

The first sections of this report are basically the same that was sent out for the first Hannaford and there is no need to read those parts if you are still up to speed. Since then Hannaford has proposed to accommodate the official map, while keeping their options open to claim that they don't have to comply. At minimum please read the new portion of the report which begins on page 2 thanks Peter.

OFFICIAL MAP REPORT

RELEVANT REGULATION:

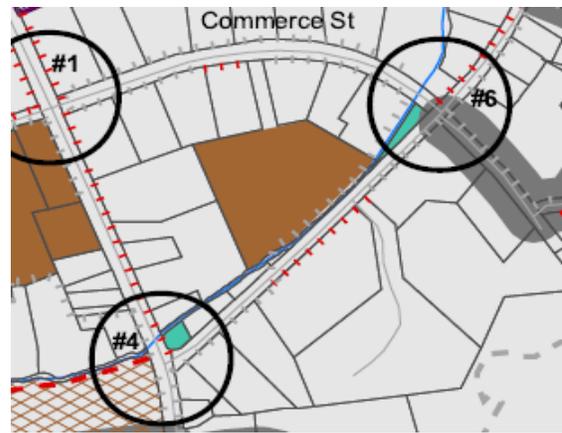
State Statute title 24, Chapter 117 § 4421. Official map

A municipality may adopt an official map that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements, in order to provide the opportunity for the community to acquire land identified for public improvements prior to development for other use and to identify the locations of required public facilities for new subdivisions and other development under review by the municipality.

(5) Development review for properties with mapped public facilities. Any application for subdivision or other development review that involves property on which the official map shows a public facility shall demonstrate that the mapped public facility will be accommodated by the proposed subdivision or development in accordance with the municipality's bylaws. Failure to accommodate the mapped public facility or obtain a minor change in the official map shall result in the denial of the development or subdivision. The legislative body shall have 120 days from the date of the denial of the permit to institute proceedings to acquire that land or interest in land, and if these proceedings are not started within that time, the appropriate municipal panel shall review the application without regard to the proposed public facilities. (Added 2003, No. 115 (Adj. Sess.), § 95.)

HINESBURG OFFICIAL MAP – Statement of possible uses and location

Future community facilities for the areas shown include, but are not limited to: town Green, Community Center, Fire/Police station expansion, Farmers Market venue, Parks and Recreation areas, Library relocation.



BACKGROUND

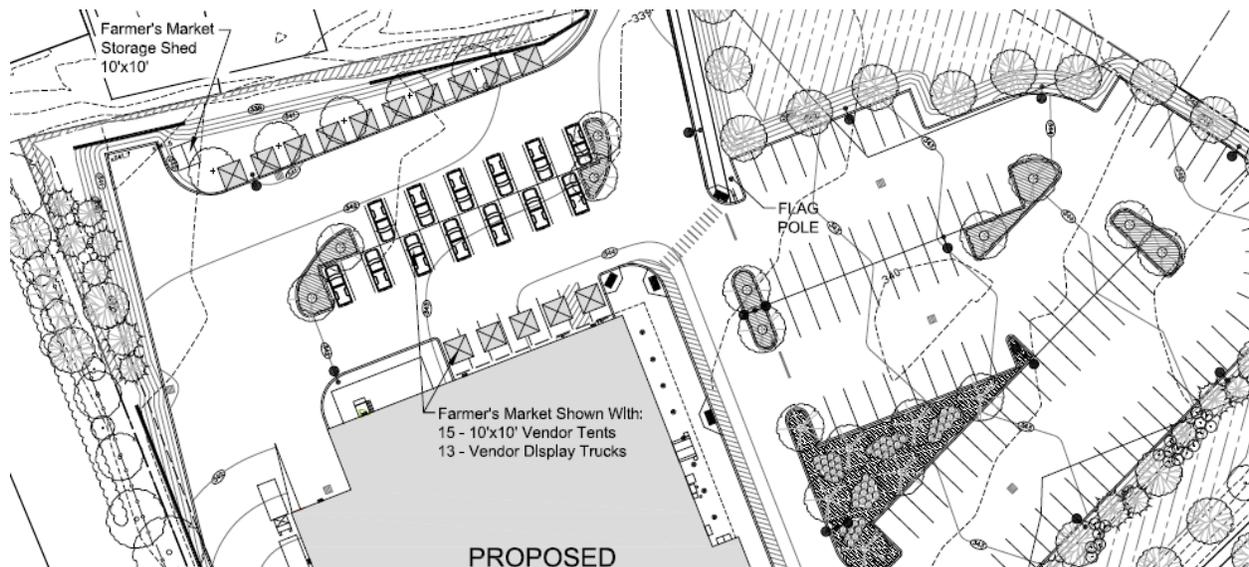
The official map was adopted and not appealed, and is a valid part of Hinesburg's regulations. While Hannaford is questioning its legality for lot #15, they have offered a pocket park and farmer's market venue as accommodations to the official map as well. Your task is only to decide if the offer of the pocket park and farmers market in the northern parking area are the public facilities that the official map calls for or not.

The Official Map identifies a large area on lot 15 for future community facilities. The intent was to provide a centrally located, public gathering place to help anchor the Village Growth Area – especially as the village builds out with more residents and businesses over the next 25+ years, and especially the Commerce Street and Mechanicsville Road portions of the growth area. Both the Planning Commission (letter dated 12/22/2010) and the Village Steering Committee (letter dated 12/11/2010 and presentations at DRB hearings) have provided testimony about the importance of this property due to its central location, and its ability to accommodate public facilities with larger footprints. Both the PC and the VSC indicated that a future Town Green is a clear community goal (as outlined in the Town Plan and on the Official Map), and that this site would be well suited for this particular type of community facility. Certain types of small to mid-scale commercial development could certainly accommodate a Town Green. However, the Hannaford proposal clearly doesn't accommodate this type of community facility.

HANNAFORD FARMERS MARKET PROPOSAL

On July 26, 2011 Hannaford submitted a revised proposal and in it is a section which contains a location for the farmers market and a pocket park to accommodate two of the possible “future community facilities” listed on the Town’s Official Map. It is included in this packet. Since much of it addressed the legalities of the official map, which are not subject to DRB review, I have excerpted the sections relevant to the farmer’s market venue (and pocket park) as follows: *“We have provided sheet L4 – Farmers Market Plan that shows how the farmer’s market could be accommodated on the property. The plan shows using the north side parking area for the farmers market. The area would be closed to traffic during the market’s evening hours. No deliveries to Hannaford would be allowed during that time period. We understand that many vendors would prefer to sell out of the backs of their trucks rather than from tents as is currently done. The plan shows 15 tents and 13 trucks. There is space for more if the market ever grew to need more. To further meet the needs of the farmers market Hannaford proposes to provide a location for a storage shed, as shown on the plan, along with an electrical outlet and water spigot on the side of the building. Public restrooms are available inside the store.”*

From Sheet L-4



FARMERS MARKET ISSUES AND COMMENTS

The Official Map identifies a large area on lot 15 for future community facilities one of which is a “farmer’s market venue”. It is not a call for simply a venue, but a community facility where the “venue” is located. In their response to my memo, which is included in this packet, Hannaford makes it clear that they have no intention of providing the community a facility. They stated that *“The form and details of an agreement to host the farmer’s market will need to be negotiated with the operators of the market, just as the Town would need to negotiate with them if the market were to go onto Lot #1”* If the control of the venue is retained by Hannaford it is not a community facility, under the control of the town, but simply an agreement between the existing operator of the farmers market and Hannaford, with no involvement of the town itself, and no town facility would have been created.

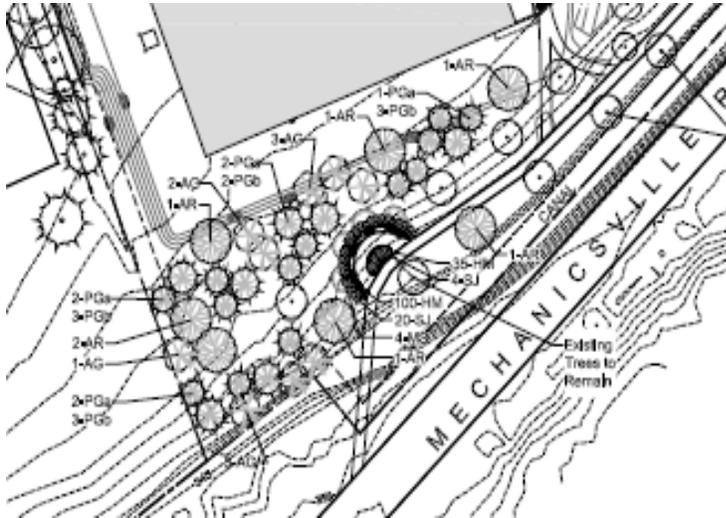
In the same response they also stated that *“.....The farmer’s market operates during times when Hannaford expects to experience lower customer volume.....”* A farmers market in a community facility would not be confined by the needs of Hannaford.

As well a Community Facility needs deeded public access and in response to a question about a sidewalk through the site (which would have provided permanent public access to the “community facility”) they responded *“Lot # 15 and its improvements, except for the existing sidewalk easement along the canal, will remain private property to be owned and maintained by the lot owner. We see no basis in the ordinance for requiring a public easement through the site”*.

A “facility” under the control of the town would provide the security and flexibility that the organizers of the market will require in the future. It should be possible to change the days and timing of the market, construct a more year round structure, and insure that it will remain convenient and accessible without being tied to the needs of a private enterprise. Beyond the issue of town vs. private control, a venue for a flexible and viable farmers market would hopefully allow the market to operate according to their needs, have green space for families with children with seating and/or tables for eating, Wi-Fi, accommodation for farmer’s market music and allow Llamas . There should be handicapped accessible parking close by and it should be Accessible by public sidewalks in a high traffic location not dependent on the existence of any one store with future possibility for a more permanent structure, with more year round use.

HANNAFORD POCKET PARK PROPOSAL

Sheet L-1 Landscape Plan shows a proposed pocket park located along the existing southern sidewalk near the pedestrian bridge over the canal. The park is shown with three benches for seating, along with dense plantings of spirea and daylilies, backed by crabapple trees and nestled in a grove of mixed deciduous and coniferous trees. Furthermore, we are proposing to enhance the existing plantings along the existing southern sidewalk by infilling red maples where there are existing gaps.



POCKET PARK ISSUES AND COMMENTS

The intent of the official map was to provide a centrally located, public gathering place of some size to help anchor the Village Growth Area as the village builds out with more residents and businesses over the next 25+ years. By its very nature a pocket park can be located in a variety of locations, it being very small by definition. While a pleasant amenity to the existing town path, the pocket park proposal is not the larger scale public facility with larger footprints envisioned and required by the official map.

ACTION

The DRB has to decide if this application demonstrates that the mapped public facility will be accommodated by the proposed development and if it doesn't the result must be the denial of the development. Bear in mind that if your formal decision concludes the proposal did not accommodate the map it does not mean that the land will necessarily be purchased. It only notifies the Selectboard that they have 120 days from the date of the denial of the permit to institute proceedings to acquire that land or interest in land. If these proceedings are not started within that time frame the DRB must review the project again without regard to the official map.

Peter Erb, Zoning Administrator