



Town of Hinesburg
Planning & Zoning Department
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MEMORANDUM

TO: Selectboard & Interim Town Administrator
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: April 9, 2014
RE: Energy Efficiency Standard – Zoning Regulations Revision Proposal

At their March 26, 2014 meeting, the Planning Commission (PC) voted to forward a zoning revision proposal to the Selectboard. This is a revision to our existing energy efficiency standard for new homes – section 5.23.2 #1 (Zoning). See the attached two-page document with the proposed revision and background information. I'll also work with our webmaster to get this material up on the Town website.

As you probably remember, we used interim zoning to temporarily change this section of the regulations on 12/19/2011. That interim zoning will expire on 12/19/2014. The Planning Commission held a public hearing on proposed changes to this section of the zoning on December 11, 2013. Pursuant to State Statute, if the Selectboard does not act on the changes within a year of that public hearing, the changes will be considered rejected. In other words, 12/11/2014 is really your deadline for action. If the Selectboard adopts the changes, then the interim zoning will be replaced and section 5.23.2 #1 will be revised. If the Selectboard rejects or doesn't act on the changes, then the interim zoning will expire on 12/19/2014, and section 5.23.2 #1 will revert to the much more stringent Energy Star requirement for construction of new dwellings.

The two-page proposal includes a discussion of the history and rationale along with the current language for section 5.23.2 #1, the interim zoning language, and the proposed language. In a nutshell, the proposal is to require new homes to meet the Energy Code Plus efficiency standard promulgated by Efficiency Vermont. This standard is a middle ground – i.e., slightly more stringent than the required statewide minimum (RBES – Residential Building Energy Standard), but not as stringent as the Energy Star standard.

Now that you have the PC proposal, here are the remaining steps in the process:

1. Review the material and decide if you want to make any further changes. The Planning Commission spent a lot of time discussing substantive comments from the Energy Committee and the Zoning Administrator. I recommend the Selectboard review the proposal at a regular meeting, and allow an opportunity for additional comments BEFORE the Board makes any revisions or holds the required public hearing.
2. Make any changes and then schedule a public hearing.
 - a. Public notice/warning must be 15 days prior to a hearing.
 - b. There are special warning requirements (VSA Title 24, Chapter 117, Section 4444).
 - c. Any changes to the proposal must be filed with the Town Clerk and PC.

3. Hold the public hearing.
4. Decide if further changes are needed.
 - a. If you make ANY further changes (except for grammar, punctuation, numbering, etc.), then you must warn and notice another public hearing.
 - b. If you make no changes, then you can proceed with adoption.
5. Adopt the Zoning Regulation revisions*. You can do this at the same meeting as the public hearing if there are no additional changes. You simply need to close the hearing first.

*** Note – if the revisions are not approved by 12/11/2014, they are considered disapproved.**

Normally, the Selectboard takes action by voting on zoning regulation revisions. However, you can defer to the voters, and hold a town-wide vote (via Australian ballot) on the proposal instead of a simple Selectboard vote. If the Selectboard does take action to adopt changes, citizens do have the right to petition for a popular vote on the proposed changes. A petition by at least five percent of the voters, filed within 20 days of Selectboard adoption can force a popular vote on the regulation revisions – via Australian ballot.