

**TOWN OF HINESBURG  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT, CONCLUSIONS & ORDER**

**For Victor Giroux and Automotion (Darrin & Katherine Heath)  
Site Plan and Conditional Use  
Tax Map #20-50-02.200**

This matter came before the Hinesburg Development Review Board (DRB) on the application of Automotion (Darrin & Katherine Heath, owners), hereafter referred to as the Applicant, for site plan and conditional use for a motor vehicle repair facility on Route 116 (east side). The property in question is owned by Victor Giroux. The DRB reviewed the site plan, conditional use, and sign applications on November 15, 2005. Darrin Heath presented the application this meeting.

Based on the above-mentioned public hearing and the documents contained in the “document” file for this proposal, the DRB enters the following Findings of Fact, Conclusions and Order.

**FINDINGS OF FACT**

1. The Applicant is requesting DRB approval to expand their motor vehicle service/repair facility by making use of a 2nd parcel in the Commercial Zoning District. The subject parcel is located on VT Route 116 across from the Fire Station (east side, next parcel south of Firehouse Plaza); parcel number 20-50-02.200. The parcel is owned by Victor Giroux. It is currently leased by Hinesburg Auto Sales, which is preparing to relocate/purchase the Sears property to the south. Automotion plans to lease the property from Mr. Giroux, while retaining its existing facility (also leased from Mr. Giroux) on the other side of Route 116. Automotion is interested in utilizing the new location to accommodate an increasing customer base and relieve their current parking limitations. The parcel is currently developed with the “Quonset hut” structure and a large surrounding parking area, a small portion of which is paved in front of the building. Interestingly, a 30’ wide strip of this lot, to the south of the Quonset hut, is utilized by the Giroux Auto Body shop as part of their larger storage/salvage area on the lot to the south.
2. Operating hours would be from 7am-6pm, Monday through Friday. Car repair work will be done inside the structure, which will accommodate 4 vehicle lifts and 3-4 employees. The existing shared access (shared with the other Giroux lot) to Route 116 will be utilized. The site plan indicates parking areas in the front (9 spaces), on the side (10 spaces), and behind the building (12 spaces). The plan also shows a dumpster and a fuel tank behind the building as well as a fuel tank near the southwest corner of the building. The applicant stated at the hearing that these fuel tanks would be removed. The site plan also shows 3 lights on the front of the building and 2 lights on the back of the building. Customer access will be through the front door, but access for vehicles to be repaired will be through overhead doors on the back side of the building.
3. This parcel is subject to a number of prior subdivision and site plan approvals. The property was subdivided in 1987, and that approval was last revised on November 5, 1997. This approval contains a number of relevant conditions, such as: a 10’ wide sidewalk easement area, shared access, parking areas, landscaping, and future reductions in the width of the Route 116 access related to any future sidewalk projects. The revised subdivision plan (with revised landscaping) mentioned in condition #17 is not in the

Planning/Zoning office files nor is it recorded in the Clerk's office. The parcel received site plan approval for the used car business on July 23, 1997. Although for a different business, this site plan approval also contains 2 relevant conditions related to lot appearance and landscaping (#8) and future sidewalk locations (#9).

4. As a motor vehicle sales facility, the project needs conditional use and site plan approval. The Applicant plans to install a new wall-mounted sign, but has no specific proposal at this time. The lighting on the front of the building will be general area lighting, and not specific to the sign.
5. The plan was prepared using an older plan for the property that still shows some older landscaping plans that are not part of the current proposal. The actual proposed landscaping is as follows. West side (along frontage) – existing trees and grass, nothing new proposed; North side – little to none existing (aside from chain link fence) and none proposed; East side – existing trees, 5-6 more trees proposed to help fill in; South side – a few existing trees (along with solid fence separating area on lot used for Giroux storage) and nothing new proposed; Interior of lot – 4-5 existing evergreen trees on north side of Quonset hut, 3 small existing trees (2 evergreen, 1 deciduous) in front of the paved area in front of the building, and a large proposed grassy area occupying the northern half of the lot (indicated on the plan).
6. The combined site plan, conditional use, and sign application was received on November 4, 2005. It included a variety of site plan drawings, specifications, explanatory information, and related documents. Some of these plans were revised or supplemented during the course of the review. The final plan is dated (stamped received) November 15, 2005, and was presented at the final hearing. All of these submissions are contained in the document file (20-50-02.200) in the Hinesburg Planning & Zoning office. This file also contains staff reports and correspondence from other parties that were discussed during the review and are part of the record.
7. The following members of the DRB were present for the review on November 15, 2005, constituting a quorum: Tom McGlenn, George Munson, Ted Bloomhardt, Robert Gauthier, Clint Emmons, Greg Waples, Joe Donegan. See the official meeting minutes for a list of others present at the meeting(s).
8. The November 15, 2005 public hearing was warned in the Burlington Free Press on October 30, 2005.
9. The facility will be served by Town water and sewer; however, wastewater and water allocations are needed from the Selectboard according to the Director of Buildings and Facilities due to the change in use.
10. The rear portion of the property drains to a swale at the rear of the property, which flows north under Commerce Street and eventually to Patrick Brook. The front portion of the property drains to the VT Route 116 drainage ditch, and then north to Patrick Brook (well beyond the property).
11. The Applicant stated at the hearing that all vehicles on the lot will be registered.

## CONCLUSIONS

1. The Applicant's proposed sign will only be illuminated indirectly by the proposed wall mounted lights on the front of the building. As such, it does not constitute an "illuminated sign" per se; therefore, it does not require DRB approval as such. The plans meet the site plan criteria in section 4.3 of the Zoning Regulations. The proposed use will not adversely affect any of the conditional use criteria in section 4.2.2 of the Zoning Regulations. There appear to be no issues with regard to the special conditions for motor vehicle facilities listed in section 3.5.3 #12 (Zoning Regulations).
2. The small landscaped area in front of the paved parking area helps to divide this use from the adjacent Giroux lot used for parking. It also serves to delineate the traffic flow for vehicles entering the lot. Currently, this area is not well maintained and should be improved to better serve the above functions and to better provide the landscaping originally envisioned when the lot was subdivided. Additional topsoil and ground cover should be added after this area is better delineated (e.g., a defined edge) from the drive and parking area.
3. The proposed landscaping arrangement is generally adequate for the site with the exception of the west side facing Route 116 and the small area mentioned in Conclusion #2 (see below for tree species selection). Additional landscaping is needed on the west side to further improve the appearance of the site, especially the frontage area (see section 5.6.6, Zoning). The existing row of crabapple trees should be supplemented to eventually create a more traditional streetscape. Traditional street trees and some related shrubs would help give more visual emphasis to one of the main entryways to the village area. No additional screening is needed on the south side of the lot due to the existing fence screening the Giroux storage/salvage area. However, should the use of the Giroux parcel to the south change, the Applicant may be required to install additional landscaping (trees and/or shrubs) or screening on this side. No additional landscaping is needed on the north side of the lot since it faces the back of Firehouse plaza. Particular care must be taken in the final selection and installation of all trees due to the site's heavy and poorly drained soils. Consultation with the Town Tree Warden prior to selecting or purchasing the trees is critical to ensure the trees will grow vigorously and remain healthy. Furthermore, it makes no sense to install additional street trees and shrubs along the west side of the lot, until the Town has finalized a plan for sidewalk improvements along this side of the Route 116 corridor.
4. Pursuant to section 5.6.8 (Zoning), the DRB may require sidewalks, bike lanes or trails if necessary to improve public safety, reduce vehicular traffic, provide access to services or otherwise promote continuity within the zoning district. No sidewalks currently exist on this portion of Route 116, so requiring the construction of one along this frontage seems unnecessary right now. However, as emphasized throughout the village area and transportation sections of the Town Plan (sections 3.2 and 6.0), the Town is interested in additional pedestrian infrastructure to create a truly walkable community. The earlier subdivision approval required a 10' wide pedestrian easement along the frontage. Therefore, the Applicant and/or landowner should cover the cost of installing a sidewalk generally along the frontage. This could be within the already established 10' wide easement along the property frontage, but may be within the Route 116 right of way. Discretion on the location should be left to the Town with input from the property owner.

5. The access to Route 116 is shared between this parcel and the abutting parcel to the south. It is a very wide access at approximately 75', which poses no real issues now due to the lack of any real pedestrian infrastructure or traffic. However, it will pose a problem when sidewalk is installed. The Planning Commission wisely recognized this in the 1997 subdivision approval by including a condition (#19) that required a reduction in the width and a more clearly defined entrance when the Town begins to design a sidewalk on this side of Route 116.
6. No changes to the access to Route 116 have been proposed, so it is unlikely that a permit from the State Agency of Transportation is needed at this time. Such a permit will likely be required when a sidewalk is installed in the future. At that point, the access will need to be modified (as mentioned above) and will likely be required to be brought up to the B-71 access drive standard (used by both the Town and the State). At minimum, this standard requires that the portion of the access within the Route 116 right of way be paved. Given the Town's desire for a sidewalk, it makes sense to hold off on such paving until the sidewalk is installed.
7. As a motor vehicle repair business, the use will need to deal with occasional fluid spills or leakage from vehicles. Appropriate spill cleanup procedures and materials should be part of the Applicant's operation. This is an important environmental concern, especially as it relates to stormwater runoff.
8. This is a very large lot (approx. 1.75 acres) with ample room to accommodate customer traffic, and possibly additional development (either vertically or horizontally). The Applicant stated that customers will continue to drop off and pick up cars from the existing Automotion location on the west side of Route 116. In other words, this new location will be primarily used for service only, with employees shuttling cars back and forth across Route 116 as needed. Although this system appears viable, the Applicant is strongly encouraged to consider redesigning the operations in the future to handle all customer traffic at this new location, where access and parking are much more easily accomplished.

### **ORDER**

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB gives site plan and conditional use approval to Automotion and Victor Giroux (property owner) for the project described above, subject to the conditions listed below.

1. The Applicant shall submit 2 copies of the site plan with the revisions noted in this approval, including additional landscaping and the elimination of the 2 outdoor fuel tanks, and any extraneous landscaping notes that are no longer relevant (i.e., evergreen trees along south side, trees along north side). The revised site plan shall be submitted within 90 days of this approval.
2. The narrow planting area in front of the paved parking area (currently with 3 trees) shall be improved and better delineated to help demarcate the edge of traffic flow and provide a landscaped break between the Giroux parking to the south. Additional topsoil and ground cover should be added after this area is better delineated (e.g., a defined edge) from the drive and parking area. This area should contain no less than 3 viable and healthy trees along with grass or other suitable ground cover in the area generally shown on the plan.

3. Additional landscaping shall be added on the western or road side portion of the lot. Specifically, 3 hardwood street/shade trees shall be planted to the east of the existing row of crabapple trees. These 3 trees shall be planted with a spacing of approximately 40'. Each tree shall measure at least 2 inches in diameter measured at a point 6 inches above the finished grade level. Furthermore, 2 clumps of shrubs (2 or more shrubs per clump) shall also be planted; each clump to be planted in the gap between the street trees mentioned above.
4. The landscaping described in Finding of Fact #5 (trees and grass) and Order – Condition #2 shall be installed by June 15, 2006. The landscaping described in Order – Condition #3 shall be installed within 1 year of the completion of the Town's design of the sidewalk plan and any related landscaping plan ("design completion" as determined by the Selectboard). Prior to selecting or purchasing trees, the Applicant shall consult with the Town Tree Warden on the proper species from which to choose. All landscaping shall be maintained in the future to ensure adequate growth and good health. All grass areas shall be mowed on a regular basis and kept attractively maintained.
5. The permittees (Applicant and/or landowner) shall cover the reasonable cost of installing a sidewalk generally along the property frontage (either on the property or within the Route 116 right of way) at such a time that it is deemed appropriate by the Selectboard (see Conclusion #4). This cost should be based on the lot frontage length or actual length of sidewalk installed, whichever is less.
6. When the Town begins the design of a sidewalk on this portion of Route 116, the permittees shall work with the Town on a more clearly defined shared entrance into this property and the abutting Giroux lot to the south. This should include a reduction in the width of the access and other means to improve the safety and comfort of pedestrians crossing the access.
7. The portion of the access within the Route 116 right of way shall be improved to meet the B-71 access standard used by both the Town and the State, unless waivers are obtained by both the Vermont Agency of Transportation and the Selectboard. These improvements shall be made by the permittees at the time the sidewalk is installed (sidewalk timeframe to be determined by the Selectboard per above conditions). See Conclusion #6.
8. All cars shall be parked in neat rows in the areas indicated on the plan. There shall be no outside storage of parts or of cars used for parts.
9. If experience indicates inadequate parking or traffic flow, the Applicant shall immediately present proposed modifications of the site plan, and receive approval of them.
10. The Applicant shall implement reasonable spill cleanup procedures and shall have the appropriate cleanup materials on the premises at all times.
11. Town water and/or wastewater connection permits shall be obtained prior to the use of the structure for vehicle repair (application forms available from the Town Administrator). Furthermore, the proposed water and/or wastewater systems shall comply with Town of Hinesburg's Water and Sewer Ordinances.
12. The permittees shall be responsible for any damages to Town water and sewer infrastructure that occur as a result of installation, maintenance, or improper functioning of the proposed

water and sewer service. The permittees shall cover any and all costs incurred by the Town to repair such damages and restore services.

13. All exterior lighting shall be downcasting and installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the lot. All exterior lights shall be turned off (or to a motion sensor status) no later than 8pm.
14. The areas exposed during construction shall be treated in a manner consistent with the procedures contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites.
15. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval.

Date

Approved: 12/09/2005  
George Munson, Clerk  
Development Review Board

Board Members participating in this decision: Tom McGlenn, George Munson, Ted Bloomhardt, Robert Gauthier, Clint Emmons.

Vote to approve: 5-0 (See November 15 and December 6, 2005 meeting minutes)

***30-day Appeal Period:***

An “interested person”, who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date this decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465b for clarification on who qualifies as an “interested person”.

Notice of the appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Hinesburg Planning & Zoning Department at PO Box 133, Hinesburg, VT 05461. Please contact the VT Environmental Court for more information on filing requirements, fees, and current mailing address.