

Town of Hinesburg
Planning Commission
March 26th, 2014
Approved 4/9/14

Members Present: Maggie Gordon, Tim Clancy, Joe Iadanza, Aaron Kimball, Dennis Place, Kyle Bostwick.

Members Absent: Grace Ciffo, Rolf Kielman, Russell Fox.

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

Public Present: Meg Handler, Andrea Morgante, Carrie Fenn, Chuck Reiss.

Joe I. chaired the meeting which was called to order at 7:36p.m.

VTel Wireless Telecom Facility Proposal (1570 Baldwin Road)

VTel Wireless, Inc. has a proposal before the Public Service Board to construct and install a wireless telecommunications facility at 1570 Baldwin Road, on property owned by Andrea Baldwin Haulenbeek. The parcel is approximately 13A currently developed with a single family residence and is largely forested.

A representative from VTel was unable to attend the meeting tonight. Alex W. reviewed with the Board a memo from Gordon Mathews which offered responses to four questions regarding the proposal.

Question #1 inquired whether or not the existing wireless telecom facility located on Leavensworth Road had been considered as a viable co-location option. VTels' response was that the Leavensworth Road location had been considered and rejected, as an installation on that silo would have significantly compromised VTels' planned coverage to the southeast and southwest.

Question #2 asked why the Baldwin Road facility was not being designed to allow for co-location of future carriers. VTels' response was that the Baldwin Road facility is designed to meet the VTel coverage and service objectives while limiting the aesthetic impact of the installation as much as possible.

Question #3 addressed concerns with the proposed access road, which appears to climb a very steep slope and the potential impacts of storm water runoff to Baldwin Road. VTels' response was that their review (citing ANR map data) indicates the proposed access drive would not require development on a slope greater than 25% (15-25%).

Question #4 asked about provisions to retain the woods around the facility. VTels' response was that they have an agreement which allows for initial clearing for the proposed facility only, and does not allow for substantial clearing of the woods on the property nor do they anticipate the need for significant trimming or clearing in the future.

Alex W. explained to the Board that while this is an application to the Public Service Board, which requires no local review, the Planning Commission is considered a statutory party and so can add comments to that review process if they wish.

Tim C. asked if this is a private arrangement. Alex W. said yes. Tim C. asked what is the Planning Commissions' perspective on such a proposal. Alex W. said the regulations speak specifically to these telecom towers. In addition, he pointed out that the Board may have some comments regarding the proposed access road. Tim C. said he feels the Commission should comment in regards to the steep slope disturbance of the proposed access road and the potential impacts from storm water runoff. He noted that the proposal impacts primary and secondary resources and he feels VTel should demonstrate mitigation practices to address the storm water concerns. Joe I. agreed.

Alex W. said the visual impact from this proposal does seem minimal (184' from road in a wooded area).

Andrea Morgante spoke from the audience, saying she agrees with concerns raised regarding screening and storm water runoff impacts of tree removal and would like to know about any vegetation management plans in place.

Carrie Fenn spoke from the audience, suggesting a requirement be requested that VTel replant what gets cut.

The Board agreed to have staff prepare a letter on behalf of the Hinesburg Planning Commission voicing their concerns and offering recommendations regarding minimizing steep slope disturbance and mitigating storm water runoff impacts to Baldwin Road.

Stormwater Regulation Revisions

(Cont'd from 2/12/14 meeting)

The Board reviewed proposed language for stormwater control and discussed feedback offered by Jeff Zweber (engineer). Joe I. voiced his reservations around language that indicates formal engineering and sign-offs. Alex W. said he refrained from including Jeff Z.'s suggested language in item #3 regarding post-development drainage patterns for similar concerns; he finds the language to be hyper-technical and would like to see more general language used. Tim C. agreed, saying he feels the proposed language is too exact, and would likely require an engineer. His concern remains who does the onus go on? He feels the onus should be on the developer to show what steps they are taking for mitigation.

Alex W. said the language proposed does extend the area to evaluate impacts on. Maggie G. said the expanded version is similar to what we have. Alex W. said yes and explained that erosion control is not included in the 100 year storm events.

Kyle B. asked if the language concern is in the reference to post-development drainage patterns which states "... *offsite drainage-ways shall be evaluated downstream to...where the contributing proposed on-site drainage area consists of less than 10% of the downstream drainage area.*" Joe I. clarified his understanding of the 10% reference to mean the point at which the area of the project is 10% under the total drainage area; not referring to the drainage amount, but rather the area.

Aaron K. said it takes into account what the site is draining through.

Maggie G. said while she appreciates simplicity, she wonders if our current language is too simple. Alex W. said the two questions are; 1) does the Board want language to reference rule TR-55 (evidence of 10% achievement) or less exacting language such as “evaluate downstream,” and 2) does the Board want to keep the language in the additional bullet points which reference more specific standards for impacts.

Joe I. said he is in favor of a “do no harm” approach which assures a project does not worsen existing conditions. He said he has concerns with the language in the second bullet point which references *existing* structures which he feels could potentially be impacting the ability for future development as an unintended consequence.

Dennis P. asked if our regulations reference a guideline stating runoff must not leave a development site faster post development than it did pre development. Alex W. said while that is a generally understood application, it is not specifically noted in our regulations. Dennis P. said if we do choose to use that type of reference, it would ensure no additional or adverse impact on neighboring land. Alex W. said this language is based on low storm events, but concedes it may be simpler language to use. The current draft states “*to the greatest extent possible...*” and “*...don’t overwhelm receiving areas...*”

Andrea M. spoke from the audience, saying there are strategies to decrease the storm water coming off-site with consideration to the site of the driveway, etc. With preplanning and proper engineering, she said, less infrastructure is needed. These solutions can be as simple as less lawn and/or fewer tree cuts. She said she agrees with Joe I’s concern on impact to neighboring undeveloped lots.

Alex W. said the issue remains with larger storm events; functions won’t detain the larger amounts of runoff. Dennis P. said if the land would have flooded even without the development, this should be taken into consideration. Joe I. said if the unbuilt land would flood in a 100yr storm, expect it to, if not, expect not. Dennis P. said without having seen it, how would you know? Alex W. concurred that we simply don’t have the answer to that; models can help but it is hard to know for certain.

Kyle B. said proposed language in #3 regarding post-development drainage patterns is flawed over-all in his opinion. Dennis P. also encouraged careful consideration to impact on town infrastructures (ditches, roads, etc.) Andrea M. spoke from the audience, saying Dennis makes a good point and referenced the grade (4%) maximum for ditches. As a tax payer, she said, the potential impact to town infrastructure is her primary concern. She feels strongly that there should be parameters to have an engineer help evaluate that.

Meg Handler spoke from the audience, saying the subjective language in the current draft is useless. Kyle B. said he remains a big proponent of mitigation practices and prefers not to limit landowners’ potential due to a lack of understanding. In this regard, he said he would like to hear from an engineer on this issue.

Joe I. said in regards to language that reads “...demonstrate that the plan will adequately control erosion...” what is the definition of “adequately”? Alex W. said the references for an erosion control plan are addressing the State Handbook for Low Risk Site Development; there are more stringent standards at the state level for higher risk sites.

Andrea M. voiced her concerns with language in the Purpose Statement which she feels may encourage short driveways, which may result in traversing and disturbing sensitive areas. Alex W. said terrain manipulation contributes to stormwater run-off and associated erosion sediment as well as impervious surfaces. Andrea M. said the reference to steep slopes mentions specifically a grade of 15%, while erosion certainly happens at lower grades as well. Alex W. said permitted projects require further plans if they meet these 4 criteria (as listed in Stormwater Control regulations). He said there was no magic in coming to the 15% grade threshold. Andrea M. asked what are the state thresholds? Joe I. said the state has much higher thresholds than we are proposing; 1A of impervious surface or disturbed area as opposed to our threshold of 10k sq.ft. and 3k sq. ft.

Dennis P. asked who will determine the grades on a project. Alex W. said staff has access to decent mapping software using GIS. Joe I. suggested requiring the applicant's narrative to demonstrate *how* they are following the state handbook if their project is triggered by any of the four criteria, or to any application. Kyle B. said he would prefer lowering that grade threshold to 10% rather than apply to every application.

Maggie G. said in her opinion, the thresholds we have set are reasonable and a low-bar. Dennis P. said he is ok with the proposed threshold of 15% on grades to establish a "steep slope" definition. Tim C. said he feels the numbers are arbitrary.

Maggie G. inquired on Low Impact Development (LID) practices, saying she feels the language as proposed "*shall be implemented to the maximum extent practical*" is too vague. Alex W. concurred, saying this speaks to the advice offered previously from Meg Handler, who said language should be clear and consistent to achieve its' objectives. Joe I. said LID use should be applied to development unless the applicant can demonstrate that they are unable to comply. Alex W. agreed that would work. Tim C. said he felt this was ok and it would put the onus on the developer.

Alex W. brought up a concern on behalf of the Zoning Administrator which is revisions to existing sites in the Village which have little or no storm water treatment on site. Incremental improvements to existing sites potentially create the need for an overall stormwater plan for sites that perhaps previously fell below the requirements to have such a plan in place. Maggie G. said this seems an important concern and recommended language should be updated to address this scenario. Tim C. asked if that language would only be applied to the Village Growth Area. Alex W. said perhaps it should be applied in the Industrial Districts as well.

Joe I. cautioned against language in the LID section of the regulations, regarding independent consultants, "*...cost shall be minimized to the extent practical*" saying we want to ensure developers get the right independent consultation, not the cheapest.

[Energy Efficiency Zoning Revision Proposal \(section 5.23.2 #1\)](#)

(Cont'd from 12/11/13, 1/8/14, 1/22/14, 2/12/14 meetings)

The Board discussed the idea of an owner-builder opt-out option in regards to the energy efficiency standards. Maggie G. said she can't imagine anyone who would want to build in such a non-efficient manner that they incur themselves higher yearly bills.

Kyle B. said this may come down to a verification issue. Maggie G. suggested there should be a way to ensure that if a structure is built using this opt-out option, that it is the owners choice and not simply a way for a developer to build cheaply and sell an inefficient home. Alex W. said there is no provision that says you cannot sell. Chuck Reiss spoke from the audience, saying there is an administrative concern with this as well in determining if the applicant is truly meeting the criteria as an Owner/Builder to qualify for this exemption. Alex W. said currently, RBES self-certifies that. Chuck R. said compliance is not dealt with state-wide but that is changing. If the Board is going to consider requiring compliance, it will need staff to determine the qualification of the applicant. This adds another layer of bureaucracy to the process. In his view, exempting them does not make practical sense. Carrie Fenn spoke from the audience, saying she agrees with what Chuck has said.

Tim C. voiced his frustration at this discussion, saying he doesn't understand what the Town's interest is in an individual's decision to build their home as efficiently or not as they choose. Tim C. said he still does not understand and he feels strongly that the trade-off should be the owners' to manage. In his view, this is ideological and again, he cannot see what the Town's compelling interest is. Joe I. said this is also mentioned in the Town Plan and relates directly to housing value, property taxes and housing stock longevity. Aaron K. added that we are trying to keep ahead of the state standards. Joe I. said in addition, ECP (Energy Code Plus) offers advice, incentives and audit at no additional cost to the owner. Maggie G. added that verification offered through Efficiency Vermont also helps in taking some of that burden off the Zoning Administrator. Dennis P. said he agrees with Tim C.'s position on this. In his opinion, logic says that builders try to build to the most efficient standard as possible. He does not agree with forcing building practices on owners. Joe I. said owner-builders may not be aware of their options or of better alternatives available. Tim C. said that's inferring the option, but this proposal makes it mandatory. Chuck R. also added that the increase in cost is negligible (\$2,500 for a 2,000 sq.ft. home) and the incentives (up to \$1,200) make ECP a feasible option for owners and that ultimately, it is not a big jump in standards from RBES. Tim C. said in his opinion, this is not a compelling town interest.

Joe I. said this remains a bit of a pathological issue, and said we should still do more on the education side of the process. Alex W. said there is a waiver option to go before the DRB (Section 5.23.1).

Regarding modular homes, Maggie G. said Efficiency Vermont has the ability to deal with this. Chuck R. said Energy Star is a national program, and therefore manufacturers know the requirements. Dennis P. asked if the standard will apply to Log Cabin homes. Chuck R. said he does not believe so but is uncertain. Dennis P. suggested a provision for that.

Kyle B. said he feels there should be an exemption allowed, while still asking owners to build to the standard.

Tim C. reiterated his stance that he does not agree with or understand the goal here; the logic doesn't make sense.

Joe I. made a **motion to approve the bylaw proposal and send it on to the Selectboard with the owner-builder exemption and waiver option for exceptional cases.** Dennis P. **seconded the motion.** The Board voted **5-0.** Tim C. abstained from this vote.

Minutes of the 2/26/14 Meeting:

Maggie G. made a motion to approve as amended the 2/26/14 meeting minutes. Dennis P. seconded the motion. Tim C. abstained as he was not present at the 2/26/14 meeting. The Board voted 5-0.

Other Business:

*Joe Colangelo's last day as Hinesburg Town Administrator is Friday, March 28th. A selection committee has been chosen to find a new TA; they are expected to have a recommendation by June 1st.

*The application for a Wireless Telecom Facility Proposal has been withdrawn by AT&T.

Election of Officers:

Maggie G. made a motion to nominate Joe Iadanza as the Hinesburg Planning Commission Chairperson. Dennis P. seconded the motion. All in favor, the Board voted 5-0.

Kyle B. made a motion to nominate Maggie Gordon as the Hinesburg Planning Commission Vice Chairperson. Joe I. seconded the motion. All in favor, the Board voted 5-0.

Joe I. made a **motion to adjourn.** Maggie G. **seconded the motion.** The board voted **6-0.** The meeting ended at 10:12pm.

Respectfully Submitted,
Freedra Powers--Recording Secretary