

SUBDIVISION REVISION – FINAL PLAT

<p>Owner: Bernard A. Giroux Trust, June T. Giroux Trust, Victor J. Giroux Trust and Ramona M. Giroux Trust. They own both lots</p>	<p>Applicant: Tyler Sterling for Hannaford Bros. Co.</p>
<p>Surveyor/Engineer: O’Leary Burke Civil Associates 1 Corporate Drive Essex Jct. Vt.</p>	<p>Property Tax Parcel: 20-50-02.200 and 20-50-74.000</p>

BACKGROUND

The approval of the proposed new Hannaford Supermarket, granted on November 6, 2012 recognized, in Finding of fact #2, Conclusion # 15 and Order # 15, that for the approval to be valid, land from this “Automotion” lot would have to be added to Commerce Park lot # 15 (the Hannaford lot) to accommodate the Farmers Market.

Hannaford Bros. Co. the Applicant, is now requesting a revision to the final plat approval, granted on July 29, 1987, and recorded on slide XXXXX which created both this “Automotion” lot, Tax Map 20-50-02.200 located at 10365 Route 116 and the adjacent “storage yard lot”, 20-50-04.000 located at 10407 Route 116, both in the Village District.

Specifically the applicant is requesting to make three changes to the subdivision lot lines.

The first is to transfer .32 acres, from the eastern side of the “Automotion” lot, Tax Map 20-50-02.200 to lot #15, which is under contract to Hannaford however still owned by the same Giroux trusts.

The second is to move the internal lot line that separates the “Automotion” lot, Tax Map 20-50-02.200 and the “storage yard lot”, 20-50-04.000

The third is to formally lease back the area on the “Automation” lot that is currently used by the “Giroux Storage Lot” to that lot so that the existing uses can be continued.

A 0.13 acre area depicted on sheet SH1 boundary Line Adjustment- will be conveyed from the Automotion lot to the Giroux body shop storage Yard. The Automotion lot will become a 1.31 acre parcel (after the transfer of the .32 acres to lot 15) and the Giroux body shop Storage yard will become a 2.57 acre parcel, both of which will comply with the dimensional requirements for the village zoning district.

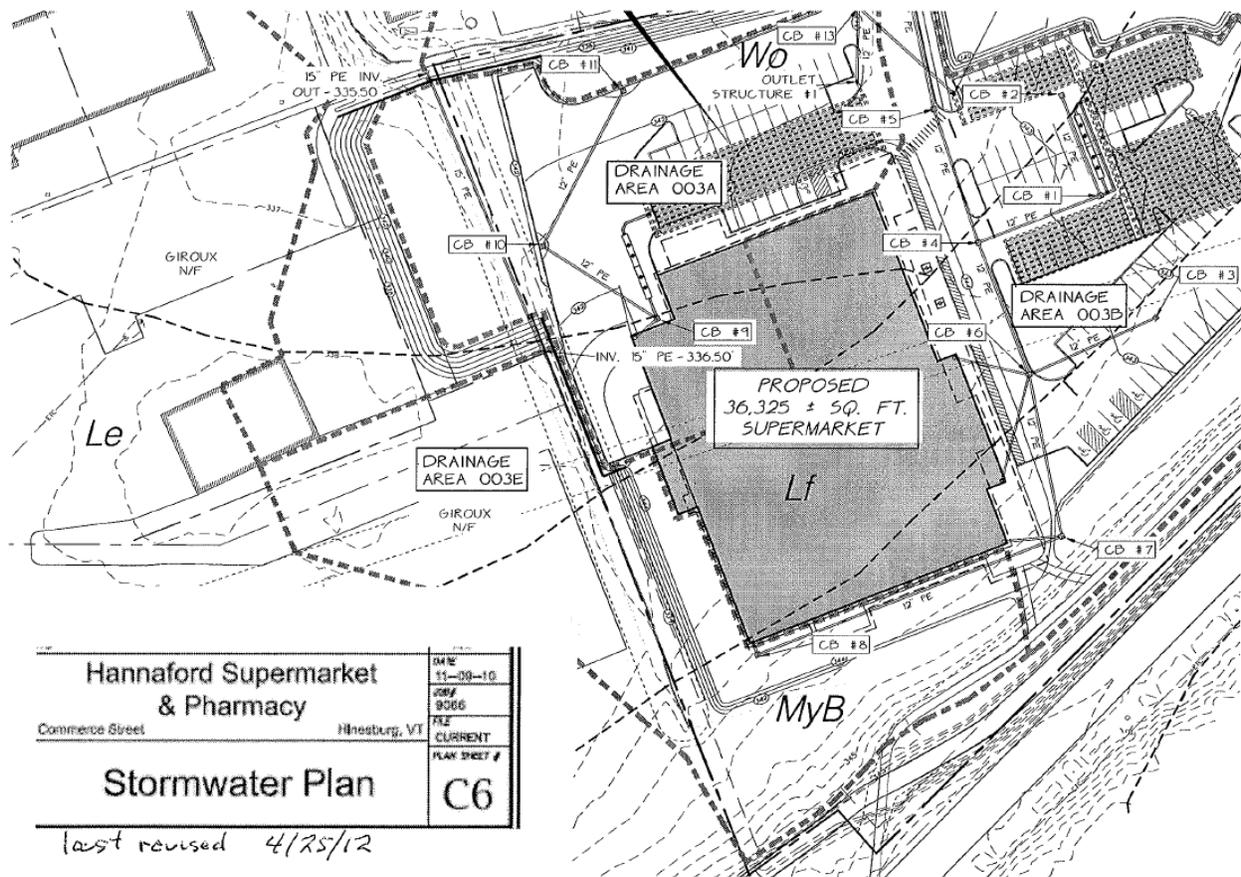
No new lots will be created by the transfer or the relocation of the lot line. The major physical change that will result from this application is the impact on the stormwater easement area, grassed swale and lawn area on the eastern portion of the lot. The swale is proposed converted to a culvert under the earthen platform of the Farmers Market area and the surrounding grassed or brush areas will be covered as well.

While this will technically happen on land that will be removed from this property, if subdivision approval were not granted the issue would not arise. Since there will be two separate subdivision decisions I am addressing this issue in this report, and as well the Commerce park revision report for lot # 15.

Section 6.6.2 of the subdivision regulations requires that: “An adequate surface storm water drainage system for the entire subdivision area shall be provided....”. Stormwater flow on the eastern side of this property was identified in the 2005 approval as follows: “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”. There is currently over 60 feet of grassed surface available between the existing gravel area and the center of the swale on the eastern boundary of the lot extending the full width of the lot for the treatment and flow control of the stormwater coming from the existing gravel parking area. (refer to the plans below)The construction of the earthen platform for the farmers market will isolate this property from direct access to above mentioned swale and there is no proposal for treatment of the existing stormwater.

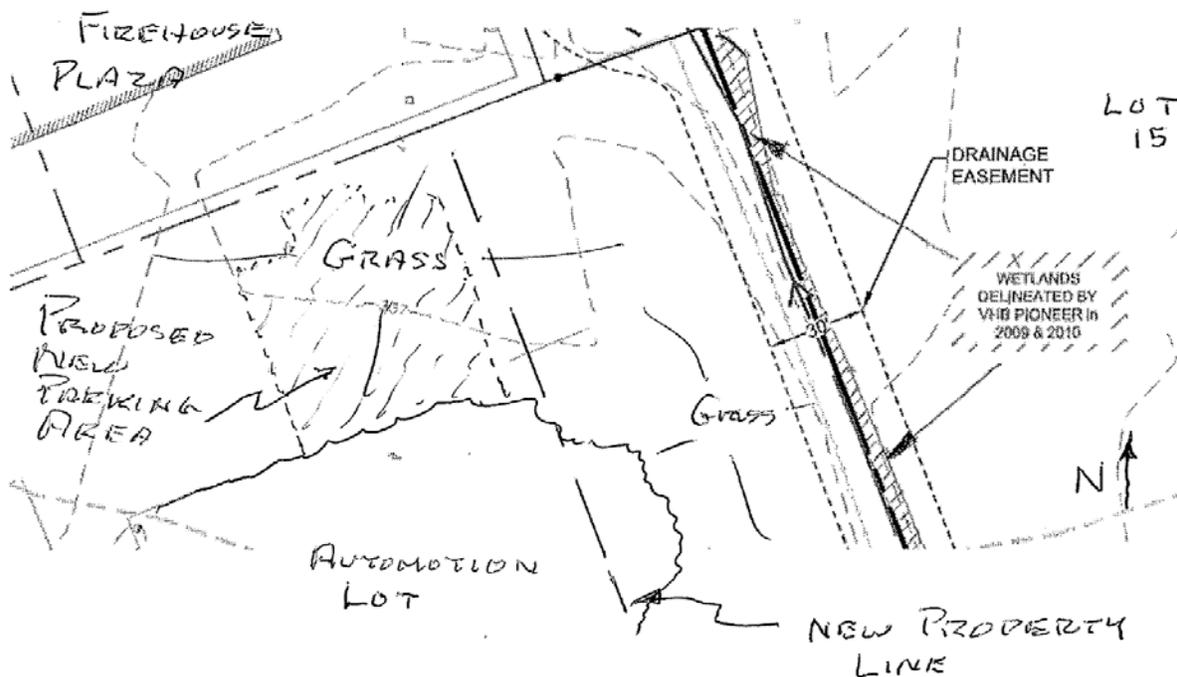
The proposed new parking area in the north eastern portion of the driveway appears to drain directly into that swale around the northern end of the proposed raised platform on lot 15 with no stormwater treatment proposed.

The swale which is proposed to be eliminated also accepts in indeterminate amount of stormwater from the Giroux storage yard lot, where it is treated and slowed down. No evidence has been presented about the impact of the elimination of this portion of the swale. It also collects the water from the south western corner of lot # 15.



Wetlands have been identified for lot #15 (refer to the plan below) up to the boundary and they continue to an unknown extent onto the area to be transferred and covered by fill. The Planning

Standards, Section 5.1.2 Natural Features Protection – requires due regard to, among other issues, wetlands and until they have been identified a finding of due regard is impossible.



Section 2.3 Review Process for Land Leases

Non-exempt land leases shall be subject to subdivision review. The area of the Automotion lot that is proposed to be leased back to the Giroux storage lot is not exempt from subdivision review. The proposed lot line is designed to create the required setback for the Quonset structure from the new lot line. The lease agreement proposes to allow the configuration of the Giroux Storage lot to remain the same, which means that it will remain directly adjacent to the Quonset hut. Currently there is no “lease back area” and the storage yard simply uses the Automotion lot, extending this use across the current lot line. The new lot line will not change this use – it will simply stop at the new lot line, and not cross it. Because it is a pre-existing non-complying use due to setback issues, there is no change occurring and I think the issuance of a lease, for the current uses only, is approvable.

While there is a Master Plan Submission Requirement within the Village Growth Area zoning districts section 3.1, the DRB can determine that this is a minor amendment to a previously approved project and not require one. This should be determined by the DRB.

Respectfully submitted,

Peter Erb
cc: Applicant