

**Town of Hinesburg**  
**Planning Commission**  
**January 1/27/16**  
*Approved 2/10*

Members Present: Dennis Place, Maggie Gordon, Aaron Kimball, Joe Iadanza, James Donegan. Rolf Kielman arrived at 7:56pm. Members Absent: Jeff French, Russell Fox.

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

Public Present: Chuck Reiss, Lynn Gardner, Tim Casey, Brett Johnson.

Joe I. chaired the meeting, which was called to order at 7:31pm.

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

**Solar Array & Commercial/Industrial Screening Standards:** Revisions to Section 5.6 & 5.6.5

The Board acknowledged a written submission from Wayne Maceyka.

Tim Casey spoke from the audience, voicing his concerns with the proposed language in 5.6.5, specifically with the term “incompatible uses” – of what? The surrounding? It is unclear in his opinion. Joe I. said the purpose of the zone; what’s there and what’s allowed there. The notion of “compatible” and “incompatible” uses would be dealt with within the zone. Not all or nothing, he said, screening just must be in context of the zone. Alex W. said so, is it district driven, or based on what exists today? Joe I. said allowed use would trump non-allowed (thus nonconforming).

Lynn Gardner spoke from the audience, saying his issue is with the screening, specifically, internal screening. Maybe in the Village it would work, he said, but in Industrial 1 (I1), it just doesn’t work. Also, keep in mind you’re making this new standard while aiming for the possibility of having input on Public Service Board (PSB) review, but local business and landowners will have to comply. Joe I. said this goes back to “substantial” vs. not in terms of changes to a property. Moving piles, he said, such as sand, gravel, or lumber as in Tim Casey and Lynn Gardner’s companies, would not be considered a substantial change or a change of use. Lynn G. said his concern is with a future board applying this to his property. Tim Casey said he shares Lynn’s concerns with the potential application of the internal screening. He has no interest in seeing solar panels on his property. Joe I. said this (screening) is the only latitude being given to us right now and it is clear that the same standards that would apply to commercial and industrial as well. He went on to say we do not intend to or want to hurt anyone or any businesses. James D. said he agrees with the comments voiced by Wayne, Lynn and Tim regarding the need to screen lots that are already by nature out of view; if you can’t see it from the road, why need to screen? Brett J. asked from who? Who sees it? From the neighborhood, from the road? Joe I. said likely speaking from the road. He reminded those present that the aim is not to mandate applicants to hide projects; we are trying to soften visual impacts. Maggie G. said there is a good reason for internal screening concerns. Additionally, she said, consider the increased acreage (footprint) it creates, as has been noted before.

Maggie G. said #6 also addresses visual break-up. Alex W. said the Board could still act on a previous notion to combine #6 & #7. Maggie G. said it seems part of visually fitting in with the surroundings is more an act of the natural landscape of a lot, the nature of a site and context.

The Board agreed to reword #1 to address public viewshed vs. private and to site the following standard #5 as outlined. Rolf K. suggested, and the Board agreed, to absorb #1 into the opening statement and then refer to the standards as follows.

Lynn G. questioned the 10,000 sq. ft. threshold, saying in his opinion that is not much area. Alex W. said that is the same number used for storm water reg thresholds as well; the number is a little subjective, he said, but it allows a frame of reference which most people can relate to (roughly the size of the Town Hall parking lot area).

Tim C. said he doesn't understand the requirement to screen and shade parking lots. The Board explained that this was an old, existing standard which is now being mixed with new standards of screening. Joe I. said if in the preamble we define incompatible uses, are we okay with zero screening if two uses are compatible. Consider the unintended consequences. Also, consider the PSB's view on compatible.

Moving on to #2, James D. said it seems reasonable to screen & shade parking lots where customers visit; how to differentiate that and Tim & Lynns businesses for example.

Alex W. cautioned against nixing existing standards and allowing no screening for examples such that the parking or business is out of view. Joe I. said we could perhaps consider something like anything with a new road to the business or again, substantial changes vs. minor, or changes to the parking lot. Lynn G. said he still has real concerns with #7 and the associated potential impacts and unintended consequences in the future.

Aaron K. asked, in reference to James' suggestion; is there already a set of definitions separating types of parking lots? Alex W. said he does not think there is—a parking lot is a parking lot and they are all treated the same. Rolf K. said we could define what is used for public, business use vs. work yards, storage & equipment, etc. Or, he suggested, language such as "expansions otherwise used for the operation of the business."

Maggie G. suggested adding a definition of 'parking lot'. James D. said we could exclude equipment or work yards.

Dennis P. said he understands the public concerns. He reiterated his opinion that solar and other development (commercial and industrial) are simply too different to be considered with the same language. Maggie G. said she agrees, but we have no say on that. Dennis P. said he disagrees with that; some towns are already trying to tell the State that this simply doesn't work. Alex W. clarified the capacity issue regarding utility vs. net metered installations. He said the Board could just add "ground mounted solar" to Standard 5.6.5. Joe I. said their stand is stronger with clarity. This led to some discussion as to where the language does the most good; in the Town Plan or in the regulations & standards. For residential, commercial, mixed-use, light industrial, the uses contained within buildings require shade. The Board agreed to strike the words "for privacy" in #3.

The Board felt that #4 was ok.

The Board felt that #5 was ok.

Regarding #6 & #7, Rolf K. offered the following language: contiguous areas comprised of any combination of structures, parking lots, outdoor storage or ground mounted solar arrays greater than one acre will provide screening to break up visual impact of development such that the development is visually absorbed into the surroundings. Alex W. cautioned to be clear with trigger # (1 acre vs. 10,000 sq. ft.).

Chuck R. urged the Board regarding internal screening, saying if the intent is to visually break up large arrays, not to absorb them, consider creative ways to achieve this (animals, edibles, trails, etc.)

Lynn G. reiterated his view that I1 is a different animal. There was some discussion about I1 being the gateway to Hinesburg from the south and what is expected there.

Joe I. proposed new language for the clause: contiguous areas...greater than 1acre, shall utilize a combination of vegetation and existing topography to break up the site and mitigate large expanses of development such that the development is visually absorbed. This clause shall not apply to existing development that comes up for site plan approval or revisions where said revisions are not deemed to be a significant change to the existing use.

The Board then agreed to keep #6 & #7 as separate as the main difference being to address public concerns being raised—internal vs. general—

Alex W. recommended that they add the intent (break up, not hide) to #6 or #8. Joe I. agreed, a definition is needed.

The Board viewed a map of the possible upcoming Magee Hill Road array (1.8mw).

**Village Growth Area Zoning Revisions:** The Board agreed to table to the next meeting.

**Minutes from 1/13:** The Board agreed to table to the next meeting.

**Other Business:** The Board agreed to table Election of Officers.

Shelburne Planning Commission has a public hearing scheduled for 3/10/16 with amendments to their Town Plan.

Joe I. made a **motion to adjourn**. Dennis P. **seconded** the motion. The meeting adjourned at 10:00pm.

Respectfully submitted,

Freeda Powers, Recording Secretary