

**CONDITIONAL USE REVIEW EXTENDED HOURS INSIDE EMPLOYEES**

<b>Owner:</b> Giroux Family Trusts – Bernard A., June T., Victor T., and Ramona. 9318 Rt. 116, Hinesburg, Vermont 05461	<b>Applicant:</b> Martin's Foods of South Burlington, Inc. (a Vermont Corporation doing business as Hannaford Supermarkets) PO Box 1000, Portland ME, 04104
<b>Surveyor/Engineer:</b> O’Leary-Burke Associates PLC 1 Corporate Drive, Suite # 1, Essex Jct. VT.	<b>Property Tax Parcel:</b> 20-50-02.100 Commerce Street Extension

**BACKGROUND**

Per Section 4.3 Site Plan Approval “No commercial or industrial use shall operate outside the hours of 6:00 a.m. to 10:00 p.m. without the conditional use approval of the Development Review Board...”. This section was added in 2002. Previous to that, the Selectboard issued a Policy Governing Hours of Operation in 1996 at the request of the Planning commission. While the language is not the same, it appears to me to cover basically what is now addressed via the Conditional Use Review standards. As a policy it has no real regulatory impact, but can provide background for this review. I have included that document at the end of this report.

This application is for approval to have stocking and cleaning personnel able to conduct operational activities overnight after the store is closed to the public. In this segment of the review process you are only addressing the impacts of the extended hours, not the impacts of the application in general.

Conditional Use Review – “The proposed use shall not adversely affect:”

- 1) The capacity of existing or planned community facilities. **No impact**
- 2) The character of the area affected, and the essential character of the neighborhood or district in which the property is located. **There will be no deliveries or outdoor maintenance. The lighting will be controlled by the lighting plan. The only issue might be that the lights within the entrance will shine out that expanse of glass, and this could be conditioned in an approval**

**Darkstar hours of operation were limited to from 6 until 10, however they were allowed to return their loaded vehicles after those hours, with the understanding that normal operating procedure would be to unload them the next morning. The Mobile station was permitted to open at five because of the many commuters on their way to work but not after 10 although it was requested. The Vet clinic was allowed to have special “on call” hours to take care of emergencies only, they were allowed to keep the outside lights on until 11 since that was when the majority of emergency visits occurred, They were permitted to keep their sign lit through out the night because of the need for emergency visitors to locate the clinic at night. The Middlebury bank was allowed to have the drive through open at all times after much discussion about the lighting and its impact.**

- 3) Traffic on the roads and highways in the vicinity. **I can’t foresee any issues.**
- 4) The Town Plan and bylaws in effect. **I can’t see any impact due to the extended hours**

- 5) Utilization of renewable energy resources. **I can't see any impact due to the extended hours**
- 6) The appropriate use or development of adjacent property. **I can't see any impact due to the extended hours**
- 7) The public welfare in any other matter. **I can't think of other issues.**

**ISSUES –**

After hours lighting should be designed directed and timed so that it is only on when necessary. “Security” lighting should be limited to those areas that require it, and certainly no blank wall areas of the structure need illumination.

Spill out lighting from interior lights onto the front outside area should be controlled to be kept as an acceptable minimum, and it should be analyzed along with the requested parking lot lights in that area so that the after hour illumination is kept to an absolute minimum.

Peter Erb, Zoning Administrator.