

Town of Hinesburg
Planning Commission Meeting Minutes
April 14, 2021

Approved – April 28, 2021

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

Members Absent: none.

Also: Alex Weinhagen (Director of Planning & Zoning); Amy Coonradt (Recording Secretary).

Members of the Public: Kevin McDonald, Henry Benis, Vaneska Litz, Andrea Lavallette.

Rolf K. called the meeting to order at approximately 7:05 PM.

1. 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.

2. Agenda Changes:

None at this time.

3. Public Hearing – Zoning Regulation Revisions – Home Occupation Contractor Yards and Home Occupation Vehicle Repair Services

- a. Brief overview of proposed revisions – what is changing and why

Alex W. said that the Planning Commission is revising the section of zoning regulations pertaining to home occupation contractor yards and home occupation vehicle repair services. He said that the home occupation contractor yard regulations generally affect someone who has a business that is focused on off-site construction, and who uses their property as a home office and to store vehicles and equipment that are used in that off-site activity. An example of this is a business that has a mini-excavator or a dump truck which is parked at someone's home but is taken to other properties for construction work. He said that the home occupation vehicle repair services regulations pertain to people who repair vehicles out of their homes.

Alex W. noted that the Planning Commission proposed separating those two types of uses in the regulation revisions and have also spent time determining which activities have more of an impact on neighbors (generally contractor yards) versus those that are more innocuous (home vehicle repair services). He said that the current revisions would place home vehicle repair services in section 5.1 and retain contractor yard regulations in section 5.3 with substantial updates to reduce the required setbacks to surrounding property and neighbor houses. He said that as it currently stands, the regulations have large setback requirements which make it impossible to locate a new contractor's yard in Hinesburg. He said that the new proposed regulations for contractor yards would contain 14 review standards, such as whether the home occupation requires a hearing, setback requirements, screening requirements, limits on the total number of pieces of equipment, structure sizes, upkeep, and how materials are stored.

Alex W. finally noted that this is a fairly tight zoning change and that other parts of the zoning regulations will remain unchanged. He noted that existing contractor yards are considered pre-existing, cannot be further regulated by new zoning changes, and are held harmless in the context of these proposed changes.

b. Public input & discussion – questions, concerns, ideas

Rolf K. opened the discussion for public comment.

Henry Benis, who has repaired vehicles out of his home for 40 years, noted that the 5 car maximum for parking in a yard is unrealistic and that he often has 10 cars or more parked at his property, especially as some people drop their cars off for repairs. He also flagged the language around prohibiting outside repairs, pointing out that some vehicles cannot be moved and moving them into a garage or repair space would further damage them (such as cars with flat tires). Denver W. asked if it would be reasonable to say that owners should minimize repairs when they are outside. Alex W. said that yes, it would be good to indicate that limited or minor repairs could occur and that expectations are clear about what those are. Denver W. suggested including language around limits to duration outside and noise outside.

Andrea L. expressed concern that her wood-splitting business would have to be inside, which is hazardous due to machine fumes. Alex W. explained that her wood-splitting business is not affected by these regulation changes.

Vaneska L. spoke in favor of the regulation changes. She said they will eliminate some of the issues that have arisen, not only for residents, but others in the town. She spoke in favor of the residency requirement, especially since contractor yards tend to be situated in residential areas. She spoke favorably about language that requires a zoning permit and a compliance check prior to the conveyance of a contractor yard to a new property owner. She also spoke favorably about the proposed water regulation and noise regulation language, noting that noise is challenging to regulate due to subjectivity. She noted that language around keeping a property in neat order may be difficult to enforce as it is ambiguously worded. She said that she is hopeful that some of the contractor yards that are operating without permits can be reviewed and these regulations enforced.

Kevin M., owner of McDonald Auto Repair, expressed concerns about excess regulations. He said that some contractors try and adhere to common sense rules while others don't. Rolf K. replied that the regulations serve as a backstop to common courtesy, in case contractors aren't being courteous. Kevin M. asked about vehicle limits. Alex W. clarified that it applies to vehicles registered for use of the business, as well as heavy equipment. He further noted that trailers and lawn-mowing equipment are excluded. Kevin M. asked about requirements to put up screening, which seemed broad. Alex W. suggested that the Planning Commission consider refining that language, as some may interpret that as needing to put up a gate across their driveway in addition to other screening. Kevin M. finally noted that the five-vehicle limit is too few.

c. Review & discussion public feedback received ahead of hearing

Rolf K. asked for a summary and highlight of public feedback received in writing.

Alex W. noted correspondence from Bethanne Cellars citing concerns that allowing these businesses on tiny lots (through the small scale exception for contractor yards) could be detrimental to the neighborhoods in which they are situated. Alex W. noted that the small-scale exception is meant to send

them through normal home occupation review and that it applies to contractor yards that have two or fewer vehicles and pieces of equipment. Alex W. also noted that these properties would still go through conditional use hearings and neighbors would have the opportunity to participate and give input. He noted that Ms. Cellars also expressed concern about the hours of operation for contractor yards in particular. He noted that in the new language, workdays are set as 7:00am to 10:00pm, and Ms. Cellars felt that 10:00 was too late.

Alex W. also provided a summary of comments from Margaret McNurlan regarding vehicle repair services. She asked if the regulations provide for consideration of outdoor lighting and light pollution and lights that aren't properly shielded. Alex W. said he let Ms. McNurlan know that the Town has a comprehensive section in the regulations that details lighting requirements and that any home occupation needs to conform to those. He noted that there are additional requirements for business uses, such as downcast and shielded lighting.

Alex W. additionally provided a summary of written feedback from Ray Mainer, who was mainly seeking clarification after reviewing the proposed regulations. He said that Ray asked about the definition of a home occupation contractor yard and how it differs from a regular contractor yard, to which Alex W. replied that a contractor yard is a general term defined within the zoning regulations and that a home occupation contractor yard is a more specific type of contractor yard. He said Mr. Mainer also asked about whether a dump truck would be counted for the small-scale exception, and Alex W. replied that dump trucks are registered vehicles and do count in the small-scale exception in addition to any heavy equipment. He said that Mr. Mainer also asked about engine idling, and Alex W. replied that regulations don't directly address engine lighting (however, there are existing regulations that all homes prohibit external impacts to extensive odors or fumes, so idling is likely covered under those).

Alex W. said that he also received extensive feedback from the Development Review Board (DRB), which he reviewed with the Planning Commission. He said that one line of feedback pertained to noise standards, indicating that noise is an issue and is raised frequently at DRB hearings, and that current standards are difficult to enforce since noise is subjective. The DRB also noted that the term "water quality issues" in section 5.3.1 is vague and could be difficult to enforce, and Alex W. noted that the zoning regulations contain robust stormwater and erosion control language elsewhere, which could cover water quality issues. He said that the DRB had feedback similar to public comment about the "neat order" language in section 5.3.8, in that it is vague and subjective. He additionally noted comments around section 5.3.10, which deals with hazardous materials but only specifically discusses fuels, and suggested that the language be broadened to address all hazardous materials. He additionally summarized comments around fuel storage language in that section, which suggested adding language to clarify that businesses should only store the amount of fuel needed to operate their businesses and equipment. Barbara F. asked if this language would limit tank size, and Alex W. said that it might, but that they could reach out to some businesses and ask what size fuel tanks are appropriate for their size of business. He said that the DRB also touched on the hours of operation, citing concern that 10:00pm is too late for an end time. He finally noted comments from the DRB about processing materials and how they are addressed in these regulations, to which he replied that processing isn't part of these contractor yard regulation revisions, which really pertain to vehicle and equipment storage.

Alex W. also noted several comments from Mitchel Cypes, the Development Review Coordinator for the Town. He said that one suggestion was to add a requirement that an applicant list each piece of equipment for their property so that there is some documentation from the beginning of the process. He also suggested simplified language in section 5.3.3 around allowable locations and road classes. He

additionally noted that there is no requirement for stabilized surfaces for storage of heavy equipment, which could lead to erosion or other impacts if heavy equipment is parked on grassy areas. He further noted that there is no definition of heavy equipment, and Alex W. noted that there is a definition but that it's contained within the small-scale exception paragraph, and that it could be moved to the beginning of the section

John K. said suggested striking "simply" from the sentence in section 5.3.13 regarding transferability. He also asked if there is documentation for any home occupation contractor yards that were deemed grandfathered into the regulations. Alex W. replied that the definition for a grandfathered contractor yard can be found in the original 1996 regulatory language. John K. also noted the authority and power of the Zoning Administrator, and Alex W. noted that any decision made by the Zoning Administrator to approve the transfer from one owner to another is appealable.

Barbara F. said that the feedback around small-scale exceptions from Bethanne C. is important, and hopes that the new Zoning Administrator can help follow up and clarify that. She also agreed that revisiting the hours of operation would be good, since 10:00pm seems late.

- d. Discuss next steps – e.g., need for further revisions, more public input, schedule to forward to Selectboard

Rolf K. said that there have been a substantial number of comments from internal and external stakeholders (the DRB, public comment, and written correspondence) and that further discussion and consideration of this feedback is warranted prior to additional modifications to the regulations. The Planning Commission agreed to discuss feedback further at its subsequent April meeting.

4. Minutes of March 10 and March 24 Meetings:

John K. **moved to approve the minutes of March 10 as written.** Denver W. **seconded the motion. The motion passed 6-0.**

Denver W. **moved to approve the minutes of March 24 as written.** Barbara F. **seconded the motion. The motion passed 6-0.**

5. Other Business & Correspondence:

- a. Notice – Town of Shelburne, April 22 public hearing, zoning changes: Alex W. noted that the Shelburne Planning Commission is holding a hear for minor zoning changes around signage, docks, and fences, but that it shouldn't affect Hinesburg.
- b. Scheduling of architectural design standards public hearing: the date was set for May 26, 2021.
- c. Carse Land Company possible land conservation project: Alex W. noted that this is a potential addition to the town forest and the Selectboard is still discussing it. He said that there is a roughly 300-acre property that could become part of the town forest for \$20,000 from the Town, with the land trust conducting other fund raising and securing state contributions, and with \$50,000 set aside as management budget. John K. said that this is a great opportunity.
- d. Agenda item requests for April 28 meeting: continue contractor yard regulation discussion. Also will discuss RR1 district.

Alex W. noted that the Planning Commission nominee for the Zoning Administrator position (James Jarvis) was appointed by the Selectboard at its March 24, 2021 meeting.

Rolf K. adjourned the meeting at approximately 8:28 PM.

Respectfully submitted,
Amy Coonradt, Recording Secretary