

Town of Hinesburg
Planning Commission Meeting Minutes
September 14, 2022

Approved September 28, 2022

Members Present: Dan Baldwin, Nick Chlumecky, James Donegan (arrived after agenda item #3), John Kiedaisch, Alison Lesure, Denver Wilson.

Members Absent: Lenore Budd, Barbara Forauer, Marie Gardner.

Also: Alex Weinhagen (Director of Planning & Zoning).

Public Present (in person): Frank Babbott, Shane Bissonette, Dennis Place, Tony St. Hilaire, Kathleen Newton.

Public Present (via Zoom): Susan Lepple, Kate Kelly.

Denver W. called the meeting to order at approximately 7:00 PM.

1. Agenda Changes – Non.

2. Public Comments for Non-agenda items – None.

3. Minutes of August 24 meetings

John K. **made a motion, and Nick C. seconded, to approve the minutes of the August 24 meeting. The motion passed 5-0.**

4. Rural Residential 1 District Zoning Revisions

(continued from August 24 meeting)

a. Review existing conservation subdivision design standards

Alex W. summarized the existing conservation subdivision design standards for rural areas, which are in section 6.12 of the Subdivision Regulations, and currently apply in the Agricultural and Rural Residential 2 zoning districts. He noted that this section outlines a process for designing and reviewing subdivisions, and establishes a two-tier set of resource areas to help drive the design. The process is designed so that important resource areas are identified and considered first, with development areas located second so as to ensure resource protection. Primary resources include: wetlands and associated buffer areas; flood hazard areas; steep slopes of 25% or greater; surface waters and setback areas; rare, threatened, and endangered species locations. Secondary resources include: moderately steep slopes between 15-25%; prime and statewide agricultural soils, core wildlife habitat, wildlife corridors, deer wintering areas, important cultural features (e.g., historic structures, stone walls). Primary resource areas are to be avoided, except that limited impacts may be allowed for access only, if there are no other means to access a property. Secondary resource areas are not off limits, but development shall be designed to minimize impacts on these areas.

The four steps of the design process include: 1) identifying primary and secondary resource areas; 2) locating potential building sites; 3) locate necessary vehicular/pedestrian access; 4) draw lot lines and building envelopes. He noted that this section also establishes several other standards - three specific to agricultural areas, three specific to forest areas, and six general standards.

Denver W. reviewed revisions to this section that Lenore Budd forwarded to Commissioners in advance of the meeting. He generally endorsed these revisions, which generally seek to highlight the importance of forest blocks, and recognize that forests have ecological value beyond timber extraction and wildlife habitat. He suggested that Alex W. come up with a revised draft of section 6.12 with Lenore's suggestions in mind. John K. agreed.

The Commission discussed Lenore's suggested revisions, including which portions of the RR1 district to apply them to. Options previously discussed (dated May 9, 2022) included application of these standards to the most rural portions of the district (e.g., potential Rural 1 district in options 4 & 6). Dan B. questioned the application of the conservation design standards to the partially developed area north of Richmond Road – e.g., Place Road, Pond Road, Aube Ridge Road. He noted this area is not as rural as other portions of the district, has fewer secondary resource areas, and seems better suited for infill development at a density similar to the existing one dwelling unit three-acre maximum density for the unsewered portion of the RR1 district.

Alex W. displayed maps showing various resource areas in the RR1 district. The Commission also reviewed the draft RR1 district map dated June 3, 2022. Alex W. explained how this map shows option 6 from the May 9, 2022 document, which Lenore B. had recommended the Commission pursue. John K. and others said that the map is difficult to interpret. Alex W. acknowledged that it was very much a rough draft designed to spark conversation, and is a bit complicated. He said that he would prepare a clearer map for the Commission to review at the next meeting.

Dennis Place asked several questions about Lenore Budd's suggested changes to the design standards. The Commission discussed these. Dennis P. said that the proposed standard requiring review of forest management for pre-development site preparation seems problematic and difficult to enforce. He wondered whether the Town can or should be attempting to regulate how landowners manage their woodlands ahead of a subdivision application. Nick C. said it might make sense to hold off on further discussion of Lenore Budd's suggestions until the next meeting, when she was present. Alex W. noted that Lenore B. sent the suggestions along with a request that the Commission discuss them, even in her absence. Her desire was to make a proposal to try to help move the conversation along, even though she knew she would not be able to attend this meeting. Alex W. said that the intent made sense - i.e., to avoid forest clearing for building sites before those sites have been reviewed/approved. However, he agreed that a backward-looking provision might be difficult to enforce. Alison L. said that there may be a legal precedent for this. Alex W. said he would work on a revised draft ahead of the next meeting, and would check in with Lenore and Alison.

Tony St. Hilaire cautioned the Commission about expanding development potential in the Richmond Road corridor. He suggested a build out analysis be done first, to better understand how much new development such a change could result in. He also reiterated the concerns he expressed at prior meetings about the design standards requiring new development to be clustered, which he objects to in this part of Hinesburg. He said that he continues to be concerned about regulation changes that will restrict his ability to subdivide his property, and create building sites farther into the woods, in areas that he feels are suitable for development (e.g., accessible, ensures privacy, no visual impact, etc.).

Frank Babbott asked several questions about how development would be guided by municipal sewer access vs. on-site wastewater capacity, and about preferences for building lot sizes were he to subdivide his Pond Road property that includes some core wildlife habitat. Alex W. said that the options being discussed would require that development minimize impacts, but that this could be accomplished with

smaller lots (e.g., ½ acre) and a common-land lot for the resource area, or via equal size lots (e.g., 3 acre) with building envelopes and forest clearing limits to protect the resource area. That decision is really up to the landowner.

Alex W. said that he would work on revisions to the conservation subdivision design standards along with revised district maps for the next meeting.

5. Energy Zoning Revisions

(continued from June 8 meeting)

a. Review draft 3 – final version

Alex W. reviewed the most recent draft of both the Zoning Regulations (changes to sections 5.23 & 5.26.2(5)) and the Subdivision Regulations (changes to sections 5.1.12 & 6.12.4). This draft only had minor changes to section 5.1.12 of the Subdivision Regulations based on recommendations from Energy Committee members related to optimizing passive and active solar gain. The new draft acknowledges that siting and design should be used to optimize passive solar gain and to the “maximum extent feasible, allow for the use of rooftop or ground-mounted photovoltaics.” Energy Committee members recommended the “maximum extent feasible” term to acknowledge that facilitating active solar gain can be difficult on some sites. This section was also updated so that a demonstration of roof orientation for active solar or space for ground-mounted solar would not be required if the property benefits from an off-site solar energy installation – e.g., net-metered solar or community solar.

b. Schedule public hearing

Commissioners expressed a desire to schedule a public hearing. Alex W. said that it could be either of the October meetings. Denver W. said it would be good to have someone from the Energy Committee attend. Alex W. said he would follow up with them and schedule the hearing accordingly for one of the October meetings.

6. Other Business & Correspondence

a. News, announcements, etc.

Alex W. noted that the conceptual design for the Town Common is complete, and will be posted to the Town website shortly. He said the design is simpler than the previously presented alternatives, but that the overall cost estimate is still sobering. He said that decisions on how to proceed will likely be made by the Select Board this winter, once a study on the future of the fire station and the town office is complete.

Denver W. **adjourned the meeting at approximately 9:08 PM.**

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning