

**Town of Hinesburg**  
**Planning Commission Meeting Minutes**  
**June 8, 2022**

*Approved July 13, 2022*

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

**Members Absent:** None.

(There are currently two vacancies on the Planning Commission)

**Also:** Alex Weinhagen (Director of Planning & Zoning); Amy Coonradt (Recording Secretary, via Zoom).

**Members of the Public:** Kate Kelly, Kathleen Newton.

Denver W. called the meeting to order at approximately 7:02 PM.

**1. Agenda Changes**

None at this time.

**2. Public Comments for Non-agenda items**

None at this time.

**3. Minutes of May 25 meeting**

Lenore B. **made a motion, and James D. seconded, to approve the minutes of May 25 as amended. The motion passed 5-0.**

The minutes were amended as follows:

- P. 1: Attendees – note that James Donegan attended via Zoom and then in-person
- P. 1: Item #3: note that the motion passed 6-0, not 7-0.
- P. 4: Item #6: change “single-story buildings are” to “single-level living is”

**4. Zoning Revisions – energy action items**

*(continued from May 11 meeting)*

- a. Review second draft of possible regulation revisions – pending completion by staff

Alex W. presented the second draft of possible regulation revisions, which make changes to Sections 5.23 and 5.6.2 of the zoning regulations. He noted added language around a purpose statement for the revisions. He said that there is little new content in the regulations, since the Town does not have the legal authority to require something other than either the RBES base or stretch code. He said that the language he added incorporates the requirement of the RBES base code and CBES by reference.

He noted that for new non-residential site plan applications currently, the Town instructs developers to complete a LEED scorecard. He said that they do not require LEED certification, but just completion of the scorecard. He said that this requirement has been deleted.

He noted that these changes also remove a requirement for larger non-residential buildings to adhere to a higher energy standard called the Core Performance Standard, as the standard is out of date.

Lenore B. said that regulation revisions have increasingly included information about the purpose of the revisions in addition to the shalls/shall-nots. Alex W. replied that a purpose statement isn't required, but it is helpful to provide context and intent.

Dan B. joined the meeting at this time.

Alex W. then walked through changes to Section 5.26. He noted that the final standard in that section has to do with the solar aspect of it. He said that this standard is redundant, and is covered by the additions in 5.23.

Marie G. joined the meeting at this time.

Alex W. then walked through the energy-related changes to the subdivision regulation standards, which pertain to all new lots being created. He said that he added language about solar access requirements to Section 5.1.12 (Energy Conservation). He noted that previously the standard was advisory, but these changes make the language stronger and require subdivisions to address energy conservation and solar access. He said that he added specific language that if a building lot meet the standard but the structures haven't been designed yet, then the Development Review Board (DRB) is instructed to impose conditions so that the Zoning Administrator (ZA) can ensure that the standard is met when a building design is submitted with a building permit.

The Planning Commission discussed whether they could apply the solar access requirements in Section 5.1.12 of the subdivision regulation standards more broadly to the zoning regulations. Alex W. noted that the solar access language had previously existed in the subdivision revisions, but had been a "should", and now it has been changed to a "shall" and is required. He noted that there are questions around whether the Town would be open to legal challenges if they were to add the solar access requirements to the zoning regulations as well, given VLTC's legal advice that requiring this through building codes is preferable to requiring it through zoning regulations.

Lenore B. asked if the RBES and CBES include requirements around building orientation. Alex W. replied that the RBES has triggering language that if a roof has at least 600 square feet oriented generally toward the south, then they need to ensure that a portion of it is compatible with solar readiness. Lenore B. asked whether they could add solar access language into the zoning regulations and say that developers should (rather than shall) follow them, which may avoid legal challenges. Alex W. said that it could be helpful to think about how many undeveloped existing lots there are in Hinesburg, to determine whether it would be worth it to ponder this question further.

Dan B. asked whether there is language included about non-roof solar infrastructure. Alex W. replied that that language did not get incorporated into this most recent draft. Lenore B. said that as written, these changes don't address ground mounted solar or community solar. Alex W. replied that language provides exemptions for roof solar requirements if there is space for ground-mounted solar. For passive solar gain, developers need to show that their building envelope is positioned such that they are getting as much passive solar gain as possible.

b. Discuss and decide on direction for regulation revisions

In terms of next steps, Planning Commission will potentially consult the Energy Committee about developing language for passive gain and active gain optimization, as well as seek its opinion on changing language in the zoning regulations from "maximize" to "optimize". The Planning Commission

will also consider whether to insert “should” language around solar access language into the zoning regulations, or whether to leave the language in the subdivision regulations only.

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

### **a. Discuss potential district lines and rezoning options**

Alex W. displayed the map of where lines could potentially be drawn to divide the current RR1 District and noted that this map represents Option 6 that was reviewed at the Planning Commission’s previous meeting. He noted the areas (Mount Pritchard and Lavigne Hill Road) that are the most rural, the area along the CVU Road/Richmond Road corridor that has a higher density than other parts of the district, an area that could be changed from RR1 to RR2, due to constraints around wetlands and steep slopes, and an area on the east side of North Road that would be upzoned and flipped to RR1 to ensure consistent zoning on both sides of North Road.

Dan B. asked what would happen if district lines split a parcel. Alex W. replied that when that happens, the development potential is also split. He said that densities are calculated separately, but then combined to determine the maximum number of units.

James D. said that he is not in favor of flipping the area from RR2 to RR1 but is in favor of flipping the RR1 area to RR2. He said that North Road makes a good district boundary line. He said he is supportive of moving the Lavigne Hill/Buck Hill Road area to RR2. He said that the Mount Pritchard area should be in a rural district and should be less dense than RR2, essentially creating an additional district just for the Mount Pritchard area. He said that a 5-acre density makes sense for the more settled areas of RR1, but not the more rural sections. Lenore B. noted that using North Road as a boundary seems arbitrary and that both sides of the road are similar, so moving the boundary line to the back of those parcels makes sense.

Dan B. asked whether smaller landowners should be invited to give their input on potential changes to the RR1 districts, rather than just the larger landowners. Alex W. replied that this is a good idea but would like to be able to present a draft of changes to them for feedback. Denver W. noted that many residents have said that they don’t want the zoning changed. He said that even though the Town has a vision for development, it will be important to consider the landowners. He said that the terrain will likely limit development in a lot of the more rural areas, even if further regulations aren’t put into place. He asked whether the Planning Commission could consider implementing rules to prevent alteration of terrain, or whether zoning changes could be put into effect when property changes hands in the areas in question.

Lenore B. asked if changing the zoning on a given lot would affect the appraisal of that lot. Marie G. replied that it could. She said that assessors do look at elements like how much development a lot could have, which could have an impact on taxes. Alex W. noted that if the Town downzoned and a property had less subdivision potential, what the property would sell for is not that different, because assessors don’t seem to be asking about development potential.

The Planning Commission discussed how to move this discussion forward. Denver W. said that he is supportive of the flipping of areas from RR1 to RR2 (and vice versa), but that they maybe need to further discuss the density values associated with each district. Alex W. said that they could seek community feedback on what they’ve gotten so far, if that would be helpful to inform decisions. Denver W. said that he likes the idea of asking the public for their feedback. Dan B. said that he would like to visit the various parts of the district, since he has not yet had the opportunity to do so. James. D said that the densities

for the Agricultural District and RR2 District were adjusted a number of years ago, recognizing that the Town wanted to concentrate density in the Village and prevent sprawl. He noted that from his perspective, the RR1 District was left out of that conversation, but the same sentiments apply. He said that they should define the densities as something other than the current minimum lot size. John K. suggested putting together two main options and presenting them to the public for their feedback. He said that the two options could contain elements from current six options. Alex W. suggested using Option 6 with some density adjustments as one of the options and suggested developing an option on the opposite end of the spectrum. Denver W. suggested that a second option could be minimal and comprised solely of bringing the Richmond Road area into compliance with zoning by creating a new Richmond Road district but leaving the RR1 area alone. He said that the Mount Pritchard and Lavigne Hill Road areas aren't too different from other regions of the RR1 district, in terms of terrain. John K. said that the Lavigne Hill Road area and Mount Pritchard area seemed very different in terms of development. He said that they need to take into consideration the fact that there has already been development on Lavigne Hill Road (whereas the Mount Pritchard area is still relatively undeveloped). Marie G. agreed, saying that Lavigne Hill is relatively close to the Village, which also makes it different from the Mount Pritchard area.

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

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

Alex W. spoke about the Richmond Road area, noting that it has many developments and relatively high density, but doesn't have a municipal park in it. He noted that the Town owns a parcel of land in the middle of the Birchwood Drive neighborhood, which could be a good location for a park. He suggested taking the next Planning Commission meeting and conducting a field trip to that area but noted that this action is not part of the Town Plan or Planning Commission's work plan. Lenore B. expressed concern that it could distract from the other priority items that the Planning Commission is trying to work through.

The Planning Commission discussed conducting further site visits in the RR1 District. Alex W. said he would reach out to several property owners to gauge interest in site visits.

### **b. Agenda items for the June 22 meeting**

The Planning Commission will discuss the RR1 topic at its next meeting.

Denver W. **adjourned the meeting at approximately 9:28 PM.**

Respectfully submitted,  
Amy Coonradt, Recording Secretary