



Town of Hinesburg
Planning & Zoning Department
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MEMORANDUM

TO: Selectboard & Town Administrator
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: March 2, 2016
RE: Planning Commission Proposal – Zoning Revisions, Solar Array & Commercial/Industrial Screening Revisions

At their February 24, 2016 meeting, the Planning Commission (PC) voted to forward a zoning regulation revision proposal to the Selectboard. This is a revision to our commercial/industrial screening requirements so as to also cover ground-mounted solar installations. See the attached seven-page document with the proposed revisions. Also, see the attached two-page report that explains the rationale for the changes. The proposal and supporting information are being posted to the Town website at <http://www.hinesburg.org/regulations.html>. An excerpt of the Act 56 legislation that enables municipalities to require screening of solar installations is available on the website.

I'd like to attend an upcoming Selectboard meeting to briefly explain the proposal – the rationale and the basic mechanics. In the meantime, please peruse the attached material. Please note that this is time sensitive, as we've been told there is a good chance of seeing quite a number of solar applications to the Public Service Board in 2016 due to a federal tax credit expiring at the end of the year. **Given that, the PC recommends acting on this proposal ASAP.** Now that you have the PC proposal, here are the remaining steps in the process:

1. Review the material and decide if you want to make any further changes. The Planning Commission discussed this over many meetings, and received and made revisions based on comments from a variety of people – e.g., Energy Committee, landowners, business owners in the Industrial 1 zoning district near Hollow Road, Zoning Administrator, etc. With that said, these revisions were prepared over a relatively short period of time in the hopes the Selectboard could implement them quickly. Given that, you may find that some minor revisions are warranted.
2. Make any changes and then schedule a public hearing.
 - a. Public notice/warning must be 15 days prior to a hearing.
 - b. There are special warning requirements (VSA Title 24, Chapter 117, Section 4444).
 - c. Any changes to the proposal must be filed with the Town Clerk and PC.
3. Hold the public hearing.
4. Decide if further changes are needed.
 - a. If you make ANY further changes (except for grammar, punctuation, numbering, etc.), then you must warn and notice another public hearing.
 - b. If you make no changes, then you can proceed with adoption.

5. Adopt the regulation revisions*. You can do this at the same meeting as the public hearing if there are no additional changes. You simply need to close the hearing first.

*** Note – if the revisions are not approved by 1/13/2017, they are considered disapproved.**

Normally, the Selectboard takes action by voting on regulation revisions. However, you can defer to the voters, and hold a town-wide vote (via Australian ballot) on the proposal instead of a simple Selectboard vote. If the Selectboard does take action to adopt changes, citizens do have the right to petition for a popular vote on the proposed changes. A petition by at least five percent of the voters, filed within 20 days of Selectboard adoption can force a popular vote on the regulation revisions – via Australian ballot.

If the Selectboard feels there are problems with the proposal, you can choose to take no action or vote to reject the proposal (after a public hearing), and return it to the Planning Commission with guidance on the issues that need further work.