

Town of Hinesburg
Planning Commission Meeting Minutes
December 22, 2021

Approved January 26, 2022

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

Members Absent: Nina Friscia.

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

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

Rolf K. called the meeting to order at approximately 7:02 PM.

1. Agenda Changes

None.

2. Public Comment for Non-agenda Items

There was no public comment.

3. Minutes of December 8 Meeting

Denver W. **made a motion, and John K. seconded, to approve the minutes of December 8 as presented. The motion passed 6-0 (Barbara F. was absent for vote).**

4. Zoning Revisions – Home Occup. Contractor Yards & Vehicle Repair Services

Continued from September 22 meeting

- a. Discuss how to proceed with contractor yard provision for topsoil screening

Alex W. reminded the Planning Commission of this item and past discussion, saying that they had tried to do a site visit to hear the screening equipment last fall, but that the weather was too wet and then it became the snowy season. He asked whether the Planning Commission would like to get language together to then hold a public hearing, or whether they'd like to further postpone this discussion. Planning Commissioners agreed that they should discuss the topic now.

Denver W. said that they are concerned about future contractor yards. He said that currently, HLG, is preexisting and can continue operating as they had in the past. He said that the actual disturbing behavior is the commercial sale of materials, which they can limit in the regulations. He emphasized the importance of making their best decision based on how they would like to regulate new contractors.

James D. outlined a compromise proposal for regulation modifications. He said that some topsoil screening is a reasonable part of a contractor yard home occupation and that some of the components of the regulations around processing materials may make it challenging to run a business with this as a component of it. He suggested keeping the timeframe the same (May through October). He proposed a compromise on the number of days (reduce to 20 from 30), and to increase the duration from 15 minutes to 60. He suggested removing the requirement of a 3-consecutive-day limit. He suggested keeping the days and hours of operation as written. He suggested removing the 6-hour duration limit. He also suggested omitting decibel limits from the regulations.

John K. asked about the regulation around 15 years being the threshold for grandfathering in a business. Alex W. replied that there is a state statute related to zoning enforcement that specifies that 15 year limit. John K. asked if a Town has discretion to allow any kind of grandfathering in less time. Alex replied that yes, he thinks so. He said that it would be difficult to grandfather specific businesses if they have been found to be in violation because they didn't have a permit.

Lenore B. commented that the proposed activity doesn't seem to fit within what is intended for the Rural Residential 2 (RR2) district. Barbara F. expressed support for James D.'s proposal. Arnold H. commented that 20 days seems like too few. James D. said that 20 days is a compromise.

Rolf K. asked whether the Planning Commission wants to entertain some form of adjustment to proposed regulations to allow for topsoil screening, or whether the issue is larger than that, and, as Lenore B. suggested, any form of processing might not be an appropriate activity at all for residential zones. Denver W. said that the discussion of home occupations recognizes the fact that someone in RR2 might want to deviate from the intent of RR2 to some extent, and the Town wants to encourage that because they want businesses to be able to grow. He said that based on his observations, home occupation topsoil screening does not seem to have a large impact on surrounding residents. He said he is in favor of keeping the processing of materials as an acceptable component of home occupation contractor yards.

Rolf K. asked whether the Planning Commission's endorsement of these proposed topsoil screening regulations would encourage home occupations to begin to conduct these activities with less sensitivity to their neighbors. Alex W. replied that there is still content in the draft regulations that says that performance standards still need to be met, one of which is that home occupations will not disturb neighbors.

John K. asked how topsoil screening can be managed and regulated by the Town in terms of enforcement. Alex W. replied that the proposed draft still requires a notice so that the Zoning Administrator can track whenever there is a screening. He also said that there are very few home occupation contractor yards that conduct topsoil screening, so that it would not be difficult to track.

The Planning Commission agreed to keep the 30 days per year limit for topsoil screening.

- b. Discuss next steps – finalizing revisions, public hearing schedule, etc.

Alex W. said that he will make changes based on tonight's discussion and warn a Planning Commission public hearing for its second January meeting, at which those changes will be reviewed and discussed.

5. Energy Plan action item review/discussion

- a. Review most important action items identified at prior meeting

- b. Discuss questions for the Energy Committee and outreach

Lenore B. suggested inviting the Energy Committee to the Planning Commission's first January meeting and asking them what their priority areas are in terms of the Energy Plan action items.

6. Other Business & Correspondence

- a. Agenda items for the January 12 meeting

The Planning Commission will invite the Energy Committee to its January 12 meeting to discuss the Town's Energy Plan action items.

b. Rolf Kielman recognition and send-off

Alex W. commended Rolf Kielman's 8 years of serving on the Planning Commission, as well as his 3 years of serving on the Development Review Board. He thanked him for his service to the Town of Hinesburg.

Rolf K. **adjourned the meeting at approximately 8:25 PM.**

Respectfully submitted,
Amy Coonradt, Recording Secretary