

Town of Hinesburg
Planning Commission
September 9, 2020
Approved October 14, 2020

Members Present: John Kiedaisch, Maggie Gordon, Marie Gardner, Denver Wilson, Rolf Kielman, Barbara Forauer, and James Donegan

Members Absent: Dan Myhre and Dennis Place

Public Present: Vaneska Litz, Dave Harper, Jennifer Chiodo, and Andrea Morgante
Eric Phaneuf- *Aegis*
Jack St. Louis- *Vermont Astronomical Society*
Jake Clark- *Encore*

Also Present: Alex Weinhausen (Director of Planning & Zoning) & Laura Sau (Recording Secretary) arrived late but caught up on notes via VCAM footage.

Maggie G. chaired the meeting, which was called to order at 7:05 PM.

- I. **Remote Meeting Connection & Procedures:** Meeting was held remotely due to the current State of Emergency in our best conformance with the Governor's executive order.
 - a. Mute/ unmute at lower left of screen with microphone icon. Alex W. will mute people if there are echoes.
 - b. Identify yourself when you start to speak since not all participants are on video.
 - c. This meeting is being recorded by VCAM
 - d. If there are bandwidth issues and audio is crackling, you can try turning off the video and using only audio.
 - e. Chat has been disabled.
- II. **Agenda Changes:** None
- III. **Public Comments for Non-Agenda Items:** None
- IV. **Solar Energy Projects on Town Property**
 - a. *Intro:* Alex W.- Energy Committee put out a request for proposals, so that solar companies could respond with potential projects on town property. Selectboard selected proposals to pursue.
 - Old Landfill Location on Observatory Rd. off of North Rd. (already capped and remediated)
 - Vermont Astronomical Society- has an agreement with town for an observatory in that area.
 - Below is Town Garage Site/ Gravel Pits/ Chittenden Solid Waste Transfer Station (topographically separate site)
- V. **Aegis Renewable Project-** Old Landfill Location (identified as a preferred solar site)
 - a. Eric P.- Layout isn't 100%- won't be much different than proposed but may be shifted in location.
 - Existing Astronomical structures. Land Use agreement between Astronomical Society and

- Town of Hinesburg- which includes entire flat surface.
- Plans to meet with Jack St. Louis, President of VAS, on-site to discuss- to workout a compromise. Otherwise, will have to move everything onto cap.
- Community-owned project
- Costs effects future community member owners.
- b. Alex W.- sought input about drafted letter of recommendation.
- c. John K.- Asked about VAS and Aegis relationship. Very supportive of solar.
 - Jack S.- 1993- VAS Contract with Hinesburg
 - 2017- Contract Rewritten, 2018- signed- With use of whole area
 - Not used as a public site- too much potential for injury (Use is in the dark)
 - Members with occasional guests- Sometimes Parking lot area is full
 - Optimistic about figuring out something that works for both VAS and Aegis
- d. Eric P.- Didn't know about VAS agreement with town until last week- not part of RFP materials
 - If known, would've engaged VAS a long time ago- and respond with budget, location, etc. After meeting with Jack, final design and reevaluation of budget will be submitted.
 - Process will happen quickly—PUC biannual order approaching- will affect rates towards projects.
 - Preferred site letter is sufficient for now, and the town can have more input later.
 - Map given didn't show cap boundary- found out that half of array is on the cap, half is off-- \$22,000 budget change—still has to do walkthrough with VAS too
 - Aegis is doing the building/ permitting, Financial partner is Acorn Energy Action Group (out of Addison- history of some community projects- will get community investors and tax investor) With uncertainties, doesn't know if they can get application in prior to rate change.
- e. John K.- If letter is submitted for P.C. in time, and the project tanks later, there's not problem?
 - Eric P.- No
 - Board didn't see a problem with submitting letter, as long as screening is worked out. Eric agreed, but included that PUC application isn't place to include screening conditions. Can figure out before site plan application and permitting process.
 - Eric P.- 45 day advance notice prohibits from submitting prior to that. PUC hasn't announced when biannual order will occur (usually is early May- with effect in 60 day window) Uncertain due to COVID changes.
 - Wants to get letter in case there is a sudden announcement from PUC.
- f. Alex W.- There will be letters from Planning Commission, Selectboard and Regional Planning Commission. Has been coordinating at regional level for letter.
 - Can use letter as drafted or rewrite
 - In past, when received pre-notice of filing, PC makes recommendations for PUC and Applicant so that applicant can point out items of concern addressed.
 - Can leave screening in there
 - Eric P.- Fine with leaving in reference to 5.6.6. —P.C. will still have opportunity to object in Site Plan stage
 - Alex W.- Pre-notice helps P.C. from getting involved in PUC process.
- g. *Concern:* Jack S.- No one notified VAS about this project until Aegis sent them the packet.
 - Alex W. apologized for no town notice or communication from Energy Committee/

Selectboard

- h. Alex W. displayed the site map from 'landfill solar project notice 8-21-20'*
 - i. Rolf K.- asked about the current parking lot for the flow of significant people.*
 - Jack S.- Sometimes only a few, sometimes a dozen or so depending on guests
 - j. Eric P.- Cap is on the west*
 - k. Rolf K. asked about additional cost*
 - Eric P.- Landfill closure amendment that needs to be filed with permits: \$8-15,000 in Engineering
 - Instead of building with driven piles in gravel (You can't pierce the cap), have to use concrete form on-site. Ballasted Approach. Wire runs in metal conduit above ground with some labor and material costs.
 - l. James D.- Recently visited and identified a wide-open gravel area that seems to have plenty of space for parking.*
 - *Clarification:* Alex W.- Gravel area isn't in the public domain. In the past, the family was in talks with the town about making it a public road, but it never happened, so past the boulder is private.
 - Jack S. asked if the land beyond boulders was better for solar,
- VI. Barbara F. made a motion to approve the site letter request for Aegis Renewable Energy Project as written. Rolf K. seconded the motion. The board voted 7-0**

VII. Encore Project- Wastewater Lagoon Location

- a.** Alex W. introduced project- have a solar array at wastewater lagoon (South of Lagoon on Town Property) First solar in town. Town wants to add to it. Land won't be used for wastewater in the future so solar is desired. There are limitations on that site- flood hazard area and significant class 2 wetlands. Discussion is underway on possible alternative sites.
- b.** Jake C.- Planning commission doesn't need to take action tonight but would like to collaborate to identify ideal sites in Hinesburg.
 - After wetlands was identified, set Environmentalist to 2 additional sites.
 - Part of LaPlatte Headwaters Town forest near 116 and Gillman Rd, across from 116 Lavigne Hill Rd.
 - Vast majority of those 2 fields are also class 2 wetlands, prohibiting solar development as well.
 - May have identified a few other sites, such as Geprags Park, where a wind demonstration has happened.
- c.** Alex W.- LaPlatte headwaters would not work, but town property on Piette Rd, where underground water storage is located, additional land there might be well suited.
 - Geprag's educational event gave power to the library
 - Land is deed restricted
 - a. Recreation, Conservation, Education uses
 - Jake C. Encore interested in investigating both sites
 - Piette Rd(with water storage)- Challenge because that part of town is VEC Service territory
 - GMP is easier to work with than VEC on net metering concepts

- Look more into Geprags Park
- 3rd Option: Interested in 3rd party site, if designated as preferred site. Possible “virtual net metering”- Agreement where Town would receive similar discount as lagoon.
- d. Jake will communicate with his team and will continue communication with Planning Commission.
- e. *Proposal:* John K.- referenced limited uses of Geprag’s property- education
 - Would be wonderful if solar project would have educational component. Importance of solar
 - Possible networking with CVU which combines 5 communities
 - Jake C.- Will keep in mind and sees synergy of solar use and education

VIII. Contractors Yards & Vehicle Repair Regulation Revisions

- a. Alex W.- 2019 PC talked about action item in town plan—look to revise regulation on contractor yards
 - Occasional requests for new contractors yards. – regulations make it difficult to identify new yards
 - A public form hadn’t happened until last September where a subcommittee was formed.
 - Draft language was written
 - Alex revised, Draft 2 is presented
 - No action for tonight.
 - Maggie discussed public outreach, one on one via phone call.
- b. Maggie G.- Disclosed that she works for a law firm, which has been involved in 2 contractor yards cases. She has asked to not work on those cases at work.
 - Discussed the length of the Contractors Yard’s draft, whether to keep it specific and long, or shorter and concise. These are longest of any Vermont town they’ve seen.
 - Never discussed motor vehicle repair shops?
 - *Clarification:* Alex W.- Other draft split in two sections, new draft combines them.
 - Could vehicle repair come out of 5.3 entirely, and have a paragraph in 5.1.2?
 - New vehicle repair services will be entirely inside of a building, only parking of vehicles will be outside. 5.3 will only reference contractors’ yards.
 - Maggie agreed.
- c. John K. – Company on North Rd.- takes care of his driveway. He doesn’t have a problem with them- identified his good business relationship.
- d. Rolf K.- curious. How many contractor yards/ vehicle repair exist in community?
 - Perceived modifications- what are the things that stand out as constructive changes compared to current regulations?
- e. Alex W.- in 90’s town didn’t have regulations
 - Revision was made in current regulations about grandfathered yards
 - Form was filled out with zoning
 - Legally, odd thing to have done. Legally, any yard who chose not to fill out paperwork could still operate.
 - Grandfathered- HLG, Ross Orvis excavating, Lyman excavating on Gillman Rd.; Parent construction on North rd.
 - Others are listed including landscaping. Vehicle repairs weren’t listed, such as, Munson on Buck Hill Rd west.

f. Alex W. displayed draft of Zoning Regulations

- 5.3 – nothing substantial- clarifying that they're home occupation
- Change of definition- 5.3.4 – storage of equipment and material, but not to be used on property.
 - New definition extends to landscaping and similar uses.
 - Explains more clearly what the regulations mean by equipment and materials
 - How much you have to have (equipment/materials) to be considered a contractor's yard
- 3 or fewer vehicles of a certain size is qualified not as contractor's yard, but normal home occupation
- 2 or more pieces of specific equipment, not including trailers
- 4 or more pickups/panel trucks, 2 or more skidsteers/mini-excavators, 2 or more tractors, 4 or more commercial mowers, 1 or more heavy equipment (dump trucks/excavators), 1 or more gravel or sand screeners
- Current regulation isn't as specific, and don't carve out space to allow 3 pickup trucks *and* a mini-excavator or skid steer and not be a contractor's yard.
- If business doesn't meet minimum, they won't be reviewed under strict regulation of contractors yard, but would still need to be reviewed as home occupation.
- Maggie- reasoning for someone to carve out space for lawn mowing / plowing space with trailer. Space to grow business before being a contractor's yard.

g. Alex W.- Location- current regulation specifies how large of a lot and how far from other residential uses, and distance from property boundaries. Distances has made it difficult for more properties to be suitable for additional contractor's yards.

- Draft normalizes lot sizes at 2 acres (instead of varying by use)-
- Setbacks- 50' from property boundaries and traveled edge of roads, 75' from stream and water bodies, eliminates separation boundary of residential home.
 - *Versus current regulation--* 600' from residence and adjacent dwelling, 200' from property line and 100' from centerline of road—which makes it limiting for possibility
- *Proposal: Noise Limit*
 - Acknowledges limited noise for starting up equipment, loading trailers and unloading of materials and machinery
 - Can't cause disturbance to surrounding property or extended period of time each day.
 - Gravel screening limited to 1 hour a day
- Still recognizes grandfathered yards and expandability
- Can't transfer to new owner (via selling residence) without coming back to town and getting permit, and – includes intergeneration

h. Marie G.- Must live on property?

- *Clarification: Alex – Yes*
 - HLG excavating- has had a formal notice of violation issued to Brad (son who inherited business after passing of father, but son does not live at residence)
 - Draft does not change required residency rule

i. John K.- What properties are grandfathered? Procedure explained in the past?

- *Clarification: Alex W.- 4 Grandfathered now: HLG Excavating (North Rd), Ross Orvis Excavating*

- (North Rd), Parent Construction (North Rd), Lyman Excavating (Gilman Rd.)
- Other businesses are either out of compliance, ie. White Tail Excavating (Has a notice of violation issued), and a few others which haven't been checked yet to see if they would shift from Home Occupation to Contractor's Yards
- j. Rolf K- Process? Is it just zoning administrator scrutinizing around town?
- What is methodology for innocent people stumbling into this area? Or is it just attention?
 - Alex W.- largely the latter
 - Some people know, but sometimes neighbors notify town. Home occupations, if the business address is at home, has to get a permit. Sometimes has to be done by zoning administrator and some has to be presented to DRB.
- k. *Concern:* Rolf K.- Interested in farm activity abusing status
- Alex W.- Agricultural is exempt from municipal for agricultural practices, agricultural structures and forestry practice. However, state and town do distinguish between agricultural operations and non-agricultural operations on farms.
 - Haven't pursued farms using machinery for non-agricultural activity.
 - Acknowledged that farms do tend to have a lot of equipment so visual drive-by inspection doesn't give enough detail about operations/use of equipment.
 - Rolf K concerned about regulation abuse
 - Alex W.- Part of effort is outreach. Welcomed a conversation off-call about specific instances
 - Maggie G. – rural area zoning- increase options for farmers- farm stands, bed and breakfast, etc. to enable maintaining working landscape
 - Alex W.- Encouraged a broad outreach to farms, not just about contractors' yards.
- l. John K.- Required signs for home occupation?
- *Clarification:* Alex w.- No, but allowed small sign
- m. James D.- Hours of business- is it required for all businesses?
- Alex – More sensitive for home occupation because in residential area. Can't disturb neighbors
 - James D.- Has heard excavating friends talking about hours and trying to make it work. As a business owner himself, it's hard to hear that they are told when to work. Can't come home with equipment after 6pm?
 - Alex W.- Loud loading of material, loud machine beeping, or loud diesel engines.
 - Maybe be more prescriptive about types of uses in draft
 - John K.- Agrees with James, from his experience as architect on construction sites.
 - Many contractors have to go far distances to get to where the work is, so limiting hours
 - Maggie – how do we make it fair for everyone?

IX. Maggie opened the discussion to the public.

- a. Denver W.- Contractor yards specifically because of noise. Should it be any home business that makes a certain amount of noise for an amount of time.
- Alex W.- Interesting point. Standard home occupation shouldn't be generating noise.
 - Have had bad luck regulating noise in town. No noise ordinance.....
 - Any time talk to land attorney about noise- difficult to enforce, difficult legally to

pursue. Need a decibel level to determine what is loud.

- Marie G.- Outside storage of materials is very different. Even in commercial – outside storage can only be in certain areas

b. Dave Harper and Jenn Chiodo

- Lives next to HRG
- Draft is Trying to make it easier for this type of business in town.
- Reducing setbacks seems it encourages new businesses, and expansion of current businesses.
- Draft allows landscaping to do screening of materials, which was not allowed in current regulations.
- Intent is for Hinesburg Residences to have a home occupation.
- HRG has an out of town owner.
 - Regulation draft says, “An owner of the business”
 - Business next to them is an LLC, so there’s a possibility that a small owner is at the residence, but majority is out of town.
- Structures- doesn’t allow more than 2,000 sq ft., but new draft is 4,000 sq. ft.
- Seems like draft accommodates existing businesses in town, not for new business in town.
- *Concern:* Jenn C.- Noise-- Understands it’s hard to regulate.
 - Seems hard to enforce, language doesn’t always align
 - Reminds that these are businesses in residential areas
 - “Image this happening next to your house”

c. Maggie G. – All grandfathered yards would be out of compliance.

- Current regulations would make it difficult for anyone outside of agricultural area to develop a yard
- Dave H.- zoning areas for contractors’ yards in Hinesburg- ie. North Rd.
 - Alex W.- doesn’t think there has been conversation in the past about zoning contractors yard area of town
 - Have had conversations with potential business owner about Industrial 1 District on south end of Hinesburg- Zoned Heavy Industrial Area-- Not zoned for residential uses.

d. Vaneska L.- Neighbor to HRG

- Concern- trojan horse- need to be careful about what is permitted. Could be a segue from small scale residential to large scale in residential area
 - Large earth moving and embankments being filled with concrete
 - What are the next steps in public consultation?
 - Didn’t have any issue until this year. When it was scaled onto large scale- selling soil on internet to anyone.
 - Doesn’t want to make it personal
 - Wants to know next steps
- Alex W.- Requires a formal public hearing if there are changes to the zoning regulations. There will have to be a formal public hearing notice 15 days ahead, and tries to do a good job on Front Porch Forum and around town. Those would be the required steps if pursuing forward.
 - Tries to do public outreach to both contractor yard owners and other stake holders, such as neighbors, for input on specific questions to calibrate proposed draft

- Difficult times to get enough public attention/input effort
- This meeting is a check -in to see if Planning Commission is ready to outreach to public. When public meeting occurs, the PC can then revise and submit to the Selectboard, who will also have a formal public hearing. Selectboard can decide if to adopt or kick back to PC for more revisions.
- Maggie G.- There will be more meetings to revise and gain input.
- John K.- Alex posts agendas on Front Porch Forum and invites more public to join in.
- Alex W.- Will directly e-mail present public to invite to further meetings.
- e. Alex W.- Last time James raised a good question on definitions
 - Anybody has definite confusion?
 - Maggie G.- Prefers to get feedback from PC as a whole. – Need more vetting before outreach
 - Marie G.- Hasn't had a chance to read. Need more time for discussion
 - Other board members agreed.
 - Will schedule for an upcoming meeting, and go line by line.
- f. *Proposal:* James D.- Definition of when a contractor no longer qualifies and must move to industrial area. (Maximum size yard)
 - Maggie G.- good point- and should it based on zoning area they're in?

X. Minutes of August 26 Meeting

- a. Will be included in next meeting.

XI. Other Business and Correspondence

- a. Agenda for next meeting:
 - Architectural design standards if received updated visuals after feedback.
 - Contractors Yard is queued for line by line discussion. Encouraged Rolf to email comments if he won't be attending.

The meeting adjourned at 9:06 PM.

Respectfully submitted,
Laura Sau, Recording Secretary

