

**Town of Hinesburg**  
**Planning Commission Meeting Minutes**  
**September 22, 2021**

*Approved October 13, 2021*

**Members Present:** Lenore Budd, James Donegan, Marie Gardner (via Zoom), John Kiedaisch, Rolf Kielman, Denver Wilson (via Zoom).

**Members Absent:** Barbara Forauer, Nina Friscia.

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

**Members of the Public:** Jennifer Chiodo, Arnold Hayden, Chad Hayden, Kate Kelly, Vaneska Litz, Kathleen Newton, Tony St. Hilaire (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 September 8 Meeting**

John. K. **made a motion, and Denver W. seconded, to approve the minutes of September 8 as amended. The motion passed 7-0.**

The minutes were amended as follows:

- P.1: Change “hd” to “had” in first sentence of Agenda Item #4.

**4. Zoning Revisions – Home Occupied Contractor Yards & Vehicle Repair Services** (*continued from September 8 meeting*)

- a. Review draft language (per prior discussions) to address:
  - i. Contractor Yard – allowing limited processing of material (e.g., topsoil screening)
  - ii. Vehicle Repair Services – allowing limited outside work on oversize vehicles

Alex W. noted that this is a continued conversation from the September 8, 2021 meeting, to address concerns about limiting the processing of material in proposed contractor yard regulation revisions as well as concerns about prohibiting outside work on vehicles in proposed vehicle repair services regulation revisions. He said that in terms of the contractor yard revisions, previously they had allowed the outdoor storage and loading/unloading of materials but prohibited the processing of materials. He noted that the updated revisions for consideration here allow some limited provisions for topsoil screening, as long as the materials are needed for an off-site construction project, and that this does not include rock and gravel crushing. He also noted that the updated revisions propose a series of boundaries on the screening of topsoil, including limiting the activity from May through October, and for no more than 30 calendar days per year, no more than 7 days in a calendar month, and no more than 3 contiguous days. He added that this would be limited to business hours (8:00AM to 5:00PM) Monday through Friday, for no more than 6 hours per day. He also noted notification provisions, requiring

contractors to notify the Town 24 hours prior to commencing of screening and 24 hours after the end of screening, in order to have a record of the screening occurring. He also noted an added provision (lifted from a Williston noise ordinance) to establish an absolute sound limit at the property line, but noted that noise and sound are subjective areas.

John K. asked how the noise component would be enforced. Alex W. replied that there will be a record of the action taking place, and then it will be enforced like any other zoning issue, where someone from the Town drives by and notices it or a neighbor raises a complaint. He noted that the enforcement power is vested in the Zoning Administrator.

Denver W. asked about the specifics from the Williston noise ordinance language that was borrowed. Alex W. replied that the decibel level limit (80 and 60) came from the Williston noise ordinance. Denver W. expressed concern that including those limits in the regulations may be arbitrary and that he would be in favor of omitting the decibel and testing requirements if they are questionable. Marie G. agreed, noting that they have not had much success with decibel reading equipment in the past. Denver W. said that a blanket statement that applies to the entire Town rather than specifying decibel levels may be easier to enforce. Alex W. suggested referring to the performance standard in Section 5.12, which would then have determination made by the Zoning Administrator, who is a neutral party. John K. said that he is concerned that if specific numbers aren't included, they won't definitively be able to determine whether something is objectively too loud or not. He advocated for leaving the proposed decibel level language in as proposed by Alex and see how it works out with the Town for now. Denver W. expressed concern that people may be penalized using an arbitrary measurement. He proposed language that would limit noise to "no more than 10 DB increase when machinery is operating". He advocated for a Town-wide sound ordinance.

Chad H. asked where the metering would occur. Alex W. replied that it would be at the property-line of the complainant. He noted that the proposed language doesn't specify that, but it would be a good idea to clarify, since complainants may not necessarily share a property line with the operator. Tony St. Hilaire said that most sound metering equipment is not accurate enough. Rolf K. said that there is an enforceable standard and that the meters can be a sophisticated enough measuring tool, rather than relying on the word "unreasonable", which is hard to argue. Alex W. noted that the more subjective standard had held up in a previous court case.

Chad H. responded to the proposed language outlined by Alex W., noting that some of the language would end up costing his company more money in the long run. He said he would prefer not being limited to only 3 contiguous work days, and would like 8 hours per day rather than 6 for screening.

Vaneska L., a neighbor, said that the contractor yard regulations are being revised so that contractors can operate without violating them, since the current regulations make it almost impossible for contractor yards to operate. She voiced concerns with the types of activity and noise, given the more relaxed distance requirements and the fact that screening would occur for a number of hours on sunny summer days. She also expressed concern that the sound limits are unenforceable, like many other regulations in Hinesburg. She said that allowing screening for 30 days in the summer months is accommodating to contractors. Rolf K. asked whether she would be in favor of prohibiting this activity, and she said that it isn't an appropriate activity to conduct in a residential neighborhood.

Tony St. Hilaire expressed concern that his wood-cutting would be loud and would be prohibited under these regulations. Alex W. pointed out that these regulations don't pertain to woodcutting. Tony St.

Hilaire said that he is concerned with the regulations being a slippery slope and that there would be more limits placed on various noise types in the future.

Alex W. emphasized that these regulations would help make new contractor yards more possible, and that the Commission is trying to come up with a reasonable compromise to address current contractors' concerns.

The Planning Commission tabled discussion on this item and will continue it at its October 13, 2021 meeting.

## **5. RR1 District Zoning Revisions**

- a. Review draft language (per prior discussions) to address:
  - i. Review existing conservation subdivision design process
  - ii. Core wildlife habitat – definition, extent, secondary or primary resource?
  - iii. Intact forest blocks – recognizing ecosystem service/value

Alex W. said that at the last meeting, there was significant conversation about the Munson family, who are looking to have their property rezoned from the Village Growth Area back into the RR1 District (downzoning their property), to allow them to develop less. He noted that there was discussion around that time, but that the Commission didn't spend much time discussing the Conservation Committee's recommendations. He said that he would also like to briefly review the Conservation Subdivision Design Standards, which don't currently operate in RR1, but do operate in RR2 and the Agricultural Zoning Districts, and think about whether those standards could be applied to RR1.

Kate K. spoke on behalf of the Conservation Committee, emphasizing the importance of Town's forest areas and large forest blocks for critters of all sizes in order to increase diversity and prevent inbreeding. She said that in the RR1 district there are some large chunks of forested habitat that may need further protection, and that adding them to the RR2 district may make sense. In reviewing the regulations and Conservation Subdivision Design regulations, the Committee felt that there were other changes in the regulations that need to take place, such as including core wildlife habitat and corridors in the primary resource area category (since they are currently classified in the secondary resource area). The Committee additionally suggested at updating the forest area standards to include language that values forests for not just timber harvest but a full range of ecosystem services, and recognizing that wildlife corridors be protected and maintained. Additionally, the Committee recommended creating an overlay forest/conservation district for the Town to protect some of these natural resources and work in connectivity with forested blocks, like stream corridors or other forested paths, and provide protections across districts. She noted a conservation district that was established in Woodstock, as a starting point.

Rolf K. asked if Hinesburg currently has any overlay districts. Alex W. replied that yes. He said that they don't function the way that conservation overlays do, but that Hinesburg has one overlay district, which is the flood hazard overlay area, which sits on top of all of the base zoning districts and applies special development standards for any development in that overlay district. Kate K. said that it could look like having an expert attest that forested area wouldn't be impacted, though haven't thought about how this would impact the development review process. She said that it could entail a tightening of

regulations, like decreased density, smaller building envelopes, or more Planned Unit Developments (PUDs).

John K. asked about some of the lines on the resource map. Kate K. replied that the red and yellow blocks were originally done by the State as a prioritization scheme through the Department of Environmental Conservation and the Department of Fish & Wildlife, which looked at the priority forest blocks which were important but not necessarily special in some other way. She noted that all of the area on the east side of Town is green-mountain-type habitat, and that it is important to protect but maybe not as much as the block along Baldwin Road (in red), because it is more unusual and is in the Champlain Valley and is more fragmented. Alex W. noted that there is a disconnect between what the State views as priority areas and what the Town does, given the Town's smaller context.

\*\*At approximately 8:30pm, the Zoom meeting connection failed due to the loss of internet service at the Town Office. Unable to quickly remedy the problem, the meeting was adjourned at approximately 8:45 pm.

Respectfully submitted,  
Amy Coonradt, Recording Secretary