Town of Hinesburg
Planning Commission
September 11th, 2013
Approved 9/25

Members Present: Aaron Kimball, Tim Clancy, Maggie Gordon, Grace Ciffo, Jean Isham, Johanna White, Joe Iadanza, Kyle Bostwick, Bob Linck.

Also present: Alex Weinhagen (Director of Planning & Zoning), Freeda Powers (Recording Secretary).

Public Present: Peter Erb (Zoning Administrator), Russell Fox .

Joe I. chaired the meeting, which was called to order at 7:36pm.

There were no public comments for non-agenda items.

Storm Water Regulation Revisions:

Alex W. provided the board with draft review standards based on previous discussions and basically expanding on the current State standards via reduced triggers and Low Impact Design requirements. Kyle B. voiced his concerns with going above and beyond the state standards. His concerns include enforcement and the potential cost to the town to "oversee" a vast array of projects to ensure compliance. He also said he feels that the erosion control portion of the requirements should be part of DRB review, not just a Zoning Permit. He cautioned against requiring licensed engineer reports for both storm water control and erosion control plans, as he feels this would be putting a difficult expense burden on individual land owners. Grace C. agreed to this point, saying in many cases that may make small projects cost prohibitive.

Alex W. reminded the board that the State involvement is triggered on larger projects but that most local, individual projects are small enough that they do not trigger the state review. The standards are not changing, the trigger point is (e.g., 10K square feet, instead of the State 1A trigger which is equivalent to 43,560 sf.) He said that State permits will cover projects on the planning side. He also reminded the board that the inclusion of the LID section is in addition to the State requirements. He agreed that once developed, enforcement is a different issue. The bottom line is that the Zoning Administrator is the only avenue for projects below that state trigger.

Peter Erb (Zoning Administrator) spoke from the audience, saying it is important to differentiate Storm water Control from Erosion Control when having these discussions. Kyle B. said in his opinion, Storm water control remains the main concern.

Joe I. noted the proposed Erosion Control threshold of 1K sf. He voiced his concern with small, incremental changes (i.e., addition of decks to existing homes). Tim C. asked what the alternative is. To have **no** regulation on projects with less than an acre of impacted area? Maggie G. added, the town pays a cost one way or another. Jean I. agreed, saying the cumulative effect has been a serious concern for years.

Alex W. noted that the language was drafted with the Zoning office in mind and will only apply to permitted projects.

Peter E. told the board that another major concern regarding this issue of storm water control, erosion and runoff, is the town ditching system, which he says is the second largest infrastructure we have.

Joe I. said the average home and driveway in this town fall below the 10K square foot threshold, especially in the village. His conclusion then is that as a board, we are missing the problem**.** Grace C. agreed, saying that even small homes with longer drives need to be considered in regards to their storm water control plans.

Tim C. asked if there is a need for licensed engineers for these plans. Kyle B., Grace C. and Joe I. all agreed that if we as a board are going to do this, it needs to be done right. Bob L. said in his view, this community feels the effect of small projects **do** have an impact and reiterated Maggie's point that we pay one way or another, either in regulations and enforcement or in the cost of damage, repairs and infrastructure failures due to lack of regulations and oversight. Maggie G. wondered what is the average cost of an engineer's work/review. Russell Fox said engineers run about $110-140 per hour and said you can safely assume a minimum of $1,400 for an average project review. He went on to say that further recommendations of a licensed engineer come with mitigation ideas as well.

Alex W. reiterated that the proposed language does not invent new standards, but would be proportional to the state standards. Also, he noted, there are additional costs in actually building and maintaining those mitigations (i.e., detention ponds).

Peter E. asked what event trigger is being used in this draft language. Alex W. said there is no event trigger stipulated; the State standards stipulate a 3yr or 10yr storm event. He added that most engineers are trained to the State standards.

Joe I. said language should be specific in order to give the DRB guidance. Tim C. said in his opinion, an engineer report seems legit for larger projects, but not for small individual landowners.

Jean I. inquired on the current State standards. Alex W. said they deal with water flow and volume and require in effect that they remain the same pre and post development.

Jean I. addressed the Erosion Control portion of the draft, saying she thought that the board had discussed the buffer zones being lower. Alex W. said that is right, in the village specifically, where the buffer zones are as low as 25'. Tim C. said he feels they should not allow any disturbance within the buffer zone. The Board agreed to take out the reference to 1,000 square feet from draft language.

Kyle B. asked how these requirements would apply to additions to existing structures. Alex W. said that is a good point to consider and noted that as drafted, this language does not apply to that circumstance. Russell Fox said the State has a trigger with additions to development in which a percentage of the existing development must also be treated.

Peter E. noted that in the village, the issue tends to be high levels of impervious surface that contributes to storm water runoff issues. Alex W. agreed, adding that storm water treatment within the village will likely be addressed with the Municipal Planning Grant potential funding. Russell Fox added that a "zero" policy with the state includes dispersement at less than 5% slope which allows a slow-down in velocity and dropping of sediments. He said this method can actually zero-out the impervious surfaces effects. Alex W. said the LID recommendations will help address these concerns and allow increased infiltration to achieve these results. Russell said engineers know about these options, but said they need to be integrated into the plans from the start, which saves money in the long term as well.

Bob L. suggested a document which demonstrates or references these LID practices. Alex W. said at this time we do not have such a document but agreed it would be beneficial for landowners and developers. Kyle B. asked, if engineers know about LID practices, why would they not implement them? Peter E. said the Planning & Zoning office actually sees very little implementation of LID practices. Joe I. said the state regulations favor older methods and added that LID practices sometimes require more innovation. Peter E. said *that's the education part!* He advocates for good standards for subdivisions. Alex W. said right, this draft applies to both subdivision projects and site plans and added that the Board can make the language more rigorous for subdivisions if they see fit. Peter E. also said it would be wise to educate farmers, as they are exempted from regulations and education is a very good way to get the information to them.

The board had some discussion around the issue of the town ditching system. Bob L. said he feels there are other tools to get at that issue. Joe I. considered a "net zero to ditches" approach but said it's a whole watershed we're addressing, that water in the ditches is still *going* somewhere. Tim C. added that it's *how fast* that water gets to where it's going that makes the difference in damages or proper treatment. Jean I. suggested adding language which demonstrates the effort at preventing storm water from entering the town road ditches to the Purpose Statement.

Peter E. said he feels the erosion control portion should be included in reach-out efforts to local contractors. He said the few contractors in the area cover a great portion of the projects that take place here.

Bob L. suggested language in the draft stipulate that flora and fauna are impacted.

In regards to Storm water control in relation to steep slope development, Joe I. suggested a formulary which includes XXX ft. of driveway on XXX slope to determine impact. He said the board should be concerned with long term plans; erosion during the building process but also ongoing storm water concerns.

Minutes of August 28th, 2013:

Jean I. made a **motion to table review of the 8/28 minutes.** Grace C. **seconded the motion.** The board voted **8-0.** Jean I. made a **motion to approve the 8/14 minutes.** Johanna W. **seconded the motion.** Kyle B. abstained as he was not present at the 8/14 meeting. The board voted **7-0.**

Other Business:

Rural Zoning Update: Joe I. said the hearing on the 9th resulted in no new arguments; objections voiced; final vote approving draft regulation language 3-2. He noted there were strong opinions on both sides and there remains the potential for a town-wide petition and appeal on the issue.

Storm water Municipal Planning Grant (Selectboard Feedback): The Select board agreed with the Planning Commission's suggestion for a municipal planning grant to fund the beginning studies for a centralized village area storm water treatment project. On a related topic, the Lewis Creek Association has applied for and received a grant to fund a previously studied rain garden style storm water treatment project in the Silver Street area.

Jean I. made a **motion to adjourn.** Johanna W. **seconded the motion.** The board voted **9-0.** The meeting ended at 9:40pm.

Respectfully Submitted,
Freeda Powers--Recording Secretary