From: James Dumont
To: Alex Weinhagen; "Peter Erb"; budallenlaw@aol.com
Cc: Catherine Goldsmith
Subject: Hannaford, Giroux and Automotion
Date: Wednesday, March 05, 2014 7:24:48 AM
Attachments: March 4 14 letter to Wainer as filed.pdf

Alex, Peter and Bud – for some reason I missed the expectation of a filing by 2/10. Sorry about that. Bud, here is a copy of what I hand-filed last night.
The DRB said it wants more legal input on four issues. So that my thoughts are on the table before Bud or anyone else responds, I want to submit on Monday a letter that addresses each of the areas that Greg and Zoe mentioned – however I also want to be sure that my list is accurate.

My notes indicate there are actually seven issues not four. The fifth issue is the one raised by Peter's memo (and also my letter) as to the Official Map. The sixth issue is one that was raised at various times during the hearing and then which Alex commented on just as the meeting closed, as to the nature of the process required to change a permitted conditional use. The seventh is the impervious area change or no-change issue as to Giroux-Automoation lands. I think the seven issues are:

1) what law on the # and location of parking spaces applies (a topic I did address in the March 4 letter but will want to follow up on);
2) whether the lot coverage requirements for Lot 15 are being met by use of the non-Lot 15 lands in the Village District;
3) whether the Village District standards apply to the proposed 36,000 square foot store which will be served by the 'Farmers Market' site outside of Lot 15 on lands now owned by Giroux and within the Village District, because the Farmers Market is part of that proposed supermarket use;
4) whether stormwater treatment conditions may be imposed as part of the Firehouse Plaza application;
5) whether an amendment to the Official Map is required before the DRB can approve of lands outside of Lot 15 to meet the "accommodate" standard for public facilities under the statute, because the Official Map calls for a public facility on Lot 15;
6) whether under the ordinance the holder of a 2005 permit for a conditional use that specified the # and location of parking spaces can change the # and location of of parking spaces to a # that exceeds the Table 2 Guidelines and that changes the location in a manner that requires a variance under the current zoning ordinance by submitting only a site plan, not submitting a conditional use permit amendment application and not submitting a variance request; and
7) how to determine whether the proposal calls for a change in the impervious area on the Giroux-Automotion lands – is this calculated based on the # of parking spaces and access lanes requested, based on standard sizes for spaces and lanes, or on the hand-drawn not-to-scale diagram submitted with the 2005 application?

Please let me know if your notes and recollection differ. Thanks.

Jim

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