

Town of Hinesburg
Planning Commission Meeting Minutes
April 27, 2022

Approved May 11, 2022

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

Members Absent: Dan Baldwin, James Donegan, Nina Friscia.

(There are currently two vacancies on the Planning Commission)

Also: Alex Weinhagen (Director of Planning & Zoning); Amy Coonradt (Recording Secretary, via Zoom).

Members of the Public: Chuck Reiss (via Zoom), Dale Wernhoff (via Zoom).

Denver W. called the meeting to order at approximately 7:03 PM.

1. Agenda Changes

None at this time.

2. Public Comments for Non-agenda items

None at this time.

3. Minutes of April 13 meeting

Lenore B. **made a motion, and John K. seconded, to approve the minutes of April 13 as amended. The motion passed 5-0.**

The minutes were amended as follows:

- In participant list, correct the spelling of Nina Friscia's name
- In paragraph #1 of Item #4, change "to remove the requirements" to "to remove the front porch requirements."

4. Zoning Revisions – energy action items

(continued from April 13 meeting)

- a. Discuss housing cost implications of requiring stretch code – Hinesburg Affordable Housing Committee invited

Alex W. said that the Planning Commission has been interested in learning about the State's RBES base and stretch codes and how those could be applied to the Town's regulations. He noted that Act 250 automatically uses the stretch code for larger developments (10 units or more). He said that the Planning Commission has discussed whether all new residences in Hinesburg should meet the stretch code. He said that there are additional cost implications in order for houses to meet the stretch code. He said that when the State conducted its last update to the base and stretch codes in 2020, they asked builders what the cost differential would be to build to the RBES code and stretch code. At that time, the difference in the up front cost was approximately \$5,000. However, this is paid back and there is a net savings when energy savings and cost/savings are amortized over the life of a 30-year traditional mortgage. He said that the analysis concluded that though it is more expensive up front, savings are realized in the longer term when the stretch code is used.

Dale Wernhoff of the Affordable Housing Committee spoke briefly about the base and stretch codes and implications for affordable housing. He said that one problem is that \$5,000 may be the difference between buying a home and not buying it, for those who struggle with affordability. He wondered whether there is a way in inclusionary zoning to incentivize adoption of the stricter standards by reducing Town hookup fees (for example). Alex W. replied that the Town does try to do that through inclusionary zoning, which requires a certain percentage of perpetually affordable homes based on the size of the development (this would be for developments with 10 or more units in the Village Growth Area). He said that if developers designate a certain number of affordable units, then they receive a density bonus and the waiving of some fees. He said that the Selectboard has been reluctant to waive fees associated with enterprise funds (like water and sewer) and impact fees (for fire and police), but that those are all not necessarily off the table.

Denver W. pointed out that if it is better overall for someone to put the investment in to meet the stretch code, they'll do it, but also that if someone is struggling, they might voluntarily reduce their energy consumption without the stretch code requirements (because they can't afford it).

Barbara F. asked whether the State would require the stretch code in 2023. Alex W. replied that the State has indicated that the current stretch code will likely become the 2023 base code, and that the 2023 stretch code will be a level stricter than that.

Denver W. asked how many single-family homes are built annually in Hinesburg. Alex W. replied that it has been about 8 homes per year. Denver W. said that ultimately, they're talking about 24 homes over the next 3 years being more efficient. Alex W. agreed, noting that it's sometimes not the actual homeowner that is making the decision about meeting the base code versus the stretch code, since sometimes developers build single homes and then sell them to a buyer once built.

Lenore B. asked if mortgage lenders take energy efficiency into account. Barbara F. replied that yes, they do.

Denver W. asked if there are enough permitting fees that could be waived to offset the \$5,000 differential in the base code versus stretch code. Alex W. said that there could likely be several thousand dollars in permitting and other fees that the Town could waive, but he does not think it could cover that differential. He also cautioned that the cited differential was based on pre-pandemic comparisons between costs for implementing the base code versus stretch code, and current factors such as higher inflation have likely changed that math.

John K. asked if the Town would be interested in searching for other sources of incentive dollars, if the Town's own waived fees are not sufficient. Alex W. said that there could be qualifying spending categories for American Rescue Plan Act (ARPA) funds, such as a housing trust fund, but he said that he is not aware of other funding sources to help people get into more energy-efficient homes. He said that Efficiency Vermont does not offer tax credits or payouts for stretch code level improvements, but has its own code that it adheres to and assists with. Denver W. said that a builder could use the stretch code as a marketing asset, if they advertise it as savings in the long run.

Lenore B. asked how the Town's revolving loan fund works. Alex W. replied that it has been used for a variety of functions, such as new businesses and grants for economic relief. He said that he isn't sure whether a revolving loan fund could work in this type of scenario.

Denver W. asked about adopting other kinds of code other than the stretch code, such as Efficiency Vermont's code. Alex W. replied that it might be more difficult to defend legally, since it is not codified in statute, whereas the base and stretch codes are statutorily authorized to be implemented by municipalities as requirements.

Denver W. said it will be important to evaluate what would have the largest impact on Hinesburg—increasing efficiency or lowering costs. He said that if the Town keeps requiring more and more complexity to building a home, it will have a negative effect on the cost of housing. Alex W. suggested getting feedback from Affordable Housing Committee for the next meeting.

Barbara F. said that the State and Town need incentives to implement raised energy standards and said she is unsure how that could happen. Denver W. said that the Planning Commission's role is to not do harm to the individuals living in Hinesburg by making housing less affordable. Alex W. added that a more stringent energy code is unfortunately an additional cost up front but that it realizes net savings in the long run.

b. Discuss specific provisions – Hinesburg Energy Committee invited

- i. Solar-ready construction exception for sites with installed, on-site renewable energy systems – definition needed; should wood heat be included (e.g., pellet stoves, outdoor boilers, etc.)

Alex W. said that he received information from Chuck Reiss, the Hinesburg Energy Committee, and the State's Department of Public Service (DPS). He said that Keith Levinson from DPS provided feedback. Alex W. said that he had asked Keith whether wood heat should be included in the exemptions, and Keith had replied that yes, a biomass system would count as an on-site renewable system, and could claim the exemption and not have to have a solar-ready roof.

- ii. Solar-ready roof area for new commercial buildings - is 40% of roof area the right metric

Alex W. said he asked Keith Levinson at DPS about metrics for solar-ready roofs for commercial buildings. He noted that the State standard has a qualifier: if a building has 600 square feet of south-facing roof, then it needs to have 300 sq ft of a solar-ready zone on roof. He noted that Keith said that the extra roof area in the first tier allows for roofs to also use some of their area for utilities. Alex W. said that based on this, the requirement could be 300 sq ft of solar-ready zone, rather than the 600 sq ft initial qualifier (and then the 300 sq ft requirement).

Marie G. asked about what if a property is enrolled in an off-site community solar arrangement. Alex W. replied that if there is a demonstrated contract for a renewable offsite system, then yes, that property would qualify for an exemption for having a solar-ready roof.

Alex W. noted that for the 40% for commercial roof ready buildings, he asked if that is a good metric, a fixed percentage. He said that Keith acknowledged that different levels of buildings have different uses, and the regulations are intended to be business-type agnostic and that it's a proportion that can be applied across businesses.

Denver W. asked about flat roofs on commercial buildings and if they automatically comply with the area requirement for solar, since they don't have an orientation. Alex W. said that Keith replied that he agrees—they should automatically be required to comply.

Alex W. noted that Chuck Reiss also had responses to some of these questions. When asked about the necessary roof area for solar, he provided a more nuanced response, in that the appropriate number would depend on whether the goal is to shift homes to renewable energy or to maximize solar potential. He said that different homes have different load requirements for heating and electricity—for example, a home that has a very efficient wood stove could provide enough heat that the electrical load is lessened, thus decreasing the need for more solar-ready roof area. He suggested potentially modifying the requirement downward for a home that has biomass heat. In terms of flat roofs, Chuck's opinion differed from Keith's, in that as the roof decreases from a 30-degree pitch, more roof space will be required for solar panels, as production of panels will go down and more panels are needed to meet demand. He suggested plugging in a factor for flatter roofs, but that orientation should still be considered.

Alex W. said that the simplest option for code adoption would be to require the stretch code and use its solar-ready and electric vehicle charging requirements that are built into the stretch code. He said that however, there are some cost implications in the stretch code that could make it untenable. He also reminded the group that the State will eventually update the RBES code to be stricter, and some of these requirements may end up being part of the State's base code.

He noted that other options include adopting the base code or adopting elements from both the base and stretch code and adding Hinesburg-specific elements. Denver W. agreed that an option would be to adopt the base code and some customizable options.

Alex W. noted that Chittenden County Regional Planning Commission (CCRPC) also published a 6-page guide on navigating some of these questions around base or stretch code adoption, since other municipalities are wading into the State's energy code as well. He noted that CCRPC has a different interpretation of how municipalities could implement these requirements—through building code—but that is more applicable to larger municipalities and cities.

Lenore B. asked if it's worth the effort for Hinesburg try and come up with its own standards, if the State is going to be changing their requirements to be more stringent in the next year. Alex W. agreed that the more complicated the Town makes it, the more likely the Town will need to revisit and revise their code over time.

Chuck R. said that he would support adopting the stretch code and keeping the process relatively simple for the PC at this time.

iii. Electric vehicle charging readiness for new non-residential buildings – ideas for determining required capacity

Alex W. asked about the requirement for a certain number of charging stations depending on the number of employee parking spaces. Chuck R. said that it might be based on expected traffic, and that the code could encourage businesses to have public charging stations (but not require them). He said that it would be ideal for the Town to have public charging stations, but is unsure whether the Town can compel private companies to have them. He said that the stretch code will also address charging stations and that they should look at what is in the stretch code. Alex W. said that this is more about infrastructure and installing it to keep the possibility open for EV charging in future. Chuck R. agreed that making parking spaces EV-charging ready is a good first step.

Alex W. said that for the stretch code, it requires EV charging infrastructure to be accessible to a parking space for single-family homes, and that for multi-family developments of 10 or more units, it requires 4% of parking spaces to have a socket capable of charging (rounded up to the nearest whole number). He said that it seems like there is a loophole for developments of 2-9 units. He noted that the CBES stretch code, unlike the RBES stretch code, does not have EV-charging provisions or requirements. He said that Hinesburg could tweak this regulation to require a set number of sockets, rather than base it on a percentage of parking spaces, but that it might be helpful to get input from Town counsel. Alex W. said that he would ask Town counsel if the Town has the legal authority to adopt something beyond the stretch code for RBES (and something beyond the CBES, since there is no stretch code for that).

Barbara F. asked whether new homes must have EV-charger conduits in their garages. Alex W. replied that they had proposed that new residential buildings needed to accommodate new Level 2 charging and supporting infrastructure for each unit with off-street parking that is 20 feet or less from the unit.

5. Other Business & Correspondence

a. News, announcements, etc

Barbara F. noted legislation passed by the Biden administration to prohibit logging in national forests.

Alex W. noted that the Selectboard adopted the regulations for contractor yard and vehicle repair services at their April 20 meeting.

Alex W. also noted that the Hinesburg Center 2 project is anticipating submitting their final application in the next several weeks, in addition to the Haystack application and several other larger proposed developments.

b. Notice – Town of Monkton, regulation revision hearing, May 3

Alex W. noted that this revision should not have negative impacts on Hinesburg.

c. Agenda items for the May 11 meeting

Alex W. said that he hopes to get a draft document for the RR1 District discussion at the next meeting for the Planning Commission's review.

Denver W. **adjourned the meeting at approximately 8:55 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary