

Town of Hinesburg
Planning Commission Meeting Minutes
March 23, 2022

Approved April 13, 2022

Members Present: Dan Baldwin, Lenore Budd, Marie Gardner (via Zoom) , Barbara Forauer (via Zoom), John Kiedaisch (via Zoom).

Members Absent: Nina Friscia, Denver Wilson, James Donegan.
(There is currently one vacancy on the Planning Commission)

Also: Alex Weinhagen (Director of Planning & Zoning).

Members of the Public: Carl Bohlen, Dale Wernhoff, Chelsea Edgars, Melanie Bedard, Chuck Reiss, Tony St. Hilaire.

Lenore B. called the meeting to order at approximately 7:05 PM.

1. Agenda Changes

None.

2. Public Comments for Non-agenda items

None.

3. Minutes of February 9 and March 9 meetings

Action on these minutes was taken later in the meeting. Barbara F. **made a motion, and** John K. **seconded, to approve the minutes of February 9 and March 9 meetings as amended. The motion passed 5-0.**

4. Bolstering Affordable Housing – possible zoning regulation changes

Carl B. and Dale W. serve on the Hinesburg Affordable Housing Committee, and were here to recommend a change to the inclusionary zoning section of the Zoning Regulations (section 5.21). Carl B. explained that inclusionary zoning requires some perpetually affordable dwellings in village growth area development projects with 10 or more new dwelling units. The regulations require that 10% of the dwellings be perpetually affordable; however, the regulations do not base that 10% calculation on the total number of dwellings proposed. Instead, the regulations apply the 10% to the number of dwellings that would result from the base residential density, which is typically much lower than the total number of dwellings proposed. Carl B. explained that Hinesburg's regulations set a base residential density, and then provide a variety of density bonuses that projects can leverage to get to the maximum residential density. The maximum residential density is more than double the base density.

As a result, a development project with 20 new homes might only have to provide one perpetually affordable home instead of two, because the 10% requirement is applied to the lower base density instead of the total number of units made possible via density bonuses. Alex W. gave several examples of recent development projects:

- Meadow Mist project (under construction):
 - Base density (2 units/acre) = 11 units
 - Actual number of units with bonuses = 24 units

- Required affordable units = 1 unit (10% of 11 units)
- Hinesburg Center 1 & 2 (HC1 built, HC2 in permit review):
 - Base density (4 units/acre) = 45 units
 - Actual number of units with bonuses = 73 units
 - Required affordable units = 4
- Haystack Crossing (in permit review):
 - Base density (3 units/acre) = 99 units
 - Actual number of units with bonuses = 219 units total (126 units + 50 congregate senior housing units in phase 1)
 - Required affordable units = 10 units

Alex W. noted that both the Hinesburg Center and the Haystack Crossing projects actually propose more affordable dwellings than required, in order to achieve some of the necessary density bonus. The Hinesburg Center project proposes a total of 11 affordable units. The Haystack Crossing project proposes a total of 20 affordable units in phase 1.

Carl B. said the Affordable Housing Committee feels the 10% requirement should be applied to the total number of dwelling units proposed. He said this will provide for more affordable housing, which the community very much needs. He acknowledged that developers will likely not support this change, especially without a funding source to help subsidize the affordable units. However, he feels it is still a change worth making.

Lenore B. asked what other communities do on this front. Carl B. and Alex W. indicated that only Burlington and perhaps one or two other municipalities have inclusionary zoning requirements. They noted that Hinesburg's regulations were modeled off of Burlington's back in 2008-2009 when we wrote ours. They noted that currently, Burlington's inclusionary zoning requirement is for 15-25% rather than 10%.

Alex W. further explained how Hinesburg's inclusionary zoning requirements work. He noted that the regulation seeks to keep developer "whole" by providing various fee waivers and bonuses for inclusionary units. Dale W. noted that the regulations require 10% of the units to be affordable, but at the same time, automatically provides the project with a 20% density bonus. In other words, the project is able to build more market rate units to help make up for the affordable units.

Barbara F. asked if the Affordable Housing Committee was also asking for an increase in the inclusionary percentage – i.e., from 10% to 15%. Carl B. said they were not. They are asking for a relatively simple change to what the existing 10% requirement is based on – i.e., total units proposed.

Alex W. explained that there are other provisions in need to revision in section 5.21, and that he would detail these more at a later date. He said that work on inclusionary zoning revisions would happen concurrent with the municipal bylaw modernization grant-funded project that will kick off this summer with the help of the Chittenden County Regional Planning Commission. He asked if Commissioners were agreeable to updating the inclusionary zoning provisions in section 5.21. There were no objections.

5. Zoning Revisions – energy action items

Alex W. summarized his understanding of where the Commission was on several potential zoning changes, based on the discussion at the February 23 meeting. He said that he is prepared to draft language regarding lot and building orientation, solar-ready roof construction, and electric vehicle charging readiness. He said he needs clarity on whether the Commission wants to require new residential construction to meet the Residential Building Energy Standard (RBES) stretch code. Lenore B. noted that the RBES code is updated by the State regularly, and asked when the next update is due. Alex W. said the next update should be rolled out in 2023.

Chuck R. described how the RBES stretch code requires greater energy efficiency than the base code – e.g., insulation values of R-60 instead of R-40, greater number of points required through a variety of measures, required points adjusted upward as the size of the home increases, etc. Chuck R. and Alex W. noted that the only municipality that currently requires the RBES stretch code is South Burlington, but that they've had this requirement for only a couple years, so there isn't a track record to review yet.

Barbara F. asked if adopting the stretch code would help Hinesburg implement the Town's energy plan. Chuck R. explained that the State's goal is to update the energy code iteratively such that by 2030 a net-zero code requirement can be implemented. All of this to help the State meeting the Energy Plan goals. He said requiring stretch code for new construction, would help Hinesburg get there a little faster.

The Commission discussed regulatory requirements related to solar – e.g., lot/building orientation, solar-ready roofs, participation in community solar. Alex W. said the regulation revisions can address all these facets. Chuck R. cautioned that we need to be careful when crafting requirements for roof-mounted solar given that it may not be possible in every circumstance. Lenore B. noted that in her walk around the Creekside neighborhood on Farmall Drive, she noted a variety of solar installations, and plenty of options given primary roof lines and garage roof lines. Alex W. noted that the RBES stretch code doesn't require roof-top solar, and only requires solar-ready construction if the roof has the proper orientation and unobstructed roof area. He said the Town's regulations would go beyond this a bit, but still provide flexibility for situations when roof-top solar is not possible.

Barbara F. clarified that solar-ready roof requirements should apply to new commercial buildings as well. She noted that solar panels are likely to become smaller and more efficient in the future, so it makes sense to design buildings that are ready for roof-top solar.

Lenore B. suggested that a certain percentage or area of the roof should be required to have the correct orientation for solar, and that any portion of the roof could meet this requirement. She said that this way, buildings would not have to all be aligned the same way on a street to capture passive and active solar. John K. noted that an architect can easily design a building to address this in most circumstances. Alex W. said that even in projects with a specific streetscape design (e.g., Haystack Crossing project), building design to address this should not be problematic given lot and building envelope flexibility. Chuck R. encouraged the Commission to require solar orientation. He suggested using the 600 square foot minimum unobstructed roof size outlined in the RBES stretch code to enable roof-top solar. He said this could vary by the size home and overall energy efficiency – e.g., possibly more than 600 square feet for larger homes.

Dan B. asked about the affordability implications of the various requirements, particularly the RBES and RBES stretch code. Alex W. noted the cost comparison information provided by staff at the VT Public Service Department, which showed that as of 2020, there was about a \$5,000 upfront cost differential between meeting the RBES base code and the stretch code. However, when amortized over a 30-year

mortgage time horizon, there would be a net cost savings due to lower annual energy costs. Dan B. noted that construction costs have gone up dramatically in the last year, so the cost comparisons from 2020 likely don't reflect current cost issues. Alex W. said that in previous meetings, there seemed to be agreement that the cost differential for solar-ready roof and electric vehicle ready construction is likely to be small. He said the real question is whether to require RBES stretch code given the increased cost of construction. Should Hinesburg move new construction to the stretch code, or stay with the rest of the municipal pack utilizing the RBES base code, which gets more stringent every few years.

Alex W. noted that for larger development projects (10 or more dwellings), the stretch code will be required in any case as it is required as part of the Act 250 approval process. In other words, Hinesburg requiring the stretch code will not impose any additional cost for larger projects. He noted that he did get feedback from another developer – Chris Snyder of Snyder Homes. Alex W. related Chris's comment that most of their development projects meet the stretch code because they are large enough to require Act 250 approval. With that said, Chris indicated his preference for a single code standard, and that it be the RBES base code.

Chuck R. noted that the cost of construction materials and the cost of energy (e.g., oil, gas, etc.) are high and volatile right now due to a variety of factors – e.g., covid-induced supply chain issues, war in Ukraine, etc. He suggested setting building energy efficiency policy based on our long term goals, as it will likely take a year or more for this volatility to settle.

Lenore B. and John K. recommended incorporating a RBES stretch code into the initial draft. John K. also said that he looks forward to hearing Denver Wilson's thoughts on this, when Alex delivers a draft for review. Dan B. asked if these requirements would apply to new construction town wide. Alex. W. confirmed that it would apply town-wide. Dan B. noted that landowners of larger lots have more flexibility to address active solar beyond roof-top solar. Barbara F. clarified that these standards should apply to commercial construction as well. Alex W. said that he would draft the language accordingly for solar-ready roofs and electric vehicle charging, but not for the stretch code since that no longer exists within the Commercial Building Energy Standards (CBES). Chuck R. offered to look into why the CBES stretch code no longer exists, and whether the CBES base code has advanced sufficiently.

6. Other Business & Correspondence

Barbara F. noted an upcoming Conservation Law Foundation workshop on wetlands.

Lenore B. **adjourned the meeting.**

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning