

**Town of Hinesburg  
Planning Commission**

**February 8, 2012**

Approved 2/22/12

**Members Present:** Jean Isham, Joe Iadanza, Carrie Fenn, Johanna White, Ray Mainer, Bob Linck, Kyle Bostwick

**Members Absent:** Tim Clancy

**Also Present:** Alex Weinhagen (Planning/Zoning Director), Freeda Powers (Recording Secretary), Bill Marks.

Jean Isham chaired the meeting, which was called to order at 7:37pm.  
Tom Ayer arrived at 8:07pm

**Rural Area Zoning—cont'd from Jan 25<sup>th</sup> meeting**

Jean I picked up on the previous discussion around Rural Area Zoning Objective #1. Jean I asked what the current density data is? Alex W replied that it had been estimated some years ago, and that it can be recalculated if desired. He cautioned that doing density calculations is only going to give the board a “snapshot” of what density looks like; the data will only represent that period in time being discussed, it will not be valuable to apply current data to future plans or discussions.

Jean I asked if it would be helpful to include density numbers in the description of the zoning districts. Bob L said he thought it unnecessary as the board would have to revisit the numbers every year in order to make them applicable or reliable. Alex W suggested that details like that are best kept in the Town Plan. Joe I agreed.

On pg 2, Jean asked to clarify Ag Accessory Uses; is Integrated Ag covering products sold but not produced on the farm, and does it also cover Forest Management? Alex W said yes to both. Jean I asked if the board should add Sleigh Rides to (pg 2) Outdoor Recreation Facilities. Alex W said he has a hard time envisioning that being the *primary* use. Joe I referenced just such a facility located on the Mountain Road in Stowe. Alex W cautioned that the board might face a bigger issue in this language than just coming up with a list of examples. He suggested the board might want to collapse Major and Minor Outdoor Recreation Facilities into one category.

Jean I noted that a B&B, allowed up to 15 guests, would indicate up to 7 rooms, which she feels is more like an Inn. Alex W reminded the board that at the January 11<sup>th</sup> meeting, the number of rooms for a B&B had been limited to 4; any more rooms than that will qualify as an Inn and go through the Conditional Use review process.

Bob L said he has concern with the traffic arising from both a Function Hall & Inn and said that in his opinion, the two pose the same level of traffic potential. Ray M disputed that the two have similar traffic potential; saying that a function could potentially mean 100 cars, whereas an Inn is limited to 10 rooms, indicating a max of around 20 guests.

Jean asked if the word “revenue” should be removed from Farm Café. Alex W agreed, and noted the change.

Joe I asked in reference to size limitations for a Farm Café, does the agreed upon 1,000sq ft limit include space for kitchen & restrooms? He feels that including these features, 1,000sq ft does not seem that big. He suggests specifying the sq ft availability for serving/dining area. Joe I estimated Good Times Café to be around 800sq ft. as a reference. Kyle B suggested the 1,000sq ft be a measure of the dining area, from the counter on (not to include kitchen and restroom space). Carrie F reminded the board that the idea is *not* to allow large restaurant type structures. Kyle B reiterated his agreement that the sq ft should be referring to the interior serving area. He gave Palmer’s Sugar House as an example; an old barn which inside has a serving counter, picnic tables, etc (admittedly this structure is over 1,000sq ft). Perhaps anything over 1,000sq ft should go to Conditional Use review. Alex W reminded the board that the issue should not be the appearance or *look* of a proposal, but the impact, the level of use etc. Carrie F said in her opinion, 1,000sq ft is adequate. Jean I suggested the board get more feedback around this before making a final decision. Alex W agreed and asked that Kyle B get in touch with the owners of Charlotte Berry Farm for some reference and ideas regarding size. Johanna W asked if the board should leave the language as is for now. The board agreed.

Jean I addressed the issue around serving or supporting “other communities” as proposed in Small Scale Agribusiness and suggested the board simply remove the reference altogether. Joe I said he had submitted (via email to Alex W) proposed new draft language around this subject. Alex W said he would be happy to get that email to the board for consideration before the next meeting.

Alex W asked the board how they would like to proceed in regard to Outdoor Recreation Facilities. He mentioned a previous example of a Ball Field which does not require a lot of structures/facilities, but could still result in high traffic levels. He said that Conditional Use at least puts the issues in front of the DRB. Jean I clarified, do Permitted Uses still go before the DRB? Alex W said yes, they do for Site Plan review, but that Permitted Use does not consider the impact on surrounding areas, as does Conditional Use.

Alex W offered the board the other option, which is to keep the separate categories (Major & Minor) but distinguish with language re: supporting structures, level & frequency of use, etc. Carrie F said it makes sense to her to bring it all under Conditional Use, for all of those concerns, including noise and traffic.

Alex W suggested that some Outdoor Recreation Facilities such as Walking/Hiking Trails might benefit a good deal from avoiding the Conditional Use process.

Alex W reminded the board that what we are considering would be something that constitutes the primary use of the property (i.e., Tap Root Farm, Sleepy Hollow, the old Elk Farm). These would be destination locations, open to the public.

Joe I said these are *businesses*, not clubs, they are trying to make money; allowing fee for services on their property. He stated that as a business, their success will be measured in part, by the amount of traffic they can generate. More traffic = more business = more money.

Jean I asked in that case, does it make sense to put the two categories together as one? Alex W said a clear definition of Outdoor Facility with clear examples of what you do not want might be the way to go. Joe I said in his opinion, Clubs should not count as a business. Alex W said some “clubs” do count as Outdoor Recreation Facilities (i.e., hunting preserve) but are not open to public use—sort of owned by a collective.

Bill M clarified that the board should be permitting the Facility, rather than the Function. Jean I said the board should avoid unforeseen problems with pollution as well such as occurred at the shooting range in Williston. That facility experienced imprudent environmental pollution of the site due to lead and other metals in the ammunitions. Joe I noted that is a valid point. Alex W suggested the board consider collapsing the Major/Minor into one category of Outdoor Recreation, as Conditional Use and list clear exemptions. The board agreed.

Jean I wanted to clarify what could be used as a Function Hall; does this apply to existing structures only? If so, should language like that found in the Cottage Industries be applied? (Structure must be able to be converted to other uses should original principal use fail or falter). Kyle B agreed with this idea. Jean I gave the example of the Isham Dairy Barn in Williston, which has recently undergone a lot of renovation work and which has plans to be used in a variety of functions in the future. Bob L asked if there are any existing examples of a Function Hall. Alex W said yes, there are existing Function Halls in Hinesburg. Alex W said that since he has been in his role he has not seen any new permit requests come through for existing structures, but has talked to one land owner interested in building a new structure (barn) to function as a hall.

Carrie F said she would like to allow contemporary hall alternatives to traditional barns; something nice for weddings or memorial services would be welcome. Alex W cautioned that there is some potential variety when discussing what constitutes a Function Hall (i.e., theoretical, traditional, and VFW types of structures).

Ray M wondered if this kind of item belongs in the Rural Area at all. Joe I wondered about using the term “vintage” in the language. Jean I said the “old thinking” was to keep commercial-type buildings, large meeting groups etc. out of the rural areas. Joe I said that some of the conditions don’t make sense or apply; noise/traffic and other regulations make for an unusable clause. Kyle B said this goes back to the question of whether or not these facilities belong in a rural landscape. There is value to doing corporate retreats in a beautiful, rural landscape, and it is important to keep the land usable. Tim A agreed, saying people want their events in a country setting, it has great appeal.

Ray M voiced concerns in instances where a very large property could potentially have a huge club. Kyle B said the board should have faith in the Conditional Use review process to take care of nightly events/parties, to limit hours to daylight only, etc.

Jean I said if the idea is to keep existing structures usable, we should allow for other uses for old barns. Alex W reminded the board that the proposed use would need to be the *primary* use for the lot. Johanna W reiterated the goal is to allow farmers to enhance their income.

Tom A said he can’t see limiting everything. He said you can’t force people to farm; you can’t keep the land open indefinitely. While he agrees with Kyle B and Alex W that frequency of use etc should certainly be considered, he feels strongly that it is important to keep other options open for land owners.

Alex W asked the board to consider the density side of the equation. In rural areas, there are different parameters in place (i.e., lot sizes to allow for screening, view shed protection, etc).

Kyle B took issue with the restriction to *existing* buildings. He said new buildings can be made to work into a landscape with the added benefits in that they can now be constructed with clean energy and other environmental considerations applied to the planning and building process. Jean I agreed and Joe I added that existing structures very well may not be equipped with necessary restroom or kitchen utilities.

Bill M said the primary concern is not to preserve historical barns, but to help property owners of all kinds open their property potential. Kyle B cautioned that the board doesn't want to inadvertently limit potentially good applications by being too restrictive. He suggests allowing the DRB to be the catch basin for questionable projects and allow that vetting process sift out projects that don't pass the site plan review.

Carrie F wanted clarification on "only state aid roads;" is that too limiting and what qualifies as a state aid road?

Alex W agreed with the board's decision to take out the word "existing" in reference to structures, but suggested leaving the word "barn" as it might be somewhat limiting, but does keep with the traditional building scheme found in the area. Bob L suggested not using the term "barn" as it has too specific an implication and does not freely imply something commonly thought of as a Function Hall. Jean I suggested revised draft language to read "*use of existing or new structure...*"

Alex W asked the board if their primary focus of concern is on the impact of a facility more than on aesthetics of a facility. Tom A replied that nobody is going to want to build an "ugly" building. Kyle B asked what would prevent someone from wanting a big expensive building. Naturally, if restrictions only allow them to host an event once a season or once a year it would not be financially reasonable to spend a lot of money on a building that can't produce regular revenue.

Alex W said that on the other hand, someone could put up a cheap metal sided structure on a gravel lot. Where is the board's concern? Having *specific design standards* would be helpful. Bill M asked if the conditions are going to prevent expensive/large buildings? Alex W said that question speaks to the next section; Conditional Use Review Standards. The question then, is are these conditions sufficient as is or does the board see the need for more specific design standards?

Jean I said what the board is apt to be faced with would be existing structures with modifications. She suggests taking out the word "existing," and/or the specific date July 14, 1986. Joe I agreed and also added that some conditions under #15 should be nixed as well. Jean I said that design standards should be intended to keep with the existing area.

Alex W encouraged the board to come up with some specific design standards. Carrie F asked that the board think on it and come back to the issue at the next meeting. Alex W agreed and asked the board to be prepared at the next meeting to discuss what to change in options A-D and what specifically to add or exclude from design standards.

Carrie F asked the board to review the list given under AG Conditional Use (3.2.3) as currently such things as a hospital are allowed in an agricultural district and to her that just doesn't make a lot of sense. She said a rehab facility might be more understandable as they require a degree of isolation and serenity to encourage and enhance recovery. Her suggestion is to come up

with some parameters, perhaps define scale, number of rooms, etc. She feels that public institutions should be located closer to or in the village area.

The board went through #1-#19 in 3.2.3 and made the following decisions:

#3: Educational Institutions—board needs to define size

#4: Medical Care—define size, remove terms “philanthropic” & “sanitariums”

#8: Manure & #17: Production/Processing of Dairy Related Items—to be removed as they are covered in Small Scale Agribusiness or simply as agricultural uses.

#9: Retail Sale of Unprocessed Ag Products—to be removed as Farm Stand and Farm Market get added to Permitted Use in all districts.

#11: Tourist Homes—to be modified to “Inn.”

#15: Barn as Function Hall—remove word “existing” & specify design standards.

Joe I wondered about Agribusiness, asking if some examples need limits on noise, odors, etc. Carrie F said Section 4.2.1 requires that information from the applicant. Alex W clarified that is just the information required from the applicant, and reminded the board that Conditional Use review covers performance standards. He asked if the board feels the need for specified performance standards for permitted uses. Jean I agreed the board should consider performance standards for discussion in the next meeting.

Carrie F said she appreciated the Vermont Land Trust’s definition of Agriculture and feels the board should adopt the first paragraph for use in proposed draft language. Alex W agreed and noted to replace current proposed language with the definition used by the VLT.

*VLT defines Agriculture as the State of Vermont does: Agriculture is the 1)Cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural crops, or orchard crops, or 2) the raising, feeding, or management of livestock, poultry, equines, fish, or bees, or 3) the operation of greenhouses, or 4) the production of maple syrup, or 5) the on-site storage, preparation, and sale of agricultural products principally produced on the farm, or 6) the on-site production of fuel or power from agricultural products or wastes produced on the farm.*

Alex W wanted the board to understand that if a farm accepts more from an outside source than from the farm itself, the farm loses its state Ag exemption status. He also pointed out to the board that if we agree to adopt the VLT Ag definition, then anything not produced primarily on the farm would go through Conditional Use review process under the new Integrated Ag uses. Jean I agreed and suggested the board make a % of sales required to be from on-site production. Joe I disagreed, saying the board should not regulate revenue. He strongly encouraged the board to enable multi-use and avoid over regulation. His suggestion is to carve out exemptions for some sales of off farm products in the current regulations and to allow for common sense to help rule projects in or out.

Bill M suggested the board make exemptions available in cases of natural disasters such as Tropical Storm Irene.

Jean I asked the board if there were further questions around Forest Management. Carrie F said to her, it looks good as is.

**Minutes from January 25<sup>th</sup>, 2012 Meeting:**

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Carrie F MOVED to approve as amended. Tom A SECONDED the motion. The motion PASSED 8-0

**Other Business:**

Alex W told the board that the Select Board appointments will take place Feb 27<sup>th</sup>.

Tom A MOVED to adjourn. Ray M SECONDED the motion. The motion PASSED 8-0. The meeting adjourned at 9:45pm.

Respectfully Submitted,  
Freeda Powers  
Recording Secretary