

**Town of Hinesburg**  
**Planning Commission Meeting Minutes**  
**December 14, 2022**

*Approved January 11, 2023*

**Members Present:** Denver Wilson, Lenore Budd, Alison Lesure, Marie Gardner (via Zoom).

**Members Absent:** Dan Baldwin, James Donegan, Nick Chlumecky, Barbara Forauer, John Kiedaisch.

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

**Public Present (in person):** Kathleen & David Newton, Shane Bissonette.

**Public Present (via Zoom):** Chuck Reiss, Kate Kelly.

Denver W. called the meeting to order at approximately 7:05 PM.

*\*\* There was not a quorum of Planning Commissioners. The meeting was held, but no binding actions taken. \*\**

**1. Agenda Changes**

None.

**2. Public Comment for Non-agenda Items**

No comment.

**3. Minutes of November 9, 2022 meeting**

There were no suggested revisions to the November 9 meeting minutes. These minutes will be reviewed and approved at the next meeting.

**4. Regulation Revisions – Energy & Solar Gain**

Alex W. provided an overview of where the proposal stands. At the October 26 public hearing, there was discussion about passive solar design techniques, and providing a list of examples that applicants and the Zoning Administrator could reference. At the October 26 hearing, Chuck Reiss from the Energy Committee volunteered to research this and provide some examples.

Chuck R. provided a two-page document with passive solar design techniques from various sources. He reviewed these, and highlighted the importance of providing flexibility, should a building project seek to address the ultimate goals of energy efficiency, net-zero energy use, use of renewable energy rather than fossil fuels. He suggested that while passive solar design should be an expectation (i.e., mandatory), the regulations should allow an applicant to demonstrate alternative means to achieve the same aims – particularly if the building or property isn't well-suited for solar gain.

Lenore B. asked for more specifics about providing a thermal mass as part of passive solar design. Lenore B. questioned whether there would be enough specificity in the regulations so that the Zoning Administrator would know that a house design is in fact meeting the intent to optimize passive solar gain. She also expressed concern that the Zoning Administrator wouldn't necessarily have the expertise to judge compliance. Chuck R. said that examples can be crafted that don't require highly technical evaluation – e.g., orientation of the house, percentage of windows on south side, etc.

Denver W. advocated for flexibility in terms of different ways to achieve the energy efficiency and low energy use intent of the regulations. Denver W. asked if standards exist to help judge if there are enough south facing windows – i.e., some sort of metric. Chuck R. said that such standards do exist, and could be included in the regulations. Denver W. said that numerical values in the standards would be the easiest way to assess compliance. Alison L. said the focus should be on energy conservation, and indicated a preference for numerical/objective standards or design examples. Alison L. said that it would be good to have baseline standards for solar gain, but also have an option for alternative compliance pathways if a particular project can't meet the solar gain requirements.

Lenore B. noted cautionary comments by Richard Andresen that were received at the October 26 hearing. Mr. Andresen indicated that designing for a passive solar house is complicated to the extent that attempting to regulate it is not a good idea. Lenore B. said she wants to make sure such regulations don't lead the Town, the Zoning Administrator, and the landowner into a morass.

Shane B. expressed concern such standards increasing construction cost, and making housing less affordable. There was discussion about construction cost versus long-term energy costs. Alison L. and Denver W. reiterated his desire to have a strong but flexible standard.

Chuck R. volunteered to reach out to the City of Burlington and South Burlington to see if they have design standards that we could review or utilize. He indicated that both of these communities have recently discussed and/or passed requirements for new development to be both energy efficient and not use fossil fuels.

Alex W. noted that the discussion seems to be favoring more emphasis on energy conservation in general, as opposed to focusing on passive solar gain and the ability to support active solar technologies. Alex W. said that he would consult further Chuck Reiss and the Zoning Administrator, and would then draft revisions for the Commission to review at a future meeting.

## **5. Rural Residential 1 District Zoning Revisions**

The Commission discussed how to refine the proposed district boundary lines. Alex W. displayed a map with proposed district lines that had been updated based on the discussion at the October 26 meeting. The Commission picked up the conversation where it left off, and discussed additional boundary lines that might warrant revisions.

Alex W. noted that both Dan Baldwin and James Donegan had previously recommended leaving the east side of North Road in the Rural Residential 2 district. The map shows this side of the road becoming part of the proposed Residential 4 district, per prior discussion about making the zoning the same on both sides of North Road. Alex W. said that Dan and James recommendation makes sense given the stream and wetland constraints on the east side of North Road – particularly between Texas Hill Road and Hayden Hill Road.

Alison L. pointed out that there are also core wildlife habitat areas on the east side of North Road. There was discussion about whether any portion on the east side of North Road should become part of a more residential district (e.g., RES-4) or if it should all stay in the Rural Residential 2 district as it is today. Alison L. advocated for leaving it all in the RR2 district. Lenore B. agreed. Denver W. said he'd like to provide opportunities for housing in suitable areas, perhaps on the east side of North Road just north of Texas Hill Road and south of Hayden Hill Road. The Commission looked at the various resource areas,

and the larger context of those resources. Alison L. said that she doesn't think there is a strong rationale for changing the existing zoning on any portion of the east side of the North Road. Lenore B. agreed.

Alex W. noted another area to discuss is the boundary of the proposed Rural 1 and Residential 4 district near the end of Fern Road. He noted that boundary here is coincident with the Martin property – i.e., the current map shows the 40+ acre Martin property in the proposed Res-4 district. Alex W. said that he was unsure where the district boundary should be drawn here, given that most sensitive resource areas (steepest slopes and core wildlife habitat) are on the far western side of the property. He said that the Commission could put this property in either the Res-4 or Rural 1 districts, or could split it based on the resource mapping.

Marie G. noted that several larger lots like this one were previously undeveloped wood lots. Alex W. agreed, but said that several have recently been developed – just single homes on each lot, not subdivisions at this point. Lenore B. said this parcel seemed more logical to include in the Rural 1 district. Alison L. noted that whether the conservation subdivision design standards will be applied makes a difference in this case. Alex W. summarized the Commission's prior discussion/consensus that these design standards would not apply in the Residential 3 district, would definitely apply in the Rural 1 district, and may or may not in the Residential 4 district (i.e., differing opinions on the Commission, not yet decided).

Alison L. advocated for applying the conservation design standards in the Res-4 district, and if it was, the district boundary in question wouldn't matter as much. There was discussion about the pros and cons of applying the conservation design standards in residential areas – e.g., could limit flexibility for infill development (con), but could also protect specific features/resources that are still important like vernal pool wetlands (pro). Alison L. noted that because there are multiple resources addressed in the design standards, it's important to apply them – especially since they don't cancel development potential, they simply address how a development is designed.

Marie G. asked why the Martin property is not included in the Rural 1 district. She noted that it is much more similar to the larger surrounding lots that have been put in the Rural 1 district. The size of the lot makes it different from the smaller residential lots to the north and east in the Res-4 district. She suggested putting this property in the Rural 1 district. Denver W. agreed, and felt that even if in the Rural 1 district, the property would have reasonable development potential.

Lenore B. asked some questions about district boundary revisions that were discussed at the October 26 meeting. She asked about the rationale for putting frontage lots on the northern and eastern portion of Route 116 in the Residential 4 district. Alex W. explained the rationale and prior discussion. Lenore B. said she was concerned that this change could lead to a roadside development pattern that runs counter to the vision of dense village development surrounded by rural countryside. Denver W. and Marie G. said that the area is already developed, and that the proposed density in the Res-4 district won't be enough to change the rural nature of the area – even if these lots were further developed. Alex W. indicated that the build out differential for these frontage lots between the Res-4 and Rural 1 districts is pretty small – e.g., the difference between a landowner being able to create one new lot or two.

Shane B. noted that several lots at the top of Dynamite Hill Road, including one he owns, are shown as split between the Res-4 and Rural 1 district. He asked for more information about how this would impact the ability to subdivide these properties. Marie G. asked why Alex drew the district line to split these lots. Alex W. said that he drew the line to split these lots to respect the core wildlife habitat

mapping, and to acknowledge that each of these lots is developed on the eastern side, with the western portion being largely undeveloped and forested. Alex W. explained that subdivision potential would be fairly simple arithmetic – e.g., acreage in Res-4 divided by the allowed density (3 acres per unit), acreage in the Rural 1 divided by the allowed density (possibly 5 acres per unit). This would provide the total number of units, and the regulations would likely be written to encourage or require that the development be sited in the least impactful portion of the property. Alex W. said that rounding matters quite a lot in the build out calculation for these properties, so this will need to be specified in the regulations.

Alex W. briefly reviewed the changes made around the Buck Hill Road and Lavigne Hill Road area – essentially creating a patch of Res-4 district to reflect the more developed area, with Rural 1 surrounding it. Minor adjustments were also made to the Residential 2 district. Marie G. said she liked this proposal. Lenore B. agreed.

Denver W. said he wanted the rest of the Commission there to finish the discussion on district boundary lines. Denver W. said that the vernal pool conversation will need to be pushed to the next meeting, but that it should be put first on the agenda so that it gets discussed rather than pushed forward again as it has since September. Commissioners thanked Kate Kelly for her patience, given that she provided vernal pool information for the Commission to discuss.

## **6. Other Business & Correspondence**

### **a. News, announcements, etc.**

Alex W. mentioned that the Select Board is meeting tomorrow (December 15) to discuss how to use the Town's ARPA (American Rescue Plan Act) funds. The Select Board will also hold its final budget meeting to receive public input on January 4. The request for proposals for the bylaw modernization project went out this week, and we hope to see proposals by the end of the year. Lenore B. asked if the report has been released on potential expansion/replacement of the fire station and the town office. Alex W. said it has not, but that it is nearing completion, and will likely be released/discussed in January.

### **b. December 28 meeting cancelled. The next meeting will be on January 11, 2023.**

Denver W. **adjourned the meeting at approximately 9:20 PM.**

Respectfully submitted,  
Alex Weinhagen, Director of Planning & Zoning