

Town of Hinesburg
Planning Commission Meeting Minutes
January 25, 2023

Approved February 8, 2023

Members Present: Denver Wilson, Alison Lesure, Barbara Forauer, John Kiedaisch, James Donegan

Members Absent: Lenore Budd, Marie Gardner, Nick Chlumecky, Dan Baldwin.

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

Public Present (in person): David & Kathleen Newton, Dennis Place, Jim Carroll.

Public Present (via Zoom): Tony St. Hilaire, Laurie Place.

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

1. Agenda Changes

None.

2. Public Comment for Non-agenda Items

None.

3. Minutes of January 11, 2023 meetings

Barbara F. noted her first name was spelled incorrectly, James D. added his agreement with Alison L. in the last paragraph before item #5, and Alex W. made note of both changes.

Denver W. **made a motion, seconded by James D., to approve the minutes of 1/11/23 with the suggested edits. The motion passed 5-0.**

4. Regulation Revisions – Energy & Solar Gain

(Continued from the December 14, 2022 meeting)

Alex W. reminded the board that Chuck Reiss attended the 12/14/22 PC meeting to assist in the review of passive solar designs and Chuck had volunteered to contact South Burlington and Burlington regarding their design standards. Alex W. reiterated that the focus leaned more towards energy conservation rather than strictly solar access, and that he would rework the regulation revision language to reflect that. Alex W. also noted that both the Energy Committee (EC) and Chuck felt that flexibility was important because developers can meet the conservation intent several ways - solar access just being one.

Alex W. reminded that board that he sent them a document that had suggested revised language for energy conservation, specifically what the existing language is in the regulations, what was proposed at the 10/26/22 public hearing, and new language based to focus on energy conservation rather than just solar access. Alex W. noted that the energy standard has existed for some time, and the real change being proposed is to make the standard less advisory and more required. The proposed edits don't have the specificity that was discussed previously because he hasn't been able to find a regulation somewhere else that has numerical standards, such as window glazing or what degree of orientation, etc. Alex W. mentioned regulations in South Burlington referenced street orientation (east/west) but he didn't think that was what Hinesburg was going for. The suggested revised language does reframe the

standard in terms of energy conservation and give the applicant maximum flexibility to accomplish energy conservation.

Barbara F. asked if Jim Jarvis had seen the revisions and Alex W. informed her that he and Jim had a very long conversation, and his comments had been included in the edits made. Alex W. said that he and Jim had discussed the challenge of wanting specificity and the inability to deliver on that from a planning standpoint. Alex W. noted that Jim J. thought that the developers will best understand how they can do this, and to put the onus on the developers to come up with a plan that demonstrates energy conservation will be happening. And that they should be required to include the level of specificity necessary for both the DRB to approve it, and for the Zoning Administrator to issue permits.

Alex W. added that the revised language addressed the fact that buildings are often not designed yet at the subdivision stage, and that a developer's proposal might rely on that building design, and they should include those specifications so that when permits are being issued, the Zoning Administrator will know what the developers agreed to. Alex W. also said that the revision included examples of how projects can meet the standard (i.e., location and orientation of lots and buildings), and also included what Chuck R. had added regarding higher energy efficient construction, use of on-site or off-site renewable energy credits, etc.

John K. asked for clarification of the sentence in the revised language that stated, "simple compliance with the State of Vermont's base building energy codes does not constitute compliance with this standard". Alex W. noted the intent was to say that developers already must comply with the RBES or CBES code, and we are talking about energy conservation in ways that the standard doesn't address - for example, how a subdivision is laid out with regard to lot orientation and solar access. John K. asked if the bullet points (included in the revision) are not addressed in the state standards, and Alex W. confirmed that the state does not require net-zero construction, or solar orientation for a new lot, so this regulation would ask how the developer plans to go beyond the simple state standard and provide them (the developers) with some options or the ability to make their own suggestions. John K. reiterated that the goal is to minimize energy use and reliance on fossil fuels.

Denver W. said he liked the revisions proposed, and that it gave the builder options for flexibility, while focusing on energy conservation. Denver W. suggested separating the 2nd bullet into two statements, the first being highly energy efficient structures that require extremely low energy inputs, and another bullet could say something like consider renewable like energy solar, geothermal, or biomass. Alex W. agreed that it could feed into the existing third bullet or be a separate bullet. Denver W. suggested a scenario in which he built a net zero home and used a propane boiler, understanding that he has a highly efficient home, while still using a form of nonrenewable energy, he thought that it would be a judgement call made by the Zoning Administrator if that situation met the standard. In that example, he thought separating that 2nd bullet into two statements would be good. Denver W. said he would use the term non-renewable fuels, instead of fossil fuels.

Alex W. asked for feedback about the suggestions proposed by Denver W., and James D. added that he is in favor of the intent, but he is concerned it is setting up the potential for conflicts in determining

whether someone has met the standard. James D. also stated that he didn't have a suggestion for how to improve the standard.

Alison L. brought up the comparison between biomass heating and solar, and how solar is scientifically proven to be a more efficient way to heat. Alison L. added that there differing opinions about what is renewable or nonrenewable, and some argue that biomass is not. Alison L. added her concern was that it is vague and questioned how to weigh one option over the other. Denver W. noted that because solar panels must be replaced at some point, it could be considered a nonrenewable resource and that there are arguments for every form of energy. Alison L. said that she wasn't saying one was better than the other, just that if we were to look at the overall impact of reducing fossil fuel consumption and climate change, and what is going to have the greatest impact, studies have demonstrated that solar is a better choice over biomass. Alison L. said she didn't know how to value one over the other, in terms of whether a building is achieving what we want, while being flexible.

John K. suggested that if a person doesn't build a net zero home but does other things to conserve energy all while using propane, what might happen when the town looks at the situation and has to make a determination if that individual's efforts were enough to meet the standard.

Alex W. reiterated that Jim J.'s recommendation is that the developer provides the specificity at the time of the DRB review, so it's not just the zoning administrator making the determination, it's done during the public hearing and front of the DRB. The DRB can deal with some level of subjectivity rather than black and white. The DRB can evaluate a situation that just one person might have a difficult time with. The discussion of whether a developer's effort to minimize energy use was sufficient would happen during the DRB review, rather than at the zoning administrator level. John K. added that the regulation doesn't give a benchmark for a developer to meet in terms of energy conservation. Denver W. stated that what they are trying to do is ask that people consider home efficiency, and orientation for maximum solar gain as ways that help to conserve energy, that when you have a bunch of houses doing this, it can add up.

Alex W. reminded the board that they don't have the legal authority to develop building code, especially on the energy front and that anything done above and beyond RBES and CBES code is tenuous in terms of their municipal authority. Alex W. added that we are on firm ground when we tell someone they should design for energy conservation, and reduction of fossil fuel use, and that we can suggest an easy way to do so is to use passive and active solar gain. Alex W. added that it would become problematic if we started to add defined targets. Alex W. said that to avoid potential conflict (as James D. brought up), the DRB has to be clear on the developer's intent.

Dennis P. asked what would happen with existing lots that are not reviewed by the DRB, and Alex W. clarified that this will just be in the subdivision regulations, only applying to newly created lots. Alex W. added that the zoning regulations will refer to state minimum standards for RBES/CBES and will make sure people will need to meet those regardless. Denver W. said he thinks it accomplishes what they set out to convey since they don't have the legal authority to make town building codes, and it lets people know what we expect them to consider, and if they show any effort in considering energy conservation,

then we've done what we can. Denver W. added that flexibility is necessary at this point, and that we can't make rules based on unknowns.

John K. asked if Alex W. will make the proposed changes, and Alex W. confirmed he will condense the bullets, and will remove the reference to RBES/CBES since those codes are already implied.

Jim Carroll shared his thoughts on how the town could offer incentives to build energy efficient structures, as well as ways a town could make it more financially feasible for people build with energy conservation as a goal. He mentioned density bonuses as one approach.

Alex W. noted that what Jim C. brought up would be something the Energy Committee and ultimately the Select Board could discuss. Denver W. added that while the topics Jim C. brought up are not necessarily for the Planning Commission, he thought they were interesting to consider. Alex W. said an assortment of bonuses are already written into the regulations, and he added that they could be tweaked. Alex W. also said that certain bonuses have been more utilized than others.

Denver W. made a motion, seconded by Alison L., to forward the energy regulations to the Select Board, with the discussed revisions. Motion passes 5-0.

5. Rural Residential 1 Zoning Revisions

(Continued from the January 11, 2023 meeting)

Alex W. said that the remaining items left to discuss, with regard to splitting up Rural Residential 1 district into three sub-districts are: purpose statements; dimensional standards; and allowed uses. All of which will lead to the final discussion of development density for each of the districts. Alex W. added that given the meeting attendance was low, that discussion about density might need to be delayed, as it is probably the most challenging. Alex W. noted that the proposed statements were proposed by Lenore B. in August 2022, with a few updates.

Residential 3 Purpose Statement:

James D. said it looked good. Barbara F. agreed it made sense, and Denver W. said he liked it.

Residential 4 Purpose Statement:

Alex W. noted that this statement is as close to what the current settled portion of the RR1 district is. Alex W. stated that the current purpose statement of RR1 district says to allow low density rural residential development in an area with existing or potential access to public sewer & water facilities, and major transportation routes. Alex W. added that it's not accurate for most of the district. Alex W. confirmed that the purpose statement for R4 doesn't use that language, and in fact it says it's an area that lacks access to sewer, water, and sidewalks. Alex W. added it's more of a transition zone between medium density development and lower density development in the rural areas. James D., Denver W. and Alison L., and John K. all agreed it looked good.

Rural Residential 1 Purpose Statement:

Alex W. noted that there are two pieces of the district, one is the Mt. Pritchard area which has been talked about a lot and the other is an area to the south that doesn't have much development today, but

has various ecological resources, some of them sensitive. Alex W. also added that it reads a lot closer to the existing RR2 purpose statement.

James D. said he thought the section in RR2 about the promotion of sustainable land uses (timber, fuel, firewood) should be included in the RR1 statement. Alison L. agreed with James D. and suggested that they could be almost identical. Alex W. said a combination of RR2 and RR1 statements could be used.

Denver W. said he liked the RR1 purpose statement, and thought the 2nd sentence starting with “In light of the climate and biodiversity crises” could just be stated that the purpose of the zone is to maintain intact native forests.

James D. said he thinks a purpose of intact forest blocks is to help us to mitigate climate change, so maybe the statement should stay (in light of climate change...). Denver W. agreed with James. D, but he doesn’t think they need to explain why the zones are defined in a certain manner. Barbara F. asked Denver W. for clarification on what he meant, because she wanted to keep it at the forefront of their thinking. Denver W. added that climate change is at the forefront, but he doesn’t think they need to explain their thought process, more so just convey the decision.

John K. asked why the proposed R4 district was broken up, with a standalone piece at the Buck Hill road, Lavigne Hill road intersection surrounded by Rural 1. Alex W. reminded him that was discussed at a previous meeting, and it’s like that because of the resources (steep slopes, resources, core wildlife habitat, riparian areas, and development patterns) in that area, and the relatively undeveloped nature of certain parcels on the north side of Buck Hill Road (in pink on map) – i.e., next to the Class 4 section of the road. Alex W. added that the Residential 4 district is indicated to show that the area has seen several subdivisions, and that development pattern ends when you get to the class 4 road on Buck Hill West. Denver W. added the character of that Residential 4 island is different than what has been defined in Rural 1.

Denver W. reviewed his thoughts on the differences between Rural 1 and Rural 2 and he asked if they had a direction for revising the R1 purpose. Alison L. said she struggled to understand the difference between Rural 1 and Rural 2, and Alex W. confirmed it will be density. Denver W. thinks that tweaking Rural 1 to look more like Rural 2 would be good.

Allowed Uses for Proposed Districts

Alex W. reviewed the table showing the allowed uses the new districts, and explained that a lot of the uses remain the same. Alex W. reviewed several new proposed allowances, such as Service Establishments, Community Center, and the impacts in they might have.

Barbara F. highlighted one of the primary purposes of the Residential 3 district is housing, so the list of allowed uses for R3 should align with that. John K. brought up the definition of certain allowed uses, and that they might need to be updated to reflect the current understanding of the term. Alex W. added there are restrictive residential allowances for multi-unit buildings, which he believes is antiquated, and could be updated for the proposed new districts.

Denver W. read through the list of allowances, and said if anyone had something to say, they should jump in. It was noted that there was a need for clarification of the definitions for some of the allowed uses and whether they are appropriate in each of the proposed new districts. The Commission discussed most of the uses listed in the table. Several Commissioners felt that service establishments of 1000 square feet or less were a reasonable non-residential use to allow in the Residential 3 district. Several other revisions were suggested to what the table showed. Alex W. suggested the board review the list on their own for additional thoughts, and he will update the chart based on the updates they discussed at this meeting.

Denver W. asked to table the remaining topics of dimensional standards and development density for the next meeting. Denver W. opened the discussion to the public.

Jim Carroll made a suggestion to allow for multiple small dwellings on a lot as an allowed use. He also asked for clarification on solar installation as an allowed use category.

6. Other Business:

Alex W. explained that the Village South sidewalk project will create a sidewalk from the Hinesburg Community School to the Meadow Mist neighborhood. The developer is responsible for the cost of the sidewalk, and the town said it would help apply for grants to help with the developer's costs. He said that the Town already received VT Agency of Transportation grants to help pay for the project, but that the most recent cost estimate is substantially higher than originally anticipated. There is additional State funding via the Downtown Transportation Fund, and it has recently been opened to towns with designated village centers, so this could be a good opportunity to receive additional funds to offset the increased cost estimates. The Select Board already authorized apply for the DTF grant, and the application requires support from the Planning Commission as well. All present indicated support for submitting this application, and Denver W. signed the application form accordingly.

Alex W. also shared that Hinesburg Community School is reaching its capacity and more information is coming from CVSD regarding their plan for addressing this issue. CVSD has indicated it has the capacity to accommodate Haystack and Hinesburg Center 2, but they are unsure about future projects.

Denver W. **adjourned the meeting at approximately 9:15 PM.**

Respectfully submitted,
Danielle Peterson, Hinesburg Planning & Zoning Administrative Assistant