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## MEMORANDUM

**TO:** Selectboard  
**FROM:** Planning Commission  
**DATE:** June 10, 2015  
**RE:** Interim Bylaw Development Moratorium Recommendation

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At several recent meetings, the Planning Commission discussed the use of Interim Bylaws to place a temporary moratorium on development in the village growth area. There was substantive discussion at the April 22, May 13, May 27, and June 10 meetings. The Planning Commission understands that the Selectboard actually began discussing this earlier this year after receiving legal counsel on options to address the Town's limited municipal water and wastewater treatment capacities. We also understand that the Selectboard decided to adopt a one year wastewater allocation moratorium. With that said, the Planning Commission recommends that the Selectboard adopt Interim Bylaws to further implement a moratorium on certain development in the village growth area as outlined below.

We feel there are two related, but distinct, reasons for a tailored development moratorium Interim Bylaw. First and foremost, recent large-scale development proposals and more stringent State requirements for cleaning up Lake Champlain have made clear the limitations of the Town's municipal wastewater treatment system. Municipal wastewater treatment capacity is a limited community resource that requires additional planning before review of substantial new development projects is completed. We understand that the Selectboard is studying the issue, and will be exploring a more sophisticated wastewater allocation system. These studies may also result in revisions to the village growth area zoning. Given anticipated State and Federal actions to clean up Lake Champlain, the Planning Commission recognizes that the Town may not be able to expand municipal wastewater treatment capacity to accommodate a substantial and coherent build-out of the village growth area as previously envisioned. Given this potential long term resource constraint, it is necessary to revise our planning to maintain a continuity within the village core that encourages commerce, walkability, and the vibrant village environment envisioned in the Town Plan. Possible planning tools to be considered may include resource-dependent phasing, development density reductions, and scaling back the size of the village growth area. All of these would be best accomplished prior to the approval of significant development, in part to prevent the creation of disconnected islands of development.

Secondly, as part of the Town Plan revision process, the Planning Commission has received substantial and consistent community feedback on this issue. We feel there is a mandate from the community to examine both the pace of new development and the underlying zoning regulations that guide the form and function of that development. Without Interim Bylaws, new development projects approved by the Development Review Board would simply stack up to await wastewater allocation, and would not be subject to future zoning changes that may be necessary. We understand that this may result in the rules changing for several recently proposed development projects, but we feel this is what the community is asking for, and what is in the best interest of the Town. Data to support this:

- 35.3% of respondents to the February 2015 growth survey selected a “Temporary Moratorium” when asked how Hinesburg should manage growth and development (Question #1; 79 responses from 224 total respondents). Third highest response of 11 options.
- 47.3% of respondents to the same survey question selected “Revise/Improve Regulations” (106 responses from 224 total respondents). Highest response of 11 options.
- 54.1% of respondents to the August 2014 community survey said the village area was growing too fast (Question #6; 231 responses from 377 total respondents).
- “Managing Growth and Development” - #1 challenge facing Hinesburg over the next 5-10 years according to respondents to the August 2014 survey (Question #4; 249 responses from 432 total respondents)
- Substantial community feedback in favor of slowing the pace of new development was expressed at the Commission’s November 12, 2014 community forum on growth and development.
- Comments in favor of a moratorium via Interim Bylaws by about a dozen community members at the Commission’s May 13, 2015 meeting.

At the same time, it is important to allow for continued job creation, expansion of existing development, and provision of affordable and senior housing in the village growth area. These were central goals of the 2009 village growth area rezoning, and remain important goals in the Town Plan. As such, the Commission feels that any Interim Bylaw development moratorium must be tailored in scope so as not to halt all development. As such, we recommend the following Interim Bylaw:

**Development that requires new wastewater allocation shall be prohibited in the village growth area zoning districts with the following exceptions:**

1. Expansion or redevelopment of existing structures.
2. Residential development that creates three or fewer new dwelling units (e.g., accessory apartments, minor subdivisions, etc.).
3. Senior housing – must be age restricted (55+; independent living, assisted living, etc.) and designed for seniors (e.g., accessible dwelling units).
4. Perpetually affordable housing as defined in section 5.21 of the Zoning Regulations.
5. The following related uses: manufacturing, light manufacturing, light industrial, engineering and product design facilities. Such uses must conform to the goals and regulatory provisions of the zoning district they are proposed for.
6. All development in the Industrial 3 and Industrial 4 zoning districts.
7. Buildings, structures, and uses owned and operated by the municipality.

**This moratorium shall not apply to the issuance of zoning permits for development projects that have already received final DRB approvals but are not yet built or are partially built, nor shall it apply to applications for minor revisions to such projects as long as no additional wastewater capacity is required.**

The Planning Commission encourages the Selectboard to consider such an Interim Bylaw and seek further community input. We also recommend seeking legal counsel to ensure the proper wording and implementation of both a purpose statement and the more specific regulatory text. We further recommend that the Selectboard create an annual quota for wastewater allocation to reasonably apportion remaining wastewater capacity over time.