

**SITE PLAN REVIEW**

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

**BACKGROUND**

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

The current occupants of this lot, Automotion utilize some of the space that will be transferred and this necessitates a revision to their site plan, approved on December 9, 2005. Hannaford Bros. Co. the Applicant, is now requesting Site Plan approval, noted above, for property located at 10365 Route 116, Tax Map 20-50-02.200 in the Village District, owned by Giroux Trusts, where Automotion is located.

The 2005 approval was, and this application is, solely for Automotion use of this property. The revisions requested are to add 35 parking spaces, 32 in the front yard where only nine are approved now. They are also proposing to relocate an existing white cedar hedge row on the eastern boundary to the northern property line. No other changes are being requested.

While numerous approvals have been granted for this property, including Act 250, for different businesses, site configurations and landscaping plans all (except possibly Act 250) were superseded by the December 9, 2005 approval, and that approval is the base line for this review. It should be noted that the zoning for this lot changed in 2009 and it now is in the Village District, not the Commercial District and this impacts future uses of the property.

Since the 2005 approval, the property has continued to be used in a very casual fashion in ways that appear to have nothing to do with Automotion. An E mail I received from the applicant sums up the situation.

*Automotion’ s parking requirement fluctuates throughout the year depending on customer demand and seasonality. The parking shown on the site plan has been designed to reflect the current use of the property and to allow flexibility. In the winter months, for instance, they park cars according to plow patterns. As you have noted, Automotion also allows other users to occupy some spaces from time to time - construction vehicles, Town vehicles, and the like. This has always been their neighborly approach - being helpful to friends, neighbors, and the Town itself. The proposed plan including the proposed parking complies with all requirements such as lot coverage and setbacks.*

*To answer your other question, I am not sure the limits of the lease agreement between Automotion and the Giroux’s, but I believe Automotion controls the entire property (other than*

the area on the south side of the building within the storage yard fencing). It's likely that any collaboration between the two shops is being done informally.

The relationship between Automotion and Giroux has to be clarified. The original application stated that Automotion was going to lease the whole lot, and the approval that was granted was intended to include all activities that were allowed on the lot. If Giroux wants to use portions of the lot for their business those areas have to be clearly identified and approved per 2.5.5 Multiple Structures and Use, and included in the site plan application along with information describing what will be taking place and where. Someone, I imagine Giroux, generously allows the Hinesburg Fire Department to park their equipment and do training approximately ten times per year. Al Barber, the fire chief has stated that this is very important to them.

There are several conditions from the 2005 approval that are not being complied with however no request has been made to accommodate them in this application. If they are not revised to permit these activities they will be in violation. The Zoning Administrator plans to give the Applicant/Landowner the upcoming construction/planting season to come into compliance with the 2005 approval provisions listed below. A notice of violation will likely be issued if these compliance issues are not addressed by October 1, 2014.

They are, but may not be limited to:

- Finding #11- unregistered vehicles on the property
- Order #1 - A revised site plan was never submitted
- Order # 4 - The landscaping described in Finding of Fact #5 (trees and grass) and Order – Condition #2 was not installed by June 15, 2006.
- Order # 8 - Cars and storage not per the plan
- Order # 11- No confirmation was presented that if there is a floor drain it has the required separation for oil and water.
- Occasionally vehicles are for sale on the property. The zoning has changed and this is not an allowed use except for occasional sales by the “owner of the property”, section 5.8.2 of the zoning. If they are to continue in some fashion the location of the vehicle should be addressed in the site plan.
- The 2005 approval was granted for vehicles that were on the property as part of the Automotion Repair business. Semi- trailers, construction equipment, vans, farm equipment etc. are parked on the property from time to time.

The adjoining Giroux storage yard will continue to occupy the portion of this lot to the south of, and directly adjacent to the Quonset hut, as it has done for years (See the plan in the landscaping section, 3, below). The lack of setback would be considered pre-existing however the applicant is now proposing to have a formal lease agreement between the properties and it appears that this should be done in conformance with section: 2.5.5 (2) multiple uses.

### **Site Plan Review Standards**

***1) Safety of vehicular and pedestrian circulation on site and on the adjacent street network.*** It appears adequate if all the conditions included in the 2005 relating to the driveway and curbcut are included in this approval

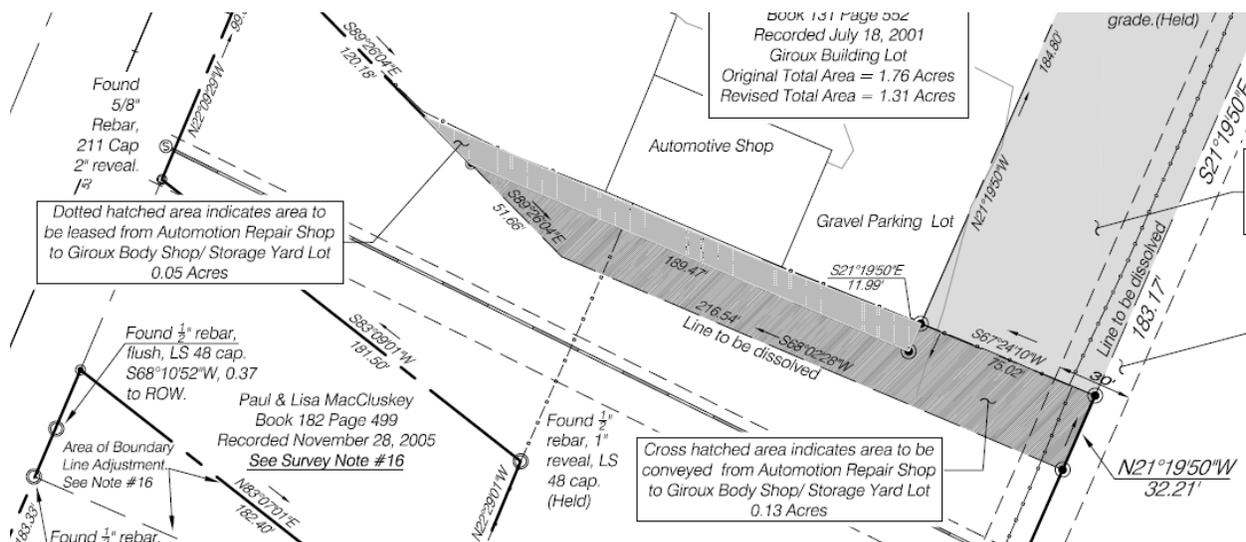
***2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be***

**addressed where applicable.** No apparent issues except refuse storage and disposal - see landscaping

**3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.** The character of the neighborhood has changed with the approval of the Farmers Market which will be directly adjacent to and above the rear yard of this business. While there is screening included on the Hannaford Site Plan, it may not be adequate to insure that the view from this public facility doesn't include unscreened refuse. Currently there are piles of tires, barrels etc. and not slightly.

Finding #5 of the 2005 approval addressed the cedar trees as "existing trees". Landscaping budget credit for moving them may not be appropriate. In any case the proposal for their relocation to the northern boundary of the property is in contradiction of Conclusion #3 of the 2005 decision which stated that no additional landscaping was necessary there because it was the back of firehouse plaza. There might be a better location for them, possibly screening front yard parking or to bolster the screening between the Farmers market which will be five feet above and adjacent to the rear of this property.

Conclusion #2 and order #3 of the 2005 approval address a small area that separates the driveways of this lot and the lot to the south. A portion of this area is proposed to be transferred to the property to the south in the subdivision application that accompanies this site plan application. Regardless of who owns this area, the required landscaping is necessary. Provisions must be in place that will clearly obligate the owner of the property to the south to install and maintain this landscaping.



It should be clearly understood that the new site plan will include all the landscaping that was included in the 2005 approval and required to be on the site plan that was never submitted.

Landscaping is further addressed in Site Plan Section 4.3.8 and the following sections are applicable unless specifically waived.

(b) There shall be a mix of large canopy tree species within each landscaping plan. To the extent practicable, these trees shall not be limited solely to street trees, and shall be included throughout the project area (e.g., front, side, rear yards). The 2005 plan does address street trees and trees on the perimeters however none are proposed for the interior of the property.

(c) Landscaping of Parking Areas. Only the additional parking proposed by the applicant, ie beyond the parking that was approved in the 2005 decision is subject to the revised zoning. An unbroken parking area of approximately 100 X 120 is proposed in the front yard. If additional large areas of parking are approved in this decision in the front yard we will need a revised landscaping plan that includes shade trees and islands. It should be noted that per 4.3.8 (d). It should be noted that Landscaping Standards must be addressed, regardless of the minimum planting cost calculation – i.e., spending above the minimum may be necessary.

**4) Adequacy of exterior lighting.** No changes in the lighting have been requested. Any approval shouldn't accept the lighting as it is, but require that all lighting is compliant with section 5.6.4.

**5) Adequacy of sewer and water.** No issues other than 9) below

**6) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas.** Finding # 10 from the 2005 approval stated that: 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). The construction of the platform for the farmers market will isolate this property from direct access to above mentioned swale. The submitted site plan appears to allow some concentrated flow across the north east corner of this property into the swale; however it is difficult to confirm this from the submitted plans. The stormwater that does currently flow from this site to the east into the existing, uncovered swale receives flow control and treatment from the more than 60 feet of grassed surface available between the existing gravel area and the center of the open vegetated swale extending the full width of the lot. This will all be eliminated and this must be addressed.

As well no stormwater treatment is proposed for the increase in impervious surface for the rest of the increased parking area.

**7) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities.** No issues.

**8) Proper planning and design in regard to hazardous wastes and avoidance of runoff.** Need evidence that there either isn't a floor drain or that it has the required separation of oil and water.

**9) Conformance with design standards Sections 5.22 and 5.6,** (Unless waived per 5.22.1)

**5.22.2 Site-level Standards:**

(2) **Parking Lots:** ..... New parking spaces in front yards of existing buildings (excluding on-street parking spaces) **shall** be prohibited **unless** they are well screened and approved by the Development Review Board.

**Section 5.6 Design Standards for Commercial and Industrial Uses**

**5.6.3 Parking and loading areas:** ..... Where sufficient screening is provided, and with Development Review Board approval, up to 20% of the total number of parking spaces may be located in the front yard of the structure. ....

**5.6.7 Sidewalks and Trails:** this was addressed in the 2005 approval and should be referenced in any new approval.

Respectfully submitted, Peter Erb and Alex Weinhagen

Cc: Applicant, Automotion, Owner