



MEMORANDUM

To: Hinesburg Development Review Board

From: Stephanie Hainley

Date: February 10, 2014

Re: Giroux & Firehouse Plaza Amendments - DRB Follow-up Materials

Enclosed please find the following materials to answer the questions and concerns raised at the DRB hearing of January 21 on the Commerce Park Subdivision, Giroux Subdivision, Automotion Site Plan Amendment, and Firehouse Plaza Site Plan Amendment:

- 1) Memo re: "Commerce Park Subdivision, Giroux Subdivision, Automotion Site Plan Amendment, Firehouse Plaza Site Plan Amendment - Follow-up to DRB Hearing," from Stephanie Hainley, and dated February 10, 2014.
- 2) Memo re: "Site Plan and Subdivision Applications, Hinesburg, Vermont," from Scott Jaunich, DRM, and dated January 31, 2014.
- 3) "Statement of Probable Cost: Landscape Plantings," prepared by Gail Henderson-King PLA, dated 10/8/13, and updated 2/10/14.
- 4) Letter from Steve Giroux to DRB, dated 2/6/14.
- 5) Memo re: "Automotion & Firehouse Plaza Site Plan Amendment Applications," from Brian Bertsch, O'Leary-Burke, and dated February 6, 2014.
- 6) Sheet 2 "Automotion - Site Plan Revision," prepared by O'Leary-Burke Civil Associates, dated 7/24/13, and most recently revised 2/3/14.



MEMORANDUM

To: Hinesburg Development Review Board

From: Stephanie Hainley

Date: February 10, 2014

Re: Commerce Park Subdivision, Giroux Subdivision, Automotion Site Plan Amendment, Firehouse Plaza Site Plan Amendment - Follow-up to DRB Hearing

At our last meeting on January 21, 2014, the DRB asked seven questions; please find the following and attached in response to these queries.

Commerce Park Subdivision

Lot Coverage

1) Question: *What is the lot coverage of Lot 15 - with and without the conveyed 0.32 acre parcel?*

Lot 15 complies with the lot coverage maximum with or without the 0.32 acre parcel.

Lot 15 without the conveyed parcel is within the Commerce Zoning District, which has a lot coverage maximum of 60%. The conveyed parcel is within the Village Zoning District, which has a maximum lot coverage maximum of 75%. Zoning requires that lot size be calculated without “access strips” for the purposes of lot coverage, so the parcel sizes reflect the acreage without the Commerce Street Extension.

	Lot 15 w/o Conveyed Parcel	Lot 15 w/Conveyed Parcel
Acreage	4.56	4.88
Impervious	2.48	2.48
Lot Coverage	54.4%	50.8%

At 54.4%, Lot 15 does not need the 0.32 acre parcel to comply with the maximum lot coverage requirements for either the Commercial or Village Zoning Districts.

Split Zoning

2) Question: *Does adding the 0.32 acre parcel from the Village Zoning District to Lot 15 (in the Commercial Zoning District) somehow extend the Village District's use restrictions (i.e. Section 3.5.6 - retail stores up to a maximum of 20,000 square feet) to the Hannaford use on lot 15?*

No, because each portion of the land is governed by the zoning regulations for each of their districts. Please see memo re: " Site Plan and Subdivision Applications, Hinesburg, Vermont," from attorney Scott Jaunich, dated January 31, 2014 for the legal analysis related to split zoning.

Automotion Site Plan Amendment

Parking

3) Question: *Why is the increase in parking needed? And how does this proposal comply with the Site Plan Review Standards in Section 4.3.4, the Design Standards for Commercial Uses in Section 5.6.3 and 5.6.5, as well as the Village Area Design Standards in Section 5.22.2?*

After double-checking the spaces on the proposed site plan in front of the DRB on 1/21, there was a total overall increase of 33 parking spaces. (We apologize for our miscalculation. Total parking spaces proposed on that plan should have said 64 spaces.) Specifically, 23 of the 33 new spaces were located in front of the building and 10 of were located to the side & rear of the building.

To respond to the Village Area Design Standards in Section 5.22.2, we have altered the proposed site plan - decreasing parking in front of the building by four spaces and increases screening.

The reason for the increase in approved parking (a total increase of 29 spaces) is to accommodate the Automotion business. In their original approval in 2005, the DRB ordered that: "If experience indicates inadequate parking or traffic flow, the Applicant shall immediately present proposed modifications of the site plan, and receive approval of them." This earlier concern has become a reality. As a vehicle repair shop, their demand ebbs and flows throughout the year (i.e. tire season). Owner Darrin Heath has also noticed a trend that his volume of business actually increases when more cars are located in the front of the shop (a concept akin to going to the diner that has more cars in than the one next door with an empty lot). Operationally, Automotion also needs circulation throughout the lot to move cars and bigger vehicles as they are being serviced.

Per Section 4.3.8, we are proposing to add three shade trees, a variety of evergreen and deciduous shrubbery, and perennial plants. These can be seen on the attached Site Plan Landscaping Schedule and the budget can be found on the attached "Statement of Probable Cost."

We respectfully request that landscaped islands not be required for this site. As per the above, circulation is of utmost importance at an automobile repair shop and the addition of barriers within these parking fields would be hazardous to customers, employees, and snow plows. Given that these are not very large expanses of parking spaces, we believe the provided landscaping will meet the intent of the standard.

As per the attached memo from Scott Jaunich, the Design Standards for Commercial and Industrial Uses in Section 5.6.3 do not apply.

4) Question: *Who uses the Automotion parking and shouldn't these shared areas be part of the site plan approval?*

The concern was raised about Automotion's parking lot being shared with other uses - Giroux Auto Body, Hinesburg Fire Department, and neighboring construction vehicles. For a further description of parking usage, please see the attached memo from property owner Steve Giroux, dated 2/6/14. When the spaces are not being used by Automotion, it has been the practice that others share these spaces.

Section 5.22.2 specifically states that "shared parking lots shall be utilized when feasible." We believe that this site meets the intent of the Town's zoning and is the best utilization for this land. Please see attached memo from Scott Jaunich for the legal analysis.

Stormwater

5) Question: *Could the stormwater from the new impervious area and any stormwater coming off of the new slope on the conveyed 0.32 acres be treated in a retention pond on the Automotion site?*

Because the overall approved impervious acreage is being reduced from 0.69 acres to the proposed 0.68 acres, there are no new impacts that would justify any stormwater conditions. Please see the attached memo from Scott Jaunich for legal analysis. Furthermore, because the proposed grading does a good job of treating the new impervious area stormwater, a retention pond is not necessary. Please see the attached memo from engineer Brian Bertsch, dated February 6, 2014, for a further explanation of this system.

We respectfully request that the board make its decision on the stormwater treatment shown on the proposed plan.

Firehouse Plaza Site Plan Amendment

Stormwater Treatment

6) Question: *Could the proposed site plan include stormwater treatment improvements within the greenspace along Commerce Street to treat stormwater from the existing Firehouse Plaza parking lot?*

Because the overall approved impervious acreage is being reduced from 1.56 acres to the proposed 1.54 acres, there are no new impacts that would justify any stormwater treatment conditions. Please see the attached memo from Scott Jaunich for legal analysis. Furthermore, the existing system provides sufficient stormwater treatment through the use of the grassed swale to the Route 116 ditch. Please see the attached memo from Brian Bertsch for a description of this treatment.

Stormwater Flow

7) Question: *Could the proposed site plan include a culvert under the proposed driveway to compensate for any issues with the current Commerce Street culvert?*

As explained by Paul O'Leary at the hearing and in Brian Bertsch's attached memo, the proposed driveway will be crowned so that runoff from the western portion of the driveway will flow to the Commerce Street drainage swale, where it will continue to receive the same level of treatment the site gets today. Even if the stormwater system might have been done differently if newly designed from a blank slate, this existing flow is permitted properly and functions sufficiently. Furthermore, as described in the attached memo, the existing issues at the Commerce Street culvert will be improved by the approved Hannaford project upgrades, thus rendering a culvert under the proposed driveway unnecessary.

To: Stephanie Hainley, White + Burke Real Estate Investment Advisors, Inc.
From: R. Prescott Jaunich, Esq., DRM PLLC
Re: Site Plan and Subdivision Applications, Hinesburg, Vermont
Date: January 31, 2014

A number of questions were raised during the DRB hearing held on January 21, 2014. This memorandum will address the legal standards related to a few of those questions.

Commerce Park Subdivision

Split Zoning

Does adding the 0.32 acre parcel from the Village Zoning District to Lot 15 (in the Commercial Zoning District) somehow extend the Village District's use restrictions (i.e. Section 3.5.6 - retail stores up to a maximum of 20,000 square feet) to the Hannaford use on lot 15?

No - the zoning regulations for each district apply to the land within that district, regardless of whether a parcel is split by a district boundary. The portion within the Commercial District is subject to Commercial District zoning regulations and the portion within the Village District is subject to Village District regulations. See e.g., *McLaughry v. Town of Norwich*, 140 Vt. 49, 54–55 (1981) noting that the split lot could be used “for two different purposes; that is, that part of it which lies within the business district could be used for business purposes, and that part of the property lying within the residential district could be used for residential purposes.”

Automotion Site Plan Amendment

Parking Design

How does this proposal comply with the Design Standards for Commercial Uses in Section 5.6.3 and 5.6.5?

The Parking and Loading Area Design Standards for Commercial and Industrial Uses in Section 5.6.3 apply only to “new structures.” Because no new structure is being proposed, these parking standards do not apply.

The Landscaping Standards in Section 5.6.5 suggest that landscaping not only generally improves the aesthetic appearance of a site but should be designed to serve a functional purpose such as visual screening. By reference to the standards expressed at Section 4.3.8, “The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive area.” See Section 4.3.8 (2)(c). Landscaped islands are only required for “large expanses of parking,” which are not defined.

Shared Parking

Who uses the Automotion parking and shouldn't these shared areas be part of the site plan approval?

The Automotion parking is sometimes shared with the Girouxs, the town Fire Department, and others. There is no Town prohibition against shared parking. To the contrary, such shared parking is explicitly encouraged by the Town zoning ordinance Section 5.22 Village Design Standards, subsection 5.22.2 (2) states “On-street parking and shared parking lots shall be utilized when feasible.”

The Girouxs have a long and neighborly history of allowing others to temporarily park on the property when space is available, such as for Fire Department functions and recently including Town road contractors.

The shared parking does not result in any new or expanded use of the site, and there is no regulatory approval required before the Applicant may continue to allow shared parking. This shared use is encouraged by the Town’s regulations, not prohibited.

Automotion & Firehouse Plaza

Stormwater

Could the proposed site plans include stormwater treatment such as a retention pond at Automotion and swales within the greenspace at Firehouse Plaza?

A Development Review Board may only impose conditions with respect to new impacts being caused by an application. “Inherent in the power to regulate land development, municipalities have the power to require developers to mitigate certain adverse impacts of their proposed projects.” *Appeal of the A. Johnson Company*, Docket No. 220-12-03 Vtec (J. Wright) (December 23, 2004) at 2. Necessary to such authority, however, is an essential nexus with the legitimate impacts of the proposed development. To be lawful, not only must the condition have an ‘essential nexus’ to an identified impact, but the condition must be ‘roughly proportional’ to the impact itself. These requirements are plainly established in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

In the matter at hand, Applicant has been asked to accede to significant stormwater improvements as a condition for site plan approval. The uncontroverted evidence is that these applications present no new stormwater impacts. For both Firehouse Plaza and Automotion impervious surface area is being *decreased* when compared to previously approved lot coverage.

	Approved Impervious	Proposed Impervious
Automotion	0.69 acres	0.68 acres
Firehouse Plaza	1.56 acres	1.54 acres

The Town's preference for additional improvements does not justify the unconstitutional imposition of such drainage improvements. The present drainage system is lawfully permitted. There is no evidence of any drainage impact from the proposals that can lawfully be the basis for new conditions.

14814616.1

Giroux-Automotion Site Plan Amendment

Statement of Probable Cost: Landscape Plantings

Prepared by: Gail Henderson-King, PLA, White + Burke Real Estate Investment Advisors, Inc.

Date Prepared: 10/8/13

Date Revised: 2/10/14



Botanical Name	Common Name	Quantity	Size	Unit	Unit Cost	Subtotal
Trees and Shrubs						
Acer rubrum	Red Maple	3	2 1/2" to 3" Cal.	Each	\$500.00	\$1,500.00
Cornus sericea 'Bailey'	Redoiser Dogwood	10	24" to 30" Height	Each	\$45.00	\$450.00
Pinus mugo	Mugo Pine	14	24" to 30" Height	Each	\$55.00	\$770.00
Relocation of White Cedars to Northern and Western Property Lines (Approximately 20 trees)		1		Lump Sum	\$750.00	\$750.00
Perennials						
Hemerocallis spp.	Daylily	30	1 gallon	Each	\$20.00	\$600.00
					Total:	\$2,570.00

Giroux Body Shop, Inc.
10370 Route 116
Hinesburg, Vermont 05461
Phone/Fax 1-802-482-2162
email - girouxbodyshop@gmavt.net

To: Hinesburg Development Review Board

Date: 02/06/14

Giroux Body Shop has been in business since 1922; selling cars since the 50's and using the Automotion lot for car display since the 70's.

The monthly lease agreement has always included our use of the lot for our overflow parking of trucks, trailers & cars - including cars for sale. We seasonally need additional trailer/truck parking because larger vehicles are easier to park in that yard.

Since Automotion's original DRB approval in 2005, the business has moved out of the building next door to our building and consolidated all operations to his current location. This has increase his need for parking. We feel the number of spaces needed to park cars should be determined by the business and its customers rather than being assigned. The lot size is sufficient to accommodate what is needed. Limiting spaces would not only limit shared parking but also reduce potential growth and future employment opportunities.

We have always made our space available for fire department, town functions, and contractor use. Frankly, we don't know where else these vehicles would go if we had to limit them. This happens throughout town, Hart & Mead, Lantman's, Papa Nicks, The Cheese Plant all open their

spaces when needed for concerts, July 4th celebrations, recreation field use, etc. Shared parking is the way it should be. If the lot is left open without pavement, curbs, and marked spaces. It doesn't look like a parking lot when not in use. This also aids in snow removal.

The layout of the lot, with the building located in the rear, dictates that the majority of the parking must be on the side and in front of the building. Parking at all neighboring lots, Mobil, Kinney Drugs, Aubuchon Hardware, Fire & Police Depts and the Cheese Plant are fully visible from the road. This lot should be no exception. We need the flexibility to continue to use this space in a manner that allows our businesses to function on a day to day basis.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Steven Giroux". The signature is written in a cursive, flowing style.

Steve Giroux,

Vice President

cc:file

MEMORANDUM

TO: HINESBURG DEVELOPMENT REVIEW BOARD
FROM: BRIAN J. BERTSCH, P.E.
SUBJECT: AUTOMOTION & FIREHOUSE PLAZA
SITE PLAN AMENDMENT APPLICATIONS
DATE: FEBRUARY 6, 2014
CC: STEPHANIE HAINLEY

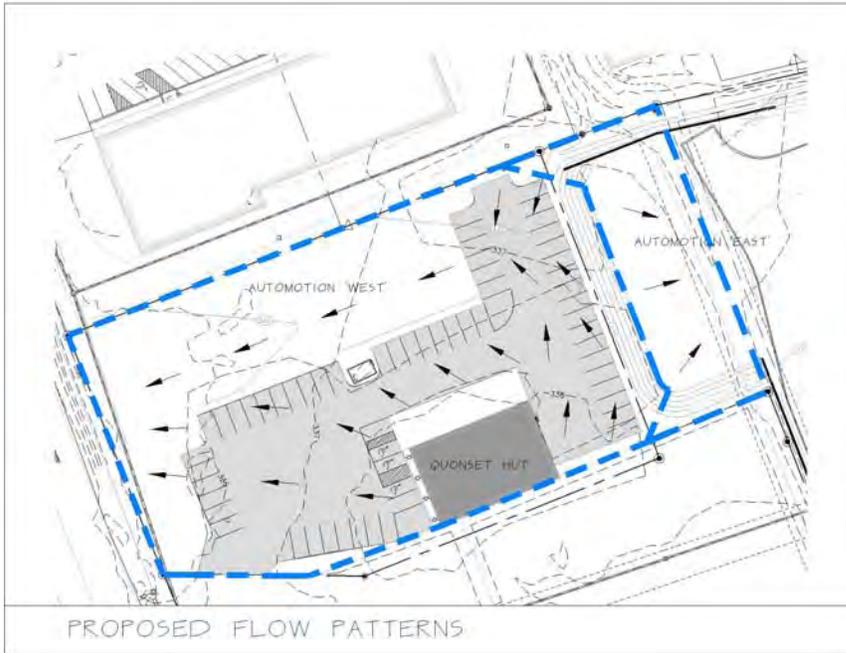
In response to questions raised in the January 17, 2014 Site Plan report and at the January 21, 2014 public hearing we are writing to provide additional details about the current and proposed levels of stormwater treatment from the Automotion and Firehouse Plaza properties.

Automotion Site Plan

The current proposal to expand the Automotion parking area will create less than 5,000 sq. ft. of new impervious area. We have graded the new parking spaces to drain west, instead east, to further reduce runoff to the Darkstar swale. A summary of the pre vs post flow patterns has been depicted below:



O'Leary-Burke Civil Associates, PLC
1 Corporate Drive, Suite 1 Essex Jct., VT 05452
802-878-9990 Fax 802-878-9989



An added benefit of draining the rear portion of the Automotion property west, instead of east, is that the length of overland flow has increased. Under current conditions runoff from the gravel parking area behind Automotion flows via sheet flow for a length of approximately 90 feet into the Darkstar swale. Under the proposed conditions runoff from the new gravel parking area, and the minimal amount of runoff which will come down the 3:1 slope of the farmers market, will sheet flow for approximately 100 feet before it concentrates and flows an additional 140 feet over grass before entering the VT RT116 swale.

The flow path measured from the rear parking area of the Automotion property to Patrick Brook is approximately 695' feet via the Darkstar swale versus 1,050 feet via the VT 116 swale.

In addition, the current proposal results in slightly less impervious area than what the site was originally approved for. When compared to the approved plan and the existing conditions, the proposed plan provides a greater opportunity for natural stormwater treatment than the site currently receives.

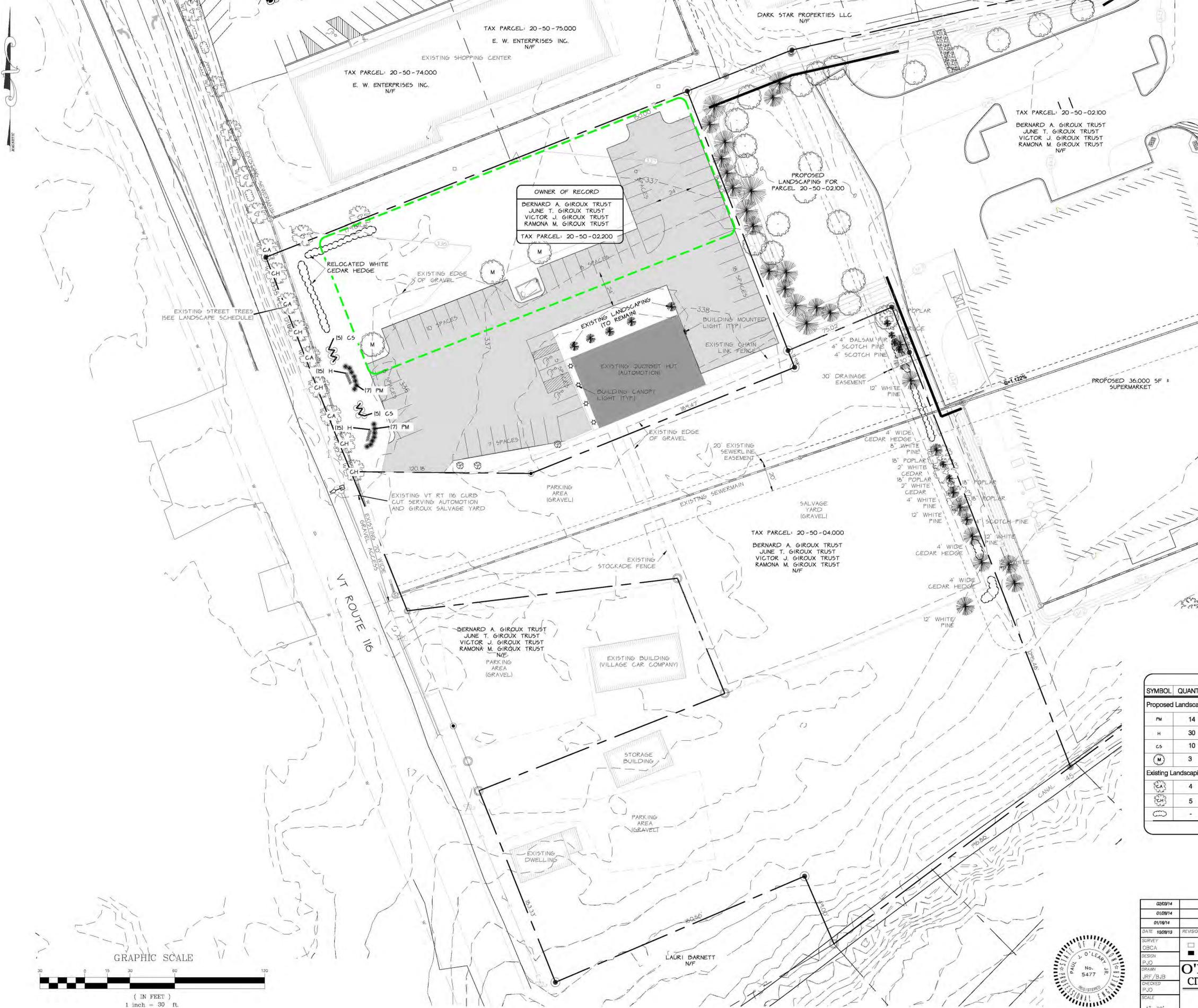
Firehouse Plaza Site Plan

The existing stormwater treatment of the Firehouse Plaza parking lot is via a grassed swale along Commerce Street that flows to the ditch along Route 116. The existing drainage ditches along Commerce Street and Route 116 combine to provide approximately 560 feet of natural stormwater treatment.

The current proposal to remove and replace the existing driveway will result in a slight decrease in impervious area. The new driveway will be crowned so that runoff from the western portion of the driveway will flow to the Commerce Street drainage swale, where it will continue to receive the same level of treatment the site gets

today. Runoff from the eastern portion of the driveway will flow directly into the new culvert under Commerce Street which flows into the approved treatment and detention area located between Lots 2 and 3.

Upgrades to the Darkstar swale, Commerce Street culvert, and Lots 2 and 3 detention area, which were approved as part of the Hannaford application, are expected to improve the flow of water under Commerce Street and flooding on the Darkstar property. With the system as designed there is not expected to be any overflow or backflow of stormwater onto the Firehouse Plaza property.



Legend

- PROPERTY BOUNDARY
- OTHER PROPERTY LINE
- SIDELINE OF EASEMENT
- CONTOUR LINE (USGS & DATUM)
- PROPOSED FINISH GRADE CONTOUR
- EDGE OF WOODED AREA
- EDGE OF WETLAND (CLASS III)
- EXISTING IRON PIPE
- EXISTING CONCRETE MONUMENT
- IRON PIPE (TO BE SET)
- PROPERTY BOUNDARY
- EXISTING ELECTRIC/TELEPHONE LINE
- EXISTING SEWERLINE
- EXISTING WATERLINE
- EXISTING/PROPOSED HYDRANT
- EXISTING/PROPOSED BUILDING MOUNTED LUMINAIRE
- SOIL TYPE & BOUNDARY
- CONSTRUCTION LIMITS OF DISTURBANCE

(NOTE: PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE)

Zoning Information

ZONING DISTRICT: VILLAGE

DIMENSIONAL REQUIREMENTS

	REQUIRED	PROPOSED
MINIMUM LOT AREA	1000 SQ. FT.	57,103 SQ. FT.
MINIMUM LOT FRONTAGE	60'	153'
MINIMUM LOT DEPTH	100'	330'
MINIMUM FRONT SETBACK	10'	>10'
MINIMUM SIDE SETBACK	10'	>10'
MINIMUM REAR SETBACK	10'	>10'
MAXIMUM LOT COVERAGE	75%	52%

COVERAGE CALCULATION

PARCEL AREA (EXISTING) - 1.76-ACRES
 COVERAGE (EXISTING) - 0.60-ACRES

PARCEL AREA (APPROVED) - 1.76-ACRES
 COVERAGE (APPROVED) - 0.69-ACRES

*PER 1995 SITE PLAN APPROVAL

PARCEL AREA (PROPOSED) - 1.31-ACRES
 COVERAGE (PROPOSED) - 0.68-ACRES

PARKING CALCULATION

PARKING REQUIRED: 10 SPACES (1 SPACE/400 SF GFA • 3,855 SQ. FT.)
 PARKING PROPOSED: 60 SPACES
 (2 HANDICAPPED SPACES + 1 VAN ACCESSIBLE SPACE)

*NOTE: PARKING STRIPING SHOWN ON THE SITE PLAN IS FOR ILLUSTRATIVE PURPOSE ONLY. THE SOLID HATCH REPRESENTS A COMBINATION OF GRAVEL AND PAVEMENT FOR PARKING SURFACES. ALL HAS BEEN CONSIDERED IMPERVIOUS FOR THE CALCULATION OF 'MAXIMUM LOT COVERAGE' ABOVE.

Landscape Schedule

SYMBOL	QUANTITY	COMMON NAME	BOTANIC NAME	SIZE AT PLANTING	SIZE AT MATURITY	REMARKS
Proposed Landscaping						
PM	14	Mugo Pine	Pinus mugo	24"-30" Height	3' Height	B&B or Container
H	30	Daylilies	Hemerocallis	12" Height	2' Height	1 Gallon
CS	10	Red Osier Dogwood	Cornus sericea	24"-30" Height	6' Height	B&B or Container
M	3	Red Maple	Acer rubrum	2.5"-3" Caliper	50' Height	B&B
Existing Landscaping						
CA	4	Existing (to remain) Crabapple	Malus spp.			
CH	5	Existing (to remain) Cherry	Prunus cerasus			
	-	Relocated White Cedar Hedge	Thuja occidentalis			

02/29/14	ADDED ADDITIONAL LANDSCAPING	RLB
01/28/14	REVISED PARKING COUNT, UPDATED LIMITS OF DISTURBANCE	RLB
01/16/14	ADDED LIMITS OF DISTURBANCE	RLB
DATE: 10/28/13	REVISION: MISC. REVISIONS PER TOWN REVIEW	BY: RLB
SURVEY: OBCA	DESIGN: PUJ	DATE: 07-24-13
DRAWN: JRF/BJB	CHECKED: PUJ	JOB#: 3056
SCALE: 1"=30'	FILE: CURRENT	PLAN SHEET #

Automotion

1 CORPORATE DRIVE, SUITE #1
 ESSEX, VT
 PHONE: 878-9989
 FAX: 878-9989
 E-MAIL: oca@okeyburke.com

**O'LEARY-BURKE
 CIVIL ASSOCIATES, PLC**

VT Route 116
 Hinesburg, VT

Site Plan Revision

2