

**Town of Hinesburg**  
**Planning Commission**  
**January 13, 2016**  
*Approved 2/10*

Members Present: Dennis Place, Maggie Gordon, Aaron Kimball, Joe Iadanza, James Donegan, Rolf Kielman, Jeff French, Russell Fox.

Also present: Alex Weinhagen (Director of Planning & Zoning) and Freeda Powers (Recording Secretary).

Public Present: Chuck Reiss, Barbara Forauer, Gill Coates, Rachel Fifield, Lynn & Marie Gardner, Wayne Maceyka, Bill Marks, Paul Lesure.

Joe I. chaired the meeting, which was called to order at 7:30pm.

**Agenda Changes:** There were no changes to the agenda. There were no public comments for non-agenda items.

**Public Hearing on Proposed Zoning Changes:** Re: Solar array & Commercial/Industrial Screening Standards (Section 5.6 & 5.6.5)

Alex W. reviewed the fairly targeted changes and explained briefly how solar installations are to be swept into the regs under screening standards under Act 56. The Public Service Board (PSB) will now be required to take into consideration a towns' screening standards as they apply to all industrial & commercial development.

The Board reviewed with the public the new language including a purpose statement and how to apply as well as home occupations, accessory apartments, farm & forest use (and accessory uses), carve-outs etc. The "trigger" applies to projects with more than 10,000 sq. ft. of lot development (existing & proposed combined). Screening uses are listed, materials, intent (i.e., breaking up visually); a total of 9 provisions in all.

Joe I. opened the discussion to the public present.

Bill M. spoke from the audience, also on behalf of the Conservation Commission, saying they discussed this topic last night in their meeting. He asked does the new regulation language apply to the rural zones as well. Joe I. said yes, it applies town-wide. Bill M. said the Conservation Commission is concerned with the rural areas; we are, he said, in favor of solar power, of course, and do not want to impede in their development and construction. However, we feel there should be a requirement for developers or installers to do archview (special analysis) test. We feel this is reasonable and would not conflict with what the Board has. Also, he said, better inform re: screening needs. Regarding materials, he said, cedar trees in configurations are most effective as they are dense, fast-growing and widely available as well as native. The Conservation Commission, he said, feels that the time frame of 5yrs to achieve screening is too long and feel that 3 years is more appropriate.

Lynn Gardner spoke from the audience, the owner of Clifford Lumber in the Industrial 1 Zoning District, he asked for clarification regarding forest use and accessory uses to be exempt. Alex W. offered the commercial forest management definition and clarified it refers to the harvesting of trees, not the

processing of them. Lynn G. also voiced his concerns with #7 regarding big equipment, very large trucks, etc. which he says creates the potential for unintended consequences which could impact his enterprise. He proposed that Industrial District 1 (ID1) be exempt from #7. Joe I. said he understands the concern but also noted that the area referenced as ID1 might also be seen as prime area for large solar arrays. Marie Gardner spoke up, saying she understands that, too, but wonders how to encompass both? How to protect their property as well, that is their concern also. Lynn G. said the 1acre of land trigger makes him nervous as it could potentially open him up to site plan review of the whole property. We're allowed such things as outside storage here; so screening can be problematic.

Bill M. asked, can we exempt a district? Alex W. said if we do, we are also exempting it from other commercial and industrial standards.

Chuck Reiss spoke from the audience, suggesting an exemption of properties which make alterations which are deemed substantial. Joe I. asked if the intent is to add flexibility. Chuck R. said yes, basically. He feels this area is the entrance to Hinesburg (from the south) and he feels that we should distinguish minor from significant in terms of changes to address Lynn's concerns. Joe I. said he agrees with the thought there and reminded them that the revisions would apply only to new uses. Jeff F. said this could bring back discussion of the view test idea; if you modify or change a property in such a way to change the actual view of it = require more screening. Joe I. said yes, we've discussed the idea of a view shed before, and they feel it is a good idea, but not to be discussed and added in time to address or apply to the 2016 development season, quickly approaching.

Gill Coates spoke from the audience, citing language of "visually absorbed", asking where this language came from. Alex W. said it is from the residential rural development general standards. Gill asked also about the language in #8 regarding year round screening. Joe I. explained that the intent was to have screening to help a project blend in with its surroundings and have that be effective throughout the year. The goal, he reiterated, is not to hide development, he feels that is impractical and counter to commercial development in the growth area. Aaron K. said it was a way of allowing a variety of screening, so that we are not calling out species of trees etc. Gill said at least in commercial development, it is a chance to hide more of the buildings. Joe I. said he understands that, but also must consider that "complimentary" means different things in different districts. Aaron K. said the conundrum of Act 56 is just this. Bill M. suggested the Board could make a distinction between commercial and rural by way of example or illustration of how "visually absorbed" meets with "consistent with environment". Chuck R. said that is a very good idea. He also had a question about #9 regarding landscaping. The Board quickly reviewed 4.3.8 (landscaping standards) which includes addressing costs and spending requirements. Alex W. said it delves into more details than just screening. He said it does not have to be exempted but that he feels the intent was to capture solar in the industrial & commercial language.

A member of the public asked if the Board had considered setbacks. Joe I. said the PSB is not permitting input on setbacks specifically. Alex W. said there are some setbacks in place by the state (2 he thinks) but no local setback standards apply. Paul Lesure asked about language which addresses internal landscaping (islands, etc.) and said these could actually cause development projects to be bigger (take up larger footprint). Joe I. said that is correct. He explained that the Board was making an effort to break up the visual impact of larger solar arrays.

A member of the public asked if it is only applying to new projects. Joe I. said yes, also triggered by site plan revisions to existing properties. Lynn G. spoke from the audience again, asking the Board to please also consider the potential impacts of screening as applied to other uses as it will cause site plan review if current uses change. He voiced again his concern with internal screening impacts as well.

Joe I. said preexisting uses seem to be the main concern; future use, or changes which are substantial or significant vs. minor. How to test that? The main goal of internal screening was to lessen the visual impact, not to discourage the projects altogether. Lynn G. said #7 language "shall" could be changed to "may". Alex W. said he would like to but the PSB and the DRB prefer language of "shall" and the states' push to increase solar projects makes him feel that the proper language here really is "shall".

Bill M. said he strongly recommends distinguishing between rural and commercial areas. Also, consider Pauls' comments about the size of the solar projects (footprint) due to including internal landscaping. Joe I. said if the topography can absorb the project, great, but if not, if say it is in a large open field, maybe allowing breaking up with internal landscaping makes sense. Rolf K. asked if it would be possible to combine #6 & #7. Visually absorb gives some leeway. Solar arrays where visible to the public; if unseen, it doesn't much matter if the development is contiguous. Jeff F. said the intent of breaking up the projects works to absorb the project into the landscape and overall lessen the visual impact. In this way, #6 & #7 do fall into the same line of thought.

Chuck R. said "shall" does still mean the DRB has some flexibility to impose internal landscaping, right? Joe I. said no, shall means shall. Dennis P. suggested perhaps address only if the project is visible from the road? Joe I. said remember, solar review is by the PSB, not locally by the DRB. So the clearer we make the language, the more likely we are to get a good outcome. He cautioned that not one entity with local control or feedback is making the review and their overriding want and responsibility for them is to grow solar. Alex W. said the Planning Commission is statutory party in the PSB review and Act 56 says you DO have a voice for recommendation.

The Board acknowledge an email from Peter Erb inquiring about underground wires and feeds and his recommendation that the Commission compel that as well. Alex W. clarified that this should be in the Town Plan (called out specifically) at the next revision. Chuck R. asked about the timeline. Alex W. said the Planning Commission has this public hearing then the Select Board has a public hearing and then they can adopt the revisions.

**Minutes from 12/16:** Dennis P. **made a motion to approve** as amended the minutes of 12/16. Russell F. **seconded the motion**. James D. abstained. The board **voted 7-0**.

**Other Business:** Stormwater regulation revision consideration. Alex W. said he is still working on this and should have it ready in February.

The Village Zoning Revisions: The summary of data to be sent to Rolf K. by Maggie G. the Board discussed the aim/goal: Balanced (Mixed-use) and a better understanding of what we have now. They discussed the implications of unknown infrastructure capacity and how density will look.

Rolf K. made a **motion to adjourn**. Dennis P. **seconded** the motion. The meeting adjourned at 9:43pm.

Respectfully submitted,  
Freeda Powers, Recording Secretary