

**THE CONSERVATION COMMISSION REQUESTS THAT THE HINESBURG SELECTBOARD
ADOPT INTERIM ZONING FOR THE VILLAGE OF HINESBURG**

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THE PROBLEM:

In light of newly recognized limitations on wastewater capacity for the Village of Hinesburg, the Town currently faces a pressing need to revisit plans for future development within the Village. The current Town Plan envisions considerably more growth than the wastewater treatment facility will allow. In addition, the State will soon be requiring stricter standards for phosphorous loadings, in an effort to improve water quality in Lake Champlain. Because of the expense associated with upgrading the existing wastewater treatment plant, and the even greater expense associated with expanding its capacity, it seems increasingly unlikely that Hinesburg will be able to expand its wastewater capacity in the foreseeable future. If wastewater capacity is consequently capped at the current level, then development within the Village will also be capped. Therefore, not every proposed development can be built. There are numerous developments currently proposed for various parcels within the Village Growth District. It has become problematic for the Town to approve such developments, knowing that these proposals, along with unforeseen future proposals, might never come to fruition.

THE SOLUTION:

It is critical that the Town step back from the development review process long enough to reevaluate the issue of Village growth. Hinesburg needs to revise its Town Plan, and revise its zoning regulations in such a way as to prioritize where and how growth should happen within the Village. Good planning by the Town will ensure that Hinesburg citizens continue to control the process, rather than allowing development to occur in a haphazard fashion, driven by developers. In light of limitations imposed by wastewater capacity, Hinesburg needs to grow in ways that continue to benefit all its citizens. For that reason, the Conservation Commission requests that the Selectboard adopt Interim Zoning to temporarily halt development while the Town wrestles with how these problems can best be handled.

THE METHODS:

1. The Hinesburg Selectboard has already recognized this problem, acknowledging a pressing need to halt new development. The Selectboard issued a moratorium on wastewater allocation, allowing developments to go through the review process and receive permits from the Town, but halting development at the stage of wastewater allocation. Once approved, new developments must now wait in a queue for wastewater allocation. During the moratorium on wastewater allocation, many Hinesburg residents hope that the Selectboard will develop a new system of allocation, with input from the various Town committees, to help guide the Town in its efforts to encourage beneficial development. For example, the Town might decide to develop a system which gives a

percentage of existing wastewater capacity to certain types of development -- elderly housing, affordable housing, commercial development etc.

Unfortunately, the wastewater moratorium alone will not provide the Town with sufficient tools to anticipate and plan for future development. Proposed developments are currently being evaluated under an outdated Town Plan and outdated zoning regulations that assume virtually unlimited potential for Village growth. If additional wastewater capacity never becomes available, many of these proposed developments would no longer be considered appropriate. Such proposals will nevertheless sit waiting for final wastewater allocation. The wastewater moratorium does not stop the permitting process. Once the moratorium is lifted, outmoded developments waiting in the queue proceed to completion.

2. Interim Zoning, applied within the Village District, is therefore a second critical tool needed at this time. The Conservation Commission urges the Selectboard to adopt Interim Zoning and a development moratorium, in order to regain control over the process of development within the Village. Interim Zoning will temporarily halt the permitting process so that inappropriate developments cannot be approved. This will allow the Town time to reevaluate its priorities and establish new guidelines for Village growth. During this time, the Planning Commission will work to adopt a new Town Plan and to rewrite zoning regulations within the Village.

THE BENEFITS:

Interim Zoning will clearly benefit the Town of Hinesburg in many ways.

1. Interim Zoning will give the Planning Commission time to rewrite the Town Plan and rewrite Village zoning regulations without the fear that poorly conceived developments, approved under the old regulations, might effectively crowd out future developments that citizens deem more suitable. Because of wastewater limitations, the Town may not be able to develop every single parcel within the Village. Therefore, the Planning Commission must rethink the Village plan. The Town Plan and appropriate new regulations must come first. Only then should the Town proceed to evaluate individual development proposals. Approving developments first, without creating a context or framework, puts the cart before the horse and allows development to drive Village growth. This backward approach leads to haphazard and ill-conceived growth patterns. Instead, a unified vision of Village growth should guide future development. Interim Zoning encourages the Planning Commission to develop such a vision without fear that current development proposals will make it impossible for that vision to be realized.

2. Interim Zoning will enhance local control. Citizens of Hinesburg want to determine what the Village looks like and how it functions going forward. Without Interim Zoning, developers continue to submit proposals for development. Evaluated under the old regulations, these proposals will be approved by the DRB. Eventually, they either acquire the necessary wastewater allocation -- and therefore get built -- regardless of whether they are still appropriate for the Town, or they never get wastewater allocation, and therefore never get built. Either way, developers continue to drive the process by submitting

applications for approval. Interim Zoning allows the Town time and space to establish a local vision for growth. Under Interim Zoning, local needs come first, and developments are approved in accordance with those needs.

3. Interim Zoning will enhance efficiency. Without Interim Zoning, Town volunteers work long hours to evaluate developments, many of which might never get built. Hinesburg is a Town run by volunteers. Volunteers on the Planning Commission, the DRB, the Conservation Commission, the Village Steering Committee, the Energy Committee, the Affordable Housing Committee etc. all spend time and energy considering development proposals within the Village. If it turns out that there will never be enough wastewater capacity to accommodate many of these approved developments, then all that volunteer effort has been wasted. Furthermore, if volunteers on the Planning Commission work to develop a new Town Plan and new regulations while developments continue to receive approval, then wastewater capacity might be exhausted, leaving no capacity available for building under the new plan. All the existing capacity will have gone to developments approved under the old regulations. Such a process leads to frustration and burnout on the part of volunteers. Instead, a realistic Town Plan and amended zoning regulations must come first, so that proposals can be evaluated within the context of what can actually be achieved.

4. Interim Zoning will encourage the submission of better development proposals. Without Interim Zoning in place, the wastewater moratorium encourages hasty submissions by developers seeking to be evaluated under the current system in order to quickly enter the queue for future allocation before wastewater capacity runs out. Similarly, without Interim Zoning, developers are encouraged to adhere to outmoded designs, which they might otherwise seek to revise. Since revisions trigger the need for a new permit, revising a development means developers risk losing their place in the wastewater queue. Interim Zoning will improve the quality of proposals submitted for permit approval by discouraging both hasty submissions and also rigid adherence to outmoded designs.

5. Interim Zoning will provide an opportunity for outstanding development within the Village. Interim Zoning gives the Town time to devise better strategies to address future needs and enhance the Village community. If wastewater capacity is limited, then Village growth will also be limited. Interim Zoning gives the Town an opportunity to decide what it values most moving forward. If every parcel cannot be developed, where should development occur? The Planning Commission now has an opportunity to craft regulations in such a way as to concentrate development in the most appropriate places, as decided by the citizens of Hinesburg. For example, perhaps citizens would like to see development concentrated along Route 116. Perhaps instead citizens prefer to encourage alternative walking and driving routes that take cars off of Route 116. Perhaps citizens wish to protect environmentally sensitive areas within the Village, such as floodplains, wetlands and higher elevations. These priorities can now be addressed. Interim Zoning allows time for such discussions to take place. Interim Zoning temporarily halts the constant pressure from developers so that Hinesburg can discover good solutions through a local process for the benefit of the Common Good.