



Select Board

Town of Hinesburg
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Meeting Minutes – December 4, 2019

- Draft -

Attending the Meeting: Phil Pouech, Aaron Kimball, Merrily Lovell, Tom Ayer, Jeff French, Renae Marshall, and attached list.

Meeting called to order at 7:00 p.m.

Additions/Deletions/Changes to the Agenda

Renae added to consider the CVOEO grant.

There was no public comment.

Public Hearing for Revisions to the Official Map and Zoning Regulations re; Public Open Spaces

Aaron moved to open the Public Hearing, second by Tom and approved with 5 yes votes.

Phil explained the process for making changes and the path to the Public Hearing.

Alex shared correspondence received from Valerie Ducharme, Alice Winterbottom, Dawn Frances, and Andrea Morgante. Renae said she also received correspondence from Ann and Aiden Thomas, and Sue McGuire. All correspondence can be found in tonight's packet. Also attached is a letter from Karl Novak.

Andrea Morgante reminded us of the recent Halloween storm and how much of the village was flooded, there was very little impact to the infrastructure and feels that represents a history of people realizing the importance of not developing in the floodplain or wetlands. She is concerned with the inclusion of the indication on the map of the west side road which encourages development in the floodplain. She also encourages inclusion of green infrastructure.

Sue McGuire spoke about lot 15 and the idea of turning part of that into a park. She feels any designation making it a park is not about a park but is about being anti-business not pro-park. She feels if the Town wants the park they should buy the property.

Bob Thiefels asked if there has been any changes in the size of the structure that will be allowed. Phil said the zoning has not changed, the size of the building would be restricted by the size of the lot and set backs.

Mary Crane asked if with zoning changes lot 15 could go back to the size limits of the other buildings in that area. She feels it does not make sense to build larger than that and so would make sense to change the zoning to limit the size of the building.

Bill Marks said the big issues on lot 15 had nothing to do with zoning they were State issues that Hannaford was dealing with. Having a smaller business allowed is a realistic attempt to show what can be done.

Mike Bissonette asked about the process with the Official Map if this parcel is designated as a park. Is there a timeline in place to purchase the land being set aside as he feels it is being made unusable. Phil replied that having the parcel on the Official Map does not designate it as belonging to the Town and there is no time frame to purchase anything on the map shown as public space. Being on the map identifies it as being seen as having value as potential public space. Alex explained the official map indicates the developer must make room for the public facility shown on the map, not that you have to build it or the Town has to buy it. Tom Ayer added the Select Board has been through the official map process and the Town turned down the opportunity to purchase lot 15.

Peter Erb said his understanding is that the Giroux's can propose to use the whole lot and go through the process. At the end of the process the Town may be forced to take action and if the Town decides not to buy it the Giroux's may do what they want with the property. If the Town decides to buy the property, it is purchased at a fair market price. The piece of the lot marked for open public space does not exist until an application comes to the Town for the property.

Mary Jo Brace said this has been discussed, a decision made and yet lot 15 is still on the Official Map. She noted the area for Open Public Space is half of the lot which will severely limit the type of business opportunities and a devaluation of the land to the landowners. She has heard plans for a bandstand which already exists at the elementary school and there are designated parks that have yet to be developed. She added the State permit process will deal with the wetland so there is no need for any wetland designation by the Town.

Sue McGuire referred back to Alex's point of not needing to make a decision to buy the land until someone proposes it. She feels the problem is there can't be a proposed use without putting in a plan for the Open Public Space and so devalues what they can do.

Mary Crane asked about putting it to a Town vote if they want to purchase the piece of property so it can be part of the Official Map.

John Little, in talking about the new zoning and requirement for green space, asked if this lot is taken off the Official Map when something is proposed to be built will they have to provide a required amount of green space. Phil asked Alex with the new zoning regulation and what the green space requirement would be if a commercial building the size of the proposed Hannaford building applied.

Alex said approximately 4500 sq ft would have to be built as Open Public Space. He then noted of the 2.2 acres noted the Planning Commission feels there is a wetland issue reducing building option and the better question might be how much of Official Map item 34 is buildable space and how that would compare to the 4500 sq ft.

Peter Erb said it is possible if a development proposal came in and the wetland portion is not buildable and reduces the parcel the Giroux's would have that loss as it is a taking by the State.

Tom Ayer noted there are different classification of wetlands and this is not considered a critical wetland.

Jeff French said the State stormwater regulations were changed in 2017 and so are different from when the Hannaford application was reviewed.

Bob Thiefels asked if the section 34 is for sale and was told it is. Alex then clarified what shows on the map as the boundary for the entire lot and what portion is identified as Open Public Space. The entire lot is for sale.

Tom Giroux said he believes it is silly to make a commercial lot into a park.

Val Spadaccini said after the Town chose not to use eminent domain to obtain the lot, she and many others felt after that it was a done deal and section 34 was off the Official Map.

Merrily said she believes the reason the lot is still for sale is that there have been problems with building on the lot due to soils which will continue to be an issue. She feels this is a benefit to the Giroux Trust and realizes it is difficult for the Town to be dictating that but feels it is something to be considered. The land, because it is so wet and with the clay soils it has been difficult to find a developer who wants to buy it. So it is a benefit to the owners to have the Town say that in the future we would like to take it on as a public space.

Phil said the problem with that line of thinking is it could stay like that for 20 years. There is no time line and therefor no benefit.

Steve Giroux said to put half the lot on the Official Map further limits the potential uses for it. With the zoning regulations and the State regulations and wetland concerns being taken care of there is no need to have it on the Official Map.

Ed McGuire said it looks like the map process is being used as a "back door" to prevent development on the lot.

John Little asked if the Town can vote about having lot 15 on or off the Official Map.

Phil asked Alex to respond. Alex said it is an all or nothing deal, cannot pull out one item and still approve at this time the rest of the map. The Select Board can send it back to the PC or change it themselves and return to the Public Hearing process.

Phil asked if anyone had comments not relating to lot 15.

George Palmer had questions about the proposed sidewalk by Buck Hill Road regarding drainage. Alex said it is a technical issue about what is shown on the map and is being worked on.

Andrea wanted to respond to the 2009 map that showed all of lot 15 on the map. The intention was to put notice to engage and have a conversation with the developer at a time a proposal came to the Town and she feels that is still the intention with State and was not anticipated the entire lot would be included. She feels it is problematic that there is so much specificity on the map.

Phil asked Board members for their thoughts.

Tom said he likes the vast majority of the plan with the exception of item 34. He was hoping with the removal of the Hannaford application and feedback received from the community this would be removed from the map. He was concerned because when Hannaford was still involved that a number of the people on the PC at the time were also members of RGH and in his opinion it is a conflict of interest. He considers item 34 still being on the Official Map as part of that fight and he does not understand why this lot of all the places in Town would include a park. He feels there is not a lot of water flowing over that land and we should protect those areas that do. The lot was set up for commercial use years ago by the PC. His two suggestions are; send back to PC and remove completely item 34 from the map, or for those are interested in it being purchased negotiate with the Giroux's and purchase it.

Jeff, while he agrees years ago it was the idea for that area to be the commercial /commerce designation in Town, noted that you can now have commercial development throughout other areas of the Village. Jeff recognizes this is a contentious issue and likes Tom's idea of going to the Giroux's if it is important to people. Is the preferred option to make the zoning the same as the rest of Commerce Park at 20,000 sq ft limit? He said originally the intent was to be 20,000 sq ft and it was not considered a large building would be proposed on that lot.

Merrily said she like the idea of it being a public space but is having trouble with the idea that the Town decided to do that without buying it from the landowners. The conflict of what the landowners want and the Town Map is a big problem for her. She added the reason it was not wet when we had the Halloween storm is because it is working as a wetland. Merrily feels that is one of the reasons the flooding dissipated so quickly is because we have areas like this lot that are working. She agrees with Steve Giroux that the State regulations for stromwater will dictate development.

Aaron feels the PC did a great job overall and agrees with Tom that there are a lot of great things included and reducing the area of feature 34 on the Official Map is one. He agrees with Andrea that there is too much specificity. Remove feature 34 and let the zoning play out as it should. It is unfortunate that is an "all or nothing", as it is too much to encumber half of the property with this restriction.

Phil said he heard a number of things tonight that he knew but was reminded of. He does not believe if we remove feature 34 a developer will come in with an application and not address the areas the Town is looking to address. He does not see the Town ever buying this property. Any development on the lot

will need to provide some accommodation for green space. While Phil hates to do this to PC he is in favor of going back and taking another look at that particular feature.

Merrily said if this does go back to the PC she would like them to take into account the points addressed in Andrea's letter. Phil agreed that Andrea's comments made him think if something was missed in the process.

Alex said it does need to go back to the PC, the Select Board can make the change to community facility 34.

Tom said he would like the Board to make the change and get it warned again as soon as possible. He went on to address the question Aaron raised of being to specific using feature 34 as an example, is each item listed required or can a certain number of those listed be acceptable. Alex said the PC tries to reference different studies and it is specific to provide clarity to a developer. Tom suggested a wording change to may include or include a mixture of items.

Phil asked Board members about removing feature 34. Merrily said she is in agreement, she still has questions about protecting the wetlands in the Patrick Brook area features 14 and 15 so does not want to just remove feature 34 and give the map blanket approval.

Aaron moved to remove feature 34 from the proposed Official Map presented and accept the rest of the map and changes to the Zoning Regulations. Second by Tom.

Jeff said he always thinks of a livable, walkable, Village Core. He is ok with removing 34 but would want to see zoning regulations that match the rest of Commerce Park at a 20,000 sq ft maximum. Phil responded any zoning change will take a lot of time and the question now is do we remove 34 and proceed.

Alan Norris asked for clarification of needing to warn a meeting if the Board removes feature 34 tonight. Alex said there will need to be at least one more Public Hearing.

Bill Marks had a question on the proposed designation of 34 as being a park and asked if it could be designated as a wetland area. Alex said the Town does not have that type of community facility map.

Bob Thiefels asked if there is a commitment to address the stormwater issues raised by Andrea and Merrily. Phil said it is too large an undertaking to include with what is being considered now.

Merrily asked Alex and Maggie what the thought was in proposing the road and bridge over Patrick Brook and the wetlands. Maggie said that has been on the map since 2009 and it is to leave the possibility open.

The motion was read again and voted on with Phil, Aaron and Tom in favor. Merrily and Jeff opposed. Motion approved with a 3 to 2 vote.

The PC will send a memo back to the Select Board regarding the change.

Consider CVOEO Grant Proposal

Jess Hyman and Alex reviewed the working community challenge grant program. She is looking for a commitment from Hinesburg to be a part of this which will require staff or volunteer time. Alex said there will be 3 full day meetings to attend.

Merrily moved the Board vote to support the Planning Grant proposal from CVOEO. Second by Tom and approved with 5 yes votes.

Consider Zoning Fee Waiver Request – Vestry Redevelopment. Variance Request

Phil recused himself on this item and Aaron took over as Chair.

Rolf Kielman and Alex were present to answer questions on the request. Alex said the request it to waive the application fee for the variance.

Merrily moved to wave the permit fee of \$215.00 for a variance for the Vestry Building. Second by Tom and approved with 5 yes votes.

FY 21 General Budget Review – Expenditure and Revenue

- Agency Request Review Committee. Kathy Newton noted the request is reduced by \$15,550 in part due to Hinesburg Community Resource Center having their own budget and also requests not received.
- Recreation Commission. Jen McCuin noted how wonderful the fields are and thanked the volunteers. There were no major changes projected.
- Buildings & Facilities. Eric said the majority of changes are in the capital improvement budget.
- Trails Committee. Lenore Budd said they are requesting an additional \$250.00 to build a trail bridge on the Carse easement.
- Conservation Commission. Mike Bissonette noted the increase is to add one mowing to the trails at Geprag Park. Discussed was the Lake Iroquois Association request for milfoil control and if the Board wants to separate that vote to a line item and remove from the Conservation Commission budget.

Consider Approving the Utility Relocation Order, Route 116 / Shelburne Falls Road Intersection

Renae said the VT Gas line needs to be moved as part of the intersection work.

Aaron moved to approve the VT Gas Relocation / Adjustment Order. Second by Merrily and approved with 5 yes votes.

Consider Approving the FY 19 Delinquent Tax Warrant

Phil moved to approve the FY 19 Delinquent Tax Warrant dated November 20, 2019. Second by Aaron and approved with 5 yes votes.

Consider Changing to MVP for Employee Health Insurance Plan

Merrily moved to support Renae and all the work she has done on finding insurance and vote to approve the switch to MVP. Second by Tom. Phil noted the intent is not to cut back on coverage offered to employees but for savings for the Town. Motion voted and approved with 5 yes votes.

Town Administrator Report

- Budget work continues.
- Final punch list items for Village North Sidewalk.
- Closing will be on Friday for the two Revolving Loan Fund applicants.
- Applications coming in for open positions.
- The Town is still in need of a winter sidewalk maintainer.
- Continuing Union negotiations.
- Merrily asked Renae about CSDW discussion about stormwater. Renae said CSDW has been given a list of things they need to do. Renae noted the MOU has come back to the Town with more changes.

Select Board Forum

- Tom announced there will be no Quadra dance fundraiser this year due to timing problems.
- Phil said there is someone interested in the Health Officer Position.
- Tom said VT Smoke & Cure is having an event to show how a large business, Walmart, helped expand sales of their products.

Review Minutes from November 20, 2019

Aaron moved to approve the minutes of November 20, 2019 as presented. Second by Tom and approved with 5 yes votes.

Consider Approving Warrants

Aaron moved to approve the warrants, including payroll, as submitted by the Town Treasurer. Second by Phil and approved with 5 yes votes.

Consider a motion to enter executive session under the provisions of 1 V.S.A. § 313(a)(1)(a)(2) and (a)(3).

Phil said executive session is needed for update on Union negotiations.

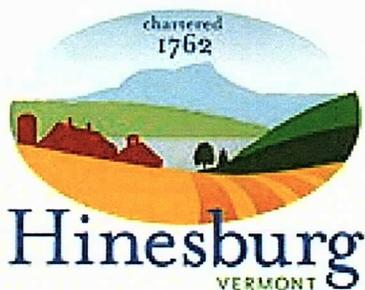
Phil moved to enter executive session including Renae as public disclosure of the Union negotiations would put the Town at a disadvantage. Second by Tom and approved with 5 yes votes.

Phil moved to enter executive session under the provisions of 1 V.S.A. § 313(a)(1)(a)(2) and (a)(3). Second by Aaron and approved with 5 yes votes.

Tom made a motion to come out of Executive Session. Aaron seconded the motion. Motion passed 5-0

Phil made a motion to adjourn. Aaron seconded the motion. Motion passed 5-0

Respectfully Submitted,
Valerie Spadaccini, Clerk of the Board



Selectboard Meeting

Sign-in Sheet

December 4, 2019

1. KARL NOUAK

2. Trisha Novak

3. Scoter MacMillan

4. Mary Jo Brace

5. LeRoy Brace

6. Shannon Kelly

7. Steve Giroux

8. Bill Cole

9. John Little

10. Kathleen Newton

11. Caleb & Margo Casio

12. Jess Hynan

13. Alex Wenhagen

14. Jean Kiedzisch

15. John Kiedzisch

16. Johanne White

17. Sue McGuire

18. Ed McGuire

19. ACAW MORRIS

20. NANCY MORRIS

21. Mary Crane

22. Bull Marks

23. Robt Ed

24. gen McCann

25. Tom Giroux

26. Jane Sheldon

27. Lenore Budd

37. _____

28. Maureen Bamford

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