

Town of Hinesburg
Planning Commission Meeting Minutes
September 8, 2021

Approved – September 22, 2021

Members Present: James Donegan, Barbara Forauer, Nina Friscia (via Zoom), Marie Gardner (via Zoom), John Kiedaisch, Rolf Kielman, Denver Wilson (via Zoom).

Members Absent: Lenore Budd.

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

Members of the Public: Arnold Hayden, Chad Hayden, Kevin McDonald (via Zoom).

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

1. Agenda Changes

None.

2. Public Comment for Non-agenda Items

None.

3. Minutes of August 25 Meeting

Barbara F. **made a motion**, and John K. **seconded**, to approve the minutes of August 25 as submitted. The motion passed 7-0.

4. Zoning Revisions – Home Occupied Contractor Yards & Vehicle Repair Services (*continued from August 25 mtg*)

a. Discussion of possible revision items:

i. Contractor Yard – allowing limited processing of material (e.g., topsoil screening)

Alex W. said that he had put forth suggested language ahead of this meeting for the group's consideration. He asked for the Commission's thoughts on how to move forward. Barbara F. noted the substantial amount of public input received on processing materials. She supports the proposal from Chad H. and Arnold H. to process topsoil on a limited basis. Alex W. asked if the Haydens plan to purchase their own topsoil screener rather than rent one. Arnold H. said that no, they don't plan to purchase one at this time. Rolf K. asked if the screening machinery vibrates itself, and Arnold H. described how the machinery functions. James D. said it seemed like a simple solution to only screen for a few hours a day, and that it is a big component of the business. However, he can also see how daylong noise creates some problems. Chad H. replied that it comes down to operator error, that it can be made quieter if used correctly. Alex W. said it's important to keep in mind that these regulations apply to all types of contractors and will need to apply to all neighborhoods. He added that there should be flexibility as to when within the month the soil screening can occur. Chad H. suggested having the processing occur during business hours, 8:00 to 4:30, when most neighbors are at work.

Arnold H. asked if uses would be grandfathered into the regulations. Alex W. said that what is grandfathered into these regulations is previously-existing uses; if existing contractors who had not previously processed topsoil begin processing topsoil now (for example), these regulations would apply to them.

Chad H. noted that the prior year, his business conducted topsoil screening for one week in the entirety of the year. Alex W. added that he is encouraging an allowance that will permit a smaller scale operation to conduct screening because they would be processing on a limited basis.

Alex W. noted letters dropped off by James Allen (and other neighbors), noting that they don't have any issue with Chad's operation and are not disturbed by it.

James D. said that it seems like a different ask to screen one week per month during the summer or one quarter of the weekdays. Arnold H. replied that weather needs to be taken into consideration, since it is unpredictable, and screening cannot occur during rainstorms. He clarified that they are asking to screen for four weeks out of 12 calendar months (one week per month during the summer).

Rolf K. asked about notification to the neighbors and whether contractors could do that. Arnold H. replied that he had proposed that the Town make a form for a topsoil screening permit, and that contractors would fill it out a week in advance, file it with the Town, and they could put it on Front Porch Forum (FPF) or advertise it, to notify Townspeople about upcoming screening. John K. asked what they want in terms of quantity. Arnold H. replied that they would like a week per month, and that those 5 business days could be used throughout the month (not necessarily consecutively), to allow for flexibility around the weather.

Denver W. proposed grandfathering White Tail, just like HLG, as far as processing of material. He said that they could make regulations that apply to any new contractor yard that won't affect an existing business, and to let Whitetail operate as they currently do. John K. said that the regulations for screening should apply to Whitetail even if they're grandfathered. Denver W. said that they could prohibit topsoil screening for new contractors but grandfather other businesses in that are currently doing topsoil processing. Rolf K. said that this might not be equitable. He said that the idea is that the Town comes up with a set of regulations that apply to new contractor yards, and that they are also trying to protect residential neighborhoods while encouraging compatible industry. He said he would like to see uniform and fair circumstances apply. Denver W. agreed with Rolf's proposal (thirty days per year of screening). Arnold H. said that they typically screen for five months out of the year, and that thirty days of screening per year sounds fair. The Planning Commission confirmed that 8:00 AM to 5:00 PM are appropriate operating hours for screening of topsoil.

Alex W. will draft language to insert into the regulations around the thirty day per year limit for topsoil screening from 8:00 to 5:00, after which they will hold a public hearing at a future Planning Commission meeting on the revised proposed regulations. He added that it will then be presented to the Selectboard for their consideration. Alex W. said he will make the draft available to the public as well, for their review.

ii. Vehicle Repair Services – allowing limited outside work on oversized vehicles

Alex W. noted comments submitted by Nancy Dunlap around the vehicle repair service components of the proposed regulations. She said that she does not see problems with mechanics working on vehicles outside if they need to, and is supportive of limited allowance for outdoor work on larger vehicles that don't fit into garages. Alex W. said he would draft language stating that limited work outside would be allowed in situations where the vehicle is too large to fit into the facility or is immobile and cannot be moved into the facility. The Planning Commissioners concurred that this is a good approach.

Kevin M. noted situations where he would need to fix vehicles outside. Alex W. agreed that language would be modified to allow limited outdoor work for certain circumstances.

5. Zoning Regulation Revisions – Village Area Design Standards

- a. Review revised proposal – changes per public hearing feedback and discussion

Alex W. noted that he made the changes that were discussed and touched base with the illustrator who worked on the illustrations, who said that she will be able to make modifications to those illustrations within the next week.

Barbara F. asked about the 40,000 square feet limit for building footprints. Alex W. noted that it limits retail and service establishments to a maximum of 15,000 sq ft; grocery stores to 25,000 sq ft and then says that 40,000 sq ft or more must go through an additional conditional use application.

John K. asked about language in Section 5.6 that notes that if there are any contradictions or inconsistencies, Section 5.22 would supersede or prevail. He asked about the contradictions or inconsistencies in the document. Alex W. noted that this language is a relic of existing regulations, noting that Section 5.22 existed in a very narrow form prior to 2009, that it was bolstered when the Village Area expanded. He added that Section 5.6 covers standards for commercial and industrial uses in any district. He said that he doesn't believe there are any inconsistencies in Section 5.6.

John K. said that item #4 under Section 5.22 has a lot of new language, and expressed concern that some of it might be too wordy. He also asked why #8 (on-street parking) was struck. Alex W. replied that on-street parking was folded into #4d, and that the language was crafted to refer to streetscapes and describe the accompanying illustrations.

Alex W. will revise the language per this discussion and then allow for Planning Commission review at its next meeting, after which it will be forwarded to the Selectboard for their approval.

- b. Consider a motion to forward proposal to Selectboard

6. Other Business & Correspondence

- a. Cannabis establishment regulations – schedule, town-wide vote, research needed

Alex W. reiterated that he would like to make time to discuss the cannabis issue, since cannabis establishments will become legal in 2022 and the State will start licensing them. He said that the licensing period will begin in May of 2022, except for retail establishments. He said that municipalities must vote on whether to allow retail establishments to operate within them, and if they choose to allow them, they must have zoning changes in place by the spring/early summer of 2022. He noted that Williston has already proposed zoning changes to address where retail establishments could locate (even though they have not had a yes/no vote yet). He said he would like a few Planning Commission members to get on the Selectboard agenda to flag this for them and get some direction from them as to what they think the Planning Commission should be doing (since planning documents are silent on this). He noted that the Selectboard's current stance is that they should have this conversation prior to 2022 but were silent on their stance on retail sales. He noted that the State's Cannabis Board still needs to develop rules around regulating cannabis retail establishments, which would supersede any Town zoning requirements. He noted that Williston will require a buffer of 1,000 feet between retail shops to avoid having clusters of them. He also noted that cannabis in the regulations is being thought of as an industrial product, rather than an agricultural good.

Barbara F. said she would like community input on this topic.

John K. expressed interested in working on this.

b. Notice – Town of Williston, October 5 public hearing on Town Plan and zoning revisions

Alex W. noted that this would allow property owners to rewrite zoning for their property as long as they do it in concert with changes to the Town Plan, so that they can expand.

c. Notice – Town of Shelburne, September 23 public hearing on zoning revisions

Alex W. noted that these are minor changes but wanted to flag them for the Planning Commission.

d. Agenda items for September 22 meeting

Meeting items for September 22 include reviewing draft contractor yard and vehicle repair language changes, and a deeper dive into the Conservation Commission's comments around the Rural Residential 1 District, as well as reviewing conservation subdivision protocols and how they may be relevant to the RR1 district.

The Village Area Design Standards will be finalized at the Planning Commission's first meeting in October.

Rolf K. **adjourned the meeting at approximately 8:33 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary