

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

**For Hannaford Brothers Company – Applicant
Bernard A. Giroux Trust, June T. Giroux Trust,
Victor J. Giroux Trust and Ramona M. Giroux Trust - Landowner
Automotion Site Plan Denial
Parcel Number 20-50-02.200**

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 Automotion use located at 10365 Route 116 (east side of Route 116). 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 the Automotion use, which was last approved on December 9, 2005. The property is located at 10365 Route 116 (east side of Route 116) in the Village zoning district; tax map #20-50-02.200. The property is owned by Bernard A. Giroux Trust, June T. Giroux Trust, Victor J. Giroux Trust and Ramona M. Giroux Trust. These landowners also own the adjoining Giroux Body Shop storage yard (south of Automotion), the adjoining lot 15 on Commerce Street (an undeveloped lot to the east of Automotion), the nearby Village Car Company lot (to the south), and the nearby Giroux Body Shop property (across Route 116). Specifically the applicant is requesting to rearrange parking, add more parking spaces, and make certain changes to the landscaping plan. Some of these changes are driven by concurrent subdivision revision proposal to transfer 0.32 acres from the eastern side of the Automotion lot to the adjoining lot 15 from the Commerce Park subdivision.
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. 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 0.32 acres proposed to be transferred from the Automotion lot to lot 15 would accommodate an elevated earthen platform that would be landscaped and serve as green space for use as a community Farmers Market venue in conjunction with other areas (e.g., parking lot) that are part of the approved Hannaford supermarket site plan. Several feet of fill on the land to be transferred will be necessary to accomplish this.

4. The proposed transfer of land will eliminate approximately twelve parking spaces from the 2005 Automotion site plan, and will redirect the flow of stormwater runoff on the eastern side of the Automotion lot. The 2005 site plan includes 31 parking spaces, nine of which are in front of the building. The proposed site plan shows 60 parking spaces, 28 of which would be in front of the building.
5. The site plan shows landscaping revisions including: three new red maple trees, two clusters of mugo pine shrubs, two clusters of red osier dogwood shrubs, two clusters of daylily perennial flowers, and a relocated cedar hedge.
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 (20-50-02.200) 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. At the time of the 2005 site plan approval, Automotion's business was operating in two locations – i.e., the site in question, and its previous location on the west side of Route 116 next to the Giroux Body Shop. The Applicant and the owner of Automotion testified that Automotion's current 31 approved parking spaces are inadequate, especially during busy times of the year (e.g., spring/winter tire changeover periods). The Applicant and the landowner also clarified that the parking area is sometimes shared with the Giroux Body Shop use across the street, when not needed by Automotion. The landowner also makes space available in the front portion of the lot on an irregular basis for parking for the fire department, town functions, and contractor use.
10. The Applicant's related application, to transfer 0.32 acres from the Automotion lot to the adjoining lot 15 (to the east) was denied concurrently with this decision. However, the Applicant's related application to transfer 0.13 acres from the Automotion lot to the adjoining lot 2 (to the south) was approved concurrently with this decision.
11. The Zoning Administrator (ZA) noted that the Automotion site is out of compliance with several conditions from the 2005 site plan approval. The ZA is working with Automotion and the landowner to resolve these compliance issues.

CONCLUSIONS

1. 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. 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 is 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 and cherry trees closer to Route 116 are small, sparse, and taken together with what is proposed, do not provide a “well screened” front yard parking area. Additionally, the cherry trees are diseased and need to be replaced.
2. 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 in section 4.3.8 #2d (Zoning), 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.
3. Some expanded parking makes sense given the testimony received and given that Automotion is now consolidated at this one location; however, doubling the existing parking capacity does not appear to be justified. No evidence was submitted regarding actual parking space utilization or traffic flow for the Board to better understand how much additional parking is necessary. The Board is happy to reconsider this request for additional parking with additional information on actual parking utilization.
4. The shared parking between the Automotion business and the landowner’s nearby business (Giroux Body Shop) is not a substantive issue. Several sections of the Zoning Regulations (e.g., sections 5.5.3, 5.6.3 #2, 5.22.2 #2) clearly support and encourage shared parking. As such it seems perfectly fine for the Automotion use to share its approved 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. As long as the Automotion lot is owned by the same entity (Giroux family) that uses the shared parking area, no formal agreement is necessary. Availability is the only detail that should be fleshed out.
5. 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 Automotion 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)

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.