

Town of Hinesburg
Planning Commission
February 12th, 2014
Approved 2/26

Members Present: Maggie Gordon, Joe Iadanza, Aaron Kimball, Rolf Kielman, Dennis Place.

Members Absent: Bob Linck, Tim Clancy, Grace Ciffo, Kyle Bostwick .

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

Public Present: Chuck Reiss, Russell Fox.

Joe I. chaired the meeting which was called to order at 7:36p.m. Joe I. started the meeting by asking if there were any public comments for non-agenda items. There were none.

Stormwater Regulation Revisions

The board reviewed engineer's (Jeff Zweber) comments and suggestions on the first draft of proposed Stormwater Regulation Revisions and discussed further work needed. Joe I. noted the suggested language that indicates "Roadside ditches & other constructed channels or conveyances are exempt from Town buffer requirements." He said he is not in favor of this language. Alex W. said the Town Zoning Administrator, Peter Erb, agrees with Joe I, noting specifically that some ditches in town do function like a stream and that a "constructed channel" would apply to the canal which has a defined flood hazard area with the state.

The recommendation from Mr. Zweber to modify or wordsmith the Purpose Statement was to address the promotion of best management practices *close to the water source*. Joe I., Maggie G. and Rolf K. all were in support of this reworking of the Purpose Statement.

In addressing Erosion Control, Mr. Zweber recommends applying *erosion prevention and sediment control requirements to all activities that are subject to the ordinance, including off-site locations that receive soil or fill from the project in question*. Alex W. said he thought the intent in the original draft was to not apply to all projects as the engineer recommends. Joe I. asked how to define "subject to the ordinance." Alex W. agreed, saying it is very broad. Joe I. suggested also that #2 in Erosion Control, in limiting the amount of un-stabilized soil exposed at one time to reduce the potential erosion on site, language should be more specific about when that stabilization should occur. Alex W. clarified that within 48hrs of the end point of construction work, the area should be stabilized for the upcoming season (i.e., late fall construction work needs to be stabilized for the upcoming winter). Joe I. voiced his concerns with developers who may see a way around this by simply delaying the final grade. Alex W. said in that case, the "no later than 21 days after initial disturbance" trigger would apply.

Rolf K. asked what were the required steps 1-12 being referenced in the language. Alex W. said those are referencing the small yellow erosion control hand-book from the state. Rolf K. asked if the erosion control plan requires a specific educational background or professional assistance.

Alex W. said not unless the language specifically states the work must be done by a qualified engineer, etc. which we tried to stay away from.

Dennis P. voiced his concerns that this language would include such things as cleaning out a ditch to improve its' effectiveness. Alex W. said only if that work already required a permit or was being done in the Village; the suggestion from Mr. Zweber is to push that town-wide. Joe I. said he feels the idea is good, but not the numbers.

Mr. Zwebers' feedback also suggested that if "there is more than 100 linear feet of disturbance to a channel, ditch or other concentrated conveyance of stormwater" or "more than 500 sq. of disturbance on slopes of 15% or greater" a project should require an erosion control plan. Dennis P. and Joe I. both felt that 500 sq. ft. is not a lot of area. Maggie G. said a lot of damage could be done in 100 linear feet, however. Alex W. reminded the board that the suggestion is for a trigger to force an erosion control plan to be submitted for review. There is no other onus required other than the submission of a plan.

Joe I. asked about creating a new ditch. Alex W. said this would be reviewed only if the project required a storm water control plan. Maggie G. suggested this is where the educational part could be applied—get people to consider where their storm water will go. Rolf K. said while it does have educational merit, if a project is not seeking DRB approval, they may not be dealing with this. Joe I. said normal maintenance on private property is not something the DRB deals with. Rolf K. said his feeling is to leave that suggested language out. Joe I. disagreed, saying he feels that conveyance is one of the biggest factors in stormwater quality. He went on to say that he does not feel that the 100' measurement is necessarily the right number. Rolf K. suggested "significant disturbance" language. Joe I. said then we run into what constitutes "significant". Aaron K. said he is inclined to say "any" disturbance. Maggie G. agreed. The Board felt it would be appropriate to reference the state handbook of Erosion Control as suggested recommendations/guidelines. The erosion control plan itself works as a reference and helps with enforcement and compliance issues.

The Board considered implications of adding to the state standards language to address extreme storm events (100yr.). Systems designed to the 20yr events should consider the impacts of those failed systems in larger storm water events. Mr. Zweber recommends the consideration of state waivers. While the state standards allow for flexible/creative design, we might want to tie to "no waiver available" language. Alex W. agreed to follow up more with Mr. Zweber on this.

The Board discussed the state standards, which offer no credit for removal of existing impervious surface area. Joe I. and Maggie G. were both vocally in favor of the suggested language that addresses removal of existing impervious areas and the ability to offset the proposed impervious area by doing this. Joe I. said there is a high bar set in the recommendation language, but he likes that and feels it is better than a zero net effect. He agrees, however, it is an expensive option, and therefore may not get used a great deal.

The Board reviewed LID (Low Impact Development) considerations. Joe I. felt the language should be left in.

The Board discussed the upcoming schedule and agreed to further discuss these proposed Stormwater Regulation Revisions at the March 12th meeting.

Energy Efficiency Zoning Revision Proposal (section 5.23.2 #1) Cont'd from 12/11/13, 1/8/14, 1/22/14 meetings

The board reviewed additional feedback from Efficiency Vermont as Energy Efficiency Standards relate to Manufactured homes, Accessory apartments and also discussed the Owner-built opt-out provision allowed by RBES.

After discussions with Chris Gordon (from Efficiency VT), Maggie G. said the incremental cost for Energy Code Plus upgrading is approximately \$2,500 with immediate savings and up to \$1200 in incentives (\$460 savings per year vs. a non-ECP built home) and continued savings for the life of the structure. As the energy standards relate to modular homes, Maggie G. said, Vermont and New Hampshire manufacturers are familiar with ECP.

There was some discussion around the modular home buyer's ability and responsibility to comply with ECP standards. Chuck Reiss spoke from the audience saying the changes to modular homes to meet the ECP standards are rudimentary and should be easily achievable. He cautioned against making exceptions or waivers for Modular homes.

Alex W. explained to the Board recent findings that reveal that Accessory Apartments cannot apply ECP standards unless the whole house can meet them (still needs to meet RBES standards). The Board agreed to make those exempt from the ECP standards and instead encourage builders who are doing renovations or additions to use the materials and specifications consistent with ECP.

Alex W. also explained to the Board that the Owner Opt-Out option is something the Energy Commission is not in favor of. The Board agreed that while they cannot regulate access to information, they can require owner-builders to have contact with Efficiency Vermont.

Dennis P. asked about seasonal camps and how they relate to the energy standards. Chuck R. said he believes the standards only apply to conditioned spaces to be used year round. Aaron K. suggested drawing from RBES language to address seasonal use structures. Alex W. noted the RBES exemptions. Dennis P. said he is personally in favor for the exception. Joe I. said he feels the ECP standards offer a good return on investment and he would like to keep the requirement. He said he foresees headaches with an exemption.

The Board had some discussion about the effect of their proposal as it impacts the work load of the Planning & Zoning Office.

Minutes of the 1/21/14 Meeting:

Joe I. suggested the Board table the 1/21/14 meeting minutes.

Other Business:

None.

Joe I. made a **motion to adjourn**. Aaron K. **seconded the motion**. The board voted **5-0**. The meeting ended at 10:19pm.

Respectfully Submitted,
Freedra Powers--Recording Secretary