

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

**For Hannaford Brothers Company – Applicant
Aubuchon Realty Company Inc. - Landowner
Aubuchon (Firehouse Plaza) Site Plan Denial
Parcel Number 20-50-74.000**

This matter came before the Hinesburg Development Review Board (DRB) on the application of Hannaford Brothers Company, hereafter referred to as the Applicant, to revise the previously approved site plan for the Firehouse Plaza site owned by Aubuchon Realty Company at the corner of Route 116 and Commerce Street. The DRB reviewed the application on January 21, March 4, and April 1, 2014. Tyler Sterling (Hannaford Brothers Co.) and Stephanie Hainley (White & Burke), representing the Applicant, were in attendance at the meetings.

Based on the above-mentioned 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 approval to revise the site plan for Firehouse Plaza where Aubuchon Hardware and several other commercial businesses are located. The property is located at the corner of Route 116 and Commerce Street in the Commercial zoning district; tax map #20-50-74.000. The property is owned by Aubuchon Realty Company Inc. Specifically the applicant is requesting to move the Commerce Street access to the east and make related changes to the site’s internal traffic circulation, parking layout, and associated landscaping. The previous site plan was approved on February 21, 2001.
2. This application is one of four Hannaford-related applications, all submitted and reviewed concurrently by the Board. All four applications are related to the proposed Hannaford supermarket on lot 15 of the Commerce Park subdivision, which received site plan approval on November 6, 2012. This 2012 site plan approval included conditions requiring further review of necessary boundary line adjustments (i.e., subdivision revisions) and site plan changes to nearby properties, including a relocation of the Firehouse Plaza access point. The four Hannaford-related applications noted above include:
 - a. Hannaford, Giroux Family Trust: Subdivision Revision (boundary line revision, 0.32 acres) to Commerce Park and Giroux Building Supply subdivisions to make lot 15 larger.
 - b. Hannaford, Giroux Family Trust: Subdivision Revision (boundary line revision, 0.13 acres) to Giroux Building Supply subdivision in order to modify an internal lot (between Automotion use and Giroux Body Shop storage yard).
 - c. Hannaford, Aubuchon Realty Company: Site Plan Revision to Firehouse Plaza to relocate the Commerce Street access to the east and make other changes.
 - d. Hannaford, Giroux Family Trust: Site Plan Revision to the Automotion site in order to add and reconfigure parking areas given the related boundary line adjustment proposal.
3. The proposed parking lot revisions include the addition of 10 new parking spaces along Commerce Street frontage, on the northwestern side of the existing parking lot, in part taking advantage of space made available by the relocation of the Commerce Street access. Minor changes to the interior of the parking lot are also being made. A total of 59 parking spaces are proposed within the main/interior parking lot. The Applicant’s count of existing parking spaces is slightly different from the number of spaces shown on the 2001 site plan. The Applicant shows 52 existing parking spaces within the main/interior parking lot; however, the 2001 site plan shows

- 50 spaces in this area, and four additional spaces in front of the building in the northeast corner of the lot. These four additional spaces are not depicted on the proposed site plan.
4. The site plan shows landscaping revisions including several clusters of new shrub plantings on the northern and western sides of the site, and four new shrub plantings in the two reconfigured parking lot islands. The plan also shows the relocation of several existing shrubs and trees.
 5. The revised traffic circulation was fully documented, both for customer traffic flow and for delivery of products by larger tractor trailer vehicles.
 6. The site plan revision application was received on October 15, 2013, and deemed complete on November 7, 2013. This application included a variety of survey, engineering, narratives, and related documents. Additional application material was received during the course of the review. All of these submissions are contained in the document file (20-50-74.000) 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 meeting on January 21, 2014, constituting a quorum: Zoe Wainer, Dennis Place, Kate Myhre, Greg Waples, Dick Jordan, Andrea Bayer. The following members of the DRB were present for the meeting on March 4, 2014, constituting a quorum: Zoe Wainer, Dennis Place, Kate Myhre, Ted Bloomhardt, Greg Waples, Dick Jordan. The following members of the DRB were present for the meeting on April 1, 2014, constituting a quorum: Zoe Wainer, Dennis Place, Kate Myhre, Ted Bloomhardt, Greg Waples, Dick Jordan. See the official meeting minutes for a list of those present at the meeting(s).
 8. Sarah Murphy is a member of the DRB, and recused herself from the Board for this review because of her previous comments on the Hannaford site plan review. Bill Moller is an alternate member of the DRB, and recused himself from the Board for this review because of his previous comments on the Hannaford site plan review. Neither Sarah nor Bill were present for any closed deliberations on this application.
 9. Stormwater runoff in the northeastern corner of the site (near the proposed access) flows to the east via sheet flow across the service access from Commerce Street, and via a culvert under this same service access for a limited area in front of the building. The bulk of the site drains in the other direction – i.e., to the west along the Commerce Street swale.

CONCLUSIONS

1. This application proposes additional parking in the most visible portion of the parking area – i.e., 10 new spaces along the Commerce Street frontage. Given the building orientation and existing parking lot configuration, there are few other options for locating additional parking. Landscaping to ensure the parking is well screened is the solution to this design issue per section 4.3.4 #3, 4.3.8 #2b,c (Zoning). The existing landscaping along the Route 116 frontage and especially the Commerce Street frontage is already scarce. The existing trees are small and do not appear to have a vigorous growth pattern. The Applicant's proposed landscaping in the vicinity of this new parking is insufficient and needs to be revised and bolstered with additional shade trees and/or shrubs that are more substantial and have a higher growth profile than the proposed spreading yew.

2. There is currently very little landscaping interior to the parking lot. The Applicant is proposing a substantial redesign of the parking lot, but the 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. Elimination of just two parking spaces next to the western island and one parking space next to the eastern island would create ample room to better address this issue.
3. A culvert under the new Commerce Street access is necessary to properly drain runoff from the northeastern corner of the site. Ample evidence exists that the eastern portion of this site and the adjoining Dark Star Lighting property flood during large rain events. The Board even received testimony that the culvert under the service access reverses flow (to flow from east to west) during large storms when the drainage swale on the eastern boundary of the site is overwhelmed. The Hannaford project plans improvements to the drainage swale along the eastern boundary of this site, and also plans improvements to the receiving culvert under Commerce Street. Even with the planned improvements, the system's capacity to discharge runoff from the northeastern corner of the Aubuchon site will be limited during large storm events. The Applicant's engineer indicated that in such circumstances, excess runoff would simply overflow across the new access and be discharged to the west along the Commerce Street swale. Expecting runoff from large storm events to simply overflow across the new access is not an adequate drainage plan, nor is it a proper design solution for this poorly drained area (section 4.3.4 #6, Zoning). It could present a safety issue to both pedestrians and vehicles, especially during variable spring weather when heavy precipitation followed by drops in temperature could create icy conditions at the access point and into the parking area.
4. With the exception of the culvert issue mentioned above, stormwater control and treatment issues raised during the review appear to have been adequately addressed by the Applicant, especially given the planned improvements to the Commerce Park stormwater conveyance system that will be made as part of the Hannaford supermarket project. Additional stormwater control and treatment measures are possible on the Aubuchon site; however, the proposed site plan revisions don't appear to create additional stormwater runoff or negatively impact the existing collection and treatment system.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB denies the proposed site plan revision.

Development Review Board

May 6, 2014
Date

Board Members participating in this decision: Zoe Wainer, Dennis Place, Kate Myhre, Ted Bloomhardt, Greg Waples, Dick Jordan.

Vote to deny: 6-0 (see May 6, 2014 meeting minutes)

Hinesburg DRB - Notice of Decision
Hannaford, Aubuchon Realty – Aubuchon (Firehouse Plaza) Site Plan Denial

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 Superior Court - Environmental Division. A copy of the notice of appeal should also be mailed to the Hinesburg Planning & Zoning Department at 10632 Route 116, Hinesburg, VT 05461. Please contact the Court for more information on filing requirements, fees, and current mailing address.

State Permits: It is the obligation of the Applicant or permittee to identify, apply for, and obtain required state permits for this project prior to any construction. The VT Agency of Natural Resources provides assistance. Please contact the regional Permit Specialist at 878-5676 (111 West St, Essex Jct., VT 05452) for more information.