Planning Commission

Town Of Hinesburg

10632 Route 116 Hinesburg VT 05461

802.482.2281 | hinesburg.org

Meeting Minutes
February 22, 2012

Minutes Approved 3/14/12

Members Present: Jean Isham, Joe Iadanza, Carrie Fenn, Johanna White, Ray Mainer, Kyle Bostwick, Tom Ayer

Members Absent: Bob Linck

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

Jean Isham chaired the meeting, which was called to order at 7:30 p.m. Tim Clancy arrived at 7:58 p.m.

Rural Area Zoning—cont'd from Feb 8th meeting: Jean I picked up on the previous discussion around Rural Area Zoning Objective #1. Jean I asked if the board had any new questions, additions or suggestions. Ray M said everything on page 1 looks good. Carrie F said all on page 2 looks good as well. Alex W clarified, asking if the board felt that all permitted uses were ok and the board affirmed.

Jean I asked if the board was satisfied with Farm Café and the response was "no". Kyle B said he did reach out to the Charlotte Berry Farm as the board suggested at the Feb 8th meeting. Unfortunately, they are currently in their off season, so he was unable to talk to the owners in detail, but he did check out the facility and also checked out the Mill Café (previously the Chittenden Cider Mill). In his estimation from both places, the boards' decision of 1,000 sq. ft. (for Farm Café) should only refer to the common/retail/serving area, not including the kitchen/prep and restrooms. For reference, Alex W mentioned the sq. ft. at Good Times Café here in Hinesburg is roughly 1,300 sq. ft. which Johanna W said is probably around 1,000 not counting the kitchen/prep areas. With that reference in mind, Johanna W asked if the size should be limited to 1,000 sq. ft., not to include kitchen/prep space, with an allowance for additional outdoor area. Kyle B noted that the idea is to encourage renovation of existing spaces. Carrie F clarified that the board is considering a 1,000 sq. ft. max that references Dining/Retail space only, excluding kitchen/prep/storage and bathroom area. Jean I asked if the board would like to change the word "restaurant" to "café". Alex W said that the zoning regulations have a definition for "restaurant" but not yet for "café."

Tom A suggested calculating size in a way other than square footage; perhaps a seating capacity? He agrees with Kyle B's assertion that if the goal is to renovate existing structures, it could be difficult to regulate square footage on existing buildings. He added that many existing buildings might not fit the square footage requirements. He also stated that seating capacity is how most restaurants are permitted.

Alex W presented the board with the definition of "restaurant" as is stated in the current zoning regulations; Restaurant: An establishment where the principal use is the preparation and sale of meals to the public – includes dining on the premises (indoor and/or outdoor), take out dining, and delivery. The board agreed that the definition in the zoning regulations was acceptable and appropriate. The board continued to question the best method of regulating size; either by sq. ft. or by seating capacity.

Jean I said in order to determine an appropriate seating capacity, the board would need to have some idea of how many seats could fit in a given space. Joe I estimated about 4seats/50sq ft. Johanna W suggested a max seating capacity of 30-40 people. Carrie F suggested a max of 10 tables. Alex W clarified with the board that they were agreeing to a max of 40 for seating capacity. Tom A reminded the board that a facility will also be limited by their sewage treatment capacity. Jean I said there are State level requirements for septic issues.

Joe I reiterated that the purpose is to encourage income stream and allow for a variety of uses of land for agricultural purposes. He asked if the language "utilizes at least some products produced on the farm" is really what the board wants. He said that during harvest times this is a pretty low standard. He also said that during non-harvest times, this may be difficult to adhere to, and we don't want to see operations have to close down in non-harvest times.

Jean I clarified that the café/restaurant would need to be subordinate to the farm itself. Joe I said yes, but only subordinate in reference to area. Tom A agreed with Joe I's concern. The board was in agreement and had several examples (a berry farm's off-season, a meat product based business with no real "season") but had difficulty in finding the proper language to cover this issue.

Joe I maintained that the objective for the businesses is to make a profit. Perhaps make a threshold % (i.e., 30%) of products used from the farm during harvest times? Ray M said that in his opinion, if the enterprise is not using some portion of products produced on the farm that is a generic restaurant, and might as well be a MacDonald's as much as it is a "farm café."

Bill M suggested the board define "substantial." Alex W also encouraged the board to consider the angle of enforcement; how would these regulations be enforced a few years into an operation? Joe I suggested revised language to say "one of whose principal objectives is the use of products produced on the farm."

Jean I asked if the board had concerns or questions around the Integrated Agriculture category. Carrie F said she wondered about the language "memory-based mementos" and questioned exactly what that would encompass. Joe I suggested it might refer to items such as cookbooks, or themed tee shirts etc. Alex W said yes, it refers to non-farm products, not directly related to what's produced at the site, but something that memorializes your visit there. Alex W agreed that the first part of the proposed

language actually does cover this. Jean I suggested changing the language to reference items "related to the farm and/or what is produced on the farm."

On Integrated Forestry, Carrie F said the same discussion applies.

Tom A said "On-site processing and storage of forest products not principally produced on the property" sounds to him like a Saw Mill. Jean I asked if we cover Saw Mills. Carrie F said it sounds industrial. Tom A said yes, they are industrial. Joe I gave the example of Clifford's Lumber which is located in the industrial zone. He said Clifford's does not have a large impact, but does generate some complaints from neighbors regarding noise.

Alex W suggested the board add a clause to read "not to include…" with a specific reference to Saw Mills or a defined scale. Ray M asked if the board felt comfortable deleting the line completely. Joe I said he feels that scale is important to reference. Kyle B said an operation could have a wood chipper running at all hours. Ray M asked if "not principally produced on the farm" is the right choice?

Alex W reminded the board that Forest Management is exempt from regulations. He said the board's concern seems to be the impact on neighbors and reminded them that Performance Review Standards cover those concerns. Ray M said in his mind, building a Saw Mill would certainly change an area. Tom A suggested perhaps adding "temporary" to the language.

Ray M again referred to the language "not principally produced on the farm" and suggested removing that reference. Alex W asked Ray M why he felt that Integrated Forestry in particular should be disallowed from importing product from other properties; is his concern the impact on surrounding area? Alex W said the board is pointing out a substantial issue here; what is the intent of these regulations? Are they to support an individual or the area?

Tim C said he feels the language is appropriate as is. He said we want to encourage and enable landowners as much as possible. Ray M said in his opinion, a Saw Mill belongs in an industrial zone, not in a rural residential zone. Tim C reiterated that he feels the coverage by Conditional Use and Performance Standards is adequate. Tom A said there is a distinct difference the board should be aware of between Forestry and Farming. In Farming, one can harvest seasonally; in Forestry, one can harvest once every 40-50 years.

Alex W reminded the board to think of larger impacts as well, i.e., roads/traffic. Jean I agreed with Tom A in that the board must consider the impact a Saw Mill might have. Carrie F suggested using "small scale" as a framework. Bill M asked if a portable saw mill can do the same size job as a regular saw mill. Tom A said while the operation would take longer to complete, yes, a portable mill can do the same size and volume of lumber for the most part. Jean I asked if the board agrees that "small scale" covers this concern. Alex W said in his opinion, that term is not clear/specific enough. He suggests the board consider making a specific exclusion of Saw Mills or directly reference the existing Performance Standards. Tom A suggested taking out the word "not" in reference to items principally produced on the farm.

Kyle B suggested the board use some of the proposed draft language offered by Joe I. Carrie F remained concerned about the impact of large truck traffic. Jean I asked if the Development Review Board covers traffic and road impact issues and Alex W said yes.

Tim C maintained that he feels there is enough protection in the language as proposed. Alex W clarified with the board that current regulations do allow for a cordwood operation. Jean I asked for clarification around Integrated Forestry; does that imply that the person lives on the property as well? Alex W said no, typically people do not live on the property that the operation is located at. Jean I said in her opinion, that's a small-scale agribusiness. Jean I asked if Cottage Industry covers this issue? Alex W said yes it does; it does not allow retail sales but the board can tweak it to cover that. Tom A said if Cottage Industry covers it, the board should delete the first 3 bullets under Integrated Forestry. The board agreed and eliminated the first three bullets under Integrated Forestry. Alex W encouraged the board to think about tweaking the Cottage Industry language to allow for retail sales as well.

Bill M asked Joe I if he purposely chose to use "broad categories" in his proposed language for Small Scale Agribusiness. Joe I said yes, he used the word "broad" in an attempt to give the board more room/flexibility in categorizing potential projects. Alex W liked the use of the term as he felt it implies the lists are not limiting. The board agreed to amend to "one or more" categories.

Jean I asked about a reference to "Non-GMO" in #2 (breeding facilities). Alex W agreed that is taken care of at a state or federal level. The board agreed to omit the reference.

Jean I asked if the board had questions or comments around #3. Alex W had questions about the last part of #3: "meeting both the provisions and spirit of this section, the full complement of conditional use standards at the property's boundaries and protecting/preserving natural resources such as ground water." He feels it unnecessary to specify property's boundaries, as the regulations must apply to any portion of the property, not just at the border. Kyle B felt that the language will mitigate applicant aggravation by helping steer them through the process and laying out the steps to that process. Johanna W agreed and said she likes the language as written. Tim C suggested keeping the language, but using it only once at the top so it would apply to all categories. The board agreed.

Jean I asked if the board had any questions or comments on #4 other than eliminating the specific number of people employed. Alex W asked if the board felt the need to define "small scale." Joe I suggested replacing the term "small scale" with "low impact."

Tim C said in his opinion, this is the dichotomy; we want to see fields of grass and wildflowers, but we need a landscape that works as well. Kyle B said in his opinion, these categories would be better suited for the rural area rather than in the village. Joe I said he thinks these options should be available in the Agricultural District. Jean I cautioned that if low-impact becomes part of the language, high-impact proposals will end up with no place to go.
Jean I said after removing the specific references to numbers of employees, #7, #8, #9 & #10 appear ok. Alex W asked if the board felt #10 (educational facilities) was necessary as it is already covered (2.2.3). Jean I agreed.

Johanna W asked about Alpine Skiing listed in Outdoor Recreation. Alex W agreed that might not be something the board wants to include. Bill M said in his opinion, it conflicts with the town's green-

space plan. Ray M asked why the VAST snowmobile trails are exempt but not mountain bike trails. Alex W cited more impact on the ground in Spring, Summer and Fall with mountain biking vs. winter snowmobiling on frozen ground protected by snow.

Tim C cautioned against overregulation. He feels strongly that the goal should be to allow and encourage enterprising; however he feels the regulations prevent real, substantial subsistence. Tom A agreed.

Tim C was frustrated at his perception that if the board members can't envision a project, they seem to be ruling it out. Ray M said the board is not precluding enterprising. Joe I said the board is opening up more opportunities than were there before. He cautioned that this is a continually evolving process and that as we learn and grow, we can provide more opportunities but that it is difficult to restrict proposals once the possibilities are opened. Alex W agreed and said any proposal still has to begin by conforming to the Town Plan and further has to be reviewed by the board.

Jean I suggested that the board await public feedback before finalizing this language. The board agreed.

Jean I addressed the number of employees stated in Joe I's proposed draft language. She wondered if the 20 employees constituted all employees (both FT & PT). Joe I said he came to the number assuming an animal boarding facility might need to cover 3 shifts. He concurs that 20 may not be the "right" number. Johanna W said she thinks it works as a maximum.

Kyle B asked why it matters how many total employees a facility has. In his mind, the number of employees working at any given shift would be more important for consideration. Joe I asked if the board is willing to consider the number of employees as the defining characteristic of an operation. Alex W said 20 seems like a high number to him. Kyle B reminded the board of the economics of this issue as well; presumably, you need high enough revenue to employ that number of people. In that sense, if the idea is small scale, 20 employees would be too many.

Carrie F suggested a smaller number, maybe 12 employees max. Tom A questions why the board needs to limit the number of employees at all. He sites protections in place already to cover impact concerns. The board agreed and decided to remove all references to specific numbers of employees.

Tim C suggested removing the reference to "small scale" and replacing it with "low impact." The board agreed, as the intent remains the same. Tim C said there is no mention of lighting and that in his mind, to be viable, a facility must have the option to be operational at night as well. Alex W said the language does not preclude lighting, as a conditional use, the DRB considers the impact.

Alex W asked the board if they want one type of Outdoor Recreation across all districts or if they want to differentiate between districts?

Tim C questioned if some of these items belong in the rural area (i.e., a ball field) Tom A said he feels that it does belong in a rural district. Carrie F said she agrees to the extent that a ball field doesn't take up prime agricultural soils. Ray M said while that is true, a ball field or other recreation field is not necessarily permanent and could eventually go back to being used for crops etc.

Bill M reminded the board there is still a conditional use review to cover some of these concerns. Johanna W voiced her concerns that the board avoids fragmentation of forested areas.

Tom A said he approves of the language as is.

Jean I asked if the board agreed on the term "low impact" and applying it only to the RR2 and Agricultural Districts. Tom A wanted clarification on what the board meant by "low impact." Tim C said when he mentioned it, he was referring to traffic. Tom A said while the goal is to use open spaces, shouldn't the board allow for some amount of impact in order to allow the facility to make money. Alex W said in his opinion, impact depends a good deal on the number of cars.

Joe I said land use is not static, land has to continue to pay for itself in some form or another; owners either need to be able to subdivide it or be allowed to find other uses for it.

Jean I suggested the board await public feedback before finalizing language for Outdoor Recreation Facilities.

Jean I asked the board if they had any questions regarding "Inn" or "Function Hall." Carrie F questioned the need for "compatible in scale." Tom A agreed and said a function hall by its nature has to be big enough to serve its purpose.

Bill M asked if the board was ok in changing the term "open space" to "green space" and the board agreed.

Minutes from February 8th, 2012 Meeting: Jean I MOVED to approve as amended. Ray M SECONDED the motion. The motion PASSED 8-0

Other Business: Jean I nominated Joe I as chairperson, and Bob L as vice chairperson. All were in favor, none opposed.

Alex W told the board about a hearing tomorrow in Shelburne, offering more info upon request. Alex W mentioned that St. George is updating its Town Plan. Alex W told the board that the Hannaford charrette is now scheduled for March 13th 7 p.m. in the meeting room at the fire station.

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