

Town of Hinesburg
Planning Commission
January 22nd, 2014
Approved 2/28

Members Present: Maggie Gordon, Grace Ciffo, Joe Iadanza, Aaron Kimball, Kyle Bostwick, Rolf Kielman.

Members Absent: Bob Linck, Tim Clancy.

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

Public Present: Meg Handler,

Joe I. chaired the meeting which was called to order at 7:34p.m. Joe I. started the meeting by asking if there were any public comments for non-agenda items. There were none.

Shoreline Zoning District Regulation Revisions – Review 1st Draft

- Revise purpose statement
- Increase size/extent of the district (match watershed area)
- Create a shoreline vegetation buffer area
- Create storm water mitigation steps for expansion of non-complying structures
- Evaluate allowed development density
- Evaluate allowed uses

The Board reviewed the revised language of the Shoreline District Regulations. Maggie G. wondered if it would be best in regards to timing if they should discuss the Storm Water topic first. Alex W. said yes, he thought that was the top priority of the Commission and suggested they discuss Storm Water regulations at their next meeting. The Board discussed the best way to present revisions and topics to the Select Board, either sequentially or combined. Based on past feedback from the Selectboard, they considered piece-by-piece may be best, though the issues at hand are very interrelated. Joe I. agreed, saying based also on the response to the RR1 work, it should be submitted in pieces. He said there are elements in the draft that he does not have recollection of discussing at any length and he would like to go through the entirety of the draft from top to bottom.

Beginning with the Zoning Regulations pertaining to Article 2, Table 1-Dimensional Standards-Shoreline District, Alex W. explained the purpose of this is to disconnect Lot Size from Density. He said another proposed change is to allow an increase in Minimum Lot Coverage when builders go above and beyond with their storm water plan. Alex W. also reminded the Board that while most lots around the lake have little or no build out potential, within the larger watershed, there are lots that have some build out potential.

Rolf K. asked if the setback from bodies of water is considered, as they are not shown in the table. Alex W. said another section of Zoning does talk to that. Rolf K. asked if lowering the

Minimum Lot Size would actually result in increased density. Alex W. said no, and clarified that what changes is the minimum density number; this formula determines the size of lots, not the number of lots. Rolf K. asked about the setback from shoreline (Section 2.5.1/2.5.2) language which refers to streams, not bodies of water. Alex W. said those as well; to all water bodies not man made.

Maggie G. asked, does the proposal make the watershed the new shoreline district? Alex W. said yes. The Board viewed maps via projector. Maggie G. said it seems we're increasing the density of the Mount Pritchard area. Alex W. said yes, that is a good observation and point. That area would go from being in the RR2 to the Shoreline District. Maggie G. said it does not make sense to her to increase density in that area.

Joe I. said some aspects (i.e., erosion control) would be a positive change but agreed it seems counterintuitive to increase density in the area. Alex W. suggested the Board could lower density numbers from what are proposed in the draft. Grace C. asked if an over-lay district could be a possibility for the Mount Pritchard area. Alex W. said yes. Joe I. said he likes the idea of an over-lay district. He said it allows us to treat areas differently where we can and protect the lakes where we must. Alex W. said it is also a way to allow density differences to remain clearly defined. Maggie G. asked what goes into an over-lay district.

Kyle B. said he doesn't like the language in Section 3.15 in the draft (#1: *Development shall require the least possible amount of vegetation clearing...*), saying the language should be clear and specific. Joe I. suggested changing the language to something along the lines of "*shall be limited to the building envelope*". Alex W. said that would be difficult for lots without a defined building envelope. Meg H. spoke from the audience suggesting the Town coordinate with Williston in regards to the over-lay district. She also reminded the board about the Model Regulations which she said is a comprehensive, thought-out document. Alex W. agreed, saying the three points noted in Section 3.15 were actually pulled directly from that document.

Rolf K. asked if the over-lay district would then retain the configuration of the current district and apply to the standards of the watershed. Alex W. said yes. Joe I. said the idea is to keep the districts but treat the watershed as inclusive of all three of those districts.

Jamie Carroll spoke from the audience, saying that the watershed boundary is notoriously hard to describe legally with regard to the GIS and elevation data which has the potential for big consequences and impacts (expense and uncertainty especially around density) on a given parcel. Joe I. asked if Jamie Carroll favored the idea of an over-lay district. Jamie Carroll said yes. He went on to say that currently, density gets higher as you get closer to the lake. He was hoping the draft language would do more to address existing lots. Joe I. said he agrees, to an extent. He said the board is much more limited in terms of existing lots. Expansion language is in the draft but primarily, education and outreach will be an investment of time.

Kyle B. said he is a big proponent when it comes to mitigation. Personally, he feels the numbers are arbitrary. He said with mitigation, he feels the language can avoid "boxing in" landowners when there is an opportunity to better the site. Joe I. said in regards to existing structures, this is the only means to address the lake quality and impact.

Alex W. noted that Section 2.5.2 regarding Stream Buffer, allows existing lawns to remain but prevents currently vegetated or buffer areas from becoming new lawn. Kyle B. reiterated his

desire to see more outcome-based, less prescribed standards which he finds difficult to put into regulatory language. Alex W. suggested considering a “no net loss of vegetation” condition, or something to that effect.

Joe I. said there are two questions here; 1) how close to a body of water can a building be and 2) what can an owner do with a property adjacent to the lake. He said in the first question, he finds it difficult to be arbitrary; we know that impervious surfaces are a problem. As far as cover/plantings, he said he doesn't feel that staff can deal with that on each property. Kyle B. said he agrees-they should put the onus on the developer, and added that we all benefit from improved lots. Joe I. said the closer a structure gets to the lake, he doesn't feel there is reasonable mitigation that can achieve the same effects as setbacks accomplish. He said he feels there is a need here for practical, measurable area. Meg H. spoke from the audience, adding that there have been many studies done in regards to the setback numbers and assured the Board that those numbers do not come out of nowhere.

Jamie Carroll spoke from the audience, saying he agrees with what he is hearing from Kyle B. He said the language is too narrow and reminded the Board that modifications to existing structures is the most likely development to occur around the lake. He also noted that front yard setbacks may cause issues of their own as camps try expansions or rebuilding. Alex W. said that is a good point. Joe I. said that is a continual issue for expansion applications. He said variances can't help and it is left to Conditional Use review to mitigate and minimize non-conformance.

Joe I. said undeveloped lots have a chance to design the site to meet setbacks but preexisting noncomplying structures need flexibility to protect what is important-the lake and water quality. He admits, there are very different sets of goals at play.

Rolf K. asked if existing noncomplying structures manage to stay within 10% of lot coverage, can they expand in any way (volume, square footage). Alex W. said they must not increase the structure's footprint. There are 4 standards to guide proposals and they are subject to review by the Development Review Board (DRB). He said the language used to be more specific but was found to be too inflexible. This draft tries to give opportunity for more comprehensive treatment.

Jamie Carroll said septic systems are a real issue when it comes to lake quality. Alex W. said that is the state's jurisdiction.

Joe I. said in regards to the setbacks on lake properties, in some cases, they could cause development to happen closer to the lake in fact. Maggie G. said in her opinion, anything closer to the lake than 75' is not a good idea.

Meg H. said she feels most people think towards accommodating the property owner first rather than accommodating water quality goals first. She said this should be discouraged. Conversions to year round are also bad for the lake, she said. Jamie Carroll said he disagrees with that, as modern septic systems actually make year round residence ok. He added that owning a second dwelling is actually more harmful environmentally.

Alex W. said the existing noncomplying structure language is uniform across all districts and suggested the Board craft a separate section of shoreline language to address that. Rolf K. said it might be instructive to see how Williston deals with this issue.

Alex W. said he will distribute to the Board Millie Archer from VCLT's "best in show" regarding water treatment.

***said advance consideration of the over-lay district does appear to partially solve some disparities between the towns around Lake Iroquois. Also, he would like to see a more comprehensive approach to the hills-to-shore impact of storm water, runoff and treatment.

Jim *** said Lake George does a superb job in education in this regard and he brought some of their documents to share with the board.

Alex W. said the Board should clarify what it is they want; what elements to focus on. Maggie G. said she will talk with someone from the Williston Town Offices. Joe I. said he will work on draft language specific to existing noncomplying structures and expansions. Grace C. said she will work on language for an over-lay district.

Energy Efficiency Zoning Revision Proposal (section 5.23.2 #1)

(Cont'd from 12/11/13 and 1/8/14 meetings)

Maggie G. updated the Board on some news she has gained from talking with Chris from the Efficiency Vermont office. She said new appliances must be Energy Star labeled but exceptions can be made to bring old appliances with you into a new home. She said while the Board had previously discussed the RBES opt-out option, this is probably going to be used so infrequently as not to be an issue; the Energy Commission is okay with that. The Energy Commission will prepare a packet for the Zoning Administrator and the Planning & Zoning Office to give out to applicants. They are also willing to make follow up calls to ensure understanding on the part of the land owner. While numbers are hard to pin down, she said, ultimately, the cost to the builder is minimum with incentives up to \$1,200.

The Board viewed the tiers of service currently available to builders and looked specifically at energy cost vs. savings (as relates to Energy Star; still awaiting the numbers as they relate to Energy Code Plus). Alex W. asked if the standards and savings are so close, why? What is the goal of the Boards' proposed change to ECP? Maggie G. said the third party verification is a great incentive. Grace C. said staying current and with the times is also important. Joe I. said the independent audit was the biggest deciding factor for him; the help, advice and direction offered to owners.

The Board briefly touched on Modular Homes as they relate to the standards. Alex W. said that because Energy Code Plus is not nationally recognized, that may be a bigger issue or concern from his perspective. The Board felt they needed to get more information regarding the modular home aspect.

Minutes of the 1-8-14 Meeting:

Maggie G. made a **motion to approve the 1/8/14 meeting minutes as amended.** Grace C. **seconded the motion.** Joe I. abstained as he was not present for the 1-8 meeting. The Board voted **5-0.**

Other Business:

Alex W. reminded the Board of the AT&T cell tower applications – Leavensworth Road upgrade proposal; new Tower proposal on Audrey Linn property in northeastern corner of Hinesburg (access from Williams Road in Richmond)

Rolf K. made a **motion to adjourn.** Maggie G. **seconded the motion.** The board voted **6-0.** The meeting ended at 9:51pm.

Respectfully Submitted,
Freedra Powers--Recording Secretary