

From: Martha Q. Keenan [mailto:mqk@nrgsystems.com]
Sent: Friday, November 19, 2010 11:52 AM
To: Alex Weinhagen
Subject: Hannaford ✓

Hi Alex,

I heard about the Hannaford possibility and am against it. I feel that Brian has worked hard to provide a competitive grocery store for as long as I have been in the area (since 1984) and this would put him out of business. It is anti-small business. There is already a problem with traffic on Route 116 and I think this would add to it. Even though I am not a resident, I have used his grocery store and choose it over the Shelburne Supermarket which is a similar distance. If we keep making room for all the large corporations, there will be no way for the little guy to survive. It will change the culture and beauty of Hinesburg to be more like Taft Corners. Not something that I would like to see. We need a drugstore and Kinney can fill that but I don't believe the Hinesburg needs a Hannaford's.

This is a personal opinion and has no relation to NRG whatsoever.
Thanks,
Martha

Martha Q. Keenan
Facilities Manager
NRG Systems, Inc.
802-482-2255

From: Lida Douglas [mailto:lida.douglas@uvm.edu]
Sent: Tuesday, November 30, 2010 10:45 AM
To: Jeanne Kundell Wilson
Subject: Hannaford's grocery store ✓

I'm just writing to express my regret that Hannaford is even being considered as a part of the Hinesburg commercial landscape. Lantman's has been a viable, progressive, locally owned store for many years and would be severely hurt by a chain in the area. I have never felt the need to shop anywhere but Lantman's and value the local feel of the store. They carry a wide variety of items, will cheerfully order anything you ask for and serve as a job resource for many of the local teens. The addition of a big chain grocery will NOT add to the town in any way, but will put a viable business in jeopardy and pave over green space. With the newly opened local grocery in Richmond, there are surely enough options for area shoppers without ruining the small town atmosphere of Hinesburg.

Lida Douglas
Information Technology Professional
Dana Medical Library
University of Vermont
802 656-8863

December 11, 2010
The Hinesburg Select board TWNCOM
Town of Hinesburg
PO Box 133

Hinesburg, Vermont 05461

Dear Select board Members:

The Village Steering Committee wishes to offer constructive comments related to the recent submission for a 37,000 square foot Hannaford's Grocery Store. This store is proposed for Lot 15 in Commerce Park, Hinesburg, Vermont.

The Steering Committee has been engaged in a study of Village open space needs for several years. As you know, the Steering Committee advised the Planning Commission to include Lot 15 as a prospective site for a centrally located Town Green. This site was subsequently identified on the Town's Official Map as a land parcel of high importance to the future well-being of our expanding village. These actions were taken as part of the future planning and zoning adjustments made by the town during 2009.

The possible location of a large grocery store with attendant vehicular parking and circulation makes the creation of such a public space in this location extremely difficult. We would strongly urge the Select board and other appropriate town bodies to act to preserve plot 15 for a public town green for the following reasons:

1. This site is the epicenter of future Village life and is centrally positioned within the newly expanded Village districts. Lot 15 is almost exactly mid-way between the south and north boundaries of the zoned village portion of Hinesburg.
2. The site sits adjacent to the Saputo Canal and pedestrian circulation from the core village area to the post office.
3. The site is ideal for a Town Green ... the space is set back from the bustle of Route 116 and permits activities such as music concerts and other events that require some amount of quiet.
4. The site sits equidistant from the Elementary and High School and would be part of a convenient pedestrian thoroughfare between the schools and other portions of the village.
5. The site sits close to the site of various dense residential developments such as Creekside and the residential developments under way along the Mechanicsville Road.
6. The site seems appropriate as an open area within the commercial area of Commerce Park. As an open area the site functions much as the "hole in the donut" does and enhances those civic, commercial and residential uses that surround this location. Appropriate growth along Route 116 will further enhance the value of this site as open space, usable by all who live and work near this amenity.
7. The newly formulated Hinesburg Town Plan specifically articulates the need to continue the pattern of development found within the historic Hinesburg Village and encourages the extending of this pattern north along route 116 in the direction of Patrick Brook. It would seem to make sense therefore, that any intense commercial development be encouraged to be a part of this continued pattern. Residential development and other passive activities (such as a town green) could be encouraged to sit behind and adjacent to these

more prominent activities. As a town green, Lot 15 could function as an effective counterpoint to the more active mixed uses nearby.

8. A considerable portion of Lot 15 is Class 3 Wetland. The proposed Village Green could readily accommodate and adapt to these natural areas on the site whereas a commercial development, with attendant parking would likely require extensive and harmful site modifications.

New England and Vermont specifically, has an admirable history of fine public spaces at the heart of our towns and villages. The Vermont Town Green is synonymous with the public, outdoor "living room" and is an element of our communities emulated throughout the world. Hinesburg must plan for a future that accommodates some amount of continued growth in a compact fashion. At the center of that growth could be a well designed public green space that serves as a concert site, community gardens, informal places to play and gather, all adjacent to an improved linear water way and with an ideal southern exposure.

The use of an official map as a tool has recently been introduced to the planning process in the Town of Hinesburg. Our committee would encourage the select board to constructively utilize this tool to achieve the stated goals of our town's plan. We feel that considerable support from our citizenry will assist in realizing a vision for open space within our Village and that this will stand as a precedent for the intelligent shaping of our community.

We support our committee's view for Lot 15 by way of a plan and sketches that illustrate what we feel will be a viable goal and vision that garners enthusiasm from our citizens.

We would encourage the planning and governmental bodies of our community to strive for this goal while at the same time encouraging growth in places where that growth more logically belongs.

Respectfully,

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The Hinesburg Village Steering Committee

From: Nancy & Greg [mailto:vtleroy@gmavt.net]

Sent: Tuesday, December 21, 2010 6:20 PM

To: hinesburgplanning@gmavt.net

Subject: Hannaford and related feedback ✓

Hi Alex – I would appreciate your sharing my feedback about Hannaford and related issues with both the Planning Commission and the DRB.

Having attended the special meeting held last week on this topic, I was struck by the seeming consensus of opinion in regard to the Lot 15 proposal. While I am in general agreement that this application does not represent the best use of the lot, I would urge the Town to take care

in how this application and the applicant are handled. If the applicant is to be denied, it should be because we have identified a greater value to the Town in an alternate use for the lot. Otherwise, such a denial could set an unfortunate precedent and create an undesirable reputation when Hinesburg is considered for other commercial development projects.

My appreciation of Brian Busier and the valued history and role of Lantman's notwithstanding, I think we should not dismiss the notion of a store like Hannaford's out of hand. I don't place them in the same category as Wal-Mart, for example, with that company's history of predatory pricing, questionable employment practices, and negative impact on smaller businesses. There should be a clear distinction made between considering this specific application of Hannaford's and a willingness to entertain their later application re: another lot that may be more suitable and consistent with the Town's vision. I know there are many who would disagree and would automatically place a negative connotation on any such development by assigning the 'big box' label. Hannaford is a New England-based company and I believe they have a history of being a good corporate citizen.

The pressure on the town's property tax payers is considerable. Taxes are too high and this deserves careful consideration. We've lost a primary source of grand list tax revenue with the departure of Saputo's. The prospects for other commercial development are uncertain. I urge a balance between appropriate and responsible development and the other important needs of the town's residents. I also don't believe town funds should be used to purchase Lot 15. Instead, all alternate methods of funding such a purchase should be explored.

As for Lot 15, we have far too long gone without an adequate greenspace to function as a desirable town center. Though this lot is not ideal given its proximity to the back of numerous commercial buildings, we have precious few options available for land that is suitable in nature and location for this purpose. Lot 15 is centrally located and with creative design and planning, it could become a welcoming multi-purpose space. And, as a long-term member of the Hinesburg Community Band, it would be wonderful to have an attractive and functional outdoor performance space be incorporated into any future plans. It's unfortunate that we lack better facilities for concerts/performances, the farmer's market, etc. Perhaps this application will galvanize our government and citizenry to rally around a common purpose.

Greg LeRoy

December 15, 2010 ✓

Dear Selectboard, Planning Commission, and Development Review Board,

The Town has just spent a good deal of time creating and approving an Official Map to guide development of our public infrastructure. That legal planning document designates Lot 15 in Commercial Park for public use. We have always assumed that that designation, and all the designations included in the Official Map, were made with the serious intention of guiding the future growth of our town.

The "public use" designation for Lot 15 recognizes the unique opportunity to create a true town green/park of appropriate size for our evolving village, centrally located and within walking distance of the existing historic village center, the town hall, the elementary and high schools, existing and future employment centers, and a growing residential area. The size, and particularly the location, of Lot 15 meet these criteria perfectly. For example, a new town green on Lot 15 can accommodate our active farmers' market, town wide yard sale and Harvest Festival, music and other summer and winter events, a playground for the north side of town, a model wetland/pond habitat, and a location to begin and/or end our Fourth of July parades.

Clearly it will take time to fully define and fund such a project. The town will need to purchase Lot 15 for a fair market price; much of that cost can be provided through outside funding sources and private donations. And the Town and the current land owners will need to work cooperatively together to successfully transfer ownership.

We strongly encourage the Selectboard to lead this effort and to begin work immediately with the landowners, the Village Steering Committee, the Planning Commission and the Development Review Board to purchase Lot 15 and to plan for its development.

Sincerely,
John and Jean Kiedaisch

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Town of Hinesburg TWNCOM
Planning & Zoning Department
10632 Route 116, Hinesburg, VT 05461
802-482-3619 (ph) 802-482-5404 (fax)
www.hinesburg.org

MEMORANDUM

TO: Selectboard & Development Review Board

FROM: Planning Commission

DATE: December 22, 2010

RE: Official Map, Lot 15 Commerce Park & Hannaford Application

On December 15, 2010, the Planning Commission held a meeting specifically for the discussion of the Official Map as it pertains to Lot 15 in Commerce Park and to take input from the community. There were approximately 42 members of the public in attendance.

The overwhelming majority of those present, including the Village Steering Committee, support the Town endeavoring to acquire Lot 15 to be used for community facilities and green space. Some specific recommendations included a town green, space for park and recreational facilities (e.g., playground areas, pathways, small recreation field space, etc.), as well as a band stand. It was pointed out that this would be an excellent location for outdoor concerts and theater because it is subject to less road noise than other community facility areas planned near the fire station on Route 116.

Many commented on the unique, central location of this undeveloped property relative to the overall village growth area.

The Planning Commission discussion focused not only on the recommendations from the public but also on our original discussions involving this lot with respect to the creation of the Official Map and the village growth area zoning revisions – both of which were approved by the Selectboard in May 2009. The central location of this parcel was an extremely important factor in identifying this area for future community facilities. As the village growth area builds out over the next 20+ years, the Planning Commission felt it important to have centrally-located public spaces and facilities. This is not simply a general planning precept, but also a recognition of the way centrally-located public spaces have always helped tie together Hinesburg’s village area – e.g., Town Office, Lyman Park, Hinesburg Community School, etc. It is important that we look to both present and future needs in this respect. This parcel was also placed on the Official Map because of its proximity to the Canal and the potential to utilize a portion of the property to deal with stormwater treatment. With the allowance of increased density in the Residential 1 district along Mechanicsville Road, there was concern that we be prepared to handle additional stormwater impacts in this area.

Section 3.2 of the Town Plan speaks to the need to plan for community facilities in the village area, and specifically notes that a community focal point like a town green would, “... be a valuable addition to the Village by creating a public gathering space accessible and welcoming to all.”

Section 5.4 of the Town Plan reiterates the need to plan for spaces (e.g., town green or common) that can, “...serve as a visual and social center for the community.”²

All of the potential community facilities discussed to date, including those listed in note #3 on the Official Map, would appear to require a substantial footprint on lot 15. Certain types and scales of private development might be possible on lot 15 while still accommodating such community facilities. However, the current Hannaford proposal makes no accommodations for such community facilities. In fact, the Hannaford proposal appears to preclude community facilities of any substantial size because the supermarket use occupies such a large percentage of the site, with site constraints (e.g., wetlands, existing pathway along Canal, etc.) limiting the use of the remaining area.

Therefore, the Planning Commission recommends that the Development Review Board find the Hannaford application in conflict with the Official Map. We realize that any DRB denial based on this Official Map issue will trigger a 120-day clock for the Town to institute proceedings to acquire the property or an interest in the property. Therefore, we also recommend that the Selectboard take the necessary steps to evaluate and acquire this property. Such steps should include: negotiation with the landowner on a fair purchase price, an evaluation to ensure sizable community facilities are in fact possible given the site constraints, a determination of what funding sources are available to minimize budgetary impacts to existing taxpayers, a cost-benefit analysis based on the factors listed above as well as the potential tax impact of making all or a portion of this property non-taxable. We encourage the Selectboard to begin this process immediately, rather than waiting for the outcome of DRB's review. Based on the feedback we received at our December 15 meeting, we recommend this effort begin with a joint meeting of the Village Steering Committee and the committee working on plans for the Town land around the fire and police stations (i.e., the Lot 1 committee). Both groups are active in planning for the type of future community facilities discussed above, so it seems like there could be a lot of synergy by working together more closely.

At its meeting on December 22, the Planning Commission approved the submission of this memo by a vote of 6-2.

From: natacha liuzzi [mailto:nml1961@yahoo.com]

Sent: Sunday, December 19, 2010 6:08 PM

To: brownjen@gmavt.net; morgante@gmavt.net; hrussell4242@comcast.net; trefryj@gmavt.net; rcvolk@gmavt.net; Alex Weinhausen

Subject: town green ✓

To the Selectboard and Development Review Board,

Please accept this letter of recommendation to keep the Commerce Street lot as a town green. Its a perfect location for a central town gathering spot away from the traffic of 116.

It would provide a natural center for farmers markets, concerts and a community gardening space.

This public green is a resource Hinesburg can benefit greatly from.

I feel strongly we need to preserve our open land especially in the village center.

thank you for keeping Hinesburg's best interest in mind.

Sincerely, Natacha Liuzzi, Brown Dog Books & Gifts

From: Nancy Dunlap [mailto:nancy@vermontprint.com]

Sent: Tuesday, January 04, 2011 5:42 PM

To: hinesburgplanning@gmavt.net

Cc: njdvt@netzero.com

Subject: Hannaford ✓

Hi Alex,

I support Hannaford's proposed move to Hinesburg. Here are a few reasons:

1. Increase property tax revenue for the town
2. More local jobs
3. Less commuting for work and groceries which saves gas and time
4. Centrally located in town - the sidewalks are already available for walking
5. Better use of the property than either a field or community center
6. There are already a traffic light and turn lanes at the RT 116 and Commerce St intersection
7. More business for other Hinesburg stores, shops, etc. If people stop for groceries, they just might pick up the book, take out, plumbing supplies, etc.
8. More jobs and a greater tax base will help provide additional funds for affordable housing, community center, etc.
9. The current grocery store is too small with no real room for expanding
10. Change is good!

Thank you for all your time and hard work!

Nancy Dunlap
142 Molly Way

Dear Mr. Peter Erb, ✓

Does Giroux have any contractual commitments currently on this land i.e. option to buy from David White/Hannaford? If Giroux has a contract commitment on this land how would this impact (financially or logistically) Hinesburg's ability to obtain the land (What would have to be resolved before the town could purchase the land)?

Is the town aware of the tax revenue Hannaford's business would bring to the town? What is the expected benefit to the Hinesburg taxpayers with Hannaford's arrival?

Has the town assessed the impact to the taxpayers if this land became a town green, at minimum, please include purchase of the land, ongoing landscaping, and ongoing tax loss.

Lloyd Seemann

Dear Board Members, ✓

I am a resident of Hinesburg for the past 35 years and a patron of Lantmans store for those same years. I do not believe the addition of another out of state chain type grocery store is needed or welcome in this community. Can we be a little more creative with our limited common in town land resorces and not duplicate retail space? I would like to formally object to the Hannaford proposal.

Sincerely, Roger Dunn

-----Original Message-----

From: Wendy Patterson [<mailto:wendypatter@gmail.com>]

Sent: Tuesday, January 04, 2011 7:19 PM

To: hinesburgplanning@gmavt.net

Subject: For the DRB ✓

I am opposed to the approval of the Hanneford's proposal at this time for many reasons. I strongly encourage the Select Board appointed committee to begin proceedings to determine the possibility of acquiring the parcel, Lot 15, for the purposes of creating community space(s) that are consistent with the ideas that have been generated over the past years by much citizen input that is in favor of creating greenspace and intergenerational opportunities for gathering, meeting, and entertainment, including the intentions that are reflected by the Official Town Map.

The Official Town Map was arrived at after a lengthy process over a few years of much Town citizen input into what we envision for the longer range character for Hinesburg. One of the things that was voiced loud and clear was the need for and desirability of having public gathering spaces in town. That "Lot 15", behind the Post Office, as it is referred to, was one of the ones selected because it was not seen as ideal for commercial development PLUS it is exactly geographically centered in Town, and toward the most densely populated parts of Hinesburg (Creekside, Thistle Hill, and developments up Mechanicsville Road.). It is also very convenient to the already existing pedestrian friendly areas, as well as the planned expansion of walk ways (along Mechanicville Rd). It is an ideal spot for a Central Park that does not exist, away from traffic noise, and near neighborhoods and some services, any where else in town.

It is very important for us to look at the long range future, like a generation away, future of how we would like to be able to experience the Village. Once that green space is claimed by a "big box", it cannot be reclaimed. It will be gone. We are wise to look long term and not just for immediate tax reasons. There are other values to be considered besides immediate tax pressure.

There is another argument that is sometimes made in favor of a big commercial project there and that is that it would add to the tax base and provide jobs. That tax base argument is questionable, and deserves to be researched (by an appointed committee) to see if the tax revenue would actually exceed the costs such projects often incur for towns in the way of police activity, accidents, demands on other Town services and utilities. There are towns who have had to raise their own sales taxes to cover costs that development incurred that exceeded the tax revenue it supposedly brought in.

I have heard from others that there are a good number of people who would like to change the conversation from things like how to adjust the lighting and building design, to something more like how can we acquire this parcel and/or work out a plan that provides for the longer term good of the whole community.

As citizens, we need to be proactive for the Town rather than reactive to a proposal.

Wendy Patterson

Comments and Questions from Janice Osgood

January 4, 2011 ✓

1. Traffic through town needs to be addressed first
2. Size of Bristol VT Hannaford is less intrusive. What is that store size and what would be the problem of having a smaller store in this area if we have it at all?
3. This will really take from the character of the village which was supposed to be something that was to be preserved.
4. Surely alternate sites are available at other locations i.e. further south on Route 116 (zoning has been changed before or at Saputo lot?

Dear Tom McGlenn, January 4, 2011 ✓

I am a resident of Hinesburg of 25 years and I am writing to express by objection to the proposed building of a Hannaford on Lot 15 of downtown Hinesburg. In the Town Plan for Hinesburg, Lot 15 has been designated for possible communal uses such as a park, recreational site, gazebo and/or playground. The sheer size of the Hannaford parking lot and the store prevents room for most any or any combination of the anticipated uses.

This presents an immediate conflict for planning.

Although the Hannaford proposal states that the hours and lighting will be compatible with the village of Hinesburg, as I understand it the site will be active and lit 24 hours a day for 7 days a week as cleaning and deliveries must take place during non-business hours. I find it hard to believe that the residential areas surrounding the Hannaford site will find this conducive with the quiet and darkness that drew them to live in their respective homes.

The additional traffic generated by the Hannaford customers goes beyond what I can possibly imagine. I have already witnessed travel on 116 during the height of commuting hours both in the morning and evening and the "stand still" traffic that currently occurs. Adding the sited turn lanes suggests that 116 will soon resemble Route 7 and anywhere USA with strip malls lining the road.

Acknowledging that Lantmans has successfully served the community as a grocery store and business that provides us with a more than adequate retail selection and community support, we do not need another grocery store. With the coming of Kinney Drugs a town this size does not need another drug store let alone one that affords the customer a drive thru option.

I have attended one DRB meeting, one Selectboard meeting and written a letter to the Selectboard chairman to express my objection to the building of Hannaford store in Hinesburg. In addition to writing this letter I will be attending the DRB meeting this evening of Tuesday, Jan. 4th.

Sincerely,
Suzanne Richard

January 18, 2011

I live on Mechanicsville Road behind the site of the proposed Hannaford. I was able to attend the first DRB meeting but expect to be unable to attend the rest of the meetings. I brought up a lighting concern at the first meeting - lights shining in my bedroom window. If the lighting is pointing toward the ground that should not be an issue.

Another concern I have is noise from trucks unloading. I am hoping that they will not be arriving before 6 am during the week. I occasionally am woken up by the plows earlier in the morning and the beeping of their back up warning. I do not mind this as it only happens when there is snow. I would not like to be woken up earlier than I normally need to get up on a daily basis.

If these issues can be appropriately addressed I do not object to Hannaford being "in my backyard".

Thank you for your consideration. Please feel free to contact me if you have any questions.

Thank you.

Laurie Barnett
79 Mechanicsville Road
Hinesburg

From: NEALE GOW [mailto:nagow22@hotmail.com]

Sent: Saturday, January 15, 2011 3:09 PM

To: zoningadmin_hvt@gmavt.net

Subject: HANNAFORD ✓

Dear Mary Seeman,

As a Hinesburg resident I am in opposition to the Hannaford project. What is the best way for me and like minded townfolk to voice our opinion on this proposition?

**Sincerely, Neale Gow
70 Silver St. Unit 4**

An open letter TO:
Town of Hinesburg Officers,
Board Members and Residents
Re: Hannaford Supermarket Development Proposal ✓

The following represents some of my thoughts regarding the above proposal. In analyzing any business venture there are a number of factors involved, questions to be asked and answered, costs to be estimated, benefits to be determined, and short and long range consequences to be considered. This proposal should be examined in a similar manner, but with a focus on the impact on the residents of the Town of Hinesburg.

Given that there are 3 Hannaford stores within a 12 mile radius of Hinesburg and Lantman's Best Yet Market in town, there doesn't seem to be a need for building a fourth Hannaford store to serve a community of under 5,000 residents. Doing so will, in all likelihood, result in an all too familiar conclusion - the smaller local entity will be forced out of business. Should this project move forward there would be financial ramifications for the Town, Tax revenue will be generated and some jobs might be created, but there will also be costs associated with upfront infrastructure improvements as well as ongoing maintenance. The potential impact of this project on traffic flow on Route 116, Mechanicsville Rd. and Commerce St. is profound. Hundreds of additional customer vehicle movements in and out of a parking lot will cause impediments in the ability other vehicles (as well as pedestrians) to travel smoothly in the area. Peak commuter travel times, especially in the evening, would have the potential to become nightmarish. In addition, should traffic congest Route 116 during peak use times, the ability of the Fire and Police vehicles to respond to an emergency during the evening would be negatively affected.

While less tangible than the points raised above, other issues are: impact on the environment direction of long term growth, alternative uses for the site, and quality of life. Although I am personally opposed to this project, because of the long term consequences of approving it, I would suggest that the final decision in this matter be that of the residents and that a special vote/referendum be held to make that determination.

Sincerely, Geoffrey Miller

Maggie Gordon
236 Hayden Hill Rd. W. ✓
Hinesburg, VT 05461
January 4, 2011
To: Hinesburg Development Review Board

I am writing to express my concerns about the proposed Hannaford's grocery store for Lot 15 in Commerce Park.

1. Scale The size of the proposed store is disproportionate to its location: a 35,000 SF store in the center of a village with a population of fewer than 5,000 residents would overwhelm the smaller-scale development that surrounds it.

2. Community use The proposed building and parking lot take up all of Lot 15, and could not accommodate the community use such as band shell, gardens, park, and community center that have been recommended for the Lot. The Planning Commission designated Lot 15 for community use, and their designation was approved by the select board in 2009. The Village Steering Committee, appointed by the select board, has also recommended that Lot 15, due to its central location in the village core, be reserved for community use.

Providing a centrally-located, pedestrian-oriented community space on Lot 15 would be a huge benefit for village residents, including the newer residents of Creekside and Thistle Hill. There has been overwhelming public support for such a community space in recent board and commission meetings.

3. Traffic The state improvements for 116, such as turning lanes, that would be necessary to accommodate the traffic generated by the large scale of the store would be inappropriate for a rural village of Hinesburg's size. In addition, the increased traffic generated on secondary town roads would overburden existing town roads and intersections (such as the Mechanicsville /CVU Road intersection and the Mechanicsville/Commerce St. intersection) that are designed for rural traffic.

4. Character The scale and physical aspect of the proposed development would forever change the character of Hinesburg as a rural village.

5. Walkability Through public forums and meetings, Hinesburg residents have repeatedly expressed their desire for a pedestrian-friendly village core. The size of the proposed Hannaford's development, along with the increased traffic that it would generate, are incompatible with the pedestrian-oriented nature of the village envisioned by its residents.

6. Lighting The commercial lighting required for the proposed building and parking lot would have a negative impact on the nearby rural residential areas along Mechanicsville Road (including the newly-developing Thistle Hill).

Sincerely,
Maggie Gordon
482-4216

From: Jim Collins [mailto:BPMJEC@GMAVT.NET]

Sent: Thursday, January 20, 2011 10:55 AM

To: hinesburgplanning@gmavt.net

Cc: Jon Trefry; rvolk@gmavt.net

Subject: Hannaford Lot 15 January 20, 2011 ✓

To the DRB and Select Board:

It is my opinion that since the town (Planning Commission and individual select board members) has ignored the Official Map in the pursuit of zoning changes to the Village Growth Area, it should not be considered during the review process for Hannaford.

The area in question was zoned commercial and should be accepted as such.

While no one wants to see the demise of Lantmans, trying to stop growth in the community is futile. Denying Hannaford is also denying residents of competitive retail services. This also has the potential of costing the residents (tax payer) in the forms of lawyer's fees to defend lawsuits that will ultimately be won by Hannaford.

Jim Collins ,373 Hayden Hill Rd W 40 + year resident

"Umbrellas in Rain or Vanishing of Vermont" ✓ January 24, 2011

As I see it, the main principle behind all the meetings of the DRB regarding the Giroux property (Lot 15 on Official Town Map) is whether a community has the right of self determination in how the community is to grow and how it looks. The town gathered in 2006/2007 to draw up a vision of the village growth area and created an official document in 2009 (Official Map) which represents the "intent" of the residents for the controlled growth of Hinesburg.

We all have witnessed in Williston and across America the advent of "big box" retailing and it serves its purpose in the correct locations. Vermont and Vermonters cherish the history of their land and the diversity of their residents. Hinesburg has chosen to remain a family oriented, small rural community with a mandated controlled growth area. We have zoning regulations and an official town map which are available for prospective businesses to peruse to see if they are in compliance with the town's regulations and growth plans. In the case of the Giroux property, the prospective purchaser did not honor the wishes of the community by being transparent in their transactions with our town officials. As a result of that, we now are witnessing the potential of losing a beloved country market so that a "big box" store may take its place and change the rural character of Hinesburg and Vermont forever. Are we willing to allow a foreign based corporation make Hinesburg an extension of Taft Corners? I sincerely hope not.

Lantman's store has an eighty year history in our community with local ownership and management. The management is always available for positive or negative comments or assessments and goes out of their way to make our food shopping experience an enjoyable one with comparable pricing to larger stores. Last summer we had a surprise thunderstorm with a torrential downpour. Within minutes Brian had some of the young employees standing at the stores main exits holding umbrellas to escort the shoppers safely to their cars and dry in the process. I will always remember that act of thoughtfulness and kindness. Do you think Hannaford's would do the same?

I do not want to see another part of Vermont vanish, I do not want to see Hinesburg's wishes disregarded, I do not want to say goodbye to a beloved family owned and operated business and a wetland destroyed in the process. Please join with me in encouraging the DRB to deny

the application, to support those elected and appointed town representatives who honor the land and its rural character, the community and its wishes.

Judith Chaffee

Hi Peter, ✓

I am sending this letter to the DRB as my input into its consideration of the Hannaford application for Lot #15 of Commerce St.

I wish to voice my opinion in as strong a way as possible with these words that this proposal for a Hannaford store on Lot 15 in no way fits with the ideas, vision, and planning that have been put into this as it relates to the official map with regards to community function. I think that the discussions over the past five years have been clear in seeing this as a place owned by the town that functions as a park, community center, possible library location, band stand, etc. Many more possible community service functions could certainly be envisioned. None of which would be met by a Hannaford store of any size or configuration on this site. This site is uniquely centered in the village and will be valuable for this town to retain it for community functions.

The town deserves a chance to purchase this land at a fair price from the landowner. I believe that there is good sources of funding for this from private, foundation, and grant sources that would result in little or minimal effect on costs for the town.

As an additional matter, I have voiced calculations I made about the effect of taking Lot 15 off of the property tax rolls. This is based on a grand list for all of Hinesburg of 505 million, an assessed value of 180 thousand for Lot 15, and a commercial tax rate of \$1.84 per \$100 of assessed property. The result of taking this parcel off of the grand list is that for every 100 thousand in value, the property tax would go up 51 cents. So for a house assessed at 200 thousand, the property tax increase would just be over one dollar per year by taking Lot #15 off of the tax rolls. I don't think I need to underline that this isn't a big effect.

Sincerely,
John Roos

From: richard zybura [mailto:rlzybura@hotmail.com]

Sent: Wednesday, January 26, 2011 5:50 PM

To: hinesburgplanning@gmavt.net ✓

Subject:

Dear Planning Board:

I think the benefits of having a Hannaford's in Hinesburg outweighs any concern expressed by local businesses. Hinesburg needs the tax income Hannaford's would provide. As customers turn onto Commerce Street (rather than driving through town on 116) they will see Estey's Hardware, Koval's Doughnut shop, Brown Dog Books, Palmer Insurance, Laundromat, Dragon House, Paisley Hippo, Vermont Sports and

Chiropractic, Hinesburg Health. As they leave Hannaford they will see Rae Harrell Designs, Curves and Blue Wave Tai Kwan Do. If they head up Richmond Road they will see The Best Little Hair House in Hinesburg. In other words they will see more LOCAL businesses. Hinesburg won't be just a place to drive through on the way to someplace else, we can become a destination.

Lantman's is a great local store, Brian will have to create a niche that only he can fill. He is doing that now with his local products on sale. He will lose some business, but not all. Many of us will remain loyal customers, we just won't have to drive to Williston for the pjames duroducts we purchase there. Those of us who buy cards and gifts at Brown Dog won't suddenly switch to Hannaford's or Kinney Drug. We will still want the unusual and local products that Natacha carries.

The idea of a green space/town park is a great one. It seems to me I've seen soccer nets in the field behing the town offices. Wouldn't that be a great place to put our green space. Two ways in and out and more room for parking. Certainly if concerts were held in this proposed area more cars would be looking for parking spaces that shoppers at the grocery store.

Please give this matter careful thought.

Marlene Saunders
435 Beecher Hill Rd
Hinesburg, VT 05461
rlzybura@hotmail.com

From: Eric & Margaret [mailto:mespiv@gmavt.net]
Sent: Friday, January 21, 2011 8:28 PM
To: hinesburgplanning@gmavt.net
Subject: FW: Hannaford or Green Space ✓

Alex

This is very well put and I agree. While I am in favor of a park and recreation places, I am not in favor of taking more property off the tax base and increasing taxes. When does it end? Does the town keep buying property or accepting it as a donation because someone doesn't like what is proposed?

This lot is in the middle of a commercial area and not the best place for park and recreation. There is limited access, no facilities, and no areas for parking. I truly doubt the businesses on Commerce Street are going to allow people to park in their lots, especially during business hours.

Please move forward with a commercial building in the commercial area, whether Hannaford's or something else. A lot of work and plans have already been completed with Lot 1. Parking is planned, and if/when the fire/police safety building moves forward, there will be a community room, public entrance for facilities, a park and ride, CCTA stop, etc.

It's time to stop increasing the tax burden on everyone and increase the tax base, not to mention the jobs a commercial building will create.

Eric Spivack

Dear Editor,



January 24, 2011

What a shame that an internationally owned company's agenda is to divide the town of Hinesburg with their big box grocery store on a very fragile piece of land in the middle of our village. Hannaford, a subsidiary of a Delhaize Group based out of Belgium, owns 1,500 stores along the eastern seaboard, is the third largest supermarket operator by revenues on the east coast and is a 14 billion dollar "global food retailer". And it is growing. Hannaford has systematically examined every parcel of land in and around Hinesburg in order to put up their parking lot, grocery store and drive-through pharmacy.

Our community grocery store is Lantmans where both locals and non-locals shop and greet neighbors. It is the meeting ground of Hinesburg. Landmans is a family-owned business whose roots have been in the community for many years. Furthermore, there will be a pharmacy in Hinesburg that will serve our pharmaceutical needs. Hannaford does not need to be here.

There is no more crucial time than now to buy local and support our country's economy. Hannaford and its mission is in direct opposition to the vision of our community. In its mission statement, Hannaford (the Delahize Group) writes that they "will achieve leading positions in food retailing in key mature and emerging markets...." In the body of this statement, they write that they want to achieve "superior value for our shareholders". These "shareholders" are not likely to be Vermonters.

Hinesburg is a town where we take pride in our rural setting and in the human scale of our businesses. The night sky is ours because we do not have the constant glare of night lighting that a Hannaford will need for a 125 space parking lot. We are fortunate that in a small town like Hinesburg we have the opportunity to voice our concerns and elect people to the select board who will stand up for these issues. We need to channel our combined energy to fight this proposed takeover of our town by a company who cares about its profit above the needs of the people of Hinesburg, Vermont. Hannaford, just go away.

Sincerely,

Mary Beth Bowman

Dear Alex, Peter and DRB members, January 28, 2011



Can we have a do-over on the Kinney decision and get Hannaford in that spot instead? Just wondering.

Seriously, I don't mind a Hannaford grocery store in town. I won't shop there as long as Lantmans is in business (except maybe for liquor and PRESCRIPTIONS – ah, the irony) but understand why other people will.

I *am* concerned about the location and whether it is enough room for such a big operation.

I Can't. Imagine. The Traffic.

I can't imagine going to the post office, vet, CVT, Estey's, Brown Dog's, Hippo's, Koval's or the doctor's office without a big hassle, the kind you experience around the Hannaford-BB&B-PetSmart-ToysRUS-etc-etc area in Williston. I drive through *that* commercial area annoyed, tense, practically hyperventilating, praying for the lights to change quickly in my favor so I can get the HELL out of there. I don't want to feel that way about our town, or at least not about the Commerce Park area, which, admittedly, is friendly with local businesses but only MARGINALLY functional traffic-wise now.

There's not enough room in that spot for a big commercial operation. Have them consider building on some part of the Bissonette land to the north of Kinney, and get them to fund the WEST SIDE through-way at the same time. Hell, in exchange for that, I'd let SHAW'S in.

Sincerely yours,
Karen Cornish

Hello Peter, January 31, 2011 ✓

I would like to voice that I am against the prospect/proposal of a 36,000 square foot supermarket being built on the wetlands of Lot 15 in the village of Hinesburg.

I do have one question:

My understanding is that this area is delineated as wetlands and drains much of the runoff of adjacent hills. I also believe that in 2001, this lot included a larger portion of wetlands than depicted on the Hannaford drawings distributed at the January 18th DRB meeting. What happened to the larger wetland sites between 2001 and 2011?

Additional reasons I am against this proposal:

Traffic congestion, flow and pedestrian safety Noise and light pollution, noting that the property is adjacent to private housing Size of building overwhelms and inappropriate to acreage available Snow removal, parking and runoff from parking

Thanks for registering my disapproval.

Kim Hazelrigg

Dear DRB, ✓ January 31, 2011

i would like to express my views concerning the Hannaford Proposal. i strongly

oppose Hannaford and any store of the like coming into Hinesburg. i believe in supporting local people and local businesses. i have known Brian Boucher since our children attended school together and always felt so fortunate to be able to shop a local store, run by local people. In my mind the competition from another large grocery store in town will have a deleterious impact on Lantmans. This would be very sad to me. i feel that local flavor and all that has to offer is what Vermont is all about, and that is why i live here. The character of our picturesque town would be so altered if this happened, i would find it heart breaking. After seeing what happened to Williston, it is obvious that once one of these large businesses moves in, more will be likely to follow. i will speak out on this issue and do what i can to stop it.

Thank you,
Annie Van Dusen
Texas Hill Road

Whom It May Concern:



January 31, 2011

I am in favor of adhering to the land uses outlined in the official town map. I do not want to see an exemption made for the construction of a Hannaford's Supermarket. This type of store is certainly not a community center. It is my opinion that this type of business erodes community. Our town already has a small, family owned market where residents can purchase groceries. We are soon to have a pharmacy. If people wish to patronize large corporate supermarkets, there are some very near by. If this lot is developed, I would like to see a real community project, like a YMCA for example.

As a former wetland ecologist, I am concerned about the wetland delineation done by the contractor hired by Hannaford. This delineation is very different from a previous delineation. I also wonder if this wetland may be contiguous to the Class II wetland north of Patrick Brook, thereby making it a Class II wetland. Wetlands have many important functions and values that, if not preserved, can cause significant adverse economic and ecologic losses. Wetlands absorb stormwater and pollution and mitigate the negative effects of flooding. In this time of climatic uncertainty, it is my opinion that the town of Hinesburg ought to be very careful how and why we develop in and around wetlands. We also need to be certain development projects follow state and federal laws.

I own a small dairy farm here in town. I farm sustainably and produce nutrient dense food that I sell directly to the people of Hinesburg. In turn the people of this town happily support my business. It seems to me that the majority of people in Hinesburg are interested in moving towards greater food security, ie eating and purchasing food from local sources and local markets. There is plenty of corporate food right around the corner. Let's not bring it to Hinesburg.

Thank you for listening and for your good work for our town.

Sincerely,
Lindsay Harris
Taproot Farm Lane

To: Hinesburg Development Review Board



January 31, 2011

From: Paul Wiczorek
Hinesburg Tree Warden TWNCOM

Following are some observations and questions I have concerning the proposed landscape plan for the possible Hannaford development of Commerce Park lot 15;

Concerning the parking lot; landscape specs for the town indicate that deciduous trees shall be utilized to provide shade and reduce glare, and large expanses of parking lot shall include landscaped islands.

The current proposal would do very little to shade or reduce glare. The proposed parking lot east of the front entrance is aprox. 47,00 sq. ft. and if one calculates the coverage of shade by one parking lot tree, in this case Chantecleer Pear, a mature tree with a 20 foot spread would cover only 314 sq. ft of area. The ten trees proposed would cover 3,140 sq. ft. or only about 7% of the entire parking area. Using a larger growing tree species suited to the site such as *Gleditsia tricanthosa*, ("Honeylocust"), with a mature diameter crown spread of aprox. 35 ft., the coverage is about 20% of the area. However, with the current size of the planting islands for these parking lot trees the volume of soil available to the trees will not allow them to reach anywhere near mature size resulting in an even more diminished amount of shading.

It is important to point out the direct correlation between soil volume and tree crown size. The School of Urban Forestry at Cornell University has published findings that recommend 2 sq. ft. of soil for each sq. ft. of crown size. A tree with a 35' crown would need 1,920 sq. ft. of soil. An 1800sq. ft planting pit for example is 3 ft. deep by 20' by 30'. It appears the proposed islands would provide more like 300 – 400 sq. ft per tree, falling far short of the volume needed to produce reasonable results.

The DRB needs to come up with a acceptable square footage figure for what constitutes effective shading for a parking lot such as this which is more than 1 acre in size.(Firehouse Plaza being a great example of what we don't want). Then we can calculate how many trees are required to achieve that coverage and provide the space for soil volume either in islands and/or using other engineering techniques that are now available (exp "Silva Cells") to provide that volume under the pavement. In my opinion the current planting density and is ineffective at achieving any significant shading in the parking area.

West side screening. I understand that Hannaford will own an easement where the current line of White Pines exists. Filling the Hannaford site will impact these trees negatively by suffocating roots under the added fill. Also additional grade changing or other negative impacts on the property where the trees now exist resulting from some future activity could reduce or eliminate the screening effect these trees are expected to provide along the west side of the Hannaford building.

East side island. The five *Malus sargentii* will do little to soften the much taller façade of the building. I might suggest taller growing species that will grow up and over the drive-up road and nearby sidewalk avoiding vehicle and pedestrian conflict.

Other plantings; as the site is to be significantly filled, it is important that trees planted over filled areas have access to topsoil volumes stated above, i.e. 2 sq. ft. of soil for each sq. ft. of tree crown area . Soil depth over fill should be a minimum of 2' with 3' being ideal. Finally, the overall size of the footprint of the building, roads and parking areas on lot 15 , under the current proposal, makes it very difficult if not impossible to provide the aesthetic, screening and shading goals stated in the Towns Landscaping Plan and Standards.

From: jsgg7845@gmavt.net [mailto:jsgg7845@gmavt.net]
Sent: Sunday, January 23, 2011 9:26 AM
To: hinesburgplanning@gmavt.net
Subject: Proposed Hannaford ✓

I am writing to support building a Hannaford supermarket. Lantman's is a great store but not a substitute for a larger market. I am sure that most people, like myself, must travel 12-15 miles one way to a large supermarket to purchase things not available in Hinesburg. With some creativity and planning Lantman's can create their own niche market and survive in our town.

For the other small business owners who have expressed concerns about losing business to Hannaford, think again. Hannaford will be the destination store. While in town those shoppers will buy lunch, gas and look for gifts that Hannaford will not carry.

Finally, and most importantly, I cannot afford a property tax increase yet again. Especially for the purpose of purchasing a plot of land that will remain vacant, wet and overgrown. We have miles of wonderful trails on the Russell Farm property right on the edge of the village and more trails off Gilman Road. What about Geprag Park? Hinesburg needs another employer and business tax payer not more greenspace.

Joanne Gilson

From: Becky Waite [mailto:k20wife@aol.com]
Sent: Friday, January 21, 2011 7:35 AM
To: hinesburgplanning@gmavt.net
Subject: Hannaford in Hinesburg ✓

Hannaford is needed in hinesburg. As a family that is on a fixed budget, i cannot afford to do my grocery shopping at Lantmans(i do go there if i need a few things, but to shop for my monthly grocery needs would cost me a fortune) Lantmans also does not offer the large variety of items that are available at Hannaford. I also think that the jobs the Hannaford will open up will be great, for hinesburg.

Becky Waite

222 Billings Farm Rd.

Dear Mr. Erb, ✓

Since we have not attended recent town meetings we are putting our wishes in writing. Re: lot 15 on Commerce St. We do NOT want the town to buy the land. Keep Commerce St. commercial. Keep the tax base.
Yours Truly, Mary Carol King and John King.

To the members of the DRB,



I wish to register my opposition to the Hannaford's request for a permit to build a store in Hinesburg.

I understand that the main basis for opposition should be the designation of a community space. That is important to me, but not the most important issue. Does Chittenden county really need another Hannaford's, or another supermarket at all? Will a Hannaford's change the face of Hinesburg? DEFINITELY!

Anne Donegan
742 Pond Brook Rd, Hinesburg

From: Hinesburg Conservation Commission
To: Development Review Board TWNCOM
Re: Hannaford Commerce St. Proposal
Subj.: Exterior Lighting

Hinesburg, thanks to the continuing efforts of its resident volunteers, retains its `rural character` and is surrounded by rural areas within its neighboring towns - Richmond, Starksboro, Monkton, Charlotte, Shelburne, St. George and Williston. The HCC believes the rural nature of this region, which relies heavily on Hinesburg retaining its present character, can and must be maintained for the benefit of future generations. In fact, in surveys conducted by the Hinesburg Planning Commission, residents have indicated that maintaining the Town's `rural character` is their top priority.

Traditionally, the focus of the Hinesburg Conservation Commission has been on the Town's rural / agricultural districts, since the threat to retaining Hinesburg's `rural character` has historically been posed by irresponsible residential development, such as the higher density `cookie-cutter` subdivisions, too often proposed in these areas.

However, we believe the unusual and grossly inappropriate size of Hannaford's proposed project, even though located in the Town's Commercial District, would overwhelm this relatively small, mixed use District. Its adverse affects would flow, not just into the neighboring village and residential areas, but into the Town's rural and agricultural areas as well.

We believe many issues should be considered before a decision by the DRB is reached, all of which impact whether this Proposal fosters a "vibrant mix of...activities" and "brings value to the community and maintains Hinesburg's unique sense of place", as mandated by Sect. 3.1

of the Zoning Code (eg, What is the impact on traffic? On police and other emergency services? On local businesses and farmers? On the propensity of large retail 'magnet' stores to foster regional residential sprawl?). However, the sole issue addressed here is the impact of the Applicant's proposed exterior lighting on the village and community at large. We believe that the extent and intensity of the exterior lighting alone, to be located above the proposed parking lot, would severely undermine and devalue "Hinesburg's unique sense of place", and therefore violate Sect. 3.1 of the Zoning Code.

Although Hinesburg does not have detailed standards for exterior lighting, it does state clear parameters for what is appropriate and consistent with the intent of sect. 3.1, and expressly forbids exterior lighting from "creating off-site glare and excess illumination." (See Sects. 4.3.4(4) & 5.6.4). The DRB is clearly entitled to refer to other recognized and accepted standards for further guidance in deciding what constitutes reasonable compliance with its zoning code. The Chittenden County Regional Planning Commission, in 1996, issued such guidelines in its "Outdoor Lighting Manual for Vermont Municipalities" ("CCRPC Manual") to address a widespread concern for "the changes (exterior) lighting brings to the nighttime character of our villages and town centers. *In rural areas there is the additional concern for the visual effects on the night landscape and the skyglow that results in the loss of a star-filled sky, precious natural resources for our state.*"

Even low levels of skyglow, also known as "light pollution", can dramatically decrease nighttime visibility of the stars. Under ideal conditions, about 2500 stars are visible at night. Even in moderate sized communities, such as Randolph and Morrisville, star visibility can be reduced to 200-300. In Burlington, only a few dozen stars are visible at night. (Outdoor Lighting Manual, p. 16).

The Applicant declares, in its Plan:

"The lighting design carefully balances adequate lighting for site safety, while keeping the lighting *to the minimum.*"

But is it, in deed, keeping its proposed lighting to a minimum? Does it comply with the applicable sections of the Hinesburg Zoning Ordinance? We think not.

As noted by the CCRPC, in its Outdoor Lighting Manual, the legitimate public purposes for lighting parking lots are to "allow people to quickly identify and locate their vehicles, locate keys and fit them to locks, and perceive pavement irregularities which might cause a stumble...also add to a sense of comfort and security by making it possible to see vehicles and other people in the area." These purposes are met by the minimum standards recommended by the CCRPC. Parking lot illumination to a greater degree, it states, is desired by retailers for purely self-serving business reasons; ie, to draw attention to themselves and limit the visibility of neighboring establishments. (Manual, p.29)

The CCRPC Manual cites the IESNA (Illuminating Engineering Society of North America, Lighting Handbook) guidelines for open parking lots, as applicable to Vermont, "where background lighting levels are generally low, [and] the necessary minimum level of illumination...of 0.2 foot-candles...should rarely go above 0.6 foot-candles." It further states that these guidelines suggest that the ratio of the average level of illumination to the minimum level of illumination, not exceed 4:1 (3:1 in medium use situations); and thus, based on a minimum illumination level of even 0.6 foot-candles, the average level of illumination should be no higher than 2.4 foot-candles in higher use areas (1.8 foot-candles in medium use areas).

According to the Applicant's plan, its minimum levels of illumination for the parking lots range from 0.3 - 0.9 foot-candles. However, the Applicant's numbers were taken from isolated points of low illumination, rather than from a common and prevalent minimum level, which would much more accurately reflect the reality of the situation (We agree with the Town Planner's assessment that the actual average *minimum* levels are closer to 1.2 – 1.5 foot-candles). Due to the significance and inherent deceptiveness of this discrepancy, we believe it was done intentionally to lower the overall average levels of illumination in order to attempt to comply with the above standards. In our opinion, such disingenuousness contained in this important part of the proposal automatically calls into question the reliability of other parts of the Applicant's proposal as well; especially in those areas where its data may conflict with those of other sources.

Even if we were to accept the Applicant's minimum level numbers at face value, their ratios of average to minimum levels are still far above the recommended ratio of 3:1 (or even 4:1) for medium use areas; as cited by the CCRPC Manual and IESNA Handbook.

For further evidence that Applicant's lighting proposal is detrimental to maintaining "Hinesburg's unique sense of place" (Sect. 3.1), we need only look at comparable nearby outdoor parking lots, actual and permitted. A visit to the CVU parking lot reveals an area adequately lighted for the legitimate purposes set forth above. The lights there are 175W metal halide, significantly less than the 250W lights proposed by the Applicant. The Kinney Drug project also has proposed lighting equivalent to the CVU illumination, and on much shorter poles (12' high in the parking lot, 16' on Rt. 116).

In summary, we believe the Applicant's exterior lighting proposal does not comply with the letter or intent of Hinesburg's Zoning Ordinance, and should be denied.

Dated January 17, 2011

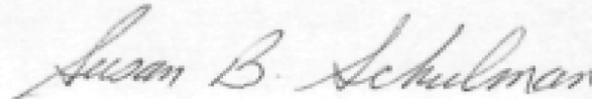
Hinesburg Conservation Commission
By Bill Marks, Member

Alex Weinhagen
Director of Planning and Zoning
10632 Rt 116
Hinesburg, VT 05461

Dear Mr. Weinhagen,

I missed the December 20th meeting concerning the Hannaford Supermarket application for development. I would like you to know that I am against any large corporate supermarket coming to Hinesburg. I have lived in Hinesburg for nineteen years and part of the reason that I love it here is because it still has a small town feel. I really love having Brian Busier's store, Lantmans. It is managed so well, with customer service foremost. I avoid large stores as much as possible. I will not appreciate the increased traffic that a large supermarket brings. As it is now, I avoid the downtown area between 5:00 PM and 6:00 PM. There is always stop and go traffic at that time now that we have the lights. I have talked to my family and friends in Hinesburg and have not found anyone who wants a large supermarket here. Even friends outside of Hinesburg are against it. Hopefully other people will take the time to write a letter. Please see that the correct people see this letter.

Sincerely,



Susan B. Schulman

✓
January 19, 2011

To Whom It May Concern,

We would like to express our opinion about the application. We feel it should stay as a commercial lot and not be used as an area set aside for recreational use which in our opinion is what the police station and the Geprags property have been used for. We have been done with them.

A larger problem is we need the lot on the other side of our taxes. Our revenue for the town needs to be used for the needs of education and other amenities we now enjoy.

Thank you for your time.

DEC 20 2010

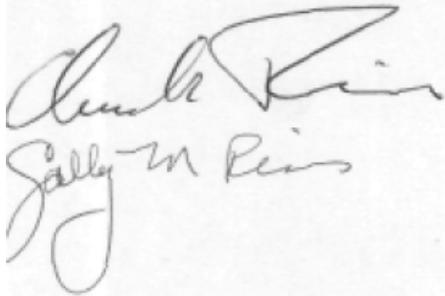
December 20, 2010

HINESBURG PLANNING
& ZONING

Dear Hinesburg DRB,

We would like to reinforce the sentiments expressed at the last Planning Commission meeting that was focused on the future of Lot 15 in Commerce Park. We think it should be a priority for our town to keep that parcel for community use, as the official town map denotes. Its central location and proximity to the pedestrian path make it ideal for a family friendly multi-use park. Being further away from Route 116 would also enhance its suitability for a band shell and outdoor theater. We believe that it is critical that we seize this opportunity to acquire for our town this parcel, which as the years go by, will only become more of an asset for the citizens of Hinesburg. Thank you for your efforts and consideration of this matter.

Sincerely,

Handwritten signatures of Chuck Reiss and Sally M. Reiss. The signature for Chuck Reiss is written in a cursive style, and the signature for Sally M. Reiss is written in a similar cursive style below it.

Sally and Chuck Reiss

Mr. Alex Weinhagen
Hinesburg Zoning Board
Hinesburg, VT 05461

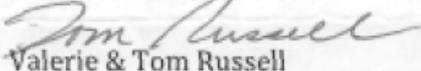
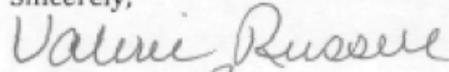
Dear Mr. Weinhagen:

Although my husband and I were not raised in Hinesburg, we have lived here for the past 35 years. Both of our children, however, were raised here and attended what was then known as Hinesburg Elementary School and then went to Champlain Valley Union High School.

We chose Hinesburg because of its small town appeal, yet it was not far from nearby Burlington. The town has certainly grown in 35 years, but it still retains his family friendly atmosphere and community spirit. I would hate to see this change by letting it be taken over with big box stores and the horrendous traffic that would bring.

Please don't let this happen to "our Hinesburg!"

Sincerely,



Valerie & Tom Russell

I am writing this letter to the residents of the town of Hensbury concerning the upcoming decision of whether Homeopark should build in your town.

I grew up in the town of Williston. Back then it was a great town where people knew each other, cared about and helped each other. It was a great community. Then came IBM. Along with IBM came many housing developments and a sprawl of big box stores. You may say this was progress. But at what price.

Last year my mom passed on and up until then every Friday night I would head for Williston. I would spend time with my mom and do chores that she couldn't. I dreaded the thought of going to Williston because of all the traffic and craziness. I hope everyone in Hensbury gives this decision a whole lot of thought. Hensbury is such a quaint and unique town only to be spoiled by a big box store. And this is just the beginning. When a town succumbs to one box store others will follow. I sometimes think about the song about the little man, which goes on to say how big stores came to town and shut the little man down and after awhile there was nothing left except the box stores.

It will truly be a sad day if the residents allow a big store to come to town, change the character of this town and eventually I believe will force smaller businesses to close their doors.

and I have enjoyed it tremendously. Foxesburg is full of beautiful people and I have been blessed to serve them.

Yes, I work at Lontman's Best Yet Market. We strive to serve our customers the best possible way. I am not writing this letter to save my job as my working years are coming to a close. I am appealing to this town to save what they have been. Once it's gone you can't get it back. Please don't miss Williston.

Thank you,

Judy Heibault
Market

I would like to submit this petition to the drb with 62 signatures to date, in favor of keeping this parcel of land open for public use.

The Official map clearly states that a portion if not all of the 4 ½ acres be set aside for the Hinesburg Community.

If seems

Hannaford is blatantly disregarding this regulation and plans to dominate the entire parcel with a huge box store surrounded by asphalt. They need to comply with our town plan and Hinesburg's wishes. And that does not mean a gazebo in the parking lot!

It means modifying their proposal to fit our town plan.

I don't want to see Hinesburg be bullied or manipulated by big corporations.

Here is our chance to stand together and protect our village character and enjoy what could be a legacy----- Giroux Community Park and Gardens.

thanks

Keep Hinesburg, HINESBURG!

A Petition to the Hinesburg Selectboard

We, the undersigned citizens of the Town of Hinesburg, call upon the members of the Selectboard to work to maintain the existing semi-rural character of the town, and to follow the intentions of the existing Town Map to maintain "Lot 15" as public space for the use of the townspeople. Keep Hinesburg, HINESBURG!

Signature NAME	Print name	ADDRESS
[Signature]	Kimi Kimball	PO Box 495 05461
[Signature]	Meredith Randall	96 Fern Rd 05461
[Signature]	Suzanne Richard	206 Mike Ridge 05461
[Signature]	EMMA Mead	PO Box 75 05461
[Signature]	Justin Laxette	103 Lyman Meads 05461
[Signature]	Denise Guther	566 Hedgesworth Rd
[Signature]	Sally M Bliss	756 Buck Hill Rd
[Signature]	Joseph Mead II	146 Meadwood Ln
[Signature]	Sarah Patten	1801 North Rd
[Signature]	Lea Cassidy	144 Lyman Meads
[Signature]	Courtney Lucia	7601 Route 116 05495
[Signature]	Devon Faulker	7601 Rt 116 05495
[Signature]	Hannah Baribeau	9303 Rt 116 05461
[Signature]	Patricia S. Dunn	PO Box 477 05461
[Signature]	Wendelin A. Patterson	35 Elderberry Ln, 05461
[Signature]	Deirdre S. Fort	32 Fox Meadows 05461
[Signature]	Walter Breck	350 Tyler Bridge Rd
[Signature]	Sarah Murphy	26 Mulberry Ln
[Signature]	Christopher Murphy	24 Mulberry Ln
[Signature]	Margaret Corbett	1074 Rt 116 05461
[Signature]	Johanna LeWhite	101 New South Farm 05461
[Signature]	DAVID EPSTEIN	465 Lincoln Hill Rd, 05461
[Signature]	Kim Johansen	601 Carnegie Hill
[Signature]	Gabrielle Johansen	601 Carnegie Hill
[Signature]	Neale Gow	70 Silver St. Unit 4
[Signature]	DAMIAN NEWTON	103 VILLAGE HEIGHTS RD #14

NAME

ADDRESS

NAME	ADDRESS
Michelle Christman	48 Thunder Dr. Hinesburg
Bobbie Bladen	Silver St. Hinesburg
Stacy Putnam	Rattax Rd. Hinesburg Monkton
Jessica Murray	116 Hinesburg
Andy Wj's	Silver H. Hinesburg
Stevie Fisher	84 Richmond Rd Hinesburg
Loy Haneel	154 Mallard Pond Rd
Mark E. Drazney	701 Leavensworth Rd
Robin Reid	3358 Greenbush Rd, Charlotte
Kristin Lyons	PO BOX 113 Hinesburg
SCOTT SHUMWAY	764 Leavensworth Rd, Hinesburg
Paul Specht	986 Lewis Creek Rd, Hinesburg
Kristin Haas	324 Black Dog Ln Hinesburg
HENRY SINKULA	332 PINE SHORE DR. HINESBURG
NATALIA ZAGORODNIKOVA	103 VILLAGE HEIGHTS RD #14
Stephen Letter	1201 Lincoln Hill Rd

Linda B. Smith	Linda B. Smith	P.O. Box 37
Sylvie Vidrine	Sylvie Vidrine	225 Tyler Rd
Heidi Simkins	Heidi	1519 Hayden Hill Rd W
Rachel Kring	Rachel	1177 Pond Rd
Kelly Leary		110 Commerce
Ainsley Chew	Ainsley	1102 Lewis Creek Rd
Linda J Hausermann	Linda J Hausermann	367 Sunset Ln West
Phil Marks		1757 Charlotte Rd
Celt LLC	CATHERINE GOLDSMITH	10722 ET 116
Susan Barden	Susan Barden	196 Baldwin Rd
Holly Russell	Holly Russell	3416 Charlotte Rd
MONICA LUBIC	Monica Lubic	717 Texas Hill Rd.
ERIC SEATON	Eric	197 Orchard Commons Rd
Jy Livingston	Jy	402 Fletcher Farm Rd
SANDRA ADAMS	Sandra	402 Fletcher Farm Rd.
NATALIA ZAGORADNIKOVA	Natalia	103 VILLAGE HEIGHTS RD #114

✓

All 25 pages - Completed as of 2-10-11

222 Billings Farm Rd
Hinesburg VT 05461

January 20, 2011

Mr Peter Erb Zoning Administrator
Hinesburg Town Hall
10632 Rt 116
Hinesburg, VT. 05461

Dear Mr. Erb,

Since we have not attended
recent town meetings we are
putting our wishes in writing.

Re: Lot 15 on Commerce St we
do NOT want the town to buy
the land. Keep Commerce St
Commercial. Keep the tax base.

Yours truly
Mary Carol King
John King

February 9, 2011

To: Hinesburg Development Review Committee ✓

From: Sarah Murphy, Mulberry Lane Association
Jennifer Briggs, Thistle Hill Development

We wish to address some concerns with the Hannaford application with respect to noise, landscaping and traffic.

First, we would like to point out that the town pursued development of our residential area as per the town map and we feel that the town has a responsibility to the residents of these developments.

The nature of the topography of the Thistle Hill development allows noise to funnel up from the bottom to the top. This would mean that any noise associated with additional hours (ones that are traditionally quiet in a neighborhood) that would accompany deliveries...back up beeps, van or truck doors slamming, and refrigeration units running would be heard clearly in these homes. The current site plan orients the loading area closest to the residential area. Also, additional traffic noise on Mechanicsville Road will negatively impact the standard of living in the surrounding homes.

With respect to landscaping, we believe that it is important for there to be sufficient screening of the building from neighboring areas: the recreation path, the street, and surrounding homes. Currently the only trees proposed are deciduous trees, while Hannaford is proposing to eliminate three mature conifers which are excellent screening trees form the corner of the property near the post office as well as near the bordering home to the south. We believe that the current landscaping plan does not include enough screening of the building perimeter.

There is essentially one road leading into and out of Hinesburg. Hinesburg already has significant traffic issues during morning and evening rush hours. We are concerned that the infrastructure of the town will be completely overwhelmed with the additional traffic that this store would create. The town will bear the costs of traffic controlling devices such as stop lights, which will not solve the problem, it will just slow it down. Hinesburg is not in a position to widen 116 within the town secondary to the placement of many historic homes situated so close to the road.

Hinesburg has a goal to promote pedestrian traffic and bike usage throughout town. This increased traffic without the proper safety measures will only work against this goal. This town has been working on creating a sidewalk community, e.g. the walking school bus, the almost realized finished recreational path, and it seems a shame to have these efforts wasted.

I also would like to point out to the DRB that conifers provide much more noise insulation than deciduous trees.

Thank you for your consideration in these matters.

To: Hinesburg Development Review Board

From: Carrie Fenn

Date: February 15, 2011

When the Planning Commission developed the Official Map, it was clear that lot 15 in Commerce Park should be designated as a place of special interest to Hinesburg as a green space, or for a community facility such as a library or community center, because lot 15's central location in the town. The DRB must now rule whether the Hannaford development supports the vision of the Planning Commission and the Selectboard when the Official Map was created. My view is that the Hannaford plans do not show any accommodation in response to the Official Map designation and the application should be denied on that fact.

Personally, I hope that Hinesburg can keep our locally owned businesses that are more sensitive to community needs and environmental issues. Most of the money spent at a large multi-national company's store, leaves the town and does little to support a viable economic situation for Hinesburg.

The scale of the proposed store is not in keeping with the village streetscape and what is described in the Town Plan as the vision for Hinesburg. Considering the unstable soils and wetland issues on that lot, it will be hard for Hannaford's to maintain so large a building and parking lot. The DRB must make it clear that it is the Company's full responsibility for proper maintenance of all the property and associated systems into the future.

Last of all, the application does not address the immense traffic problem in Hinesburg that will result from this development. The main roads that will serve Hannaford's are too busy as it is, and are not suitable for a "destination store" that will serve other communities as well as Hinesburg.

January 31, 2011

To: Peter Erb and the DRB Committee
From: Claire Weis, Hinesburg resident

I wish to address my concern about the Hannaford's application within the confines of the extended hours issue.

-With an operation of this size, the types of noise generated during the nighttime hours would change the character of the adjoining and very close-by houses on Mechanicsville Road. I would imagine that especially in the summertime, with windows open, that the building would make its presence felt in an undesirable way. I am imagining compressors for old the refrigeration within the building, for example. I would want studies of buildings such as this in other locations done by an impartial company at Hannaford's expense to prove, if possible to do so, that this above scenario is in fact wrong.

-It is hard to imagine that night arrival, offloading, and departure of large tractor trailer trucks wouldn't also be a significant negative factor to the surrounding area.

-Even with only the minimal security type lighting for the building and parking lot, these same residential areas, with the addition of those further north on Mechanicsville, such as Thistle Hill, would have their residential environment significantly degraded.

Thank you for your consideration in this matter.



Hinesburg DRB ,February 2, 2011 ✓

Dear Hinesburg DRB,

It is with sense of urgency that I write this letter. After attending every DRB meeting so far concerning lot 15, I am absolutely convinced this would be a very unwise and long lasting mistake for the town of Hinesburg.

Undoubtedly it will completely and entirely change the character of Hinesburg's village and NOT for the better. Traffic, noise and light pollution are among the immediate hazards.

Another is destroying a wetland parcel that could instead be used for the community open space. That could provide a living breathing heart in our village.

I may not be an engineer, but it seems incredibly obvious to me that if you fill a wetland or disturb soil or ground water- even to divert it- there no doubt will be displaced water somewhere else or even the possibility of flooding.

Can Patrick Brook handle that much more water? It seems that it is already being taxed by the new neighborhood and the Kinney Drug project.

I don't believe the velocity of water draining from one wetland by the use of storm water drains and water storage units piped to another wetland across the street can be regulated or slowed by this project or any other. If a bathtub is already full, a storm of any magnitude will be magnified tremendously.

As plainly stated at the last drb meeting, the state regulations have lapsed and have only been updated 3 times since 1987.

At some point all septic tanks and storm drains fail. It is a matter of fact. When it rains in Burlington the storm drains fail and the beaches close. And I don't see the city clamoring to clean it up. There are always other issues that seem to come first before faulty storm drains or bacteria of all sorts leaching into the water. When septic tanks fail, the homeowner or landowner is responsible to clean up. Will Hannaford be responsible for monitoring the water quality, pollution and safety? Will Hannaford be responsible for any and all damage to neighborhoods, businesses groundwater pollution or damage? Who will regulate this and enforce this? Will we be watching and waiting like we did during the BP Oil spill this summer?

Of course Hannaford might agree and even "guarantee" to this now, but I'm pretty sure after papers have been signed and the enormous building is done, any complaint or request will fall on deaf ears and would be a lengthy and costly battle.

It was stated by the water engineer last night that salt and snow removal is not regulated. That means it will directly discharged into Patrick Brook and contaminate the ground water.

I grew up in CT in an agricultural town and watched it get malled in the 1970's. Now it is one giant mall after another, one huge asphalt parking lot after another. We never had water issues in our home while growing up. After they built a neighborhood of condos 2 streets away, my parents had water in their finished basement. Turns out they "filled in" a wetland to build the condos.

We KNOW better now! Please do Not let this happen! Let's protect and conserve this fragile parcel in our town instead of destroying it.

Very sincerely yours, Natacha Liuzzi

RECEIVED

FEB 15 2011

TOWN OF HINESBURG
DRB & ZONING

February 14, 2011

Dear Members of the Development Review Board,

I am writing to express my opposition to the proposed Hannaford Supermarket on "Lot 15" in Hinesburg. Such a store would likely put Lantman's, the store that hires our teenagers, promotes local employees, donates to our events, and responds to our requests, out of business. This would be a tremendous loss. And even if one argues that this would not occur, the question still remains: What role would Hannaford play in our town? To make an educated guess, let's look at how Hannaford has behaved so far.

Did Hannaford come to the town in an open and respectful manner and ask how they could work with us to create a store that fit our goals for our town as developed by the committees who worked on visioning our future? Did they propose a store whose size was in scale with other businesses in town? Did they conform to our regulations regarding hours and lighting and landscaping and parking? Have they shown any knowledge of or regard for the character of our town? The answer to all of these questions is no. Instead, in his presentation, David White said we had no plans for Lot 15 other than some vague wording. He said he and his client had worked diligently to understand the status of Lot 15 and could find nothing substantive, no specific plans, no capital budget item. Their diligent work did not include talking with town officials, meeting with the village steering committee, or reading documents envisioning the future of our town. Did they want to understand?

So what if there's a problem caused by their stormwater system that adversely affects, say, Dark Star next door? How about if neighbors cite problems with late night noise? What if the town concludes that we need solutions to traffic congestion? Do we really think we'd have a good neighbor, a good citizen, in Hannaford? And what if the store proves not to be profitable? Would loyalty to Hinesburg inspire Hannaford to ride out tough times? Is a business owned by a Belgium-based multinational company likely to care what it would do to our town if they were to pull out? These possibilities may seem far-fetched, but any one of them could happen. Lantman's considers its future to be inextricably entwined with Hinesburg's. Hannaford does not. Which business is better for our town?

I would encourage the DRB to do more research on the site's wetlands and on potential traffic volume, but even without that research, the Hannaford application does not meet town regulations regarding hours, lighting, landscaping, and parking and would forever change the character of our town. Please do not approve this application.

Thank you for considering my concerns.

Sincerely,


Jean Kiedaisch

Dear Peter Erb, February 14, 2011

✓

As I think about how things work in life I realize that as humans we find it hard to keep our guard up all the time in every realm. We understand it when we drive our cars with predictable examples of proper technique and improper technique. In the business world there are many examples of technique and as any company owner knows, the only way to survive is to make money. And this money must flow in at any cost with a focus that is not distracted by people's feelings or how it might look. The Hannaford Executive team is fully focused on moving into Hinesburg. It is their job, it's what they do. They have all the time in the world and are financially strong and procedure savvy.

For me, the confusing thing is, how did the town of Hinesburg let this process go this far? We the people who live here have our own jobs to occupy us and therefore do not have the time to devote to learning and monitoring corporate acquisition law. So Peter, my question to you is," is it too late to affect Hannaford's relentless drive to their goal of company growth and survival or is there still a chance to alter the course of Goliath.

Sincerely, Neale Gow

From: Diane Terry [mailto:dterry@cssu.org] ✓
Sent: Monday, February 14, 2011 9:01 AM
To: hinesburgzoning@gmavt.net
Subject: Hannaford

February 14, 2011

Could you please pass this along to someone for the upcoming meeting?

I really hope that we can welcome and support new businesses to Hinesburg, such as Hannaford. This creates job growth, helps secure tax revenue, and brings a service that many people do support. I have listened to everyone say how it will negatively impact Hinesburg, but I don't agree. Hannaford will help many residents do their shopping in town and not have to make unnecessary trips to Burlington wasting fuel, money, and time. I live on a limited income and I always shop at Hannaford for a wider variety of options on weekly specials, so my decision of where to shop would not impact Lantmans. I have nothing against Lantman's and I think both businesses can thrive with price comparisons and excellent customer relations. Lantman's has several unique features with their meat and pizza specials, commitment to the town of Hinesburg, and customer satisfaction. Hannaford would be another business that will support those of us who don't do our regular weekly shopping at Lantmans. I know people have their different opinions about our vision of Hinesburg, but we should be allowed to have other choices of where to do our grocery shopping. I also like the idea of having a store that's open later so if I do need something after 8:00 pm, I would have that option. I believe creating new businesses would attract more customers for our other wonderful local businesses as well. I would like to welcome new business growth and opportunity for Hinesburg, and say yes to Hannaford for wanting to join our community!
Diane Terry

February 14, 2011

To Peter Erb and Development and Review Board Members: ✓

These are a few questions which have arisen pertaining to the Hannaford proposal. I am sending them to you as I feel they are worthy of your consideration.

- 1) can your town infrastructure support the impacts from H? 2) Will the roads need to be upgraded to handle the million ++ vehicle trips, per year? (now and in the future)
- 3) What is the level of service of the roads now?

- 4) Will this project eat up the capacity of the road so you won't be able to attract or grow existing companies because the road network can't handle it? Highest and best use?
- 5) is this project consistent with the official town map?
- 6) Will the road network need to be upgraded in the future, if so, at whose cost?
- 7) Will connecting sidewalks and bike paths be needed?
- 8) Do you have sufficient fire fighting equipment and staff?
- 9) Do you need a new fire station?
- 10) Do you need a larger police force?
- 11) Do you have sufficient power and power quality?
- 12) Will they use Vt. Gas and if so, will the use by them preclude some residents from getting Vt gas service(the line is only so wide, and can handle only so many customers?
- 13) Will the run-off from the cars and trucks impact the waterways and lake Champlain. (this could be a stopper) maybe John Cassel's Boston group can help and VNRC? Paul Bruhn?
- 14) who is going to maintain this run off system? Is this guaranteed in some way?
- 15) will all there parking lot lighting pollute the night time sky?
- 16) How many, and when, will delivery trucks come? Will this disturb the neighbors? (can you hear the beep beep beeps?)
- 17) will they have outdoor storage?
- 18) Longevity. If the store goes out of business in the future, will they preclude allowing another supermarket to lease the property. This is standard practice by them. I believe they own the partially vacant Kmart plaza on Shelburne road and limit what will go there. I believe they purchased the A&P plaza in Essex and precluded certain types of development.
- 19) Meet needs of local people. Will they carry local produce and goods? What restrictions will they put up? Do they charge slotting fees? Do they require these bzs pay for ads in their flyers?
- 20) Considerations: lot coverage; setback requirements; functional and practical concerns: loading docks. Design concerns

Thank you for your concerns and hard work in this difficult time, Judy Chaffee

2-15-11*****

To the Hinesburg DRB ✓

Feb. 14, 2011

I have grown up in Vermont and lived in Hinesburg since 1986. I am writing to express my concern over the 36,000 sq. foot Hannaford grocery store proposed for Lot 15.

I believe a 36,000 sq. ft. store is just too big for this piece of land. I attended the many meetings we had to develop the town plan. While we encouraged concentrated growth in the center of the village, I distinctly remember we did not want big boxy stores. We have a very good, competitively priced grocery store in the form of Lantmans. We are getting a pharmacy. We don't need two of each. Then we become just like every other suburban town in the country with a Hannafords on one side of the road, a Shaws on the other, a Best Buy & a Circuit City, and so on... Williston is plenty close enough to provide that kind of competition!

One of my biggest concerns is the land itself. It is a wetland. The soil, (even the heavy clay soil), provides a natural cleansing mechanism for the water that goes through it. I am very alarmed by the thought of paving this property, and then providing storage tanks and pathways to divert the chemical laden runoff that will then add to the burden of Patrick brook & ultimately Lake Champlain.

The additional truck traffic, noise and lights just adds more to my concern that we will become no different than so many other suburban communities throughout the country. It just doesn't fit the idea of having a green space in the center of our town as it continues to grow. I accept the fact that growth is inevitable. I believe strongly that it needs to be done thoughtfully. With growth we need a space where people can gather together, stroll through the open land, maybe build a community center. Where children can play safely away from traffic and people can interact, visiting together and strengthening our community.

Paving the lot and building one big store is not something that can be reversed. It would irrevocably remove the last place in the heart of the village, away from busy 116, that could become our village green.

Marianna Holzer

Hello Peter,

I'm sure that you are getting a lot of emails regarding hanafords so I will keep mine short. I would hate to see a big store like what has been proposed come to Hinesburg. This community has so far handled growth quite well while maintaining it's rural character. A big hanafords in our community would represent a blatant about face in responsible growth, and I'm afraid, put us on that "slippery slope" to become another taft corners. We have a great grocery store that is locally owned, Lantmans would surely be affected and perhaps put out of business! My hope is that the DRB will see enough negative aspects about the Hanafords proposal to reject it.

Thanks for your attention,

Steve Van Dusen

2534 Texas Hill Road
Hinesburg, VT 05461

Developmental Review Board

Main St

Hinesburg, VT 05461

2/15/11

We are writing to express our concerns regarding the presence of a Hannaford's store in Hinesburg. We have 4 major concerns. We are assuming that Hanniford's has no desire to open a small store in our community, given that another of one of their stores in South Burlington has just undergone a recent expansion. We strongly oppose any zoning variance to accommodate their project in Hinesburg.

1- We foresee enormous problems with the traffic generated by a large store. Currently the rush hours associated with commuting to and from work in and around Burlington are barely manageable.

Traffic often backs up past HCS or almost to CVU road, respectively, and waiting through several cycles of the traffic light is not unusual. When we asked the afternoon manager at a Hannaford's store (we won't say which one- we don't want to get him/her in trouble.), the busiest time for that store is the after work hours- 5-7, our worse hours for traffic on 116.

2- Although large stores are often considered as a source of tax revenue in a town, my (Ellen's) brother, a city manager, tells me that large businesses generally cost more in services (increased road maintenance and police and fire department coverage) than the tax revenue they generate. This would be especially true in this circumstance, given the non-taxable status of food in Vermont. I regret that I cannot cite a reference for this. While "my big brother says so" is good enough for me, I doubt it satisfy you, even if it makes intuitive sense. However, I suspect, these numbers are readily available.

3- We are concerned about the large area of pavement that would be required for a parking lot for business of this size. Each paved area is less natural control of water run off and more demand on our "river", a large, straight sided ditch through town, and more oil and gas run into a ersatz river.

4- Another major concern is light pollution. The Vermont Astronomical Society has their major viewing sight just over the hill from Hinesburg. They are already losing some of the Northern sky because of the big box stores in Williston. As avid amateur astrometers, my family has a very tall ridge between us and Williston. Nonetheless, since Walmart was built, we too have lost much of the Northern Sky because of the lighting associated with the large parking lot needed for a business that is kept open late into the night.

We regret that we were unable to present my views in person, but imagine we are not the only Hinesburg residents who feel this way. You have invested many hard and long hours and sought the input of the citizens of Hinesburg to develop an excellent development plan to keep Hinesburg vital and sustainable.

You have admirably and carefully considered responsible growth and respect for the environment. .

Please do not allow any large store to mar the small town that we have so carefully preserved.

Sincerely, Ellen Foster and Gary Mawe

To: The Town of Hinesburg DRB

RE: Hannaford Proposal for Lot 15

From: Chuck Reiss 756 Buck Hill Rd. Hinesburg, Vt.

Page 43 of 295

Date: 2/21/11

I would like to comment about the proposed Hannaford store on lot 15 in Commerce Park. I attended the DRB meeting where the Hannaford representative addressed the storm water issues. One of my objections to this proposal is that they are planning a very large store and corresponding parking lot, on a wetland. Those of us who have lived in this town for a while know that lot 15 is wet. There are wetland plant species throughout that lot. The fact that it has been ditched and bermed around the edges does not change the fact that it is a wetland. The criteria for what is a wetland can be open to interpretation, as evidenced by the two maps that we have on file as to the delineation of the wetland on lot 15. It is remarkable how much the wetland has changed from 2001 to 2010 according to the interpretation from the Hannaford's recent delineation. The reduction in wetland according to the Hannaford's delineation should be questioned.

I also have a concern that the wetland on lot 15 is not Class 3 but a Class 2 wetland. Across Patrick Brook to the north is a verified Class 2 wetland. The fact of the matter is that both sides of Patrick Brook is the same wetland and should be considered contiguous. Lot 15 is the last of this significant wetland on the south side of Patrick Brook. New amendments to the state wetland rules note that Class 2 wetlands do not necessarily have to be mapped, they can be contiguous. Class 2 wetlands have a different set of guidelines and may have a significant function that should be protected. It is my hope that the DRB will establish that this area still functions as a wetland and has value to the town and should be protected.

Another issue that should be addressed is that the subsurface soil on lot 15 might not be fit for a building the size that Hannaford is proposing. It is my understanding that several buyers have considered this lot but after doing extensive borings realized that below the surface is a fluid layer that would not support a building unless pilings were installed. This layer may be related to how surface water drains on this lot, which in turn may be how water is released over time acting as a buffer for the excess water during storm events. I would recommend that the town require Hannaford to hire a reputable local hydrologist and get them to give us a better picture of what is going on with this lot as far as the subsurface hydrology is concerned.

It would also be advisable to have a hydrologist model what the effect six feet of fill will have on the surrounding properties and the remaining wetland. The compression of soil could significantly alter the hydrology in ways that may have adverse impact on the surrounding buildings, soils and streams. You take a wet lot and add weight which will push the water out, it has to go somewhere. This may significantly affect the buildings that will be lower than the Hannaford's store. Again a local reputable hydrologist, hired by Hannaford, would be the person to help advise the town.

It is my belief that lot 15 is a functioning wetland that continues to retain and filter water. Replacing this with a large store and parking lot that will cover most of the lot with an impervious surface will destroy the wetland that now exists. To replace this natural system with a manmade system that may or may not retain water and will most certainly pollute Patrick Brook does not make sense to me. I would encourage the DRB to deny the applicant the approval for this store given the hydrology of this lot.

My other serious concern about the Hannaford's proposal, separate from the wetland issue, is one of scale and the fit of this oversized proposal for the center of town. By Hannaford's own admission at a DRB meeting, they have not placed a store of this scale in the center of a village in Vermont. The town spent several years concerned with these issues as we were rewriting the village zoning regulations. The vision of a town that has appropriately sized stores and shops was articulated repeatedly by those of us who attended those forums. These concerns were expressed in the zoning regulations with phrases like "maintaining Hinesburg's sense of place" and a "vibrant mix of commercial, residential and civic activities". This includes the commercial district. How can you have a "vibrant mix" when one store so dominates the town center? Words have meaning, and the meaning reflects what the people of Hinesburg want and expressed through the years of public meetings. Everyone had a chance to voice their opinion at these meetings and through letters to the Planning Commission. There may not be a

specific size restriction in the commercial district, but the zoning regulation has the language to guide your decision. To ignore the wording in the zoning regulations is to ignore what we spent several years working on. Hannaford's should be denied approval on the basis that their proposal does not align with our zoning regulations and will not maintain Hinesburg's unique sense of place, which is the vision of the people of Hinesburg expressed in our village zoning regulations.

Sincerely, **Chuck Reiss**

Tuesday, February 15, 2011
To: Development Review Board
Re: Hannaford Lot 15 Project Concerns
From: Sandy & Sam Rivkin, Hinesburg

1. Parking lot waste & storm water dumping into Patrick Brook
 - a. Filtering/treatment of water
 - i. Hydrocarbons
 1. PAH (polycyclic aromatic hydrocarbon)
 - a. Sealcoat PAHs are suspected human carcinogens and are toxic to aquatic life.
 - ii. Toxic chemicals
 1. Heavy metals & other pollutants
 - a. Salt (mostly in winter)
 2. Vehicle oil, gasoline & antifreeze
 3. Cleaning solvents
 - a. How does Hannaford intend to clean the parking lot?
 - iii. Solid waste
 1. Garbage
 2. Pet waste
 3. Human waste
 - a. Species identification before filling
 - i. Endangered species?
 - ii. Nature of fill used

"Runoff from roads and parking lots have negative impacts through the introduction of heavy metals and petroleum products and to a lesser degree suspended solids to the surrounding environment. Homes and business in the vicinity of untreated roadway or parking lot runoff can experience contaminated drinking water and rivers, streams and lakes can become polluted." -from *Applied Wetland Technology*

"Dust from parking lots sealed with PAH can contaminate air quality and is toxic"

We are very concerned about our wetlands and streams and feel that any runoff directed into Patrick Brook or any other stream in Hinesburg is detrimental to that waterway and eventually the river(s) & marshes it empties into. We are equally concerned that the filling of wetlands does not occur before adequate study is done of its wildlife – flora and fauna.

Thank you for considering these issues that matter the most to us, and, though, most of our experience is with marine habitats we are just as interested and concerned with the preservation of fresh water streams, rivers, lakes and especially marshes.

Sandy & Sam Rivkin
Fond Brook Rd

February 22, 2011

To: Development Review Board, Hinesburg, Vermont FCTSUB

From: Friends of the Canal Meadow

We have concerns with and oppose the granting of any conditional use or site plan approval for the proposed Hannaford market, application 20-25-02.100 because the project will violate the zoning bylaws and the town map and town plan. Here are our areas of concern:

TOWN CHARACTER: We have concerns that the size and scope of the proposed development are out of character with the neighborhood, as well as in conflict with the Town Plan. We believe this proposal would not retain the overall character of the village.

OFFICIAL TOWN MAP: We believe that in public hearings and resulting documents that the citizens were clear that the parcel in question was to be set aside for “future community facilities” and that this application conflicts with that.

WETLANDS: We believe that Lot 15 has drainage and wetland issues. We have concerns that there are conflicts between this proposal and state and local regulations or classifications. This lot has been designated as a “Class III” wetland when, in fact, it may have sections that are “Class II” and that wetland regulations would not be satisfied with this proposal.

PARKING: We believe that the proposal conflicts with the intentions of the zoning requirements regarding parking in the front of the building. We also have concerns about the various definitions of “front” which seem to be parsing the true intent of the zoning regulation.

Additionally, we have concerns about the number of parking spots designated for the store and for the design safety of the parking area.

TRAFFIC: We are concerned about the traffic statistics being presented and feel that the traffic generated by the market will be much greater than stated and thus impact the character of the village and the neighborhoods and on overall pedestrian and traffic safety. We have concerns about pedestrian safety both on the site and outside the site, particularly on Commerce Park Way, Rte. 116 and Mechanicsville Road.

REFUSE, SITE MANAGEMENT: We question whether the applicant can make provisions for refuse storage and disposal, snow removal, and emergency access given the small size of the lot in comparison with the size of the development.

EXTERIOR: We have concerns about the overall design of the store, specifically whether it fits into the character of the buildings in and around the area. We believe that landscaping is insufficient to offset the impact of the architecture and signage on the rest of the neighborhood.

LIGHTING: We believe that the lighting outlined in the proposal will have a detrimental impact on the community, does not take into account better solutions for lighting and will impact local homeowners.

STORM DRAINAGE. We are concerned with the storm drainage proposal and its impact on the neighborhood.

ECONOMIC IMPACT. While not specifically a part of the zoning regulations, the applicant has repeatedly discussed Hinesburg’s “needs,” has stated the number of jobs and tax revenue that would be generated. We have concerns about those numbers and feel they misrepresent the true economics of this development. Further, we have concerns that there are many hidden public costs that result from this development. The possibility exists, as well, that if this store underperforms according to corporate expectations, it could be closed, creating a whole host of problems for our town.

HOURS OF OPERATION. Hinesburg has been very clear, and has had prior precedents, regarding business hours in the village area.

Businesses are to be closed by 10 p.m. The applicant is seeking a variance to stay open later, to allow for additional hours for closing the business and for 24/7 work within the store.

IMPACT ON TOWN INFRASTRUCTURE. How will this development impact Hinesburg town road maintenance, snowplowing, police and fire services? Who will be responsible for increased expenses if the Hannaford’s development increases town services and expenses in any of these areas?

Submitted by
Representative for the **Friends of the Canal Meadow**

LAW OFFICE OF JAMES A. DUMONT, ESQ., P.C.

15 MAIN ST. P.O. BOX 229
BRISTOL VT 05443
453-7011. FAX 453-6040
TOLLFREE: 1-866-453-7011
JIM@DUMONTLAWVT.COM

James A. Dumont, Esq.

Kit Donnelly, Legal Assistant

February 22, 2011

By hand-delivery on February 23, 2011

Tom McGlenn, Chairman
And Members, Hinesburg DRB
c/o Hinesburg Town Clerk
Municipal Offices
Hinesburg VT

IN RE: Application No. 20-25-02.100 (Hannafords)

Dear Mr. McGlenn and members of the DRB:

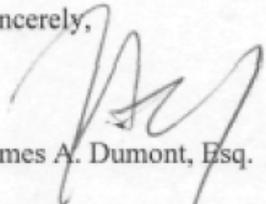
I have been designated as the representative of the signers of the attached Petition. Please provide all notices of hearings to me, on their behalf.

By copy of this filing to Bill Schroeder, at Downs Rachlin & Martin, I ask that he provide copies to me of all submissions that the applicant files with the DRB as well.

I enclose a summary of issues that the Petitioners have prepared. I also will submit to you more detailed comments before the close of the proceedings.

Please let me know of any questions. Thanks.

Sincerely,



James A. Dumont, Esq.

cc: William W Schroeder, Esq.

RECEIVED

FEB 24 2011

PETITION

TOWN OF HINESBURG
DRB & ZONING

We the undersigned "Friends of the Canal Meadow" oppose the granting of any conditional use or site plan approval for the Hannaford's market, application 20-25-02.100, because the project will violate the zoning by-laws and the town map and town plan. We wish to participate as interested persons and we designate James A. Dumont, Esq. (PO Box 229, Bristol, Vt. 05443, 802-453-7011, Jim@dumontlawvt.com) as our representative to present evidence, questions and comments on our behalf.

PRINT NAME	SIGNATURE	TOWN OF RESIDENCE	MAILING ADDRESS
Art Weis	<i>Art Weis</i>	Hinesburg	139 Raven Hill Road
Claire K. Weis	<i>Claire K. Weis</i>	Hinesburg	139 Raven Hill Road
Sandy Rivkin	<i>Sandy Rivkin</i>	Hinesburg	97 Pond Brook Rd
GEOFFREY GEVART	<i>Geoffrey Gevart</i>	HINESBURG	154 HINSDALE RD.
Mary Beth Bowman	<i>Mary Beth Bowman</i>	Hinesburg	140 Auble Ridge Rd
Alice Merritt	<i>Alice Merritt</i>	Hinesburg	8 Eldersburg Ln.
FERRIS MERRITT	<i>Ferris Merritt</i>	HINESBURG	8 ELDERSBURG LN
Sally M. Russ	<i>Sally M. Russ</i>	Hinesburg VT	756 Buck Hill Rd W
Charles P. Vin	<i>Charles P. Vin</i>	Hinesburg VT	756 Buck Hill Rd West
Mary Crane	<i>Mary Crane</i>	Hinesburg VT	2500 Lincoln Hill
Catherine Goldsmith	<i>Catherine Goldsmith</i>	Hinesburg, VT	10732 RT 116
Jean Kiedosch	<i>Jean Kiedosch</i>	Hinesburg, VT	887 Lewis Ck Rd
STEPHAN SPENCER	<i>Stephan Spencer</i>	"	166 FOX MEADOW
Sarah Murphy	<i>Sarah Murphy</i>	Hinesburg	26 Mulberry Lane
Rosemary Webb	<i>Rosemary Webb</i>	Hinesburg	79 Mead Farm Rd
Barry Lampe	<i>Barry Lampe</i>	Hinesburg	2053 Silver St.
Susan Regan	<i>Susan Regan</i>	Hinesburg	1108 Lewis Creek Rd

-----Original Message-----

From: Robert S. Bast [<mailto:bast@gmavt.net>] PROF

Sent: Thursday, March 03, 2011 4:10 PM

To: Randy Volk; Andrea Morgante; Jonathan Trefry ((Home)); Jonathan Trefry ((work)); Kenneth Brown; Michael W. Bissonette

Cc: Howard Russell; Alex Weinhagen; Tom McGlenn

Subject: Higher standards available at Hannaford

Selectboard Members,

Review of the Hannaford plans as submitted suggests that they are not giving us their best. There is no reason why they should not be applying their own standards to their project here, especially given the effort Hinesburg is making to achieve more sustainable and durable projects. This is the standard we should be insisting on, at a minimum:

<http://supermarketnews.com/photogallery/hannaford-bros-green-store-0909/index.html>

I thought you should see, if you have not already, that they are well aware that sustainability and quality projects are the wave of the present and future. With this in mind, it feels as though we are being considered as a second class community which doesn't deserve an enterprise that fits in. Whether you support Hannaford or not, if they are going to come here at all, they should know that we know they can do better, Much Better, than they are trying to do right now. Let's ask for it.

Rob

Robert S. Bast

Bast & Rood Architects

EVEN MORE ON LOT 15 FACTSUB

By Catherine Goldsmith, Route One-Sixteen, cl6585@yahoo.com Fri, 04 March 2011 Post your note to neighbors: hinesburgvillage@frontporchforum.com

Friends - As someone who attended the 1st (and 3rd) DRB meetings, I can assure you that Hannaford's DID know about the Official Map issue. During his patronizing and insulting presentation, Mr. White took pains to assure the DRB that while Hannaford's plans would not accommodate parks or municipal services, they could certainly accommodate some other very minor public uses on this site. He also treated us all to THEIR careful (and incorrect) interpretation of Hinesburg's zoning regulations. I don't believe that corporations have the right to tell us - the town - what our carefully considered zoning rules mean.

I urge all to attend the March 15 DRB meeting so you can see for yourself how Hannafords is treating Hinesburg, its citizenry and its dedicated volunteers. If you can't attend, please drop by the Zoning office at the town hall to SEE pictures of the immense, windowless, out of scale box that they have proposed for our village. I am also asking Mr. Erb to display some of these pictures on the first floor of town hall.

I don't have a beef with Hannafords' stores. I shop there occasionally, in Williston, and don't mind driving 12 minutes to get there. I resent that the company is just trying to shoehorn it's standard store in our NOT standard, NOT suburban community.

-Catherine Goldsmith

Exterior Lighting FACTSUB

The Hinesburg Zoning Ordinance requires that exterior lighting does not create excessive illumination. The following is a tabulation of commonly accepted practices for exterior lighting of parking areas. Excerpts of several documents that illustrate these a typical level are included below:

- **0.2 footcandles** as a basic **minimum** illumination level (0.5 footcandles is considered the minimum, for increased security - this project should not be considered an increased security setting)
- **Maximum to Minimum Ratio 20:1**
at basic level 0.2 min = 4 footcandle max
- **Average to Minimum Ratio 4:1**
at basic level 0.2 min = 0.8 average maintained footcandles

The Hannafords proposed lighting includes:

- Maximum proposed footcandle level over 10 footcandles, two and a half times greater than recommended max footcandles based on minimum illumination of 0.2 footcandle
- Average footcandle levels between 2.16 fc and 3.39 fc for the various statistical areas - two and half times to over four times the recommended average illumination levels
- Max/Min and Ave/Min ratios: overall the higher maintained illumination provides a more uniform lighting design, although light levels on the site will be substantially higher than the surrounding area. The side lot parking area is the only location where recommended ratios are not met.

The proposed maintained illuminance levels greatly exceed commonly accepted industry recommendations and also local and state recommended levels. The proposed exterior lighting will create excessive illumination.

Zoning Regulations: Town of Hinesburg, Vermont

Adopted November 7, 1972 - as amended October 12, 2009

Section 4.3 SITE PLAN APPROVAL

4.3.4 Site Plan Review Standards: The Development Review Board shall review the site plan and supporting data before approval, approval with conditions, or disapproval is given, and shall take into consideration the following standards:

- (1) Safety of vehicular and pedestrian circulation on site and on the adjacent street network;
- (2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be addressed where applicable.
- (3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.
- (4) Adequacy of exterior lighting for safe circulation on the site without creating off-site glare and excess illumination.
- (5) Adequacy of sewer and water.
- (6) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas.
- (7) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities.

- (8) Proper planning and design in regard to hazardous wastes and avoidance of runoff.
- (9) Conformance with design standards as stated in Sections 3.4.5 and 5.6, where they apply.

Section 5.6 DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

5.6.4 **Exterior lighting:** All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the perimeter of the area to be illuminated.

City of Burlington: Zoning and Subdivision Ordinance

Adopted January 7, 2008 – most recently amended September 1, 2010

(f) Specific Outdoor Lighting Standards:

In addition to the general standards above, the following specific lighting standards shall apply to each of the following outdoor lighting applications:

1. Parking Lot Lighting:

Outdoor lighting of parking and related circulation areas shall comply with the following standards:

- A. The maximum mounting height for any fixture shall be 25 ft.
- B. The maximum illumination level shall not exceed 4 footcandles (fc) at any point.
- C. The maximum illumination level shall only be computed for the functional area of the parking lot.
- D. The maximum to minimum uniformity ratio shall not exceed 20:1.
- E. Illumination levels are encouraged to be reduced by at least 50% within one hour after the end of public business hours

These standards also shall apply to the top and/or unenclosed level of any parking garage. Enclosed areas within parking garages such as parking and circulation areas, internal stairways, and attendant booths are subject to the lighting regulations pertaining to Parking Garages found in Sec 5.5.2(f)(5).

IESNA RP-20-98 Lighting for Parking Facilities

Illuminating Engineering Society of North America

Recommended Maintained Illuminance Values for Parking Lots

		Basic	Enhanced Security
Minimum Horizontal Illuminance	fc	0.2	0.5
Uniformity Ration, Maximum to Minimum		20:1	15:1
Minimum Vertical Illuminance	fc	0.1	0.25

Outdoor Lighting Manual for Vermont Municipalities

Copyright 1996 by the Chittenden County Regional Planning Commission

TABLE 10: Parking Lot Lighting Standards

	District 1 Industrial / Commercial	District 2 Town Center	District 3 High-Density Residential	District 4 Rural
Mounting Height (Maximum)	25 ft	20 ft	20 ft	Discouraged
Minimum Illumination Level (at darkest spot on the parking area)	No less than 0.3 fc no more than 0.5 fc	No less than 0.2 fc no more than 0.3 fc	No less than 0.3 fc no more than 0.5 fc	Discouraged
Uniformity Ration*	4:1	4:1	4:1	Discouraged
Minimum CRI	20	65	70	Discouraged

* Uniformity ratio is the ratio of the average illumination to minimum illumination

Guidelines for Good Exterior Lighting Plans

Prepared by: The Dark Sky Society (<http://www.darkskysociety.org/>) 2009

I. Table of Limits of Illumination, measured in footcandles (fc) at ground level unless noted:

<u>Task Area</u>	<u>Avg.</u>	<u>Not to exceed:</u>
1. Active Building Entrance	2.0 fc	5 fc
Approach	0.2 fc	
2. Gas Station Approach		2 fc
3. Gas Station Pump Area		avg: 5 fc
4. Gas Station Service Area		avg: 3 fc
5. Sidewalks	0.2 fc	5 fc
6. Surface of signs		2 fc

II. Average/Minimum/Uniformity Ratio Limits for Parking Lots:

I. Public Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min/Avg to Min)</u>
0.8	0.2	20:1 / 4:1

II. Private Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min / Avg to Min)</u>
0.5	0.13	20:1 / 4:1

Michael J. Buscher, ASLA

landscape architect / principal

T. J. Boyle Associates, LLC

landscape architects • planning consultants

301 college street • burlington • vermont 05401

p. 802.658.3555 • f. 802.863.1562 • www.tjboyle.com

March 13, 2011

Dear Zoning Board Members,

Concerning Tuesday night's meeting i would like to express my concerns.

I feel that the additional traffic caused by the presence of Hannaford's would put a lot of burden on our little town. For them to succeed there will have to be a large number of people shopping. Traffic during the rush hours through the town is already difficult to negotiate at times without Hannaford.

I am against the construction of Hannaford's for many reasons and just wanted to make this known. Thank you for listening.

Annie Van Dusen Texas Hill Rd. and Hinesburg resident for the last 26 years.

To all of you:

The present traffic situation in Hinesburg at certain hours of day is already out of control. Turning left onto #116 in the morning and evening during commuter hours is nigh impossible. I often park at the P.O then walk to wherever I am needing to go but I am the exception.

This winter has been hard on our roads and with the excess traffic that Hannaford's would hope to attract will only increase this situation. And will the tax revenue that this store is said to generate for the town cover the cost of repairing our roadways? Will we need more traffic lights?

Thank you for listening. **Barbara Forauer** Aube Ridge Road

DATE: March 8, 2011
TO: Peter Erb
FROM: Frank Koss PROF
SUBJECT: Hannaford's Application

At your request, I have reviewed the application documents submitted by Hannaford from a public safety viewpoint. In my opinion, this proposal does not pose any public safety concerns to the police department.

As we discussed, I was concerned about the traffic count numbers submitted but based on what you said, this will be corrected.

As part of answering questions on the possible impact of calls on the police department, I researched nine other Hannaford locations and the call volume on the police department. This includes all calls for the year 2010. I also included Hinesburg Community Police and Lantmans. Based the attached information, I believe this to also be a minimum impact on the department.

FRANK KOSS, Deputy Chief
Hinesburg Community Police

Attachment

March 15, 2011 PROF
To: DRB Members

I'm sure everyone is aware of the problems caused by stormwater runoff to our environment especially wetlands and bodies of water. In spite of Hannaford's assurance that they will be building a "state of the art" collection and storage system the one question they have not answered is "What is the chemical composition & toxicity of the water being discharge into Patrick Brook after treatment". I would appreciate it if the board would ask this question as stormwater runoff is usually toxic, full of salts and other chemicals and presents a major problem throughout this country and world.

I have research this issue extensively and if you would like to have more information I'll gladly provide it. In the meantime I look forward to their response. This is not just a Lot 15 issue, but one for all future projects and development in Hinesburg.

Thank you for your consideration,

Sam Rivkin, Marine Biologist, Ret.
Sandy Rivkin, Biological Illustrator

Entwood Farm
97 Pond Brook Road
Hinesburg, VT 05461

802-482-4354 Peter, thanks for such a prompt reply. My email to DRB was short hoping to focus my question as at a past DRB meeting I asked Hannaford about sealant use and Hannaford answered with "we will not use a sealant". Attached is an excellent article, mainly on polycyclic aromatic hydrocarbon runoff and this study sums things up as far as PAHs (coal tar based sealant) are concerned but there are many other pollutants coming from parking lots and is well documented. (See 2nd article – Waste Water.docx). Being new to Vermont we are not as

familiar with the laws and regs that might govern this issue here, but my next call was to be to Kevin Burke, Environmental Analyst Office, 802-241-1418 and/or Alan Quackenbush, State Wetlands Coordinator, 802-241-3761 among others. I was hoping they could help with the creation of ordinances or give assistance wherever appropriate. Certainly, as a beginning, the banning of PAHs is in order, not only for wetlands, but the town's water supply. We have no idea what has been done/researched so far by others and will be continuing the research, but would need guidance where Hinesburg is concerned. Don't want to be redoing what has already been done.

Here is the email I sent to one of the groups here which may contain some useful ideas for the board, and each case is different as is every town and municipality. The following can be shared (anything personal edited out) with DRB. Being new we have no axe to grind – are only interest is to prevent un-necessary pollution of our environment. Happy to work with anyone here having this perspective.

Hi subgroup and others,

After completing a review of the extensive scientific literature (Medline and Toxnet plus others) on the polluting & toxic effects of stormwater runoff* we feel that Hinesburg should take a careful look at future projects and their impact on wetlands, streams and ponds in our town. Many studies have been done in the US and in other countries (even China) on the deleterious effects of roadway & parking lot runoff and the results of these studies should be examined before we continue to approve future projects without adequate review. If this means putting laws or ordinances in place then we need to look at that also.

Last week I spoke with Gail Darrell of Community Environmental Legal Defense (www.celdf.org) and it seems that there is little that can be done about the Hannaford project relating to wetland preservation, but we need to look to the future so not to be faced with this dilemma once again. She did suggest that we "speak for the protection of property/nature", arrange protests (short term effective) and better to have some ordinances in place rather than none. Apparently the CELDF has been involved for some time with these same problems and has come to the conclusion that corporations have more money than most communities and we will lose any objection or fight we might enter into with them. Nevertheless, I would be reluctant to give up my objections to the pollution of our waterways and wetlands in favor of unchecked or unwanted growth.

I would like to address one other issue and that is the mistaken idea mentioned in the following quote: "This is anecdotal information only, but I've been told that the community garden that was created behind the post office a number of years ago was unsuccessful because the site was too wet. Did anyone on this list garden there?" -Jean Kiedaisch. There is no lack of bog and wetland plants, flowering or not and several vegetables and trees that do well in this environment so this argument should not be used against making Lot 15 into a garden/park, and to the contrary, would make a great teaching opportunity for the community.....

* Stormwater runoff is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. The primary method to control stormwater discharges is the use of best management practices (BMPs). In addition, most stormwater discharges are

considered point sources and require coverage under an NPDES permit. For more information about the Stormwater program, visit the Stormwater Basic Information page. Most states are authorized to implement the Stormwater NPDES permitting program. EPA remains the permitting authority in a few states, territories, and on most land in Indian Country.
http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Hope this is useful,
Sandy & Sam

Entwood Farm
97 Pond Brook Road
Hinesburg, VT 05461

At this juncture I would hope DRB would ask Hannaford how they plan to address the issue of contaminated discharge, i.e. heavy metals, salts, other pollutants into Patrick Brook. That's all that's needs to be asked and an answer should be forth coming and would probably be we have no plans to deal with this problem. I have to find out how other communities in VT and elsewhere are dealing with this. Could a DRB member ask this question as I am unable to come tonight.

In haste,
Sandy

Entwood Farm
97 Pond Brook Road
Hinesburg, VT 05461

I am always doing that which I cannot do, in order that I may learn how to do it. - Pablo Picasso

Hannaford

One day I was walking along the canal near the potential Hannaford lot and I saw a blue heron fly out of the field. It makes me so sad to think that the wildlife habitat could be decimated for good. Hannaford could lead to other big box stores, and that will ruin the small town feel of Hinesburg. I enjoy walking to school along the canal, but if Hannaford comes in, I will not be able to walk there. The lovely view I get of Hinesburg from my room will be interrupted by a big ugly box store. Traffic will increase immensely, and people already speed along Mechanicsville Road. And most important to me, Lantmans will be swallowed up within months of Hannaford's arrival. I love being able to walk to our locally owned store, seeing familiar faces as I walk in the door. I can find what I need so easily. But Hannaford is so big; I can't find what I need easily. In conclusion, I think Hannaford should stay out, and the heart of Hinesburg should stay unbroken.

Katya Marsh
Age 12
Hinesburg


March 15, 2100

Alex: I have a social obligation in South Burlington at 7 pm that may prevent me from attending most if not all of the DRB meeting tonight.

As a result, please convey this to the DRB for me (member of the Village Steering Committee, village resident since 1988):

Hannaford Traffic Review: The primary purpose for situating another Hannaford's in Hinesburg village is to maximize shareholder value for the Delhaize Group, based in Brussels, Belgium. To make a Hinesburg store profitable, the intention will be to channel as much traffic as possible into the village from the north (Williston and South Burlington), west (Charlotte), south (Starksboro and Bristol), and east (Richmond and Huntington). I have read the TIA (Traffic Impact Assessment), and I realize that it does not envision that there will be an unreasonable level of traffic congestion as a result of this project. I think the key term here is "unreasonable." I am struck by the fact that the language used in the TIA focuses on the double negative ("will not create unreasonable traffic congestion"). This is far from being a positive endorsement. In my opinion, locating a big box store that functions to draw more traffic from surrounding communities into the village core will not have a "reasonable" impact. The village already seems to have reached the limits of acceptable congestion. Indeed, the road network in the center of the village still follows the patterns of a late eighteenth century road infrastructure. It is relatively unchanged. The project is therefore just too big for a village infrastructure such as ours. This is particularly true when we consider that there will be only one entrance into and one exit out of the projected Hannaford's parking lot from Commerce Street. Indeed, in the current plan, the entrance and exit are actually a cul-de-sac. As far as I can see, furthermore, the TIA does not take into account a new project (the Jolley-Mobile station proposal), which will generate even more traffic at the Route 116/Commerce Street intersection. If (hopefully) the economy recovers, I would also expect traffic rates to increase. I see nothing "reasonable" in the impact of the project on future traffic trends. I wonder at what point the standard of "unreasonableness" is breached. For

those of us who live in the village, especially those of us who have lived in the village for many years, that limit has already been reached. Sincerely, GWD (57 Charlotte Road)

Dr. George Dameron

Peter, thanks for such a prompt reply. My email to DRB was short hoping to focus my question as at a past DRB meeting I asked Hannaford about sealant use and Hannaford answered with "we will not use a sealant". Attached is an excellent article, mainly on polycyclic aromatic hydrocarbon runoff and this study sums things up as far as PAHs (coal tar based sealant) are concerned but there are many other pollutants coming from parking lots and is well documented. (See 2nd article – Waste Water.docx). Being new to Vermont we are not as familiar with the laws and regs that might govern this issue here, but my next call was to be to Kevin Burke, Environmental Analyst Office, 802-241-1418 and/or Alan Quackenbush, State Wetlands Coordinator, 802-241-3761 among others. I was hoping they could help with the creation of ordinances or give assistance wherever appropriate. Certainly, as a beginning, the banning of PAHs is in order, not only for wetlands, but the town's water supply. We have no idea what has been done/researched so far by others and will be continuing the research, but would need guidance where Hinesburg is concerned. Don't want to be redoing what has already been done.

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Most states are authorized to implement the Stormwater NPDES permitting program. EPA remains the permitting authority in a few states, territories, and on most land in Indian Country.

http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Hope this is useful,

Sandy & Sam

Entwood Farm
97 Pond Brook Road
Hinesburg, VT 05461

Hello Peter,

I would like to voice that I am against the prospect/proposal of a 36,000 square foot supermarket being built on the wetlands of Lot 15 in the village of Hinesburg.

I do have one question:

My understanding is that this area is delineated as wetlands and drains much of the runoff of adjacent hills. I also believe that in 2001, this lot included a larger portion of wetlands than depicted on the Hannaford drawings distributed at the January 18th DRB meeting.

What happened to the larger wetland sites between 2001 and 2011?

Additional reasons I am against this proposal:

Traffic congestion, flow and pedestrian safety Noise and light pollution, noting that the property is adjacent to private housing Size of building overwhelms and inappropriate to acreage available Snow removal, parking and runoff from parking

Thanks for registering my disapproval.

Kim Hazelrigg

Kathy Beyer
394 Tyler Bridge Road
Hinesburg, VT 05461
482-4833

December 9, 2010

Jonathon Trefry, Chair
Hinesburg Select board

Hinesburg took a meaningful step in long-range planning for the town by adopting the official map in 2009. The official map is a critical tool to answering the much-asked question in our town---"where is the town center of Hinesburg"? The official map identifies Lot 15 in the Commerce Street location as a civic center for the town---it is one of few centrally located parcels left for the town to establish such a civic hub.

The proposed site plan for the Hannaford's store would not allow for any of these types of activities to co-locate with the store. The Hannaford site plan with 144 parking spaces and 36,000 square feet of store space leaves no room for any of the identified civic needs of our town as called out on the official map.

Hinesburg's official map was adopted in May 2009. For some reason, the Hannaford's site plan makes no attempt to acknowledge the town's stated goals in the official map. The application appears to completely ignore the existence of our long-range planning tool---which was adopted for the very reason to provide developers with a clear picture of the town's intentions regarding our future physical configuration as a town.

The Hannaford's proposal does not allow for any of the identified civic activities shown on the official map. The application should be denied.

It is time for Hinesburg to take a firm stand on the future and fabric of our civic community.

I cannot attend your Selectboard meeting due to school budget meetings but respectfully submit this letter for your consideration.

Kathy Beyer

March 17, 2011

Hi Peter,

I'm not writing you this time about my music studio, although you might be interested to know I have a classic MCI analogue console arriving soon – but it will have to sit in my basement till the building's ready!

Could you forward my comments to the Lot 15 committee? I am willing to pay higher taxes for the town green idea. What is important to me is keeping out the big box presence. But after we win that fight, it is equally important that we build the green right the first time. Let's be known for a beautiful green right in the heart of town. Future businesses will know this is a community value that must be respected. Hannafords has been an arrogant multinational suitor and wouldn't deserve to win the bid even in more permissive communities.

- Charles Hubbard

From: Dameron, George gdameron@smcvt.edu TWNCOM
Sent: Tuesday, March 15, 2011 6:01 PM
To: Alex Weinhagen
Cc: Peter Erb
Subject: RE: DRB 3/15 meeting agenda order - Hannaford Traffic Review

Alex: I have a social obligation in South Burlington at 7 pm that may prevent me from attending most if not all of the DRB meeting tonight.

As a result, please convey this to the DRB for me (member of the Village Steering Committee, village resident since 1988):

Hannaford Traffic Review: The primary purpose for situating another Hannaford's in Hinesburg village is to maximize shareholder value for the Delhaize Group, based in Brussels, Belgium. To make a Hinesburg store profitable, the intention will be to channel as much traffic as possible into the village from the north (Williston and South Burlington), west (Charlotte), south (Starksboro and Bristol), and east (Richmond and Huntington). I have read the TIA (Traffic Impact Assessment), and I realize that it does not envision that there will be an unreasonable level of traffic congestion as a result of this project. I think the key term here is "unreasonable." I am struck by the fact that the language used in the TIA focuses on the double negative ("will not create unreasonable traffic congestion"). This is far from being a positive endorsement. In my opinion, locating a big box store that functions to draw more traffic from surrounding communities into the village core will not have a reasonable" impact. The village already seems to have reached the limits

of acceptable congestion. Indeed, the road network in the center of the village still follows the patterns of a late eighteenth century road infrastructure. It is relatively unchanged. The project is therefore just too big for a village infrastructure such as ours. This is particularly true when we consider that there will be only one entrance into and one exit out of the projected Hannaford's parking lot from Commerce Street. Indeed, in the current plan, the entrance and exit are actually a cul-de-sac. As far as I can see, furthermore, the TIA does not take into account a new project (the Jolley-Mobile station proposal), which will generate even more traffic at the Route 116/Commerce Street intersection. If (hopefully) the economy recovers, I would also expect traffic rates to increase. I see nothing "reasonable" in the impact of the project on future traffic trends. I wonder at what point the standard of "unreasonableness" is breached. For those of us who live in the village, especially those of us who have lived in the village for many years, that limit has already been reached. Sincerely, GWD (57 Charlotte Road)

Dr. George Dameron
Department of History (Interim Chair)
Saint Michael's College, One Winooski Park
Colchester, Vermont 05439
802-654-2318 (o) 802-654-2679 (fax)
<http://academics.smcvt.edu/gdameron>

To: Tom McGlenn - chair of DRB

Dear Tom,

I wish the DRB and its traffic consultant to consider a number of things in the independent evaluation of the Hannaford project.

1) The baseline traffic flow measurements that were used by Hannaford's traffic engineer were from May of 2010. There are two issues with this. The first is that we have been in a recession and were certainly at that time. From driving this road almost every day, I saw a definite decrease in traffic flow when the recession started in late 2008. It has not come back to that level prior to the recession. When it does, it will be significantly more than what was measured in May 2010. Increase in traffic is not a straight linear effect but can reach a critical mass and have an exponential worsening effect.

The second thing about this background level is that it was done during the good driving months of May and June. Traffic flow is much slower and more difficult in winter months. It moves slower and again complicates the traffic congestion. Also, those measurements were probably done by college students who were hired on for summer jobs. Were they all done on days that Hinesburg schools were open?

We need to compare to baseline levels of 2008 to get a more accurate figure of what real traffic patterns have been and will likely to be.

2) Patrick Brook bridge - the traffic engineer has traffic only backing up to just south of Patrick Brook bridge such that all that is needed is a left turn lane to a point just south of the bridge. I would challenge this based on their traffic flow measurements not taking into consideration the items in #1 above. So, it is likely we would discover that there would need to be a new bridge that is wider and accomodates a longer left turn lane. We know from the cost of a new bridge over Silver St, how much that is costing the town. This extra cost of a new bridge could easily run \$500,000. The developer should need to show that they would pay for this.

3) There should be some calculations of the cumulative cost of extra waiting in traffic. Take all of the people and all of their cumulative extra time needed to travel through here. Give that a numerical value. Also give a cost value to the extra fuel cost that it takes to idle in traffic.

4) The current length of rush hour in Hinesburg is likely to increase from the current 30 minutes in the morning and 45 minutes in the evening. What will the impact be of this?

5) The traffic engineer should be considering out 5 to 10 years in terms of traffic in Hinesburg. What are we likely to see? Does certain retail development with large traffic affect future traffic and development in specific ways?

I would be happy to talk about these further.

John Roos

482-3559

.....

Comments on Hannaford proposal

March 24, 2011

I will not be able to attend the appropriate hearings for the Hannaford proposal and wanted to have my opinion considered.

TRAFFIC: It has been said that Hinesburg's traffic is not all ours, and the Hannaford proposal would make this even more so. Many people trace back the increased traffic to when Route 7 was under construction – drivers from other towns began seeking alternate routes and found the route through our town to be relatively quick and aesthetic. (In much the same way that people driving to Burlington will detour onto Cheesefactory Rd.) The route through Hinesburg will become all the more

attractive with a chain (perceived as cheaper) grocery store. Given that there is no grocery store in Starksboro, Huntington, Hanksville, Monkton, Charlotte, we will bear the brunt of their traffic. I think Hannaford will draw increased traffic from these towns where Lantman's did not because so many people (for right or wrong) perceive a small locally-owned grocery store as too expensive and would rather shop a chain.

The increased traffic generated by Hannaford will be regular and become a new routine for residents of neighboring towns, compared to traffic for Kinney Drug which is more on an as-needed basis. I can't see many people making Hinesburg their regular route so that they can stop at Kinney Drug but I can see them doing this for Hannaford. I have no problem with the fact that Hinesburg is growing and needs businesses to support that. (If you have been anywhere in Hinesburg at lunch recently or to gas up at 5 PM, you will see how badly we need the capacity of Ballards!) I just don't want to be providing services for all the surrounding towns and absorbing the associated traffic.

Hannaford studies showing that time spent stopped at a red light will still be within acceptable range aren't meaningful compared to the real-life experience of trying to walk or drive within our town – at any time of the day. As a regular user of the sidewalks with 3 dogs in tow, I can attest that driver frustration and aggression is already high enough so that pedestrians are endangered when trying to use the legally designated road crossings. Though I make a conscious effort to cross when/where it won't impede traffic, drivers have still yelled at me and honked at me when I make a crossing, appeared from nowhere to rush through a longstanding red light, and sped through the "no right on red" southbound 116 traffic by Estey to run me down in the crosswalk. All this when they have to be stopped anyway, not on account of my crossing!! These behaviors will escalate (probably exponentially) when drivers are waiting an additional minute at any intersection.

LIGHTING: To safely light a parking lot and building of that size will require a lot of lighting and in a location without much existing light. Yet we all need the "downtime" provided by the darkness – some of us living near the CVU lighted sign can attest that it has had a significant disruption to sleep. It would be considerably brighter throughout Hinesburg from Hannaford lighting – we will be trading a night sky of constellations, Northern lights, etc. for a daytime-like glow. It is possible the Vt Astronomical Society observatory which moved to Hinesburg to avoid the glow as Burlington developed, will now need to leave Hinesburg.

HOURS OF OPERATION: Our town doesn't need to encourage traffic at all hours of day and night. Would we need to add hours for police presence? See above and the need for downtime.

IMPACT ON LOCAL SERVICES: Chain stores often exploit a loophole in Vermont laws which allow insufficient fund checks to be turned over to the police for collection after the customer doesn't make the check good for the merchant. I know Williston experienced this and needed to add officer(s?) once the big boxes arrived. We should carefully consider this additional expense and any other (need for enhanced firefighting capability?) against the potential for tax revenue.

Thanks for considering my comments.

Michelle Fischer

84 Richmond Rd.

Hinesburg, VT 05461

(802) 482-3613 www.bythestream.com

4/1/11

I attended the March 15 hearing on the proposed Hannaford's. There was no discussion on the impact of the increased traffic on our first responders. Our fire and rescue volunteers come from all over town and need to get to the station as quickly as possible and also be able to get out as a quickly as possible. I would like to see an assessment of the possible delays in traffic due to this project and the resulting impact on responding to emergencies.

A also found some of the statements made by the presenter had no basis in fact and lacked credibility. The statement that comes to mind is "turning onto 116 from Mechanics ville Rd. will be easier." The data in the report showed increased delays in traffic coming form the south, contradicting this statement. I am glad the town is hiring another traffic engineer to get a second opinion.

I would also like to endorse the request of another attendee at the meeting for an independent wetlands review. I am certainly not a hydro geologist. However, I do have some knowledge of ecology and I find it difficult to believe the wetland has suddenly shrunk in size over the course of just a few years.

There is too much of the fox guarding the hen house when the town relies solely on the assessment of the developer.

respectfully submitted,

Elizabeth Lee

497 Birchwood Dr.
Hinesburg, VT 05461

James A. Dumont, Esq. PO Box 229 (802) 453-7011

15 Main St. P.O. Box 229 Bristol VT 05443

April 8, 2011

Mr. Thomas McGlenn, Chairman, and Members, Hinesburg Development Review Board

Mr. Peter Erb, Zoning Administrator

Municipal Offices

Hinesburg VT 05461

In re: Application No. 20-25-02.100 (Hannaford) -- Scope of Review in General; Deficiencies in Traffic Study.

Dear Mr. McGlenn, members of the DRB, and Mr. Erb:

I write on behalf of the many citizens-petitioners in this case, for whom I am the designated representative. I attended the last meeting of the DRB in this matter, and also communicated briefly with Peter Erb about the proceedings. I write to address the shortcomings in the traffic study that was presented to you by the applicant, and also to address some important legal issues that seem to be lurking in the background.

1. The Traffic Study

The Lamoureux & Dickinson (L&D) Traffic Impact Assessment report and Mr. Dickinson's oral presentation suffer from substantial limitations.

A) Safety Not Studied. First, the report is based upon the Transportation Research Board’s Highway Capacity Manual (HCM). The HCM provides the analytical methodology for computing Levels of Service (LOS). The HCM is quite clear that LOS analysis does not address safety of vehicle users or of pedestrians. The HCM states “Safety is not included in the measures that establish service levels.” (p.2-3). The first 29 pages of the report address LOS. Safety is addressed on page 30 and the top few lines on page 31 of the L&D report. These two pages provide commentary on vehicle safety issues. Two sentences on page 30 comment on pedestrian safety. These comments about vehicle safety and pedestrian safety are not studies or investigations. In fact, there have been no *studies* of the effects of this project on vehicular and pedestrian safety. The only studies performed by L&D have been of LOS, and as noted above LOS does not address safety. Many of the comments I heard at the last hearing were about safety. These questions have not been answered, even though it is the applicant’s burden to do so.

B) Levels of Service Are a Tool, Not an Answer. Mr. Dickinson devoted much of the report and much of his oral presentation on the signalized intersections and presented those results as if the LOS results dispose of the traffic issues before the DRB. They do not. The LOS numbers are the beginning of the discussion, not the end. The HCM is clear that its LOS methodology is not intended to be the answer to local land use decisions that involve traffic; LOS studies are intended to be a tool to help land use planners arrive at answers. See, e.g., page 3-6, explaining that HCM methodology should be used along with other information on environmental impacts and safety. Chapter 16 of the HCM is the chapter which governs LOS analyses at “Signalized Intersections.” Page 16-35 of the HCM sets forth the HCM’s position on “Interpretation of Results” for Signalized Intersections. The first numbered paragraph states (emphasis added):

1. LOS is an indication of the general acceptability of delay to drivers. It should be noted that this is somewhat subjective: what might be acceptable in a large city is not necessarily acceptable in a smaller city or rural area.

C) LOS for Lanes, Not Just the Averages for an Intersection, Are Important. Mr. Dickinson has told you that what is important is the average LOS for an intersection, not the data for individual lanes. The HCM disagrees. Chapter 16, which governs signalized intersections, calls for reporting of results both for the intersection as a whole and for lane groups, and contemplates situations in which the intersection as a whole may be acceptable but delays for lanes or lane groups may be unacceptable. See, e.g., p.16-35, paragraph #2. It is true that Vermont Agency of Transportation (VTRANS) Policy for its highways looks at each intersection as a whole and requires that a minimum average grade of C apply to signalized intersections as a whole. The Vermont VTRANS Policy does not apply the C standard to each lane or to groups of lanes. But the VTRANS policy applies across Vermont to every signalized intersection regardless of whether that community does or does not have zoning, regardless of what its zoning standards may be and regardless of what local concerns and problems may exist. The Vermont VTRANS policy does not answer what is appropriate under Hinesburg’s zoning ordinance for this application, given the existing traffic problems and community concern about those problems.

D) The L&D Study Shows Deterioration in LOS. In fact, the L&D studies show declines in LOS that will result from the project. Some of these were discussed at the hearing. Highlights include the “Build VT” and “Built ITE” resulting in a decline in LOS from D to E in 2012 on Silver Street (Table 4), from A to B at Commerce Street in 2012 (Table 4), from D to E on Commerce Street in 2017 (Table 5), from an average delay of 57 seconds with an F LOS to an average delay of 99 to 110 seconds with an F LOS at Commerce Street in 2017 (Table 5), and from D to E on Silver Street in 2017 (Table 5). These deteriorations in LOS may or may not be of concern to Vermont VTRANS, but they should be of great concern to the Hinesburg DRB, whose task is not to apply VTRANS standards but the Hinesburg zoning by-laws (which are specified below). It defies common sense to ignore the

vehicular, pedestrian and bicyclist safety implications of long -- indeed horrendous -- delays at traffic lights. For example, if the light cycles are going to be modified to reduce congestion that necessarily will impact pedestrian safety. But the report provided to you is silent on these important issues.

E) The L&D Study Does Not Use Hannaford Data. Mr. Dickinson has argued that ITE (Institute of Transportation Engineers) trip generation data should for average grocery stores not be used because trip-generation data for average Vermont grocery stores is available. ITE data shows a higher number of trips, and more traffic congestion, than the data Mr. Dickinson would prefer to use. But actual data for *Hannaford* stores is available. Hannaford has this data. Hannaford is a very successful business; its stores generate a high number of customers, undoubtedly a higher number than the average. It may turn out that both the ITE and average Vermont data are too low. It seems irrational to rely on average, probably erroneous, data, when data specific to Hannaford stores is available. The DRB should ask Hannaford to share this data with L&D so that that L&D can use this data as the basis for its LOS analyses and provide to the DRB a report that is more reliable.

Another key element of the L&D study suffers from a related flaw. The L&D study used generic assumptions about the locations from which vehicles would be approaching the store. The origins of these trips play a large role in analyzing traffic congestion and LOS. We know from another Hannaford's application (the Brandon proposal) that Hannaford conducts detailed market analyses before siting a store. Hannaford knows where its potential new customers live; Hannaford knows what towns these customers will be driving from. Hannaford has the data that would avoid the need to use generic assumptions about the origins of the vehicle trips. Use of site-specific data would also result in a much more reliable report for the DRB to rely upon. The DRB should ask Hannaford to provide this data as well to L&D.

2. Scope of Review

I understand that the DRB has been informed that its jurisdiction over this application is limited. The argument is that retail stores are a permitted use in this district, so the only conditional use review is for the extended-hours application under By-Law section 4.3.6 and site plan review under section 4.3. Some may argue therefore that the only issues for the DRB are those pertaining to extended hours and the details of site plan and thus that traffic impacts on the community and other impacts on the community from the store during regular business hours are irrelevant. This is incorrect.

Site Plan review pertains to all aspects of the project, at all times of the day. It includes review of traffic safety and pedestrian safety "on the adjacent street network" under section 4.3.4(1) at all times of the day. It requires review of the landscaping, screening, setback and design of the building to ensure "maximum compatibility with adjacent property and the character of the neighborhood" under section 4.3.4(3). It requires similar review of lighting impacts under section 4.3.4(4). It requires "Consistency with the Town Plan in regards to the pattern of development." Section 4.3.4 explicitly states that the DRB has the authority to approve, approve with conditions or disapprove the application.

On its face, therefore, the by-law explicitly empowers the DRB to disapprove a site plan application because of its impact on off-site traffic and pedestrian safety during regular business hours, or because the project does not achieve "maximum compatibility with adjacent property and the character of the neighborhood" or because the lighting impacts are unacceptable. This is a broad grant of authority.

3. Burden of Proof

Under Vermont zoning law, it is never the obligation of project opponents to prove that a zoning standard has not been satisfied. In re Miller Subdivision, 184 Vt. 188, 194 (2008). It is the applicant's burden to prove that the zoning standards will be satisfied. If the burden of proof is not met, the application must be denied.

4. Extended Hours

As to conditional use review of the extended hours application, section 4.2.2 contains a strict standard. The standard does not authorize any balancing or weighing by the DRB. It does not ask you to determine whether the harm is “undue.” It is a strict “no adverse impact” test. Under the by-law, an application “shall not adversely affect: . . . the character of the area affected, and the essential character of the neighborhood or district in which the property is located” or “Traffic on the roads and highways in the vicinity” or “the public welfare in any other matter.” No adverse impact at all is allowed.

If, as seems self-evident, the additional hours will bring additional traffic and noise into the area, this test cannot be met. It also seems self-evident that these extended late night and early morning hours will be when some of the noisiest uses occur – the backup beepers on trucks that are unloading, the beepers and engine noises of snowplows clearing the parking lot and loading areas, the freezer units on trucks being unloaded, etc.

5. Conditional Use Review – The Statewide Standard

Towns are not required to adopt conditional use review. Zoning ordinances can be adopted that do not include conditional use review. A zoning ordinance could set forth all permitted uses, and leave the rest as prohibited.

Conditional use review in Vermont is strictly controlled by the Vermont statutes. Conditional use review carries with it the potential for so much discretion that zoning could become standardless and “ad hoc,” and therefore once a Vermont town in its ordinance does adopt conditional use review, that adoption triggers the *Vermont statutory criteria* for conditional use that *must* be followed by that town’s DRB or zoning board. Even if the town has its own conditional use criteria, the *statutory* criteria must be followed. Our Supreme Court has explained this in detail in the case of *In re White*, 155 Vt. 612, 618 (1990). The point is summarized by the Court as follows: “The plain meaning of the statute is that, in order to do conditional use zoning, the town must use the enumerated general standards [in the statute]: they are the floor below which no town can go if it wants to do conditional use zoning.” The Court later described this rule as “the statutory standards became a part of the town zoning ordinance, whether or not the town adopted them.” *Richards v. Nowicki*, 172 Vt 142 (2001)

In short, once the application triggers conditional use review, as this one does for extended hours of operation, the state-wide mandatory standard is triggered as to that use.

There are several key components of the mandatory state-wide standards¹ for conditional use review that are applicable here: The applicant must prove that the proposed use “*shall not adversely affect*” “*the character of the area affected.*” Any deterioration of an affected area, including “incremental” change caused by a project, that may be a “material” and “significant” harm, is not lawful under the conditional use statute. The statute is strict. If the harm to the character of the area will be immaterial or insignificant, it may be approved -- but not otherwise. *Harm that is material and significant must result in conditional use denial.* *In re John Russell Corp.*, 176 Vt. 520 (2003) at page 528 (conditional use permit reversed because of “the risk that the character of the neighborhood will incrementally shift”); *In re Miller*, 170 Vt. 64 (1999) (the “shall not adversely affect” test involves harm that is material and significant); .

1. The conditional use statute, section 4407(2), states: “Conditional uses. In any district, certain uses may be permitted only by approval of the board of adjustment or the development review board, if general and specific standards to which each permitted use must conform are prescribed in the appropriate bylaws and if the board of adjustment or development review board after public notice and public hearing determines that the proposed use will conform to such standards. Such general standards shall require that the proposed conditional use shall not adversely affect: (A) The capacity of existing or planned community facilities; (B) The character of the area affected; (C) Traffic on roads and highways in the vicinity; (D) Bylaws then

in effect; or (E) Utilization of renewable energy resources.” (Underlining added.) Section 4407(2) has been modified but the modification does not go into effect until 2011. See §§ 4414 and 4481.

In short, regardless of the wording of any town’s Town Plan, once the town adopts conditional use review, it is bound by the Vermont conditional use statute. A conditional use application must be denied unless it meets the test that it “shall not adversely affect” “the character of the area affected.” The applicant must prove that the added lighting, noise and traffic of the extended hours will not adversely affect the character of the area; if it fails to convince the DRB it has met this standard, the application must be denied.

Conclusion

It is apparent from the hearing I attended that the Hinesburg DRB takes its task seriously, and that it has a plate full of issues to address. One of those issues, of course, is the designation of this site on the Official Map as the location for Public Facilities under § 4421. It is important that the DRB rule on all issues, including those addressed above, regardless of its position on the Public Facilities issue. I hope the comments set forth above assist you in that endeavor.

Sincerely,

James A. Dumont

James A. Dumont, Esq.

cc: William W Schroeder, Esq.

Mr. David White

From: Rick Bryant <RB@LBEngineers.com>
Sent: Tuesday, April 12, 2011 10:22 AM
To: hinesburgzoning@gmavt.net
Subject: RE: Hannaford, Dumont

Peter,

Just out of curiosity, I looked at the driveway counts at Lantman’s. VTrans and the CCMPO each counted during the PM peak hour although the CCMPO only counted exiting traffic. From this, VTrans counted 233 total trips and the estimated total from the one-way CCMPO counts is 267 trips. Forecasts for the Hannaford Bros. store range from 326 to 386 PM peak hour trips.

The Hannaford Bros. store at 36,783 sf will generate up to 10.50 trips per 1000 square feet. From an aerial I estimated the floor area for Lantman’s at 17,800 sf. (You may have a better figure.) With this assumed floor area Lantman’s generates up to 15 trips per 1000 square feet.

I would not expect the much larger Hannaford store to generate trips at the same high rate as Lantman’s. I still think that the ITE rate is appropriate. However, the fact that Lantman’s is doing so well may be one indication as to why Hannaford wants to be in Hinesburg.

Rick