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## MEMORANDUM

**TO:** Development Review Board  
**CC:** Applicant  
**FROM:** Alex Weinhagen, Director of Planning & Zoning  
**DATE:** March 26, 2014  
**RE:** Hannaford applications – 4/1/14 DRB meeting

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April 1 will be your third meeting to review four applications by Hannaford that seek to carry out various changes to abutting properties that were contemplated (and in some cases required) in the November 6, 2012 site plan approval for the Hannaford supermarket on lot 15 of the Commerce Park subdivision. The first meeting was on January 21 and the second on March 4. If you're like me, you're starting to feel a bit overwhelmed by the sheer quantity of application materials, staff reports, legal opinions, etc. Here's my attempt to summarize what is in your meeting packet, and what issues still need to be resolved.

I recommend the Board bring some closure to these four applications. If the Applicant is willing to make revisions to address the items discussed below, perhaps the hearings for these applications could be continued one more time and then concluded. If the Applicant is unwilling to make further revisions, the Board could complete taking testimony on April 1, and then begin deliberations.

### April 1 Packet Materials

- March 19 Applicant Submittals – New site plan features are proposed for Firehouse Plaza (Aubuchon property). See the related narrative for an explanation.
- February 10 Applicant Submittals – Apparently this was inadvertently left out of your March 4 meeting packet. This packet contains substantial information in response to staff report items and issues brought up at the first meeting.
- 2005 Automotion Plan and Approval - There has been some discussion of just what the 2005 Automotion conditional use and site plan approval allowed. Now you have the plan and the decision for reference.
- Legal Opinions – Per your request, we obtained a legal opinion on a couple of issues from David Rugh at Stitzel, Page & Fletcher (recommended by the Town Attorney). Both the Applicant's attorney (Scott Jaunich) and the attorney for several interested parties (Jim Dumont) also submitted their own legal opinions.

## Remaining Issues Summary

1. **Subdivision Revision, Commerce Park** – adding 0.32 acres to lot 15
  - a. Stormwater Control/Treatment (Subdivision Regulations, sections 5.1.7 & 6.6.2) – see Jan 17 staff report – Applicant argues that existing stormwater treatment system combined with system improvements via Hannaford project are sufficient. Staff feels additional stormwater control/treatment measures are warranted given proposed lot line and site plan changes.
  - b. Wetland Impacts (Subdivision, section 5.1.2) – see Jan 17 staff report – Staff feels some wetland area will be impacted by the boundary line adjustment and proposed fill on the land to be transferred. All the more reason to require additional stormwater control measures. The Applicant has not addressed this.

**\*\*Note** – In my mind, the legal opinion we obtained from David Rugh (Stitzel, Page & Fletcher) resolves the issues raised at the March 4 meeting regarding the newly configured lot 15 split-zoning district status, and accommodation of the Official Map. The Applicant’s attorney agrees. Mr. Dumont disagrees.

2. **Subdivision Revision, Giroux Subdivision** – moving internal lot lines between Automotion and Giroux Storage Yard lots  
No remaining issues

3. **Site Plan Revision, Automotion** – revise site plan per land transfer and to add parking
  - a. Amount of Additional Parking (Zoning, section 5.5.3 & 5.5.4) – 31 parking spaces existing (per 2005 approval), nine of which are in front of the building. 60 parking spaces proposed, 28 of which are in front of the building. The Applicant states that the Automotion use needs this additional parking for busy periods. Staff disagrees that the Automotion use requires parking for 60 vehicles. Some expanded parking makes sense given that Automotion is now consolidated at this one location; however, doubling the existing parking capacity does not appear to be justified. Approving less new parking would also help address other issues mentioned below.
  - b. Additional Front Yard Parking (Zoning, section 5.22.2 #2 & 5.6.3) – The Applicant proposes to triple the amount of parking in front of the building (from 9 to 28 spaces). The Applicant proposes additional landscaping along Route 116 in conjunction with this additional parking. Staff reiterates that the regulations are exceedingly clear about the prohibition on new parking in front of existing buildings. The regulations allow some discretion on the part of the DRB, but only if such parking areas are well screened. Adding 19 new front yard spaces is excessive, especially when there is ample available space in the side yard of the lot. Furthermore, the proposed landscape screening along Route 116 appears to be insufficient. The 2005 Automotion decision required additional landscaping (yet to be installed) even for the already approved 9 front parking spaces. The existing crab apple trees closer to Route 116 are small, sparse, and taken together with what is proposed, do not appear to provide a “well screened” front yard parking area. Keep in mind that a public sidewalk is planned along the road frontage, and any landscaping needs to be positioned carefully to allow flexibility for siting of this future sidewalk which is shown on the Official Map.
  - c. Shared Parking (Zoning, section 5.5.3, 5.6.3 #2, 5.22.2 #2) – I believe this is largely a non-issue for the site plan application that is before you. The cited sections of the Zoning Regulations clearly support and encourage shared parking. As such it seems perfectly fine for the Automotion use to share its parking area during its slower periods or during certain off-peak times of day. With that said, section 5.5.3 does anticipate an easement or agreement that sets

forth the terms for the availability, construction, repair, and maintenance of the shared lot. Such an agreement should be easy for the Giroux Family to provide, since they own the Automotion lot, and since their Giroux Body Shop across Route 116 tends to be the use that shares this parking area.

- d. Stormwater Control/Treatment (Zoning, section 4.3.4 #6) – As noted above, the Applicant and Staff disagree about the need for additional stormwater control/treatment. See January 17 staff report and February 10 Applicant submittal.
- e. Landscaping (Zoning, section 4.3.4 #3, 4.3.8 #2b, c) – See the February 10 Applicant submission for the landscaping plan and table with planting details. Staff feels the proposed landscaping plan is not sufficient to assure the establishment of an attractive parking area. Only three deciduous shade trees are proposed, and the 2005 Automotion approval already requires that before the proposed addition of 29 new parking spaces. Regardless of the minimum spending formula, this site plan requires substantial additional landscaping, especially along the Route 116 frontage, in the landscaped area between the Automotion and Giroux storage yard drives, and around the side and front yard parking areas.

4. **Site Plan Revision, Firehouse Plaza (Aubuchon)** – revise site plan for new access, circulation and parking

*\*\*See the March 19 Applicant submittal as several changes have been made to the proposed site plan based on Hannaford's communications with the landowner (Aubuchon Realty Company).*

- a. Stormwater Control/Treatment (Zoning, section 4.3.4 #6) – The Applicant states that the flow and quality of stormwater from the site will not be altered by the revised site plan. Staff believes that regardless of the existing situation, the current application must comply with the regulations, which require an adequate drainage plan that ensures treatment and control of stormwater runoff. Staff maintains that the proposed site plan does not sufficiently address this standard. We recognize that as a developed site, a wholesale stormwater control redesign is not possible. However, with incremental site plan changes should come incremental stormwater treatment improvements. This is consistent with previous Board approvals for site plan changes made in other redevelopment projects – e.g., Cheese Plant, Jiffy Mart, Lantmans.
- b. Culvert Under New Driveway (Zoning, section 4.3.4 #6) – I believe the Applicant provided sufficient data and testimony from their civil engineer that a culvert under the new driveway is not necessary. With that said, per the January 14 report, staff maintains that construction of this new entrance should be dovetailed with Hannaford's proposed improvements of the culvert under Commerce Street. The clearly deficient culvert under Commerce Street provides drainage for the Aubuchon site as well as Darkstar Lighting and the proposed Hannaford project.
- c. Landscaping (Zoning, section 4.3.4 #3, 4.3.8 #2b, c) – Similar to the Automotion proposal, this application proposes additional parking in front of the building. In this case, all of the existing parking spaces are deficient with regard to the front yard parking design standard, and there doesn't appear to be any other options given the layout of the existing shopping plaza. Landscaping to ensure the parking is well screened is the solution to this situation. The existing landscaping along the Route 116 frontage and especially the Commerce Street frontage is anemic at best. The existing trees are small and do not appear to have a vigorous growth pattern. There is next to no landscaping interior to the parking lot. Go to Google Maps for an aerial view, and you'll see what I mean. The Applicant's proposed landscaping is insufficient, and needs to be revised with additional shade trees per the Zoning sections cited above. The interior parking lot islands present an excellent and straightforward opportunity to introduce multiple trees to comply with the clear language of section 4.3.8.