

**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
Subdivision Revision Approval – internal lot line change
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 a previously approved 2-lot subdivision located on the 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 a previously approved 2-lot subdivision – to modify an internal lot line separating lot 1 and lot 2 in the 1987 Giroux Building Supply subdivision. This 2-lot subdivision is located on the east side of Route 116 in the Village zoning district; tax map number 20-50-02.200. Specifically the applicant is requesting to transfer 0.13 acres, from lot 1 (northerly Automotion lot) to lot 2 (southerly Giroux Body Shop storage yard lot). This will reduce lot 1 to approximately 1.64 acres and increase lot 2 to approximately 2.57 acres. The 1987 Giroux Building Supply subdivision approval was granted on July 27, 1987, with an approved subdivision survey plat recorded on slide 103 in the Town land records.
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 subdivision 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. The final version of the plat is by Joseph Flynn of O’Leary-Burke Civil Associates, and is dated February 2, 2012. 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.

4. 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).
5. 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.
6. The 1987 subdivision included a 30' wide lease area on the southern side of lot 1 for the benefit of lot 2. This lease area reflects the fact that the Giroux Body Shop storage yard use extends right up to the southerly edge of the Quonset hut structure on the Automotion lot. The southerly lot 1 line is 30' away from the building to comply with minimum setback requirements even though this area is really utilized by lot 2. Since 1987, the minimum setback requirement has changed to 10'; therefore, the proposed subdivision revision also includes a reduction of this lease area on lot 1 to just a 10' wide strip of land. Land leases typically require subdivision review (section 2.3, Subdivision Regulations); however, in this zoning district land leases may be allowed without subdivision review at the discretion of the DRB as a conditional use (section 2.5.5 #2, Zoning Regulations). In this case, the proposed reconfigured lease area is part of the subdivision revision request.
7. The extent of the plat submitted includes both lot 1 and lot 2 from the 1987 Giroux Building Supply 2-lot subdivision as well as the abutting lot 15 from the Commerce Park subdivision. All three lots are in common ownership. The plat shows the proposed subdivision revision between lots 1 & 2, but also shows another proposed subdivision revision to transfer land between lot 1 and lot 15. However, that other subdivision revision to transfer 0.32 acres to lot 15 was denied concurrently with this decision.

CONCLUSIONS

1. The proposed internal lot line revision is a minor change to the previously approved subdivision that in no way conflicts with the 1987 approval or the current uses of the two lots. In fact, shifting more of lot 1 to lot 2 better reflects how the properties are actually used, and helps reduce the need for the lease area.
2. Given that the other subdivision revision (transfer 0.32 acres from lot 1 to lot 15) was denied, the plat needs to be revised to only depict the subdivision revision between lot 1 and lot 2.
3. Section 3.1.1 of the Zoning Regulations requires new development proposals on parcels over one acre to include a conceptual-level master plan for the overall property owned by the landowner. This requirement excludes minor amendments to previously approved projects as determined by the DRB. In this case, no new development is proposed so the master plan requirement really does not apply. Beyond that, this subdivision revision is certainly a minor amendment to a previously approved project, so again, a master plan for the overall property is not required.

ORDER

Based on the Findings of Fact and Conclusions set forth above, the Hinesburg DRB gives final plat approval to the proposed subdivision revision subject to the final plat modifications and conditions listed below. One mylar copy, two full size paper copies, and a digital version (Adobe PDF) of the final plat shall be submitted with the following modifications:

1. The plat shall be modified so that it only depicts the approved internal lot line revision between lot 1 and lot 2. The proposed transfer from lot 1 to lot 15 shall be eliminated from the plat.
2. A note shall be added to the plat indicating that this survey revises a 2-lot subdivision approved by the Town on July 27, 1987, and recorded on slide 103 in the Town Land Records.

This approval is also subject to the following conditions:

3. This approval revises the previous 1987 subdivision approval for this parcel, only with regard to the shift of the internal lot line and the change in the lease area described above. All conditions from the prior approval not addressed in this decision shall remain in force. This decision in no way revises the 2005 Automotion site plan approval.
4. No further subdivision of this property shall occur without review and approval of the Hinesburg DRB.
5. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the DRB and on file in the Town Office, and in accordance with the conditions of this approval. Deviations may be made from these plans if they are:
 - a. Approved by the designer, or equivalent
 - b. In conformance with the intent of this decision,
 - c. Determined by the Zoning Administrator that they are not significant enough to require a formal revision to the DRB decision.
6. In accordance with State statute, the Mylar, containing a date and signature of approval of the Development Review Board, of this subdivision shall be recorded in the Hinesburg Land Records within 180 days (or 270 days if permitted by the Zoning Administrator pursuant to the Subdivision Regulations, section 7.5) of this approval and before any property is transferred.

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 approve: 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,

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Hannaford, Giroux (internal lot line) Subdivision Revision Approval***

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.