

Town of Hinesburg
Planning Commission Meeting Minutes
May 11, 2022

Approved May 25, 2022

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

Members Absent: none.

(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: None.

Denver W. called the meeting to order at approximately 7:02 PM.

1. Agenda Changes

None at this time.

2. Public Comments for Non-agenda items

None at this time.

3. Minutes of April 27 meeting

Lenore B. **made a motion, and John K. seconded, to approve the minutes of April 27 as amended. The motion passed 7-0.**

The minutes were amended as follows:

- Note that there are two vacancies on the Planning Commission
- Note whether staff and members of the public attended in person or via Zoom
- Page 1, Item #4, Paragraph 1: revise second to last sentence to read "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."
- Page 2, final paragraph, line 1: Replace "State's" with "Town's"

4. Zoning Revisions – energy action items

(continued from April 13 meeting)

a. Legal opinion update

Alex W. noted that at the end of the last meeting there was an outstanding legal question about the Town's authority to enforce regulations of energy-related features through zoning. He said that he obtained a legal opinion from the Vermont League of Cities and Towns (VLTC), who said that the Town has the authority, but not through zoning. He said that if they want to work outside of the stretch code, they should do it through building code and not zoning. Alex W. said that he pushed back, but noted that VLTC's legal stances tend to be conservative and cautious. He said that if they follow that legal advice, it might be good to keep it simple, but another option could entail talking to the Selectboard about whether adopting some limited form of building code is an option. He noted that Hinesburg, like most rural towns, doesn't have building code, though there is the ability in statute for municipalities to adopt it. He said it would be good to research how much it would cost the Town to have a building code

and hire an inspection administrator. He said that another option is to implement the stretch code, which is a simpler approach. He said that a third option is to do nothing, and provide incentive-based options for those who want to go above and beyond, or provide education to developers and builders.

Lenore B. said that there is no clear authority in state statute for municipalities to adopt RBES, though it says there is authority for the stretch code. Alex W. noted that RBES is required regardless of what municipalities do and do not do. He said that municipalities can elect to adopt the stretch code and go further than the RBES.

John K. asked who does the inspection on the state side for RBES. Alex W. said that there is no inspector for energy code in Vermont and that the builder has to certify that they are complying with the code. John K. said that he thinks it would be tricky to carve out certain components of the stretch code to implement, rather than the entirety of the code itself. He said the code should be looked at as a complete document.

Alex W. said that there are some contractors who are not familiar with the code and that his office often has to provide education on the code and how to comply. He said that they must complete a certificate certifying compliance with areas of the code prior to occupation.

Denver W. said that the aim of the RBES is to comply with the State's net zero energy goals by increasing efficiency, and that this aligns with the Town's energy goals as well. He expressed support for the RBES, since it aligns with both the Town and State energy goals.

John K. asked if the RBES applies to new construction. Alex W. replied that it does, but noted that if there are 10 or more homes in a development, they trigger Act 250 and need to meet the stretch code. He noted that owner-built structures must still complete a certificate but do not need to meet the code in its entirety (and must indicate on the certificate where they did not meet the code).

Alex W. noted exceptions to the Act 250/stretch code requirements, including if a development obtains Neighborhood Development Area designation.

b. Discuss options – e.g., RBES stretch code requirement, incentive-based approaches

Alex W. said that the options are to just allow the base code, which gets stricter every year, adopt the RBES stretch code requirements, or pursue some form of building code requirements.

John K. pointed out that between public hearings and decisions, it will take a long time to implement anything. Alex W. said that it would likely be the end of the summer before anything could get approved. Dan B. said that if the State is going to be moving the base code requirements to be like the current stretch code in 14 months, why would Hinesburg try and pass something more quickly. Denver W. said that it seems like it would not be worth it for the Town to try and get something adopted. John K. agreed. Barbara F. said that this conversation assumes that the State will continue to make the code incrementally stricter, and she does not feel confident that that will occur. She expressed support for adopting the stretch code. She said that implementing a building code seems too onerous.

Dan B. said that what will make the most difference is ensuring that builders are actually building to a code, and enforcing that. It will require inspectors. John K. noted that in other areas there have been so few inspectors that it led to some corruption. Alex W. acknowledged that the current administration at

the State level is relatively hands-off. Marie G. said that the State does not have enough builders currently, and that requiring licensure for builders would drive more of them away.

- c. Continue discussion to May 25 meeting to garner feedback from the Affordable Housing Committee and the Energy Committee

Denver W. recommended tabling the item until after the Energy Committee and the Affordable Housing Committee meet next.

5. Rural Residential 1 District Zoning Revisions

- a. Staff review of initial options

Alex W. said that he attempted to give the Planning Commission a wide variety of options, and he put together a summary that outlined six of them. The options are as follows:

- Option 1: No changes
- Option 2: Apply conservation subdivision standards to the RR1 district
- Option 3: Make north and south areas part of the RR2 district
- Option 4: Create a new zoning district (Rural 1) for the north and south areas
- Option 5: Create a new zoning district (Residential 3) for Richmond Road and CVU Road areas
- Option 6: Split RR1 into three distinct districts (Residential 3: Richmond Road/CVU Road; Rural 1: Mount Pritchard area and Lavigne Hill Road area; Residential 4: remainder of RR1 area)

Marie G. said that there are a number of options of varying complexity, and suggested that they begin their discussion by eliminating several of them.

Alex W. displayed the topographical map of RR1. He highlighted the slopes that are >25% and areas with block of core wildlife habitat. He said that Option 6 would carve out the Mount Pritchard and Lavigne Hill Road areas and additionally carve out a more residential area along the Richmond Road and CVU Road corridor, and would leave the remainder of the area intact. He said that Option 3 would carve out a portion of the northeastern corner of the RR1 District and fold it into the RR2 District. He said that leaving Route 116 as a demarcation line for the districts makes sense. He said that once the Planning Commission agrees on a general proposal for modifying the current RR1 District, he would draft a more specific proposal.

Denver W. pointed out that development is unlikely to occur in areas with greater than 25% slopes and with core wildlife areas. He said that the Mount Pritchard area is already regulated by the terrain and habitat designation. Alex W. replied that Options 4 and 6 identifies those areas as a rural district and does not prohibit development, but acknowledges that development is restricted by nature of the density requirements. Dan B. pointed out that some of the Mount Pritchard area has little access other than logging roads.

Denver W. said that the idea of creating another district and adopting a density that is somewhere between RR1 and RR2 would likely alleviate backlash from property owners.

Lenore B. asked if the requirements in Option 6 would be more complex to try and regulate and implement. Alex W. replied that the Development Review Board (DRB) will likely not have difficulty enforcing the new regulations, but that the landowners may find it harder to get used to understanding the difference between density and minimum lot size.

Denver W. said that he has been supportive of Option 5 (creating a new zoning district along Richmond Road and CVU Road), because it includes differentiating density requirements for those areas versus the rest of the RR1 district.

Dan B. asked if there are any formal conservation efforts for the more rural portions of the RR1 District. Alex W. said that conservation efforts seem to focus more on preserving agricultural zone properties. John K. said that the Land Trust is currently trying to determine whether they should stay in the flat area to the west of 116, since they have had success in that area, or whether it should consider the Mount Pritchard area. Lenore B. said that the Land Trust tends to focus on areas that are under threat from development and are more developable, so it makes sense that there is less focus on areas that have steep slopes or core wildlife habitat or wetlands that naturally limit development.

b. Discussion and feedback to craft next draft

Alex W. suggested taking several well-known properties in the north and south areas of the RR1 District and applying the regulations in each of the options to them, to see how the regulations could play out on real-world examples. He said that he will prepare this for the next meeting.

6. Other Business & Correspondence

a. News, announcements, etc

Alex W. noted that the DRB page on the Town's website is updated regularly, in case Planning Commission members want to keep up to date on where projects are in the approval process.

b. Agenda items for the May 25 meeting

The Planning Commission will continue discussion of both the energy items and the RR1 district changes at its next meeting.

Denver W. **adjourned the meeting at approximately 9:05 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary