

Town of Hinesburg
Development Review Board

August 7th, 2012

Approved 08/21/2012

Members Present: Zoë Wainer, Tom McGlenn, Dennis Place, Greg Waples, Dick Jordan, Kate Myhre, Ted Bloomhardt .

Also Present: Alex Weinhagen (Director of Planning & Zoning), Freeda Powers (Recording Secretary).

Representing Applications: Chris, James & Mark Burnett, Cliff Collins, Brett Grabowski.

Public present included: Frank Koss, Bill Moller, Robbin Towns, Randy Towns, Todd Denso, Mark Arbuckle, Jennifer Ashley, Dan Jacobs, John King, Bob Blanck, Joe Iadanza.

Absent: Peter Erb (Zoning Administrator)

Tom McGlenn chaired the meeting, which started at 7:34pm.

Minutes from July 17th, 2012 Meeting:

Zoe W **MOVED to approve as written**. Tom M **seconded** the motion. The motion **PASSED 7-0**.

Burnett Scrap Metal 04-01-31--Cont'd from July 5th mtg. Conditional Use/Site Plan; Proposal to build a 13,000 sq. ft. structure on existing parcel for improved efficiency and consolidation of operations. Property located at 8855 Rte. 116 in the Rural Residential 1 District.

The board began discussions after a site visit attended by Zoe W, Dennis P, Kate M, Dick J and Tom M (as well as several members of the public). The site visit demonstrated (with use of stakes) the proposed site and size of the building as well as several existing piles and equipment intended to be moved inside the new building.

Zoe W asked about existing secured storage units seen at the site visit, will they be reused or discarded? The applicant said they will not be reused.

Dick J said he drove up Billings Farm Rd prior to the meeting and noted that from inside the vehicle, the proposed building will be mostly out of view. He did note that once out of the vehicle and standing, he suspects the peak of the roof to be visible above the trees.

Todd D spoke from the audience, saying in his opinion, the processing area appeared to double the business' volume potential.

Tom M asked about lighting at the site. Cliff Collins (engineer) said there are lights proposed on the East side above the overhead doors along with a security camera which will be relocated to the rear of the building.

Ted B said he remained unclear if the board had yet determined a way to baseline the use to have some objective judgment on the increase of nonconforming use. Greg W agreed, that issue does remain unanswered and he wondered again if tonnage data were available from the applicant as a measure of productivity/business at the scrap yard. He said it appears that the applicant does not feel that is a relevant aspect of review.

Ted B proposed that the applicant come up with a formula to show the board some measure of their business. He reminded the applicant that to expand is not allowed by current regulations and existing conditions prohibit the business from expanding.

Cliff C responded by saying the proposed building will neither add business nor additional services to the scrap yard, it is simply a way to reorganize and protect what is already on site (i.e., a safe way to lock up more valuable metals). He noted the 2009 lawsuit summary specifically says volume is not to be a measure of expansion. He said regulations address expansion, not volume. Alex W agreed that there is no baseline of tonnage addressed in the 2009 language, that indeed equipment owned/operated gauged the level of use.

The applicant took issue with the area being zoned as commercial. Ted B clarified with the applicant that zoning districts are not decided by this board, but rather taken up with the Planning Commission. He said he personally has no issue with the building being proposed; the issue hinges on expansion of the business.

Cliff C read from the 2009 Summary Judgment. Alex W said he did not believe the board had that document before them and requested it for their review. He also cited pg. 74-75 of the zoning regulations (Section 5.10.01) and reminded the board that it doesn't say the business can't expand, it says the business can't expand *without conditional use review by this board*.

Greg W noted that Section 5.10.2 provides some exceptions, of which, this application is not one of them. Alex W agreed, but noted some external evidence of use can expand so long as it is the same degree of nonconformance as it was previously. Cliff C noted once again, there are no proposed changes in use.

Dan Jacobs said in his opinion, an expansion of business would include things like an increase in the number of employees, or the hours of operation, or changing the *type* of business offered on site. He feels the building the applicant proposes is simply an attempt to create a better work space.

Randy Towns spoke from the audience. He operates All Metals Recycling in Williston. He said it should be very easy for the applicant to provide the board with the data they are seeking; tonnage or volume data. He said he feels the applicant is trying to put his company out of business.

Joe Iadanza spoke from the audience. His property abuts the Burnett property. He said the addition was brought up in 2009, and he has no philosophical conflict with that. His concern is with the size & visibility of the proposed building. He asks that the applicant make the building "look good" and asked them to address lighting and pollution.

Greg W suggested keeping the hearing open while allowing the applicant to submit new documents to include the 2009 Summary Judgment.

Dennis P asked, if the applicant were to submit the requested tonnage data, how would that ultimately show that the new building would result in more business? Isn't some of the building proposed for storage space and equipment?

Cliff C said there is an area proposed for maintenance, yes. He proposed the applicant could supply the board with a summary of limitations of services if that would be helpful. Greg W said that is not his concern, he wants to be assured they aren't going to be doing some large increase in business as they were before they had the building.

Tom M. suggested continuing the hearing to another meeting and asked the applicant to provide employee hours, equipment use, or some measurable data to help them determine increase in use. Ted B made a **Motion to Continue the Public Hearing to 8/21/12. Tom M Seconded** the motion. The motion **PASSED 7-0**.

Hinesburg Center, LLC: Tax Map # 08-01-06.322 Site Plan Review for three 3-unit residential buildings on Lots 44, 45, and 46 along Farmall Drive in the Village Zoning District.

Brett Grabowski (developer) showed the board specific design plans for the green space located behind the residential buildings as well as proposed addition of 8 parallel parking spaces along Farmall Drive.

Greg W asked what the setback is going to be. Brett G said that is unchanged; the sidewalk goes right to the curb and existing trees will be transplanted.

Dennis P asked about the Town's responsibility regarding plowing of the new parking spaces. Brett G said as with other municipalities, Hinesburg will have to create and implement a policy to deal with parallel parking as it comes to fruition in this and other development projects. He said having the mixed uses on site alleviates some road parking requirements in the evenings/nights.

Brett G noted there will be multiple entrances from both the front and back sides of the units. The landscaping plans (TJ Boyle) present an overall concept plan for a creative green space that includes benches, bike racks, tables and trees. The space is intended for use by all residents and the potential office space and café patrons as well.

Frank Koss spoke from the audience. He voiced his concerns regarding the parallel parking, citing an ordinance that prohibits parking on town roads from Nov 15-April 1st.

Dan Jacobs (Creekside Association President) spoke from the audience, saying he doesn't think the parking is a good idea from the flow in that area. He also said he feels the building designs are not appealing. He said future construction in that area will affect the existing catch basins which are currently the responsibility of the Creekside Association. He would like the applicant

to be aware of sediments and runoff from construction in the area. Brett G said silt fences will be used during construction.

Bob L spoke from the audience. He also does not like the design of the buildings, saying they appear to be *squeezed* in. He questions the compatibility with the Creekside community, citing 20' spacing between the homes in Creekside. He also voiced concerns regarding snow removal, saying the steep slopes at the site leave little room for accumulating snow piles.

Bill M said he is concerned with the proposed on street parking as far as safety is concerned.

Sarah M asked if the proposed on street parking is extra or required for the proposed residential units. Brett G said they will be extra. Sarah M also suggested the applicant put in signage to discourage U-Turns.

Ted B **made a Motion to Close the Public Hearing** and directed staff to draft approval language. Ted B **Seconded** the motion. All approved, the **Motion Passed 7-0**.

Other Business: None

Tom M made a **Motion to go into closed deliberative session for the Hannaford application**. Ted B. **seconded** the motion. The **Board went into Closed Deliberative Session at 9:35pm**. The meeting **adjourned at 10:45 pm**.

Respectfully Submitted,
Freedra Powers--Recording Secretary