**Town of Hinesburg**
**Planning & Zoning Department**
**10632 Route 116, Hinesburg, VT 05461**
**802-482-2281 (ph) 802-482-5404 (fax)**
**www.hinesburg.org**

# MEMORANDUM

**TO:** Selectboard

**FROM:** Alex Weinhagen, Director of Planning & Zoning

**DATE:** August 16, 2013

**RE:** Rural Area Zoning – Planning Commission Comments on Selectboard Revisions – for 8/19/2013 Hearing

---

Pursuant to State statute, the Planning Commission is required to provide comments if the Selectboard makes any substantive revisions to regulation revision proposals prepared by the Planning Commission. On August 14, the Planning Commission reviewed the Selectboard revisions to the Rural Area Zoning proposal as outlined in my May 31, 2013 memo. They felt that several of the revisions needed additional fine tuning as noted below:

**Objective #1 (pg 4) – Low Impact Agribusiness use, ag/forest equipment sales and repair category.** The Planning Commission feels the proposed revision is too restrictive, and that small-scale, low-impact ag/forest equipment sales businesses should be allowed, and are part of the economy of a working landscape. They disagree that traffic levels serving such a sales business would create any issues on rural roads. They feel such businesses are most likely to locate on higher traffic roads like Route 116, Charlotte Road, Shelburne Falls Road. More importantly, they would like you to look again at the definition of the low impact agribusiness use. This definition contains many provisos and safeguards so as to only allow those agribusiness uses of a scope and scale that impacts on rural roads and surrounding neighborhoods should be "small to negligible". The Commission feels the proposal to allow sales only if incidental to a equipment repair business wouild be difficult to enforce, and may trip up some businesses that do both, but make more from sales either by design, by accident, or over time as the business evolves.

**Objective #2 (pg 2) – Conservation Subdivision Design, Step #2 – Crossing Primary Resource Areas.** The Planning Commission agrees that this revision is necessary, but feels that the word, "practical" at the end of the second sentence should be deleted. They feel this word is too subjective, and they feel the standard should simply say that such incursions into primary resource areas are only allowed if there are no alternate development plans and no other means of access. This would be a clearer standard, and would require applicants to make a strong case.

**Objective #3 (pg 2) – Determination of Allowed Density #4 – Existing Lot Density Exemption.** The Planning Commission feels this must be reworked because it was NOT their intent to restrict additional development density solely through new subdivisions. They agree that a re-worded provision is needed to clarify that existing, undeveloped lots are allowed to be developed with a single-family home (one dwelling unit) plus the required allowance for an accessory apartment. However, they do not want to see duplexes or multi-family dwellings on existing lots that don't meet the new density requirements – either on existing undeveloped lots or on lots already developed with a single family home. In other words, in a 10-acre density area (access to a paved road), a lot would need to be 20 acres to allow for a

duplex, 30 acres to allow for a 3-plex, and 40 acres to allow for a 4-plex. The Commission feels that the accessory apartment allowance provides ample opportunity for smaller lot owners to add another dwelling unit to their property if desired.

**Objective #3 (pg 3) – Temporary Subdivision Allowance for 10-12 acre Lots.** The Planning Commission is amenable to giving such lot owners more time to consider one final subdivision, but feels the sunset of the provision should be tied to the submission of the subdivision application (a complete sketch plan application) rather than the final DRB subdivision approval. The Commission feels the mechanics of this temporary provision will work better this way, since the subdivision process can take significant time to complete, especially given varying speeds at which different surveyors and engineers work. The Commission proposes that subdivision applications for such parcels should be received within 18 months of when the regulations are adopted. They further recommend that the final approval for such subdivisions be obtained within a defined but substantially long time horizon – e.g., within 2-3 years of the initial application; or per the subdivision review process with no more than one 6-month extension of the sketch plan approval (current practice); or by some other reasonable fixed date.