

Town of Hinesburg
Planning Commission Meeting Minutes
November 25, 2020
Approved December 9, 2020

Members Present: Maggie Gordon, Barbara Forauer, Marie Gardner, John Kiedaisch, Dennis Place, Denver Wilson, Rolf Kielman

Members Absent: Dan Myhre, James Donegan

Also: Alex Weinhausen (Director of Planning & Zoning)

Maggie G. called the meeting to order at approximately 7:04pm.

Meeting Procedures:

Alex W. explained the meeting was being held remotely via Zoom due to the covid-19 state of emergency and the closure of the Town Office. He reviewed remote meeting protocols.

Agenda Changes:

None.

Public Comments for Non-Agenda Items:

None.

Town Plan Revision Public Hearing – Energy Plan (Chapter 8):

Alex W. said that he made just a few changes per the discussion at the November 11 public hearing – including some additional language to address the housing affordability issue that Mike Bissonette brought up. He said that given Rolf Kielman’s 11/12/20 email providing some analysis of construction costs for net zero homes, the Commission may want to discuss the affordability issue further. He said the supporting maps and the public comments discussed at the last meeting are available on the Dropbox site.

He noted that other items to consider include:

- Identifying one or more top priority action items for this chapter.
- Updating the implementation chapter (chapter 10) to reflect the new/revised action items in the energy chapter. Alex W. said he would make these chapter 10 updates, and is happy to receive suggestions/guidance on the time horizon for each action item - e.g., ongoing, short (1-2 years), medium (3-5 years), long (5+ years).

Barbara F. expressed support for action item 8.3.1 (strengthening regulations to require building design for solar gain), and suggested it be considered a top priority action item. She also suggested revising the second sentence in action item 8.3.5 (shown below) to change “consider” to “enact” or “implement”.

Action item 8.3.5 - Ensure that larger buildings with expansive roofs are adequately designed such that their roofs can support future solar installations. Consider a town-wide requirement (ordinance or zoning regulation) for solar ready roofs on all new construction.

Dennis P. and John K. asked what the term “solar ready roof” meant. Barbara F. said that based on her research this means the structure is built with wiring installed to facilitate easy connection to rooftop solar. It would also imply that roofs are structurally capable of supporting solar panels. Denver W. questioned whether the Town Plan should require this versus simply consider implementing it via subsequent

regulations. He noted that many of the Town Plan recommendations are goals to guide further evaluation and action, rather than mandates. Maggie G. suggested blending action item 8.3.5 with action item 8.3.1. Barbara F. agreed that this was a good compromise.

John K. suggested identifying goals 8.4 (energy efficiency, energy use reduction, weatherization) and 8.5 (reduce transportation energy use, transition to electric vehicles) as most important, and identifying action items 8.4.1 and 8.5.3 as top priority action items. Alex W. pointed out that 8.4.1 (energy efficiency of Town buildings and vehicles) is shown as a top priority action item in existing Town Plan, but that the Energy Committee did not make a recommendation about whether it should remain a top priority.

Maggie G. and John K. recommended reaching out to the Energy Committee for recommendations on top priority action items.

Rolf K. and John K. discussed Rolf's analysis of costs related to building a net zero home versus building a conventional home – summarized in Rolf's 11/12/20 email. John K. questioned the assumption that a net zero home would have zero utility/power costs. Rolf K. described how this was in fact possible when total energy was considered over the course of a full calendar year. Rolf's summary provided cost comparisons using a 1,500 square foot, three-bedroom home with a new construction cost of \$300,000 (conventional) versus \$336,000 (net zero) – approximately a 12% development cost differential. Rolf's assessment indicated that with utility/power costs are factored in, the cost differential between the conventional and net zero home is approximately \$170 per month over the course of a 30-year mortgage with a 4% interest rate. Rolf's point was that by virtue of energy modelling and accurate cost data, he has concluded that designing and constructing homes that are net zero is economically advantageous to buyers at all income ranges, and that this process is aided by having an experienced, energy-savvy builder involved.

Barbara F. asked why the State constraint on renewable energy facilities in FEMA floodways had been deleted. Alex W. clarified that Town constraints are more comprehensive, and already include the entire FEMA flood hazard area (floodway and inundation areas). He said duplicative site constraints were deleted per input from the regional planning commission staff review.

There was discussion about next steps. Alex W. noted a couple of options. The Commission could wait for feedback from the Energy Committee on top priority action items, or the Commission could forward the proposal to the Select Board and the Energy Committee simultaneously. He said that the Select Board is unlikely to take up these Town Plan revisions until after the budgeting season is over – i.e., February 2021. Maggie G. moved to forward the Town Plan revision to the Select Board, with notice to the Energy Committee. Denver W. seconded the motion. The motion passed 7-0.

Contractor Yard & Vehicle Repair Regulation Revisions:

(continued from 10/14, 9/23, 9/9 meetings)

Alex W. said he made revisions to the contractor yard language based on the discussion at the October 14 meeting. New language was also drafted to add to section 5.1 to deal with vehicle repair services. Alex W. noted that the draft reflects input he received from Town counsel on questions related to transferability and grandfathered status.

Maggie G. walked the Commission through the track changes document. She referred to section 5.3.5(5) that requires neighboring property owner sign off for contractor yards located on shared drives. She wondered if a contractor yard that garnered approval would still be OK if neighboring property changed ownership. Other Commissioners said it would be fine, given that neighbor sign off on use of the shared drive had already occurred.

Maggie G. noted that section 5.3.13 has an unfinished sentence that needs correction, and a reference that needs clarification.

Regarding two legal questions previously posed by the Commission, Alex W. explained that Town counsel (Brian Monaghan) indicated that the regulations could restrict transferability of conditional use approvals for contractor yards and other home occupations. Alex W. said that Mr. Monaghan felt the draft language was an innovative way to allow transferability with a compliance check and zoning permit. Mr. Monaghan also indicated that there really is no difference between grandfathered contractor yards (per the existing language in section 5.3, first adopted in 1996) and pre-existing, non-conforming uses that are covered in section 5.10 of the regulations. Alex W. said that based on Mr. Monaghan's input, and related input from Attorney David Rugh on an appeal currently before the Development Review Board, he suggests eliminating provisions for grandfathered contractor yards in section 5.3, and instead refer to section 5.10 for regulations governing non-conforming uses. He said that section 5.10 was the more appropriate place to make changes, if the Commission was interested in addressing allowances or restrictions for the expansion or change of pre-existing, non-conforming contractor yards. Alex W. noted that he posed the same two questions to the municipal assistance center at the VT League of Cities and Towns (VLCT), and that the response from their staff (Susan Senning) was essentially the same as what was provided by Mr. Monaghan.

Alex W. reviewed the new draft language for vehicle repair services. Per the discussion at the October 14 meeting, he consolidated the initial draft language the subcommittee had discussed. He removed this from section 5.3, and added it as a new provision in the regular home occupation section – new section 5.1.8, along with a new definition for “vehicle repair service” to be added to section 10.1. Maggie G. appreciated the consolidation and the brevity.

Alex W. noted the five-car limit on customer vehicles stored outside. He asked Commissioners if they felt this was a reasonable number – i.e., providing flexibility for the home business, while still being in keeping with the number of cars parked on a residential property. Commissioners felt this limit was reasonable.

The Commission discussed the proposed 1,000 square foot building size cap for vehicle repair services. Alex W. noted that the size cap is currently 2,000 square feet in section 5.3 – for both contractor yards and vehicle repair services. It was noted that a typical two-bay residential garage is approximately 600 square feet. Dennis P. felt that 1,000 square feet might be a bit small when considering space needed for vehicles, tools, supplies, etc. Both Dennis P. and Denver W. said that a limit of 1200 or 1400 square feet might be better. Both Dennis P. and Denver W. described their own garage space, and discussed what would be reasonable for a home occupation vehicle repair service. Barbara F. felt that a limit of 1,000 square feet would be more in keeping with a typical residential neighborhood. The Commission discussed the size of vehicle repair shops in the village and commercial areas (e.g., Hart & Mead, Automotion). Alex W. noted that it seems reasonable to limit the size of a home occupation version of such a business. He said that the 1,000 square feet number is simply based on the maximum size allowance for other types of home occupation, and what he thought would be reasonable for home occupation with two vehicle lifts. The Commission did not come to consensus on whether to change the 1,000 square foot number. Commissioners agreed that this would be a good question to get community feedback on at a public hearing.

Alex W. said that a public hearing could be scheduled for one of the January 2021 meetings. Marie G. said she would like a legal review of the complete draft language by Town counsel before a public hearing is held. Maggie G. and other Commissioners agreed that this was important. Alex W. said he would seek Town Administrator approval for this legal review, and would work with Maggie G. on scheduling the public hearing pending the outcome of the review.

Meeting Minutes – November 11, 2020:

Barbara F. moved to approve the minutes of the November 11, 2020 meeting. Denver W. seconded the motion. The motion passed 8-0.

Other Business:

Alex W. noted a letter to the DRB from the Affordable Housing Committee on the Hinesburg Center 2 project's preliminary plat review. He said that the Committee copied both the Planning Commission and the Select Board on the correspondence.

Barbara F. asked about the status of the Thibault property on the corner of Pond Brook Road and Richmond Road. Alex W. said that concerns about the state of this property had been raised at a recent Town staff meeting, and by Barbara F. He said that both the prior Zoning Administrator (Suzanne Mantegna) and the prior Town Administrator (Renae Marshall) had been working with Mr. Thibault on various compliance issues having to do with access to the Town road and zoning permits for structures. Alex said he did a site visit, and that he plans to review the file to get up to speed on where the prior Zoning Administrator left the situation. He said that he observed three tent storage structures along with a more permanent red shed, a recreational vehicle, one piece of heavy equipment, and some miscellaneous belongings. He said that Mr. Thibault apparently has plans to build a home farther back on the site, but has not yet submitted a zoning permit application for that.

The Commission's next meeting is on December 9. The Commission decided to cancel the December 23 meeting given the holiday season.

Maggie G. adjourned the meeting at approximately 8:40pm.

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning