



Town of Hinesburg
Planning & Zoning Department
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MEMORANDUM

TO: Selectboard & Town Administrator
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: January 4, 2013
RE: Rural Zoning Proposal – Regulation and Town Plan Revisions

At their 12/12/2012 meeting, the Planning Commission (PC) voted to forward the Rural Zoning Proposal to the Selectboard. This includes revision proposals for three separate Town planning documents – i.e., Town Plan, Zoning Regulations, Subdivision Regulations. I am providing Joe Colangelo with digital versions of this memo and the proposal itself, which is comprised of six documents. Our webmaster will also be putting the proposal on the website at <http://www.hinesburg.org/planning/raz>. I will meet with Joe and Tom Ayer in the coming week or two to discuss how and when to proceed with the Selectboard review.

The proposal includes substantive changes to the Zoning Regulations and Subdivision Regulations, primarily relating to development in the two most rural zoning districts – i.e., Agricultural district and Rural Residential 2 district. The proposal also includes minor changes to the wildlife and scenic areas sections of the Town Plan, as well as a new wildlife habitat map. Several modifications were made to the proposal based on public comments at the September 12, 2012 public hearing, and PC discussion at the follow up meetings. For example, the rather controversial “takeout” provision for calculating development potential was eliminated.

The PC sincerely hopes that these changes will help expand options for landowners, so that Hinesburg’s working farm and forest lands will continue to define the rural character of the community. The changes should also help make our development review process more objective by improving design standards meant to respect significant natural resources that also help define Hinesburg’s rural character. Finally, the changes will create a clear understanding of how much development potential exists in the most rural areas. No longer will neighbors have to argue about how big a subdivision can or should be. This most basic piece of information will finally be codified in the regulations, so that discussion at DRB meetings can focus on good design rather than how many new building lots to allow. The intention is to position Hinesburg’s rural areas to avoid suburban sprawl while still absorbing a modest amount of additional development.

Now that you have the PC proposals, here are the remaining steps in the process:

1. Review the material and decide if you want to make any further changes. In the past, this has involved a rather time consuming line-by-line review during several Selectboard meetings. I plan to come to Selectboard meetings to work through this with you, but I am hopeful that we can devise a more efficient process this time around.

2. Make any changes and then schedule two public hearings approximately one month apart. These hearings should be more than 15 days apart to allow for changes (and additional public notice) between the first and second hearing. Pursuant to State Statute (VSA Title 24, Chapter 117, Section 4442e), you are free to warn and hold multi-purpose hearings to review and get public feedback on all of the proposed revisions – Town Plan, Zoning Regulations, Subdivision Regulations.
 - a. Public notice/warning must be 15 days prior to a hearing.
 - b. There are special warning requirements (VSA Title 24, Chapter 117, Section 4444).
 - c. The changed proposal must be filed with the Town Clerk and PC.
 - d. You may make changes to the Regulation revisions before the last hearing, as long as the revisions are made prior to the public notice/warning for the last hearing. The Town Plan revisions are different. You may make minor changes to the Town Plan revisions between the two hearings. However, if you make “substantial changes in the concept, meaning or extent” of the proposed Town Plan, then you have to start the two hearing process over again.
3. Hold the two public hearings.
4. Decide if further changes are needed.
 - a. After the 2nd hearing, if you make ANY further changes (except for grammar, punctuation, numbering, etc.), then you must warn another public hearing.
 - b. If you make no changes, then you can proceed with adoption.
5. Adopt the Town Plan, Zoning Regulation, and Subdivision Regulation revisions*.

*** Note – if the revisions are not approved by 9/12/2013, they are considered disapproved.**

Citizens cannot appeal or petition for a town-wide vote on the Town Plan revisions. The power to adopt Town Plan revisions rests with the Selectboard, unless/until the community elects (at a Town Meeting) to move to Australian Ballot adoption. This is why two Selectboard hearings are required, along with all the related public notice. Citizens DO have the right to petition for a popular vote on Zoning Regulations and Subdivision Regulations revisions adopted by the Selectboard. A petition by at least five percent of the voters, filed within 20 days of Selectboard adoption can force a popular vote on the regulation revisions – via Australian ballot.

An interesting wrinkle in State statute (VSA Title 24, Chapter 117, Section 4449d) requires that any new permit applications received after the Selectboard warns its first public hearing be reviewed under the proposed regulations. I’m in the process of sending a town-wide mailing out, so that everyone gets something in their mail box about the proposal. One result of this proposal is that properties less than 12 acres in size will not be able to be further subdivided to create additional building lots. These small lots could still add a second residential use in the form of an accessory apartment – either as part of a house or in a separate structure. This is allowed under the current regulations, and is not changing. These lots would also have access to many of the expanded uses that are part of the proposal. With that said, I know there are some landowners with less than 12 acres that are actively now considering (or once considered) subdivision. I’ll be encouraging any landowner with less than 12 acres, and that has a desire to subdivide, to contact the Planning and Zoning Office to discuss options before the end of February. With that in mind, I strongly encourage you to wait on warning any formal public hearings until after Town Meeting.