

Town of Hinesburg
Planning Commission Meeting Minutes
October 26, 2022

Approved November 14, 2022

Members Present: Dan Baldwin, James Donegan, Barbara Forauer (via Zoom), Marie Gardner (via Zoom), John Kiedaisch, Alison Lesure, Denver Wilson.

Members Absent: Lenore Budd, Nick Chlumecky.

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

Public Present (in person): Chuck Reiss, Frank Babbott, Shane Bissonette, Jim Carroll, Kathleen Newton, Ehsan Thibault.

Public Present (via Zoom): None.

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

1. Agenda Changes

The Planning Commission amended the agenda to include both the September 28 and October 12 meeting minutes.

2. Minutes of October 12 meeting

Denver W. **made a motion, seconded by** Alison L., **to approve the minutes from October 12. The motion passed 5-0** (Barbara F. and John K. **abstained**).

3. Minutes of September 28 meeting

Denver W. **made a motion, seconded by** James D., **to approve the minutes from September 28. The motion passed 7-0.**

4. Public Hearing – Regulation Revisions – Energy & Solar Gain

a. Brief overview of process and proposed changes

Alex W. provided a brief overview of the changes to the zoning and subdivision regulations related to energy and solar gain. He said that the Planning Commission has been working on these for some time, in response to several action items in the Town Plan that call for changes to reduce energy usage and meet long-term energy goals. He said that the changes are generally targeted and minor. He said that discussions had started out with a broader focus, but that the Vermont League of Cities and Towns advised that a municipality's statutory authority to modify building code through zoning regulations is limited (since the Town does not currently have a building code). Based on that feedback, the scope of these changes shrunk. He said that this proposal generally seeks to update the zoning regulations to remove several energy standards in Section 5.23 that are no longer up-to-date, as well as revise the zoning regulations to reference the State's energy standards (the RBES and CBES). He noted that the State allows communities to adopt a stretch code (more stringent than the RBES and CBES), but that they ultimately decided to stick with the base code, since the code at the State level is being updated and made more energy efficient every three years. He noted that for subdivision regulation changes, it makes previously advisory energy standard language in Section 5.1.12 a requirement for new subdivisions, to strengthen requirements around passive and active solar gains.

b. Open public hearing – take questions; hear comments & feedback

Alex W. noted written comments received from Dennis Place and Dick Jordan (of the Development Review Board). He said that Dennis Place asked whether these changes would prohibit subdividing property that is wooded, and Alex W. replied that subdivisions within forested areas are allowed, but that the standards would need to be adhered to. He said that Dick Jordan expressed concern that these changes would compel all buildings in a subdivision to be oriented the same way. Alex W. said that he clarified that this was not the Planning Commission's intent and that there is still flexibility in how a building would need to be oriented in order to leverage passive solar gain.

Alex W. noted additional written comments submitted by Randall Kay, who owns property in Town and has had properties with solar.

Alex W. noted written comments from Richard Andresen outlining his experience with passive solar homes and how complicated it is to build homes with these features, and that he advised that some degree of flexibility be maintained in the regulation language.

Chuck Reiss, chair of the Hinesburg Energy Committee, said that it's a good approach to adhere to the State's RBES and CBES, which are revised every several years to incrementally bring Vermont closer to net zero energy. He expressed support for changes in Section 5.1.12 to make the solar gain language a requirement. He said that having specific examples within the regulations of how to meet these energy requirements may be helpful. He suggested that the Town put together an information packet for builders and homeowners to provide them further information and considerations around these requirements. Alex W. agreed, saying that a list of examples of ways to achieve passive solar gain might be helpful both for developers and regulators like the Zoning Administrator and the Development Review Board. Denver W. asked if the Energy Committee would be willing to put materials together showing these examples for reference. John K. suggested referencing other documents developed by states or agencies around design for passive and active solar gain. Chuck Reiss suggested looking into reference materials from Efficiency Vermont.

The Planning Commission discussed adding language to clarify the definition of "optimize" as it pertains to energy within the regulations.

Frank Babbott noted that these changes will affect lot size and location of dwellings, if trying to position them in ways that would achieve the most passive solar gain. He said that this could also affect common lands associated with development, private lands as an individual lot owner, tree cutting and thinning, the grades that would be possible, wildlife considerations, privacy considerations, and added that there needs to be a degree of flexibility in the language. Denver W. replied that the language deliberately leaves some flexibility for developers and landowners by using words such as "optimize" rather than "maximize".

Alison L. pointed out that the regulations pertain to both solar gain and energy more broadly, and suggested that the regulations could make it clearer that energy efficiency could be gained in ways other than just through active or passive solar gain.

c. Discuss possible revisions

Alex W. said that he will conduct revisions related to a list of examples, greater explanation of energy conservation in general and how the regulations balance these issues, as well as clarifying language around the use of the word "optimize" as it relates to solar gain. Chuck Reiss said that he will provide

Alex W. with bullet points related to examples of way to achieve solar gain as laid out in the energy standards discussed in the proposed changes.

d. Close or continue public hearing
Denver W. closed the public hearing.

e. Next steps – redrafting, finalize proposal, forward to Selectboard
Alex W. will redraft the proposed changes, to be reviewed at a future Planning Commission meeting and then forwarded on to the Selectboard.

5. Rural Residential 1 District Zoning Revisions

(continued from October 12 meeting)

a. Discuss/refine proposed district boundaries (Option 6)
Denver W. walked through his proposal of district boundaries for Option 6. He described the changes in his proposal from previous versions of boundary lines. He said that he proposed moving the boundary of the Residential 4 district further north to incorporate the Billings Farm Road neighborhood, which is more in compliance with the Residential 4 density, and shifting to the north the boundary so that it bisects the St. Hilaire property and the Parkinson property. He said that he additionally proposes moving the Residential 4 boundary in the Lavigne Hill area to bring existing 1-and-2 acre lots into that district, and including in the Rural 1 district the areas that they want to conserve and that are truly rural. He added that north of Texas Hill Road, he proposed moving the boundary of the Residential 4 neighborhood to Pond Brook Road for the sake of conformance.

James D. said he agrees with the adjusted boundary line around the Billings Farm Road neighborhood, but does not agree with the other parts of Denver's proposal.

Dan B. asked how the Buck Hill Road area is different from the areas along Route 116, if they're making concessions to bring previously developed areas into the Residential 4 district. Alex W. replied that in his opinion, the Buck Hill Road area feels more like a development, and the lots on Route 116 have a more rural feel. Dan B. said that there are other previously developed areas that would fit well into the Residential 4 district. Denver W. said that he didn't want to make the map too complicated and that he took a simple approach to the Rural 1 district. Alex W. pointed out that they had originally tried to use the landscape features to define boundaries, and that Denver W. is trying to use previous development to do so, but that they should consider a balance of those two approaches.

Dan B. said that he would like to see more consideration given to the sets of lots around Route 116 and Dynamite Hill Road, in terms of moving them into the Residential 4 district. Alex W. pointed out that the narrow lots in the proposed Rural 1 district on Route 116 have very steep slopes on parts of them, but that the properties along Dynamite Hill Road aren't as steep. Denver W. said that Dan B.'s proposal to incorporate the lots around Route 116 and Dynamite Hill Road into the Residential 4 district makes sense. Dan B. pointed out that there is already existing access up Dynamite Hill, and that more people moving there could bring in more money to upgrade the road (if that area were to move to the Residential 4 district and could be more developed than if the area is in the Rural 1 district). Shane Bissonette, a landowner on Dynamite Hill Road said that there is potential to subdivide and develop some of his land. He spoke about the road conditions, saying that there are narrow spots that could be widened to enable better emergency vehicle access and turnaround, but that the road is generally in good condition. He noted that there is some washout during heavy rain events, and that there isn't

currently funding or incentives to invest in upgrading the road further between him and the other property owners who manage that road.

Denver W. said that if there are lots near the road on Route 116, they could be included in the Residential 4 district, but that some of the larger lots would need to be bisected by the zoning boundaries. He also said he would support drawing a buffer along Route 116 rather than having the boundary follow the road or parcel lines. Alex W. noted that the boundary lines could also depend on which districts the Planning Commission would like the conservation subdivision design standards to apply.

Alex W. noted consensus around the proposal to bring the Residential 4 district boundary line north to incorporate the Billings Farm area into that district, but asked how others felt about shifting the Residential 4 boundary line north to the east of that area to bisect the St. Hilaire and Parkinson properties. Alison L. and John K. said they would not be in favor of this particular proposed change. Denver W. said that he would be in favor of reverting to the originally proposed boundary line for that area.

James D. reiterated that in the southern end along Beecher Hill, it seems more agricultural than residential. Denver W. said that it could be a challenge to come up with a continuous zone to bring those parcels into the Agricultural district. He said that his proposal is his best effort to keep the truly rural areas in the Rural 1 district. Alison L. said that she would like to revert to the originally proposed boundaries along those southern areas and keep them in the Rural 1 district.

Alex W. said that he will work on a compromise proposal for discussion at the next Planning Commission meeting.

b. Discuss maximum residential development density
No discussion.

c. Discuss vernal pool buffer areas in conservation design standards
No discussion.

6. Other Business & Correspondence

a. News, announcements, etc.
None at this time.

b. Agenda items for November 9 meeting
Alex W. proposed pausing the RR1 discussion until December and would like to discuss the energy regulations further at the November 9th meeting, as well as review the Planning Commission's work plan.

Denver W. **adjourned the meeting at approximately 9:04 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary