



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 & Town Administrator
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: May 6, 2013
RE: Rural Area Zoning Proposal – More Questions (Andrea Morgante)

Andrea Morgante forwarded me some questions about the Rural Area Zoning proposal on 5/5/13. Similar to my earlier March 29 memo (with Q&A from Tom Ayer, Phil Pouech, and Jon Trefry) and April 30 memo (with Q&A from Mike Bissonette), I've listed these questions below, and attempted to provide some answers and/or background. All three of the questions relate to Objective #1 (Expanding Allowed Uses) of the proposal.

Objective #1 – Expanding Allowed Uses:

(AM) – Will allowing additional uses in the AG and RR2 Districts create the opportunity to subdivide large parcels for commercial uses? Or are these additional uses only allowed on existing large parcels that are being used for farming or forestry?

The short answers are yes to the first question, and no to the second question. Hinesburg's zoning has always allowed for the subdivision of large parcels for commercial uses. In the past, these commercial uses were typically farms or forestry operations, and the newly created large lots were new, split, or consolidated farm/forest operations. For example: Bissonette Conservation Project subdivision for farm consolidation and Town Forest creation; Baldwin Farm subdivision to create two farms from what was previously a single family farm, etc. Our current zoning ALREADY allows for some non-residential uses in the AG & RR2 districts – e.g., home occupations, cottage industries, churches, public and private schools, medical facilities (e.g., hospitals, etc.), recreational facilities (e.g., golf clubs, hunting preserves, etc.), mortuaries and funeral parlors, retail stores selling unprocessed agricultural products, day-care centers, inns, campgrounds, sand/gravel excavation, commercial cordwood operations, dairy production and processing. In other words, the opportunity to subdivide large parcels for commercial uses ALREADY exists under our current regulations. We simply haven't seen much of this happen in practice. The proposed zoning changes will expand the types of non-residential uses that are possible, but this does not really break new ground given the existing allowances.

Some of the proposed uses are described as stand-alone uses that would constitute the principal use of a parcel – i.e., no farm or forestry use needed. For example: low impact agribusiness, outdoor recreational facility, inn, function hall, farm stand, farm market. A few of the proposed uses are described as part of the context of a farm or forest operation, and can only be established that way. For example: farm café, integrated agriculture, integrated forestry.

(AM) - If a lot is created for commercial purpose and is greater than 10 acres, it would need an Act 250 permit. What happens if the town allows one of these new uses on a newly created lot and then the business is not successful and closes and landowner needs to sell the property? Essentially the Town has allowed commercial operation and landowner is burdened in who they can sell to. It seems that this is spot zoning and that the landowner will appeal to Town to expand uses because they are so limited in who can purchase.

I'm afraid I don't understand the issue/concern. Yes, if a commercial business is proposed on a lot that is 10 acres or larger, an Act 250 permit would be needed – unless the use is exempt (e.g., farm, forest, etc.). Let's say a "low impact agribusiness" use (e.g., food processing facility) is proposed as a stand-alone, principal use for a 12 acre lot. Such a use would require conditional use review by the Town, as well as Act 250 review by the State. Let's say that it gets the necessary permits, and after 3 years, the business folds, and the landowner wishes to sell the property. The landowner is not limited as to who can buy the property. The property could be used for another food processing facility; however, it could also be redeveloped for another allowed use in the district – either residential or another non-residential use with associated permitting. As noted above, this is no different from how our current rural area zoning works – just with a few more allowed non-residential uses spelled out.

(AM) - Was Michael Anthony consulted about expanded uses and what types and impact on roads?

Mike Anthony was consulted directly about road quality and maintenance cost, but in general terms – not specific to the expanded use proposal. The Planning Commission was exploring the regulations used by the Town of Norwich, and was trying to get a better sense of the capacities of each Town Road. I gave Mike a spreadsheet in 2009 to rank all of our town roads with regard to maintenance cost and quality. Both of these were qualitative answers on a scale of 1-5, with each road judged relative to the total set of Town-maintained roads. Unfortunately, the PC and I were unable to translate Mike's road ratings into a more sophisticated development allocation system. In the end, the PC kept distinctions between roads in Objective #3 (defining development density), but only within three broad road classes.

Mike has expressed concern about expanding the types of uses allowed on Hinesburg's rural roads. I think is primary concern are the gravel roads, especially the hill roads. Mike also commented that he feels existing home occupations can be problematic due to excessive deliveries from UPS, FedEx, etc. I believe his concern is more about traffic volumes and delivery truck driving behavior (e.g., causing wash boarding) rather than vehicle weight which is more tightly restricted through road posting. As noted in my March 29 memo, and in discussion at the April 1 and April 15 meetings, the PC believes that the nature of uses proposed and the conditional use review process will help ensure that uses with adverse impacts on our Town roads will not be permitted. Non-residential uses in the rural areas are few and far between. The PC felt the proposal opened up just a bit more opportunity with the understanding that such uses are unlikely to proliferate, and should be reviewed on a case-by-case basis given the unique circumstances of each road, each use, each neighborhood.