

Town of Hinesburg
Planning Commission Meeting Minutes
April 28, 2021

Approved May 12, 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); Lenore Budd (Planning & Zoning Administrative Assistant), Amy Coonradt (Recording Secretary).

Members of the Public: None.

Denver W. called the meeting to order at approximately 7:06 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 Comments for Non-Agenda Items:

None at this time.

4. Zoning Regulation Revisions – Home Occupation Contractor Yards and Home Occupation Vehicle Repair Services

- a. Discuss further revisions based on feedback from 4/14 public hearing

Alex W. provided a summary of the public hearing, in terms of participants and comments. The Planning Commission discussed the feedback.

Alex W. began with the hours of operation of contractor yards (currently 7:00am to 10:00pm as proposed), noting that several comments stated that 10:00pm is too late. He added that he did not receive feedback from contractor yard owners on the proposed hours of operation. He asked for suggestions for adjusting the closing hours, adding that these regulations would set the absolute boundary for hours of operations and that it is within the Development Review Board's purview to adjust hours for individual applications. Denver W. said that contractors will likely not have a problem with the closing hours if they are modified, since they do the bulk of their work earlier in the day. James D. suggested 6:00am to 9:00pm. Barbara F. asked about snowplows, which are typically active early in the morning during winter. Denver W. suggested clarifying that no on-site work will occur during the stated hours of operation, but that departures and arrivals to off-site locations are excluded from that requirement.

John K. also noted that feedback was received from multiple people on the number of vehicles on the site at a given time, generally stating that a limit of 5 vehicles is too low. Alex W. noted that the limit is 5 for vehicle repair services and 15 for contractor yards, the rationale for which is that vehicle repair services applications go through a lesser review and aren't held to the same setback standards as contractor yards, and that because many vehicle repair services businesses are located in neighborhoods, the limit tries to keep them in character with the neighborhood. Denver W. suggested

correlating limits to lot size for vehicle repair services. The Planning Commission agreed to adjust the limit upward to 10 vehicles for vehicle repair services, based on lot size and DRB review.

Marie G. suggested striking the word “attractive” from “attractive fencing” in Section 5.3.4, since it is a subjective term and could be interpreted differently by different readers.

Barbara F. asked whether applicants will need to demonstrate how hazardous materials will be controlled and handled. Alex W. replied that the DRB will review that for other kinds of conditional use review, and also that all contractor yards and repair service operations are required to follow state and federal guidelines as well.

Alex W. additionally reviewed comments received from the Development Review Board. A general comment was that noise is difficult to regulate and they agree that the Town should approach noise regulation more globally. Another was around Section 5.3.1, which contains a vague sentence about addressing water quality issues. Alex W. suggested striking the sentence, and others agreed. Another was a requirement in Section 5.3.8 that businesses be kept “in neat order”, which seemed vague and subject to interpretation. Denver W. agreed that it is not enforceable. Barbara F. suggested that the limits put on the numbers of machines and vehicles helps with the neatness. The Planning Commission agreed that the entire section (5.3.8) should be stricken.

John K. noted that “hazardous materials” just deals with fuel, and asked if it could be expanded to other materials. Alex W. said he would broaden sentence so that it addresses all materials and add language to limit the storage of fuel and other hazardous materials to reasonable quantities. He said he would also follow up with several contractors to ask them about how they approach fuel storage.

John K. asked if the regulations would allow for a contractor to do work on their equipment on site. Alex W. replied that yes, both current regulations for contractor yards and this draft state that the repair of equipment can occur on site.

Alex W. noted an observation from DRB that the draft regulations don’t speak to the processing of materials on site, and he added that these regulations only discuss on-site storage of materials, not on-site processing. Others agreed. Barbara F. asked if this is applied to grandfathered contractors, as well. Alex W. replied that current regulations don’t allow for processing materials, just storage.

Alex W. reviewed feedback from Development Review Coordinator Mitch Cypes. One comment suggested that applicants list all of their equipment in their applications. John K. said that pieces of equipment change all the time and that the application should establish what operations would look like. He suggested listing the general types of equipment that will be used. Another comment was that there should be a requirement to use stabilized surfaces for the storage of heavy equipment, to prevent runoff, soil erosion, and other water quality issues. John K. suggested asking an engineer for a definition of stabilized surfaces for inclusion in the new regulations. A final comment from Mitch C. was to move the definition of “heavy equipment” from Section 5.3.2 into the beginning of the section or in the definition section of the zoning regulations, if one exists.

Alex W. then reviewed written feedback received from Peter Erb. His first comment was in Section 5.3.5, about the quantity of equipment allowed on site, and whether the Town will allow heavy equipment on site that is not owned by the contractor (ex: a borrowed excavator). Alex W. will make an edit to note that the limit applies to all pieces of equipment on site, regardless of ownership. Alex W. noted that he

will circle back with Peter E. on his question regarding the impact of a ten foot setback on adjoining districts. Peter E's other comments are directly addressed in the regulations, proposed revisions, or state statute.

James. D asked about outdoor repairs, such as needing to repair a flat tire outside in order to get the vehicle inside for further repairs. Denver W. said that this can be regulated by placing a time limit on the duration of outdoor repairs. Alex W. suggested a time limit with a signal of intent, that repair work should occur indoors except for special circumstances for no more than 60 minutes over a 24 hour period. The Planning Commission agreed on this change.

Alex W. said that Kevin M. noted previously that screening requirements were too restrictive for vehicle repair services, because they can be construed to imply that driveways need to be screened or gated. Alex W. noted that there are different screening standards for contractor yards and for vehicle repair services, such as more stringent setback requirements for contractor yards. The Planning Commission agreed that gating or screening the entryway is not the intent of the regulations. Alex W. will add language to the regulations that specifically excludes the principle access to the property from screening requirements.

b. Discuss next steps – e.g., schedule to forward to Selectboard
Alex W. will present a revised draft at the next Planning Commission meeting on May 12.

5. Rural Residential 1 District – Overview

- a. Review RR1 zoning district – development density, natural resources, current regulations
No discussion at this time.
- b. Review Town Plan recommendations, prior Planning Commission discussion (from 2013-14)
No discussion at this time.

6. Minutes of April 14 Meeting

Rolf K. **made a motion, and** Barbara F. **seconded, to approve the minutes as amended. The motion passed 6-0.**

The minutes were amended as follows:

- P. 1: replace "Section 5.7" with "Section 5.1" in sentence in last paragraph that begins "Alex W. noted that the Planning Commission proposed..."
- P.4: add "to approve the transfer" to the last sentence of the first full paragraph, so that it reads "...Alex W. noted that any decision made by the Zoning Administrator to approve the transfer from one owner to another is appealable."
- P. 5: replace "Denver W." with "Rolf K." before "adjourned the meeting..."

7. Other Business & Correspondence

- a. Agenda item requests for May 12 meeting
None at this time.

Denver W. **adjourned the meeting at approximately 9:02 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary

Approved Planning Commission Meeting Minutes – 4/28/2021