

Town of Hinesburg
Planning Commission Meeting Minutes
October 14, 2020

Approved November 11, 2020

Members Present: Maggie Gordon, Barbara Forauer, Marie Gardner, John Kiedaisch, Dennis Place, Denver Wilson, Rolf Kielman

Members Absent: Dan Myhre, James Donegan.

Also: Alex Weinhausen (Director of Planning & Zoning), Jennifer Chiodo

Maggie G. called the meeting to order at approximately 7pm.

Meeting Procedures:

Alex W. explained the meeting was being held remotely via Zoom due to the covid-19 state of emergency and the closure of the Town Office. He reviewed remote meeting protocols.

Agenda Changes:

None.

Public Comments for Non-Agenda Items:

None.

Contractor Yard & Vehicle Repair Regulation Revisions:

Continued from 9/9/20 and 9/23/20 meetings.

Contractor Yard Revisions

Alex W. reviewed draft two of the changes to the contractor yard section of the zoning regulations (section 5.3) – draft 2, last updated 10/8/20. He indicated that he made changes per the discussion at the last meeting.

Alex W. reviewed the changes made to the contractor yard definition section. He said this draft is based in part on the existing language in section 5.3, and the Commission's direction at the last meeting to revise it for simplicity and so that it doesn't read in the negative. He noted that the contractor yard use is defined in section 10.1 (definitions), and that it is a stand-alone use in three industrial zoning districts – i.e., where it is not tied to being a home occupation. He recommended keeping the definition in section 5.3 similarly broad with a specific exception for small-scale home occupation contractor yards.

Discussion ensued on the contractor yard definition, and the best way to distinguish small-scale operations (e.g., lawn mowing business) that need not be reviewed under section 5.3, and instead could simply be reviewed as other home occupations are under section 5.1. Rolf K. and Marie G. reiterated an idea that Denver W. raised at the previous meeting about considering a weight test for unregistered equipment. Denver W. suggested that his pickup truck (for personal use) weighs 7,000 pounds, and that perhaps a weight test could apply to unregistered equipment rather than registered vehicles. Barbara F. recommended rewording the small-scale exception draft language so that it is clearer what the "two or fewer" refers to. Alex W. said the intent with the wording was to grant the small-scale exception to contractor yards with two or fewer vehicles or pieces of heavy equipment (not including trailers). Examples that would qualify for the exception: two pickup trucks; one pickup truck and one excavator; two dump trucks; one dump truck and one excavator. Alex W. noted that a definition of heavy equipment is likely still needed.

There was discussion about having a broad definition of heavy equipment, to include smaller pieces like Bobcat brand loaders and excavators. Marie G. noted that some of those smaller Bobcat-type pieces of equipment don't seem like heavy equipment. Maggie G. wondered if there was a way to apply the small-scale exception to landscapers. John K. noted a trades website which lists different types of equipment, some of which (Bobcat loader) is listed as light duty, but still falls within the larger definition of "heavy equipment." Dennis P. said there is a difference between a lawn mowing business and a landscaping business that has invested in an excavator or any size. He said he is fine with having lawn mowing businesses qualify for the small-scale exception, but that most landscaping businesses should be reviewed as a contractor yard under section 5.3. Denver W. wondered if there could be some leeway for lawn mowing businesses that invest in a single small piece of equipment. Dennis P. felt that once the business is doing more than lawn mowing (even if with just one piece of equipment like a Bobcat), it should be reviewed under section 5.3 just as any other contractor yard would be. Marie G. agreed that it makes sense to have a bright line to distinguish between lawn mowing businesses and others that use heavy equipment – even if that equipment is small-scale like a Bobcat loader or Bobcat excavator. Dennis P. noted that tractors are used for lawn mowing and field brush hogging, so lawn mowing home occupations with tractors should still qualify for the small-scale exception from section 5.3. Marie G. and John K. agreed, and cited examples of such home occupations in Hinesburg.

Dennis P. clarified that he doesn't think the small-scale exception should apply to any business with heavy equipment. He feels that excavating equipment should trigger review under the contractor yard provisions in section 5.3. Alex W. reiterated that the draft language doesn't accomplish this. The draft language would allow a small-scale contractor (e.g., one dump truck, one excavator) to utilize the small-scale exemption, and be reviewed as a conditional use home occupation without meeting the standards in section 5.3. Maggie G., Marie G., John K., Barbara F., and Denver W. indicated that they were OK with the flexibility on this front in the draft language. Alex W. said he would revise the language to provide examples of types of businesses and clarify the number of vehicles and equipment.

Maggie G. moved the Commission through the rest of the contractor yard sections in the draft – e.g., location, setbacks, screening, amount of equipment, size of structures, etc. She noted that minor revisions had been made to the hazardous materials section and the containment of outside materials section. She noted that we are still awaiting input from the Town Attorney on the grandfathered yards section and the transferability section. Alex W. noted that some feedback was received on these two sections from Susan Senning at the VT League of Cities and Towns. However, VLCT still recommended getting advice from Town counsel.

Alex W. noted that the Town Attorney had previously said that our current qualitative noise standards would be more difficult to enforce in court than quantitative noise standards referencing specific decibel level limits, duration time for such noise levels, etc. Maggie G. said that tackling noise performance standards would be a large project, and might be something to consider as a separate project as part of next year's work plan. Denver W. said it would be good to address for contractor yards, but it could be done as a separate performance standards update.

Vehicle Repair Service Revisions

Alex W. suggested that vehicle repair service home occupations could be handled with a paragraph or two in the conditional use home occupation section (section 5.1.2), rather than in an extensive, separate section like contractor yards in section 5.3. He said just a few issues need to be addressed: districts allowed, screening, and a limit on the number of vehicles. Other issues are similar to other conditional use home occupations, and would be addressed during the conditional use review pursuant to the normal home occupation standards.

John K. asked whether hazardous wastes would be adequately considered. Alex W. said that a review of this would be covered by the existing home occupation performance standards – particularly section 5.1.3(3). He suggested some acknowledgement that vehicle repair services may use a bit more than a “minimal amount” of motor oil, antifreeze, etc. John K. said he’s fine with this as long as it is addressed, and is part of the conditional use review process.

Maggie G. felt it made sense to do a simplified treatment of vehicle repair services, to be included as a paragraph or two in section 5.1.2. Marie G. and Barbara F. agreed, and there were no objections from other Commissioners.

Work Plan & Budget:

Alex W. said he is developing the proposed fiscal year 2022 planning and zoning budget for presentation to the Select Board in the coming months, and then the voters at Town Meeting in March. He said this is a good time for the Planning Commission to review the status of current projects, and discuss new projects for the next 18 months or so. He summarized the Commissions current projects, including:

- Town Plan revision – energy chapter update
PC public hearing on October 28. Hope to forward to Select Board in December 2020.
- Zoning revision - Village growth area – architectural design standards & retail size cap
Awaiting design illustrations and finalization. Hope to hold a public hearing in February 2021 and forward to Select Board by spring 2021.
- Zoning revision – home occupation contractor yards and vehicle repair services
Hope to hold a public hearing at December 9, 2020 meeting, and forward to Select Board in January 2021 pending public input.
- Zoning revision – water/wastewater allocation scoring system
Public hearing held in February 2020. Project on hold pending resolution of an issue raised about timing of allocation for businesses.

Alex W. reviewed some ideas for future projects including:

- Zoning revision for cannabis establishments pursuant to this year’s passage of the cannabis tax and regulate law (S.54, Act 164).
- Zoning revision for river corridor regulation updates.
- Zoning revision for village growth area density allowances and bonus changes.
- Zoning revision for village growth area miscellaneous issues – e.g., mixed use definition, allowed uses, etc.
- Zoning revision for rural residential 1 district
- Zoning revision for shoreline district.

He said this was a good time for Commissioners to suggest other projects that they might be interested in and want to prioritize – possibly related to action items in the Town Plan.

John K. said he would like to prioritize work related to climate change and implementing the action items in the energy chapter of the Town Plan. Barbara F. agreed that work on energy issues was important, along with updating zoning regulations for consistency with State river corridor protection recommendations. Denver W. said he’d like to focus on village growth area issues. Marie G. said she is interested in village growth area density allowances.

Meeting Minutes – September 23 and September 9:

Barbara F. moved to approve the minutes of the September 9, 2020 meeting. John K. seconded the motion. The motion passed 5-0 with Dennis P. abstaining, and Rolf K. not participating due to Zoom issues.

Alex W. noted a correction to the September 23 minutes – bottom of page 2, should read “Screening” instead of “Screaming”. Dennis noted a correction on page 2, letter h, regarding something he said – should read “in excess of” instead of “in excess off”.

Barbara F. moved to approve the minutes of the September 23, 2020 meeting as amended. John K. seconded the motion. The motion passed 6-0 with Rolf K. not participating due to Zoom issues.

Other Business:

Alex W. noted that after discussion earlier in the week, Maggie G. had decided to cancel the October 28 meeting so as not to conflict with the Select Board’s information meeting on the wastewater treatment facility upgrade bond and the ambulance question. The PC public hearing on the energy plan changes to the Town Plan had been scheduled for the October 28 meeting, so this will need to be bumped to the next meeting on November 11. After some discussion about moving the meeting to a different day (e.g., October 29), Maggie G. reaffirmed that the best course was to cancel the October 28 meeting.

Alex W. noted that we received notice of Planning Commission public hearings in three neighboring towns regarding proposed regulation revisions – Charlotte, Monkton, Williston. Alex W. said the details on each of these are available on the PC Dropbox site for this meeting, under “other business”.

Alex noted that the Conservation Commission has scheduled a review/training on the draft Natural Resource Inventory for October 19 at 7pm.

Maggie G. adjourned the meeting at 9:09pm.

Respectfully submitted,
Alex Weinhagen, Director of Planning & Zoning