charlene Van Sleet

Nancy Dunlap

Tom Giroux

Matt Mason

Sally Kimball

Andrew Frost tonight at 5:27 PM, in support of taking lot 15 off the map; Alex W. will forward to rest of the commission tomorrow.

Shortly after last meeting, Kyle Bostwick sent emails related to trail connections.

Joe I. said many comments were heartfelt. He clarified that this is NOT eminent domain, it is anti-eminent domain.

Alex W. asked about comments tonight, and would the PC like to talk more in January and finalize the Official Map then. Dennis P. clarified that he could now comment on lot 15; Alex W. felt he could. Dennis P. asked why we aren't doing anything with lot 1. Selectboard said no to the developer, who was willing to develop lot 1. He asked about the PC's comments to the DRB saying that the public facility wasn't suitable. Alex W. said they meant where it was proposed (back end of building near dumpsters) was not suitable. Dennis P. suggested maybe we shouldn't color in the whole area. Alex W. said originally, he suggested identifying a portion of lot 15; the Commission wanted to ID the whole lot, and Joe I. said it is because of paths, etc. Dennis P. said we are doing better this time around.

Alex W. said in regards to lot 1, that's a question for the Selectboard. Joe I. said lot 1 was a discussion in 2008-2009. If we wanted a bandshell, noise from Route 116 was a problem. Something further from 116 would be preferable. We were also designating area both east and west of 116 for further development/density, so felt we needed something east of 116 too. He wouldn't expect kids to cross 116 at all. Maggie G. said that in looking at the full map of the Village Center, lot 15's location (being equidistant between two schools) was a part of this discussion. Alex W. added that Rolf K. did show measurements. He also said that the older version of the map didn't anticipate G on the map. You could argue that the east side of the community is served with G; is E still necessary? Maggie G. stated that for many families E is much more walkable (not as much incline). We still don't have that kind of playground. Joe I. and Alex W. pointed out that we don't have playground for younger children that is available when school is in session. Originally that was in the plan for lot 1. Joe I. pointed out the residential density we are expecting; is there complimentary service or duplicating service? G is complementary (picnic tables), E is different (sidewalks). Dennis P. said the town wouldn't spend on stormwater on lot 15. Joe I. and Alex W. pointed out that the Hannaford's proposal is significantly different in regards to stormwater than the lot 15 committee suggestions.

Alex W. brought up the discussion about the fire station potentially moving to Commerce Park (Tailhook Towing). Area where the current fire station is (town-owned) would become available for things we discussed on lot 15. Alex W. said he sees lot 1 as an opportunity we aren't doing anything with. Rolf K. suggested a holistic view of the entirety of village district; if you add up the public space dedicated within the village district, it is modest. There will be thank-yous going around when everything is built out in 50 years. School properties are different than other facilities. Maggie G. was happy to hear Rolf K. mention 50 years. We have no idea what things will look like in 50+ years. Joe I. said we have zoned aggressively for buildout, so we will have a lot more people here. Maggie G. said she can understand what folks in the audience were saying; she can't think of a single town that regretted setting aside too much green space. Dennis P. felt the public didn't want no green space, they just don't want it there. Rolf K. said we doubled the commercial space available in this town. Marie G. said we will need the commercial space. Dennis P. said we don't know on other lots if they will get allocations, will buildout ever occur? If it doesn't, do we want to sacrifice the ability to have commerce in lot 15?

Joe I. said all comments are heartfelt; there are clearly dissident opinions. He'd like to wait to have all 9 members around the table to discuss. Alex W. said it is difficult to do, but they could try. Dennis P. asked about talks with landowners; Alex W. spoke with John Mead and Barb Lyman (non-substantive). He sent e-mail with Jan Blomstrann and BlackRock, but received no feedback from them. Steve Giroux came to one meeting, not speaking for family.

The Commission decided to table the discussion to the first meeting in January.

Village Area Public Open Space Design Standards:

Alex W. stated John K. wanted to do more studies on numbers. John K. and Jen McCuin will be investigating. Alex W. did run some numbers on examples. He displayed the village growth area, and explored neighborhoods.

Creekside, 37 homes, no commercial space. Per design standards: 7,400 sq. ft. of public open space. Actual production: lot 1 (other slivers not available to the public): 80,000 sq. ft., but none of it was improved.

Hinesburg Center phase 1: 18 homes, 20,000 sq. ft of commercial space: 3,600 public open space from homes, 3,000 from commercial: 6,600 sq. ft. total. It provided a pocket park approximately 5,000 sq. ft. 2,800 in front of Blue Cottage. This project provided 7,800 sq. ft. of improved open space, would have only required 6,600 sq. ft.

Thistle Hill: 36 homes, 7,200 sq. ft. It provided 0 park-like areas (playgrounds, benches). But it did provide trails (4,300 linear feet)=85,000 sq. ft. of public open space. Only 30% of your required open space can come from trails. So, about 2,000 sq. ft. can come from trails. They would have been required to have 5,000 sq. ft. of additional space. However, in addition to trails, they have >14 acres of private open space (not open to public).

Lyman Meadows is 80 homes, 200 sq. ft. per home=16,000 sq. ft. of public open space. His understanding is Lyman Park was part of this development, and it is 30,000 sq. ft. They also created private open space (~1 acre, community garden and path) and ~1 additional acre.

Marie G. asked about amount of commercial development in Hinesburg Center (20,000 sq. ft.) vs. Haystack (50,000 sq. ft.); she felt Haystack wasn't much as compared to Hinesburg Center and its overall size. Alex W. pointed out Blomstrann property is proposing 150,000 sq. ft. Joe I. pointed out that these are different districts.

Green Street is 27 new homes & proposed commercial (6000 sq. ft.): 7,400 sq. ft. of public open space. It has a sidewalk connection up to 116, which could account for 2,200 sq. ft. This development would have been 5,000 sq. ft. short. Would have needed to be re-designed (either going up or dropping a unit or two) or have additional space provided.

Rolf K. said with Creekside, there is a substantial expanse of public land. How is public vs. private defined/designated? Is this in zoning approvals? Alex W. said the way the regulations were written, it would allow private spaces to serve as public, if the public is invited in. Joe I. said the land is differentiated by lot lines. Rolf felt it was worth a conversation, because public spaces could look private, and vice versa.

The Commission decided to continue to next meeting.

Minutes of November 28, 2018 Meeting:

Maggie G. **made a motion to approve the minutes of November 14, 2018 as written.** James D. **seconded the motion.** The Commission **voted 4-0;** Dennis P., Maggie G. and Barbara F. abstained.

Other Business & Correspondence:

Alex W. brought up the battery storage facility at Pond Brook Rd. and Richmond Rd. intersection; Alex W. felt they addressed both landscaping and erosion control plan. He alerted Fire Chief.

Joe I. mentioned the Conservation Commission's request for a letter in support of their mapping project. Joe I. could write one as a personal letter, or as from the PC. Most felt it would be appropriate to come from the Commission; he will submit as from the PC.

Agenda items for next meeting – Jan 9, 2019 – including election of officers. Joe I. has served as chair for many years, and feels it is time he gives up his seat in about one year from now. He'd like to step down a year in advance, allowing him to serve as vice chair while a new chair takes over. Rolf K. and others thanked Joe I. for his service.

Rolf K. **made a motion to adjourn.** The meeting adjourned at 9:08 PM.

Respectfully submitted,

Kate Kelly, Recording Secretary