

Chuck Reiss

756 Buck Hill Road W.

Hinesburg, Vt. 05461

11/6/11

Hinesburg DRB,

This letter is request that at the next DRB meeting (Dec. 20th, 2011) that reviews the Hannaford proposal for Lot 15, we dedicate some time to review their storm water plan. Section 4.3.4 (6) addresses the issue of storm water and I believe that the Hannaford proposal has several short comings. These short comings are outlined in a letter from Dean Grover, an engineer who has been hired by a group of concerned Hinesburg residents. Storm water does not stay on the individual lots and what happens downstream affects neighbors and other properties. The Hannaford proposal does not address extreme storm events, 50 year- 100 floods. The town will and should be liable to protect downstream properties. Because the state's regulations do not cover these events, which will be happen with more regularity does not mean we should not plan for them and protect the property of the neighbors of lot 15.

There are additional problems with the Hannaford storm water plan that I would like the DRB to address directly as part of the Site Plan Review section 4.3.4 of the Zoning Regulations. Our citizen group would be glad to have Dean Grover participate so we can get these issues out and discuss them openly.

Sincerely,



Chuck Reiss

Official Map

It should be noted that on 12/14/11 the Hinesburg Planning Commission after hearing a presentation by the applicant for Hannaford that used a power point presentation to describe their most current proposal voted to reaffirm that the applicant's proposal continues to not meet the official map designation.

This application and proposed development is very far away from the letter and spirit of the official map designation given to Lot #15. The intent of the village working groups and zoning to create a legally valid designation of official map was to provide needed village and community services to the planned increased residential development east of VT Rt 116. The possible items in an official map include a community center, park, library, farmers market, historical society center, and other ideas of this type of publicly controlled community service. The proposed Hannaford application for Lot #15 does not fulfill even something close to this.

The applicant has proposed a private commercial development that almost completely consumes lot #15 with an out of scale retail store and parking lot leaving essentially nothing on Lot #15 for the best designated purposes described in the Official Map designation. The applicant justifies fitting the official map requirements because of two items. Reasoning for both is flawed and easily refuted. They propose a

“Canal Park”. This is hardly more than what is already there with the canal and sidewalk. What they seem to add in is mostly vegetation buffer from the large store and parking lot. This buffer is notably less effective when considering “leaves off” images. It will not serve as a public gathering spot but rather continue to serve essentially as it currently does as a pedestrian walking path / sidewalk. Nothing is essentially added and this is the only part of Lot 15 that is anything but the big store and parking lot.

The farmers market has been talked about for years as being located on Lot #1. This is by far a better site as it works better to the southbound traffic flows that would happen mostly during the planned hours of the market being open later in the day. Lot #1 is owned by the town and the hours to operate a farmers market can be totally under the town’s control. Hannaford’s proposal would be to give the farmer’s market some space to use at the discretion of Hannaford and would have no control by the town. It is likely that Hannaford would not want to reduce their parking spaces for other uses during a time when many are shopping. These are also times that a farmers market would get the most traffic such as late afternoons when most people also shop for groceries. It wasn’t so long ago that Hinesburg had no farmer’s market and with the increasing desire to purchase local products, it is quite likely that a farmers market would want to increase its hours and accessibility. The Hannaford site would have many encumbrances on this compared to one on town owned land.

An asphalt parking lot is a poor place for a farmers market. Green space to sit down and that is safe and out of the sun is far preferable. Up until the most recent proposal by the applicant, they were offering to host a farmers market once a week on part of their asphalt parking lot. Hannaford has in their most recent proposal brought forth an idea of using land outside of Lot #15 that is adjacent to Lot #15 to be used for the farmers market. This looks like a kind of land swap that results in essentially all of the envisioned ideas on the official map not being included. By having a farmers market on a parking lot that is part of Lot #15, it is an unsafe and very unattractive location. To then use adjacent land that is not part of land on the official map and that is itself compromised by a required steep slope that drops 7 feet over 75 feet is another poor attempt to create a façade of meeting official map requirements and in this case uses land that is not part of what was designated as such on the official map.

A store of 36,000 sq ft and a huge parking lot adjoining it are not only much too big for Hinesburg but is a back door attempt to bring in store that is designed to serve a much bigger geographic area than Hinesburg. Careful consideration was made in zoning to set a 20,000 sq ft limitation. This land was thought to be too wet to make any significant commercial development and a number of previous parties in years past prior to the official map designation had determined this. It was an oversight by the town to not have changed the zoning and to not have purchased this land from the landowner. That said, it is land designated by official map status and the DRB should honor this designation.

The Hinesburg DRB should deny the application based on the official map designation of this site and give the town and its residents a chance to enter into the 120 day window for negotiations with the landowners such that the land can be purchased at a fair price to the landowner.

Traffic

The traffic challenges that we know now will get worse and have a strong likelihood of being disastrous. These traffic issues are discussed below.

Potential major areas affecting greatly worsened traffic include the follow:

- Traffic prior to the recession was 15% greater than the measurements used for 2009, 2010. Traffic measurements from the state shows this when looking at traffic information from 2007 at CVU Rd.
- The effect of increasing traffic is not linear but can be exponential in that once traffic moves into a stop and go, additional traffic added to this has an exponentially worsening result.

- Traffic data from Lantmans cannot be removed as there is likely to be business at that site that generates very similar traffic to what is generated now. 1
- New traffic figures from Hannaford are likely to be underestimated and a store of this size will be a magnet to dramatically increase new and additional traffic through Hinesburg from residents of villages south and west of Hinesburg.
- Hinesburg is frequently already beyond saturation point for traffic. There is clear evidence of this at rush hour times on VT 116.
- There is high risk of the bridge over Patrick Brook becoming a bottle neck. There is not enough space at this bridge for traffic that might be backed up to make a left turn on Commerce Street and for traffic continuing south on VT 116 through that intersection. Again once gridlock is reached, there is an exponential effect. If we then need a new bridge, it would require the State of VT to fund this. Some projects such as this have taken up to 14 years to get the state to make corrective action. Underestimates of traffic by the applicant carry a high risk of turning this into a traffic plug.
- The above problem of left turns off of South 116 onto Commerce St is worsened by attempts to turn into the Mobil Station. These attempts to turn into the Mobil station may be blocked by cars on Commerce St trying to make turns onto Vt 116. Even with the most westerly entrance to the Mobil station only being designated as an exit, it is likely that some drivers will be stubborn to make a turn there as it is closest to the pumps. This would then block many cars from successfully making the left turn off of VT 116.
- All of this should consider the effect of pedestrian movement and crosswalk signals that when operated freeze the intersection for 16 seconds. Hinesburg has a stated intention of making the village more pedestrian friendly. Every year more pedestrians are using our sidewalks and crosswalks. The models of traffic planning need to include this increasing use of crosswalks to allow safe passage of pedestrians and the delays for motor vehicle traffic from this. It should be noted that the 16 seconds allowed to cross two intersections is insufficient when considering that one needs 2-3 seconds to stare down a car to make sure that they have stopped for you. There is then maybe 3-4 more seconds that shows a crosswalk signal. Then there is another 8-10 seconds of signal telling you to get out of the crosswalk before the motor vehicles start up again.

The DRB should deny this application by Hannaford because of likely major traffic problems developing from what our existing roads are able to carry and what a store of this size in this proposed location would bring.

Storm Water

This part is being written in just partial form as this part of the presentation has not been made, but a store, parking lot, and other impervious surfaces being placed on what is designated as a wetland is likely to cause significant problems with the more extreme weather that is becoming more common and what many predict will be increased rain in Vermont resulting from global weather changes.

The proposed underground storage is inadequate to deal with these weather events.

Conclusion:

It is my recommendation that if the applicant wants to have a store in Hinesburg that they apply with a separate proposal for available land on the west side of VT 116 that is zoned for up to 20,000 square feet. This is much more an appropriate size, would be much better able to handle the traffic and storm water issues, and would not be an issue in terms of the official map status.

I would also point out in documents on the town's website under the Lot #15 committee appointed by the Select Board that a retail commercial development of this size will likely increase municipal property taxes in Hinesburg. Please take note of this.

A denial of this application based on the official map would allow the town to then actively engage the Giroux family to purchase the Lot #15 land at a fair price to the Giroux family. It is very likely that private funds would be able to purchase this land such that there was no cost to the taxpayers of Hinesburg.

Sincerely,
John

Development Review Board
Town of Hinesburg
10632 VT Route 116
Hinesburg, VT 05461

Friday, December 16, 2011

Dear Development Review Board,

We are writing again to urge you to reject the Hannaford proposal.

We are concerned about the following:

1. Destruction of the wetlands on Lot 15 and storm water run-off as climate change escalates, bringing more intense storms.
2. The escalation of traffic (massive supply trucks as well as shoppers from other towns) along Route 116 and the surrounding small roads with the increased expense of road maintenance falling on the Hinesburg taxpayers.
3. The incompatibility of the proposed giant structure and its parking lot with other community buildings. A bland, gargantuan big-box store such as this with its 36,000 sq. ft. footprint plus parking lot will smother the land and does NOT preserve the character of the village.
4. The severe diminishment of the goals of the Hinesburg Official Map to use the land foremost--not tangentially or secondarily, but foremost--for future community facilities such as a Town Green, community center, library or other public venue.
5. The foreign corporation control of a massive retail structure at the center of our town, devoid of real-life ties and allegiance to our community beyond the profit margin.

Thank you for considering the above concerns and for all of the careful work and time you have put forth to reviewing the Hannaford proposal. We wish you the best as you proceed.

Sincerely,



Cynthia and Chris Hendel
927 Sherman Hollow Road
Hinesburg, VT 05461

RECEIVED

DEC 20 2011

TOWN OF HINESBURG
DRB & ZONING

Memorandum

To: Hinesburg DRB
From: Michael Oman, Principal, Oman Analytics
Date: December 19, 2011
Subj: Notes on Revised Hannaford Traffic Information

TOWN OF HINESBURG
DRB & ZONING
DEC 21 2011
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I have reviewed the revised traffic information relative to the proposed Hannaford development presented in the Dickinson memo dated 12/12/2011: "Hinesburg Hannaford".

Calibration Issues and Simulation

The use of a microsimulation model is a clearly superior way to attempt to capture the perhaps surprisingly complex traffic pattern found in Hinesburg village. However, as noted by Mr. Dickinson, it is critical that the model be "calibrated" to reflect actual conditions for it to be truly useful. It would be helpful to see details of these calibrations, especially the queuing studies on which the simulations were based.

However, even without seeing the details, there is some question as to whether the resulting model has fully captured PM conditions SB on Main St. Mr. Dickinson notes that during the PM peak hour "... queues often fill most (and sometimes all) of the distance between these three intersections, giving the appearance of one extremely long queue..." However, a queue completely filling the distance separating two adjacent intersections doesn't have the "appearance" of being one long queue, it IS one long queue; being reported as three separate queues is not a reflection of reality, it is an artifact of the analysis and reporting.

The resulting model, while capturing the "filling-in" effect between Charlotte Rd and Mechanicsville, shows a (max) queue of only 689' beyond Mechanicsville. This is only about half the distance to Commerce St to which the queue may frequently be observed to extend. This is far too little distance to be a simple artifact of the 7 mph "rolling queue" threshold mentioned.

Future Traffic Conditions (Table 1 p.5)

- ▶ I note that overall LOS at Mechanicsville still is F (below VTrans criteria)
- ▶ Also, no analysis presented of Silver St which also dropped below VTrans criteria (D to E) in previous analysis, presumably this is still the same

Trip Generation

Although some analysis is presented relative to continuing trip generation from Lantman's, the alternative generation for the Hannaford's itself has not been addressed. I continue to believe that this is a more realistic value for trip generation from the new store for reasons discussed in my first memo.

The queue northbound at Charlotte Rd will block Silver St (Table 2 p.6; 742' queue/-690' available separation). It is also probable that the AM conditions at Silver St will be worse than the PM
(cont'd on next page)

December 20, 2011

TOWN OF HINESBURG
DRB & ZONING

To: The Hinesburg Development Review Board

DEC 21 2011

From: Gill Coates

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RE: Hannaford Project

At the last DRB meeting, I believe some very significant comments were made by DRB members. The most significant of which was about how one member felt the decision will come down subjective elements of the application and its review. I could not agree more with that point of view. I don't think any applicant would knowingly present plans that do not meet the specific requirements of town regulations. It is the subjective elements that cause the problems because each individual brings their own sensibilities, experiences, and values to subjective elements such as compatibility.

Another DRB member commented on design by highlighting the difference between the Mobil station's initial design and the final one approved by the zoning board. I had my concerns about that project but not about the specific design. My concern then, as it is today, was about how the applicant and the zoning board arrived at a final design. I expressed my concerns to the zoning board when it considered the Mobil station application. There are no specific design characteristics defined in town regulations. We have no idea if the town wants Victorian, Greek Revival, Colonial revival, the ornate European style of Vermont-born, European-educated Richard Morris Hunt, the shingle style of McKim, Mead, and White, the prairie style of Frank Lloyd Wright, or the modern metal and glass style of Philip Johnson. The basic requirement seems to be compatibility. This leaves acceptability up to individual judgment about a building design and the sensibilities of board members at a given point in time.

I have attended Planning Commission meetings in the past where a speaker brings in slides of towns in Massachusetts or other towns in Vermont. The message seems to be that Hinesburg should look like the places shown in the slides. I do get a kick out of those slides of old Vermont towns that are presented as some ideal. I ask, how did that happen with no town plan or zoning regulations? But I always come away from such presentations asking why does Hinesburg need to look like someplace else. Why can't we let Hinesburg be Hinesburg? Why can't we build upon what makes Hinesburg different from other places?

This brings me back to compatibility. Maybe by not including specific design requirements, the Planning Commission and Selectboard either consciously or subconsciously, want buildings to be completely different from one another. Therefore, Hinesburg will be unique since it is a place where no two buildings look the same or have similar design characteristics. If that is the goal, any building design fits right in with the rest.

Next is the idea of size compatibility. Large, small, big, little, huge, minuscule are all relative terms, some might say subjective. I have attended all the DRB hearings on the Hannaford proposal and many people seem to be saying that the proposal is out of scale with Hinesburg. To me this seems to be based on the idea that Hinesburg is a small town and the Hannaford proposal

is too large. I believe neither is true. I grew up in a small farming community and attended a high school whose nickname was Cow Valley Union High School. That small farming community that was Hinesburg no longer exists. How many small towns in Vermont have three traffic lights, two banks, two doctors' offices, four places to buy gasoline, and its own police force? That may not be out of place in Chittenden County, but the old saying that "the nice thing about Chittenden County is that it is close to Vermont" is still very true.

My final topic is traffic. In the Village Steering Committee's report on traffic dated November 9, 2011, it indicates "... the members of the Village Steering Committee, exercising common sense and relying on their own experiences and observations of the current traffic situation as residents of the village and town, assume that Hinesburg village will become a major pole of attraction for additional traffic from the east, west, south, and north of town." The Oman Analytics Memorandum also dated November 9, 2011, states "Using the regression equation approach in Hannaford case results in a total trip generation of 468 peak hour trips, well in excess of the Applicant's estimate of 389 total peak hour trips." I don't know what all the traffic information presented to the DRB indicates to its members, but to me it indicates huge demand for a store the size Hannaford's has proposed. Maybe the store and the parking lot are too small to handle such demand. To me, such demand does not make sense. The peak traffic times on Route 116 are when people are trying to get to work or school, or to get home from work or school. They are going to stop at businesses that are convenient for them or have a specific item they want. Are people really going to come to a smaller Hannaford store than can be found to the north of town, such as in Williston or South Burlington, especially at peak traffic hours? The attraction has to be pretty significant for people from all over the area to seek out a Hannaford store in Hinesburg during peak traffic hours in the morning and late afternoon. I agree with the Hannaford survey of store size and population of various towns, indicating the Hannaford proposal is consistent with store size and population in similar towns. There is one very positive factor for Route 116 if the Hannaford store were built on Lot 15 for those Hinesburg residents in the northeastern part of town where a significant number of people live along and off of Mechanicsville Road, Pond Road, and Richmond Road. These people would then have access to most major services in town without ever having to even cross Route 116. I believe recent reports of 62 percent growth in Vermont job creation, the highest in the nation, may have a bigger impact on Route 116 traffic than whether a Hannaford grocery store is built in Hinesburg.

Thank you.

Sincerely,



Gill Coates

From: Weis, Art

G. [\[mailto:Art.Weis@vtmednet.org\]](mailto:Art.Weis@vtmednet.org)

Sent: Thursday, December 22, 2011 10:14 AM

To: 'hinesburgplanning@gmavt.net'

Subject: Hannaford Traffic

2

Hi Alex,

Has Hannaford ever told the DRB the details of how much traffic their business plan expects? It seems that all of this discussion about traffic calming and changing the timing of traffic lights is really missing the gorilla in the room. Hannaford knows how much traffic they need for the store to be profitable. They no doubt know from other Hannaford store development not only how much traffic to expect, but have it delineated by day of the week and time of day. I believe that this is a critical piece of information that is being clouded by all of the traffic reports, however appropriate they might be.

Would you mind forwarding this to Tom McGlenn and Zoe Wainer as I do not have their e-mail addresses?

Thanks,

Art Weis, MPA

To: Hinesburg Development Review Board

Jan. 8, 2012

I would like to share a few thoughts concerning the Proposed Hannaford development on Lot #15. Regarding the Official Map Designation, State Statute title 24, Chapter 117; 4421 states in part "Any application for subdivision or other development review that involves property on which the official map shows a public facility shall demonstrate that the mapped public facility will be accommodated by the proposed subdivision or development in accordance with the Municipalities bylaws." In an attempt to comply with this State Statute, Hannaford Corporation's current proposal tries to accommodate two of the suggested public uses for this property; a farmer's market and green space. In my opinion these accommodations are not either appropriate or significant enough, and don't fulfill the intentions of the citizens and officials of Hinesburg when they added Lot 15 to the official map.

Hannaford's has reached their own conclusion, based on some questionable reasoning, that a Farmer's market venue and "pocket park" are the best public facilities of the many envisioned by the town to develop on Lot #15, Following are my observations regarding the most recent proposal to accommodate these public facilities.

A design developed by Broadleaf Design for Lot #1 and presented I believe back in the spring of 2011, concluded that for various reasons, a farmer's market venue on Lot #1 was a great idea. A quick analysis suggests two reasons why Lot #1 has advantages over Lot #15; higher visibility from Rt. 116, and very importantly, the town owns the lot and thus avoids potential conflicts with the Lot 15 property owner now or with whomever may own it in the future.

As now proposed, part of the space for the farmer market has been created on a commercial lot adjacent to, but not actually apart of Lot #15. Keeping the Farmers market on Lot #1 as proposed in the Lot #1₂ design, is a lot less complicated and just makes more sense!

The idea of a pocket park between the proposed Hannaford's store and parking lot and the canal is a nice idea. As the Hinesburg Town Tree Warden, I have been involved for many years in maintaining the existing trees we planted along the canal and sidewalk. While spending time working in this area the idea of planting more trees and ornamental shrubs has always been appealing. There is certainly some nice potential for creating aesthetically interesting and inviting landscaping with its proximity to flowing water and accessibility from the sidewalk forming a connection to the greater village. But if I were to compare the potential for public enjoyment Lot #15 could provide- a pocket park hemmed in and dominated by a parking lot and building vs the development of a more extensive park like area on Lot #15 - I would consider a pocket park to be a pretty insignificant contribution to the lot's potential to provide for the public facilities envisioned by its official map designation.

I would like to ask that the board imagine visualizing a much smaller structure and parking facility on Lot #15. The current Library comes to mind as an example of a public facility whose size would fit comfortably on Lot #15 (arguably it could be used more often if it was within walking distance or a kid's bike ride from within the village). A building of this size- you could fit about 5 of our libraries and parking areas within Lot #15- would leave lots of room for other uses including a Hinesburg size park, not one for your pocket!

Both the Planning Commission and the Village Steering Committee have provided testimony about the importance of Lot #15's central location and its ability to accommodate public facilities and green space. Their conclusion was to recommend that the Development Review Board find the Hannaford application to be in conflict with the Official Map. I agree with their conclusions, and also ask that you as the Development Review Board deny the application based on non-compliance with the Official Map, thus enabling the Citizens of Hinesburg to begin the next steps concerning purchasing the property for our Town's future. Thank you for all your hard work and consideration! · Paul Wieczoreck
Lincoln Hill Rd.

From: Simkins [mailto:simkins@mindspring.com]
Sent: Thursday, January 12, 2012 9:50 AM
To: hinesburgzoning@gmavt.net
Subject: Letter to DRB Re: Zoning Regulation 3.1

Dear Development Review Board,

I have read the Lot 15 Committee's report which concludes the opposite of many community members' beliefs; The report summarizes that rather than reducing the tax burden of property owners, it is likely that higher property taxes and significant costs to the Town will result from a large commercial development such as Hannaford. I am extremely disturbed by these findings, and I hope that you are taking the Lot 15 Committee's warning seriously.

I ask this question of the Board: Do you factor in the financial value or consequences of your decisions to our tax payers? Based on zoning regulation 3.1, I would argue that your decisions should be fiscally responsible. The regulation states: "To allow for development that brings value to the community and maintains Hinesburg's unique sense of place". Value in this statement can be, and I believe, was intended to address both monetary worth, and social responsibility to our community.

Hinesburg citizens and staff have spent many years planning in order to encourage compatible growth in our village. We asked to minimize traffic and parking conflicts. The State of Vermont gave us the Official Map tool and we used it to outline our future needs.

The "non-negotiable" features of the large, flat-roofed, one-story building proposed by Hannaford is incompatible with other village structures. We have heard professional testimony stating that the Hannaford store would increase traffic measurably. Lastly, Hannaford Corporation feels entitled to ignore our designation of Lot 15 on the Official Map.

As a taxpayer, I am interested in protecting our existing assets, and supporting sustainable development. The Hannaford store proposal is both a financial gamble, and diminishing to our distinctive 'sense of place'. I ask you to deny this application based on zoning regulation 3.1, and our Official Map.

Thank you for volunteering your time, and for taking the concerns of our community seriously.

Sincerely,
Heidi Simkins

MEMORANDUM

To: Mr. Peter Erb, Zoning Administrator
Fr: Rick Bryant, Criterion 5 Associates
Re: Proposed Hannaford Bros. Supermarket
Hinesburg, VT
Dt: January 19, 2012

Per your request we are responding to comments regarding the Hannaford project forwarded to us in an email message dated February 4, 2012. Our responses are based on a review of traffic information submitted to the Town of Hinesburg by Lamoureux & Dickinson (L&D) on behalf of the applicant.

Project Description

Hannaford Bros. proposes to construct a 36,783 square feet supermarket on Lot 15 of Commerce Park in Hinesburg, Vermont. Commerce Park is a commercial subdivision located in the fork between VT Route 116 and Mechanicsville Road on the north end of Hinesburg village. Commerce Street was constructed to provide access from both Route 116 and Mechanicsville Road to the lots in Commerce Park. Lot 15 is accessed from Commerce Street via a 50 feet wide by 250 ft long right-of-way (Commerce Street Extension) situated between Lot 12 (Dark Star) and Lot 13 (National Bank of Middlebury). This right-of-way is presently used by the National Bank of Middlebury for its entering traffic.

Outstanding Town Issues

Comments received from you are repeated (and in some cases paraphrased) below. Our responses follow each comment in italics. 2

1. The trip generation forecasts for the Hannaford store prepared by Lamoureux & Dickinson (L&D) have been questioned by Michael Oman. Are the L&D forecasts accurate?

Mr. Oman offers an alternative method for estimating trip generation for the proposed supermarket. Both methods used (by Oman and L&D) are reasonable. Mr. Oman's method is more conservative and suggests that the proposed store will generate vehicle trips at a rate that exceeds the national average for supermarkets. Significant data has been collected by VTrans that shows that supermarkets in Vermont tend to generate less traffic than observed at stores elsewhere across the country. Accordingly, the lower estimates provided by L&D are likely to prove to be more accurate.

2. Are the most recent submission and presentation by L&D based on the most appropriate analytical methods for this application and Hinesburg?

L&D has evaluated traffic operations in the project study area Manual in all of its early submissions using the SYNCHRO traffic model which is based on the Highway Capacity. One feature of this model is a simulation program that can be used as an aid in evaluating a series of intersections in a corridor. L&D's latest submission reports on findings based on application of the simulation model. Application of the SYNCHRO model and its animation tool is appropriate for this project.

Mr. Oman has suggested that the model applied may require further calibration. L&D noted that when they first applied the traffic model it understated the expected queue lengths on Route 116 during peak hours. In an effort to calibrate the model to reflect local conditions, the assumed saturation flow rate for Route 116 southbound at Charlotte Road (the assumed number of vehicles that could pass through the intersection in one hour of green time) was adjusted downward. This resulted in the model generating queue estimates that are closer to reality.

The action taken by L&D to calibrate the traffic model is reasonable and appropriate for this type of study. Arguably, additional time and effort could be invested to further calibrate the model and achieve a greater degree of accuracy in modeling existing conditions. However, this could prove to be a futile effort since vehicle queues on the roadway vary substantially day-to-day based on the observations of the three traffic engineers engaged in this project. (Which queue length should the model seek to replicate, the 1000 feet queue observed by Engineer A on Tuesday or the 1500 feet queue observed by Engineer B on Wednesday?) At this point the model predicts queues that are in the range of observations made by L&D, Oman and Bryant. No further model calibration is warranted.

3. There is ongoing disagreement about the possible uses and traffic they would generate as a result of the contract Hannaford has with Lantman's. The issue is clouded by the existence of a second commercial structure that Lantman's owns to the south which is permitted to share the existing parking and driveways which has not been included in L&D's analysis.

Any discussion of future uses of the Lantman's site and associated site traffic generation at this time is purely speculative. Consequently, the project review process would be best served by the

applicant establishing a formal agreement with the Town limiting the “by right” development of the Lantman’s site to uses that will generate 100 or fewer peak hour trips. (The 100 trip figure is the figure assumed by L&D in their mitigation analysis.) Such a restriction would not limit site traffic generation to 100 trips but would create an obligation to mitigate, if warranted, any future site traffic generation in excess of 100 trips.

4. The proposed southbound left-turn lane on Route 116 at Lantman’s, as proposed, may cause significant northbound traffic delays during the AM peak hour. The reason for this is that in order to create the southbound left-turn lane the center line of Route 116 will be shifted about four feet to the east. This will effectively eliminate the “de facto” left-turn lane headed northbound. This northbound left-turn lane helps minimize traffic delays heading northbound in the AM peak hour.

The applicant has not quantified the potential negative impacts of the centerline shift on traffic operations. At the same time, the applicant has not quantified any positive benefits associated with the proposed lane shift. In fact, early studies submitted by L&D suggests that there may be little or no positive impacts as it was reported that southbound traffic on Route 116 generally bypasses vehicles waiting to turn left into Lantman's with little or no delay under existing conditions. Absent any analysis demonstrating that the positive impacts associated with this change during the PM peak hour outweigh the negative impacts expected during the AM peak hour, the proposed change should not be implemented. Any such analysis, if provided, should also consider the impacts of the change on bicycle traffic as the shoulder area available to cyclists would be diminished with this change. (This issue is also addressed in a later comment.)

5. The applicant has proposed a change in land use of the Lantman's property as traffic mitigation. Reduced traffic volumes entering and exiting the Lantman's site will improve traffic operations at the Route 116/Charlotte Road intersection. However, there is no legal contract in place to provide a hard cap for future traffic generation.

A binding agreement establishing a cap on site traffic generation for the Lantman's site should be provided by the applicant. (See response to Item #3 above.)

6. Comment on the issues that have been raised by Michael Oman in his traffic review of the project.

The two main points articulated by Mr. Oman at the Development Review Board hearings held for the project relate to calibration of the traffic model and trip generation estimates for the proposed supermarket. These two items have been addressed above. (See responses to Item #1 and #2. A separate discussion of Mr. Oman's comments is provided below.)

7. The diversion of traffic from Route 116 southbound to the CVU road and Mechanicsville Road remains of concern to the DRB. Does the CVU Road/Route 116 intersection analysis accurately predict the amount of traffic that will divert trying to avoid the tie-up to the south and going to Hannaford via CVU Road and then down Mechanicsville Road? The DRB is concerned that this diversion will create a potentially dangerous intersection at the Commerce Street and Mechanicsville Road intersection, especially for pedestrians. Is this the case?

The L&D traffic study correctly anticipates that the Route 116/Commerce Street intersection will operate well below capacity. As such, the study does not assume that any southbound traffic will divert away from this intersection to the CVU Road/Mechanicsville Road intersection. However, some site traffic oriented to the north will pass through the Commerce Street/Mechanicsville Road intersection. An increase in traffic volumes at this location will not necessarily make the intersection less safe. The added vehicular volume, and increased pedestrian volume associated with area residents walking to the proposed supermarket, will result in a greater potential for accident occurrence. The applicant should review the extent and condition of existing and proposed pedestrian accommodations at this intersection to ensure compliance with applicable safety standards. Based on this investigation the applicant should recommend and implement appropriate improvements as a condition of project approval.

8. Other traffic will divert trying to avoid Hinesburg Village altogether in order to get to points south. Should the CVU Road/Mechanicsville Road/Richmond Road four-way intersection, Richmond Road and/or North Road be analyzed even project related traffic increases at this location do not reach the 75 vehicle per hour review threshold applied by VTrans?

The Town of Hinesburg is not obligated to abide by the review criteria used by VTrans and can therefore choose to ignore the 75 trip threshold. However, deviations from accepted standards should be justified, perhaps by citing existing congestion or safety issues. Absent any documented existing congestion or safety issues for this location there is no compelling argument to expand the traffic study area to include this intersection. The L&D study indicates that the project will add only 23 PM peak hour vehicle trips to the CVU Road/Mechanicsville Road/Richmond Road intersection or about one third of the VTrans standard.

If southbound traffic seeks to avoid Hinesburg Village altogether and divert to other routes it would mostly likely be due to increased congestion, queues and delays at the Charlotte Road/Route 166 intersection. This is the principal traffic "bottleneck" in the village. Our peer review comments to date have pressed the applicant to provide traffic mitigation such that traffic operations under future Build peak hour conditions will be better than or equal to future No Build conditions. Mitigation currently proposed by the applicant for the Charlotte Road/Route 116 intersection meets this standard. Consequently, with mitigation in place, traffic congestion will be no worse than projected under No Build conditions and no traffic diversions are likely to occur as a result of the proposed supermarket project. Absent any project induced diversions there is no compelling reason to expand the traffic study area to the CVU Road/Mechanicsville Road/Richmond Road intersection.

9. The Commerce Street westbound right-turn lane at Route 116 should remain exclusively for right-turning traffic. Under the L&D plan shared use of this lane by through and right-turning vehicles is proposed. With this configuration, through traffic waiting for a green signal phase may impede right-turning traffic that might otherwise proceed with little or no delay. This may "solve the peak hour Hannaford issue" but penalize all right-turning traffic during all hours of the day.

Based on a review of the traffic projections provided by L&D, the existing westbound exclusive right-turn lane can remain in place without causing a significant change in peak hour operating conditions relative to the projected Build with Mitigation conditions. Accordingly, the exclusive right-turn lane should remain in place. As noted above, the intersection is projected to operate well below capacity under Build conditions so there is no need to try to capture the nominal increase in capacity that the proposed lane use change would provide.

10. Are the pedestrian crossings and signal timings consistent with the "pedestrian friendly" tenet of the town plan and village growth area zoning?

Existing traffic signals on Route 116 at Commerce Street and at Charlotte Road incorporate exclusive pedestrian walk phases. The durations of the walk phases are sufficient to allow pedestrians to safely cross the intersecting streets. (Walk times are based on an assumed walking speed of four feet per second and the width of the street

crossed.) Mitigation proposed by the applicant at these two intersections will not eliminate or alter the existing signal walk phases. Consequently, the proposed mitigation measures maintain the existing level of “pedestrian friendliness” provided at these intersections with one minor exception. The original mitigation plans call for a lengthening of the signal cycle lengths at these two intersections. Any time added to the cycle length would increase the time that a pedestrian must wait for the “walk” phase to activate. The longer cycle length was intended to reduce vehicular traffic delays but would impose longer delays for pedestrians. As such, the necessity for the longer cycle length should be reconsidered by the applicant.

Improvements proposed at the Charlotte Road/Route 116 intersection also include relocating the sidewalk across the Lantman’s exit driveway. This change is proposed to improve the efficiency of traffic flow on the Lantman’s driveway and to reduce a sight line constraint that puts pedestrians at risk where the sidewalk crosses the driveway. The change in the sidewalk offers both benefits and detriments. Reducing the sight line constraint provides a safer pedestrian environment but the alignment shift creates a longer travel path for pedestrians traveling north-south along the east side of Route 116. The applicant should evaluate means to lessen the abruptness of the proposed “jog” in the sidewalk align to create a smoother and more direct pedestrian pathway.

11. A larger issue is not only can Hannaford’s traffic be accommodated, but what will the overall future traffic situation become. Since we don’t have easy fixes, and anticipate other growth, is some allocation of resources needed and even possible? Not all relatively small projects are as able to fund improvements as the Middlebury Bank did when they installed the traffic lights out of their own pocket. The costs for the required improvements could curtail creation of other local services that the new zoning intended to allow. Are there any intersections where the built result for Hannaford creates situations that are so close to the tipping point a relatively small project could end up being responsible for major improvements?

Standard practice in the preparation of traffic impact studies includes traffic projections to a future design year. Consistent with this practice the L&D study includes a five-year traffic projection. For this projection, traffic from known and approved development projects in the site vicinity is considered as is an overall background growth rate. The overall growth rate applied was three percent and three specific development proposals were considered. Accordingly, the study has accounted for some future development in the Town. It does not account for all potential future development nor is it standard practice to require a developer to study the full development potential of a community.

Some communities address concerns of cumulative impacts through traffic impact fees. A transportation master plan is first prepared to determine the infrastructure required to support full build out of the community. All or a portion of the cost to create this new infrastructure is then allocated to future development projects based on a set formula. Through this system, current projects may help fund improvements that are triggered by future projects.

To our knowledge the Town of Hinesburg does not have an impact fee formula in place. However, the Town may still have the ability to place conditions on a project requiring the applicant to make funds available to fund future improvements. The Town should seek a legal determination relative to this option.

As noted in previous comments, the Mechanicsville Road and Silver Street intersection approaches to Route 116 experience long delays during peak periods and may be candidates for signalization in the future. We have already recommended that the applicant at least be required to monitor traffic conditions at the Mechanicsville Road intersection after the supermarket project is built to reassess the need for signalization.

The applicant has proposed mitigation for the Charlotte Road/Route 116 intersection in the form of signal phasing changes that in combination with an assumed reduction in traffic volumes generated at the Lantman's site will improve traffic operations at the intersection relative to No Build conditions. Examination of the capacity analysis worksheets provided by L&D indicates that the impacts of the supermarket project at this location are fully mitigated by the assumed land use change for the Lantman's site. The signal phasing change further increases the intersection capacity by five percent. In this regard, the phasing change would provide roadway capacity that can support other future development (and/or an increase in future through traffic generated by neighboring communities.) The mitigation proposed at this location can be implemented for a relatively low cost. The Town may want to consider this when evaluating the total mitigation package for the project.

Oman Analytics

Michael Oman of Oman Analytics submitted a memorandum to the Hinesburg DRB dated December 19, 2011 citing what he considers to be outstanding issues regarding the traffic analysis. Our comments with respect to Mr. Oman's issues are provided below.

Calibration and Simulation

Mr. Oman believes that the current traffic model does not adequately replicate existing vehicle queuing conditions observed in the study corridor. As noted above, the model employed is sufficiently accurate for the purpose of this study which is to determine whether or not the project is providing appropriate traffic mitigation. The queues observed on Route 116 southbound during the PM peak hour are being created by the bottleneck at Charlotte Road. The applicant has proposed mitigation to address project impacts at this location.

Future Traffic Conditions

Mr. Oman points out that the project has impacts at the Route 116 intersections with Mechanicsville Road and with Silver Street that are not being mitigated. We concur with this observation and have suggested in previous comments that the applicant offer mitigation for these locations. Future monitoring of traffic operations after the supermarket is built to determine if signal warrants are met is suggested as a minimum commitment.

Trip Generation

Mr. Oman has submitted alternative calculations that suggest a higher trip forecast for the project than assumed in the L&D study. As noted above, we find both methodologies to be valid. Based on trip generation data available from VTrans for other supermarkets in Vermont we have more confidence in the L&D figures.

Northbound Vehicle Queues

Mr. Oman notes that northbound queues on Route 116 at Charlotte Road are predicted to spill back to Silver Street during the PM peak hour and may be even longer during the AM peak hour assuming no reduction in traffic generated at the existing Lantman's site. We concur with this observation but recognize that the observation may be inconsequential if the applicant agrees to put conditions on future Lantman's site traffic generation as noted above.

We asked L&D to provide us with capacity analysis results for AM peak hour conditions at this location. The results show that under No Build and Build with Mitigation conditions the 95th percentile queue on the Route 116 northbound approach to Charlotte Road exceeds 1000 feet and will reach the Silver Street intersection. Accordingly, we are not recommending the proposed centerline shift at the Charlotte Road/Route 116 intersection as it could potentially lengthen the morning northbound queues.

Northbound De Facto Lanes Charlotte Road

Mr. Oman provides arguments as to why the proposed centerline shift on Route 116 at Charlotte Road may impact northbound traffic flows. As discussed above, we concur with his observations and advise against shifting the centerline.

L&D Response

L&D issued a memorandum dated December 11, 2011 responding to the LHI (Rick Bryant) comments dated August 8, 2011. In reviewing the response it appears that L&D misunderstood the general intent of most of our comments. Overall, L&D chose to provide new analyses and/or to defend assumptions in their original analyses. Our goal was to not seek new analyses at this time but to have the applicant consider our suggestions if and when design work begins on the approved traffic mitigation.

Our primary concern at the Commerce Street/Route 116 intersection is that the mitigation design process include a sensitivity analysis to consider: traffic diversions from Mechanicsville Road to Commerce Street; a higher distribution of site traffic oriented to the north; and, full build out of remaining parcels in Commerce Park as may be anticipated under the Act 250 permit for the park. Considering these factors in the design is likely to lead to the provision of turn lanes that are longer than anticipated in the current conceptual plans. The response from L&D already acknowledges that the Commerce Street left-turn lane may be longer than originally anticipated. A longer than anticipated southbound left-turn lane at this location could impact the culvert under Route 116. The applicant should acknowledge this possibility and agree to cover the cost of any required culvert widening.

C:\C5\Hanna_Hines\WIP\2012-01-19_PRcomments_mem.docx

January 23, 2012
To the Hinesburg DRB:

I recently posted the following on Hinesburg's Front Porch Forum. Another neighbor suggested I send the link to the DRB directly. I am asking Peter Erb of zoning to forward it to you on my behalf.

3

I am a regular listener of a weekly NPR show called On Being. This week I am moved to share the link to the podcast/transcript/features because the show called "Becoming Detroit" offers a deeper perspective for those tired of the way the Hannaford camps have staked out their territory. The corporate vs. local ownership question is the tip of a massive ice burg that those in Detroit are experiencing as an inspiring r-evolution.

<http://being.publicradio.org/programs/2012/becoming-detroit/>

If you go to "hear the show" on the left just below the large image you can listen to the show. A transcript is available as well ("Program Details," just below "Hear the Show").

Here's a quote from the transcript. Grace Lee Boggs, 96-yr-old philosopher and civil rights veteran says: "I think we have a very - most Americans have a very short-range idea of history. They don't realize that mass production only began about 100 years ago at the beginning of the 20th century. They don't realize that capitalism has only existed for a few hundred years. They don't realize there's been a huge evolution of culture and paradigm shifts in everything, in governance, in education, in work down through the ages. And it's that lack of the long-range view that can make you think that, when change happens, when you see ruins and disintegration, you > see collapses, it's the end of life.

One of the things that I learned from my father is that a crisis is both a danger and an opportunity. That's in the Chinese characters. And how you take advantage of the opportunity of the crisis rather than become despairing because of the danger and fearful is something we're facing all the time, particularly at this time. And it's a philosophical approach I think that is very much needed and also alive..."

With regards,
Michelle McGee
33 Rocky Mountain Ln

From: Jennifer Freifeld Prue [<mailto:jfprue@uvm.edu>]
Sent: Wednesday, February 08, 2012 3:44 PM
To: hinesburgzoning@gmavt.net
Subject: Hannaford Application

This letter is intended for the Development Review Board.

My name is Jennifer Prue, I have lived in Hinesburg for 15 years. I have listened. read and watched as the Hannaford application and review process has unfolded. I am only now communicating with the DRB because I suspect the time for a decision is rapidly approaching and I am worried that like the other members of the "quiet majority" living in Hinesburg, it may be now or never.

I support the Hannaford proposal and while none of my reasons are novel they include: access to a wider variety of groceries, opportunities for employment for people living here, access for elder members of our community to the variety of groceries and sundries they require and a healthy respect for free enterprise among others.

As important to me though, is the way in which the process of managing the land and its sale have been handled. I feel strongly that the owner of the land operated in good faith when initiating sale of the property. That the town map used was incorrect is not the fault of the landowner. I do not want to own the land and as I understand it, the town will have to find a

means of acquiring the land should the Hannaford's proposal be rejected. I do not want to pay the potential legal costs defending the town against any action by Hannaford's subsequent to the rejection of the proposal. I do not want to move the library, again. I do not want to build anything on that property. I want Hinesburg to be as diligent about responsible growth as it has been about responsible conservation. I am not a "not in my backyard" person. It is ethically wrong, hypocritical to me, to travel to Williston or South Burlington to shop at Hannaford's and drive home to Hinesburg thinking, "whew, glad those stores aren't here". And we all know, Hinesburgians are making that trip. I do, I see my neighbors in those stores all the time.

I have tried to be straight forward in my letter. The hyperbole and rhetoric this issue has attracted is not clarifying anything for me nor is it representing what again, I believe to be the opinions of the quiet majority of tax-payers and residents of Hinesburg.

Thank you for your time and consideration.

P.O. Box 566
Hinesburg, VT
05461

2/17/12
To the DRB

Dear Sirs:
I wish to express my strong disapproval of the Hannaford proposal on all levels particularly ~~the~~ traffic. They are not an American company, & only interested in their profit, not the betterment of my beautiful, small Vermont town.
Please don't do this!

Sincerely,
Barbara Walling
Swamp Rd.

From: BPMJEC@aol.com [mailto:BPMJEC@aol.com]
Sent: Thursday, February 23, 2012 10:26 AM
To: hinesburgzoning@gmavt.net
Subject: Hannaford Application

From: Anita Collins bpmjec@aol.com
Subject: Hannaford Application

To whom it may concern on the Development Review Board,

I have sat through many of your meetings and to tell you the truth I, along with many others in this town, am just plain getting disgusted with the way things are being run. I feel like there's one group running this town and they're doing a terrible job. It's very sad. We used to have such a wonderful, friendly town.

I have lived in Hinesburg for 42 years and I worked at Hinesburg Community School for 20 years. I don't know what I would have done without Lantmans IGA, then Lantmans Best Yet Market. I shopped there just about every single day as my children were growing up and at that time, I could usually find everything that I needed. Times are changing now and our small village is growing. Our long time residents are getting older, we have Kelly Field, affordable housing, more housing developments and condominiums popping up and more and more people are moving into our town. All these people have different needs. Hannaford can fill these needs.

At just about every Development Review Board meeting that I've gone to, a member of the DRB has suggested that the Hannaford building be downsized. This just doesn't

make sense to me. Lantman's wanted to expand and with our town growing, why would we want to start off with a smaller building that would have to be enlarged?? We need a building just as Hannaford is suggesting, within our commercial zoned area where people can walk to comfortably and safely and get what they need. I am for Hannaford and I hope that you approve their application.

Sincerely,
Anita Collins

Douglas M. Crowell
14 Meadow Wood Lane, Hinesburg, VT 05461
January 18, 2011 NOT INCLUDED IN PREVIOUS PACKETS
Development Review Board FCTSUB

RE: Landscape Review of Proposed Hannaford's Development

Dear Development Review Board Members,

The purpose of this letter is to express my concerns regarding the proposed Hannaford's development on the Giroux parcel. In reviewing the plans prepared for permitting of the Hannaford's project, I find the site to be inconsistent with the town of Hinesburg's vision for a "village center". Furthermore, for a project pursuing LEED certification, there is minimal design innovation in terms of site materials and methodology.

In a typical project designed for LEED certification we should expect to find the incorporation of more strategies that reduce the "Urban Heat Island Effect", maximize open space, protect or restore habitat, and encourage alternative transportation. Strategies might include more trees to shade the parking lot, bike racks, permeable pavers, plug-in stations for electric vehicles, a greenroof, picnic tables, etc.

Based on the impervious lot coverage alone, the project as shown in the permit drawings will have some difficulty meeting certain LEED Sustainable Sites criteria. The civil plans note that 65% of the site has impervious cover. This will make it difficult to achieve Credit 5.1 Protect or Restore Habitat, Credit 5.2 Maximize Open Space, Credit 7.1, Heat Island Effect – Non-roof. While the underground storage/treatment system does make strides at encouraging infiltration, I wonder if the project has gone far enough. For example, does the eastern end of the parking lot designated as a snow storage area, need to be bituminous? Why not permeable pavers, pervious concrete?

Some practical points to consider:

1. Cape Cod Bituminous Curbs will not hold up well to plowing. Granite is a better choice.
2. Trees proposed in parking lot islands should have a minimum soil pit volume specified.
3. Tree sizes are rather small and will provide little benefit for at least 5-10 years if they survive.
4. Malus and Pyrus are non-native species, but well adapted. There are native alternatives including Serviceberry & Riverbirch.

The project lacks a strong connection to the fabric of Hinesburg. The current entrance from Commerce Street has a 'back door' Industrial Park feel, and the proposed building orientation lacks a public face. Reorienting the building so that it engages with Mechanicsville road, rather than turning a blank face to it, and adding a site entrance from Mechanicsville road would help connect the project to the community. This may also improve the energy efficiency of the building, allowing more southern exposure to the glazed side of the building.

In summary, I am not against the concept of Hannaford's or any other grocery in this location, however I feel that the size of the development would need to be reduced, and the way it engages with the site changed if this site is to be used responsibly. 3

Respectfully Yours,
Douglas M. Crowell

From: Sandy [mailto:3folks@entwoodfarm.com]
Sent: Tuesday, March 06, 2012 1:06 PM
To: hinesburgzoning@gmavt.net
Cc: hinesburgplanning@gmavt.net
Subject: Storm water discharge

To DRB:

I wish to restate my objections to the discharge of storm water into Patrick Brook or any other waterway in our town. This water (storm water runoff) is highly contaminated with chemicals, salts, hydrocarbons and other pollutants and I can't imagine why Hinesburg should continue to contribute to the pollution of the Platt river and Lake Champlain. Our attitudes toward the environment and destruction and pollution of our waterways and wetlands must change here in Hinesburg just as it has in other communities throughout the country and time is not on our side.

Sincerely,
Sandy & Sam Rivkin
Entwood Farm
97 Pond Brook Road
Hinesburg, VT 05461

DATE: March 19, 2012
TO: Hinesburg Development Review Board
FROM: Michael Wisniewski
397 Drinkwater Rd.
Hinesburg, VT 05461

RE: Consider the Amoeba - Or Why I Didn't Attend the Charette

Consider the amoeba; the simple one celled creature is very much like a building. It sits in an environment that has certain pressures operating in it and that create a context. It has an interior with a nucleus and a few other things with its own needs and pressures. Between inside and outside is a differentially permeable membrane - I can still remember Mr. Giambone saying those words in 9th grade - and this membrane takes a shape that is determined by the outside and inside pressures coming into balance. A building - its footprint and facade - is a differentially permeable membrane. Its shape, under the hand of a good designer, results from balancing those interior and exterior needs. You might start out by focusing on the site plan or the interior floor plan, but as you work the design each keeps modifying the other until a harmony is found. When done well you can look at the building and partially read the interior floor plan. You are invited into the entry, can imagine which are the major rooms are because of the greater glass, where the stair is, figure out the kitchen from a smaller window and

sometimes the fireplace also gives cues.

It doesn't happen without effort; it needs some sweat and some love to pull it off.

I have shopped at the grocery store in Richmond when in the neighborhood. It was shaped by the site and is long, thin and not very big. It breaks the rules of the standard big box and it works pretty well; I enjoy shopping there; it shows that you can alter your suburban model to fit the site.

So, I did not attend the charette for the following reasons:

1. Hannaford did not consider the amoeba. If you start by saying that the interior and exterior are frozen, then the shape and membrane are frozen; you can only make cosmetic and stylistic flourishes. The very basis of a design is lost; there can be no adjustment between inside and outside that results in a shape unique to and in harmony with the place.

2. In the end, Hannaford will take what was generated, interpret it in their own way to their own ends which have not shown any concern to date for actually designing for the site and then say that they listened to the community. This is pretty cynical and I didn't want to be part of that. If they had started with a charette last year before they froze the inside and outside I would have been wary, but would have participated because there would be the possibility of meaningful input.

So far, all my communications with the DRB about this project stand. I will review the latest designs when they come out and comment again but I do not expect much to change. So far Hannaford has shown little sweat and no love for the site.

3/14/12 J Roos

Additional comments since most recent testimony re: proposed Hannaford on Lot 15

Official Map:

The applicant has summarized that their application meets the official map qualifications because of two elements. One is the use of a portion of the parking lot one evening a week for a possible farmers market. The other is the strip of land along the canal.

It is hard to refrain from thinking, "you have got to be kidding". This is so far away from the intent and specifications of public use / civic function that was intended when this parcel was placed on the official map. It is likely that a farmers market would never be located on a paved parking lot at this space for many reasons. Issues include safety for children, aesthetics, and available better locations. This amounts to a token that offers nothing more than the applicants desire to check off a box that the official map status carries. Furthermore the owner of the land would have control of all of the elements of flexibility of space, time, number of vendors, and choice to just close it. This does not meet the official map requirement.

The strip along the canal and the existing pedestrian path as has been stated before functions little more than as a buffer and screening that they would be already required and again provides none of the civic / public benefit.

Traffic:

With additional information provided by Mr. White at the last DRB hearing on this proposal my concerns about traffic congestion centering around the intersection of VT 116 and Commerce St. More specific to this is the traffic on VT 116 traveling south that is north of Commerce St. As I have testified previously, the bridge at Patrick Brook acts as a bottleneck in not allowing

another lane. The current projection from Hannaford is that traffic backing up in the left turning lane on VT 116 that seeks to turn east on Commerce St would not back up as far as the bridge but just short of that or in other words just slightly south of it. However, their traffic calculations have not well represented the traffic patterns related to the Mobil / Jolly gas station that has a curb cut entrance to the pumps just east of this intersection and where vehicles traveling either north or south on VT 116 would be needing to make a quick left turn as soon as they enter Commerce St. However, with cars backed up on Commerce St that seek to enter VT 116, the cars attempting to get into the Mobil station will be blocked. Resulting from this is that the amount of cars traveling south on VT 116 that wish to turn left or east on Commerce St could likely not have free flow with a left turn signal as vehicles might be stopped initially on entering Commerce St as they wait to be able to enter the Mobil Station. This then further complicates the back up of traffic on VT 116 such that south bound rush hour traffic seeking to turn left on Commerce St now is backed up to north of Patrick Brook and effectively freezing all south bound traffic on VT 116. Having witnessed traffic backed up to CVU road, all kinds of new traffic behavior then happens that takes many cars in directions of travel that weren't previously being used.

Compatibility:

This is a huge area and my comments are addressed to only a portion of this. The current design proposal seemingly requires neighbors, residents, and anyone affected by it to adapt to what amounts to a building much too big for this site. This is by definition incompatible.

One element related to the cross section of storm water treatment and compatibility is the elevation of the store needed to place underground tanks that collect and treat storm water. Depending on whether treatment of storm water is required on site, the building will need to be elevated at least 6 feet if only storm water collection is on site and 10 feet if treatment is on site. The increased elevation of the store needed for this will show its incompatibility even more in comparison to everything else around it. Drawings provided don't accurately show how this increased elevation would look.

Thank you,
John Roos

3/23/12 **J Roos** Submission to DRB in regards to proposed Hannaford on Lot 15

There are two additional points I wish to make. The first in regards to storm water runoff and the second is in regards to zoning regulation 3.1 that specifically refers to bringing value to the community and maintaining Hinesburg's unique sense of place.

Storm water runoff:

Changes in weather patterns have been described by many. Here in the Northeast, we have seen 67% more incidents of what is described as the 1% most intense rainfalls in the past 7 years according to the National Climactic Data Center. What in the past was an intense rainfall occurring every 50 to 100 years may possibly now be seen every 10 years. What before was a 500 year event could become a once every 100 year event. Even in considering these most intense 1% of rainfalls, the amounts themselves may be 35% higher than before according to the studies by the U.S. Climate Change Science Program. Clearly we need to keep our eye on what is the current direction we are going.

With this in mind, the storm water runoff events and amount of storm water projected for a development at Lot 15 should carefully consider more water in intense storms that happen more

frequently in terms of down slope effects. The scale of analysis needs to consider this. It should be noted that with all of the attention given to the rainfall from tropical storm Irene last August, that in fact the rainfall / flooding effects from the May storm was much greater. Owners of property in the Commerce Street area can affirm that.

Zoning Article 3.1

This article speaks to development that brings value to the community and maintains Hinesburg's unique sense of place. To this I wish to speak.

I have previously referenced this section in regards to the financial burden passed to municipal property tax payers by the increased costs generated for roads, police, fire, emergency service, and town administration. A detailed analysis of the increased costs seen by Williston through larger commercial development can be seen in the previous submission of analysis done by the Lot 15 committee. Williston was uniquely able to offset these extra costs through a local sales tax and by fees collected in being home to the Chittenden Solid Waste district. Hinesburg would not have this ability to offset these extra costs so these likely increased costs would be passed to local property tax payers and subsequently taking away value.

The larger meaning of value is not just something of monetary value but speaks to the second part of the sentence as something maintaining the unique sense of place of Hinesburg. An enormously out of scale big box store that in a very incompatible way dwarfs everything around it while perhaps needing to be elevated 10 feet to accommodate storm water equipment takes away value and unique sense of place for a village that seeks to reflect its unique history and place. There is nothing unique about a store of this size that is generically formed like one from a cookie cutter that maybe only shows difference with what color of glitter is put on it. A store of this size is an impediment to a village that is pedestrian friendly. I think others could have much more expansive prose and poetry than I to reflect on this uniqueness, sense of place, and aesthetic value.

Sincerely,
John Roos

March 22, 2012

Dear Members of the Development Review Board:

I'm sure that by now you have heard a lot of differing opinions regarding the recent charette hosted by Hannaford. I attended the charette and want to express my concerns about it.

A team of architects were on hand, some new to the scene. This allowed one or two architects to work with each of the three groups: to present, take feedback, and answer questions. Several different cosmetic designs were presented as possible alternatives. One concern that seemed unanimous on the part of the citizens present was that if any building is going to go up, it ought to meet strict energy efficiency requirements. Hannaford representatives stated that the corporation was only thinking of meeting basic energy requirements for a store in Hinesburg; nothing special. Many people questioned their commitment to the community on this, we being a community that takes these issues somewhat seriously.

My impression was that no matter what design was presented, the building is just too large for the site. I asked the Hannaford representatives in our group whether, if it came down to reducing the size of their store or having their application rejected, would they reduce the size. No clear answer on this was forthcoming, although one of the new architects present let it slip that Hannaford does have store designs

in the mid 20,000 sq. ft. range. My sense about all of this is that Hannaford Brothers Corporation believes that just dogged persistence is going to win the day for them. I hope that this will not be the case.

4

The Hannaford team were all nice people, and it is easy in this environment to lose sight of what they are trying to do and the effect it is going to have on our community. Bill Lippert expressed in our group that the whole project was approached backwards, that Hannaford could have entered into a dialogue with the community early on instead of going about it the way they did. This charette was really then, at least to this participant, a gesture too late to be perceived as anything but a last ditch effort to win the hearts and minds of the Hinesburg community and to finesse the DRB. I hope that you will not be taken in by this gesture. It was basically too little too late, more self-serving than done in good faith. The parameters were circumscribed by Hannaford's own corporate needs and desires.

As you know, Hannaford wants a "full product line" store. I don't believe that this is necessary. For example, we would go from having no pharmacy in town to having two. Kenny Drug is more than adequate to handle this need. Much of the "full product line" would also be duplicated between the two stores. I realize that this practicality bears no weight in the overall discussion, but it concerns me in light of the fact that Hannaford's parent corporation recently closed 113 of its Food Lion stores in the USA for "underperformance." Could this happen here with two big stores carrying many of the same products? Could Lot 15 end up like the K-mart Plaza which is owned by Hannaford. Would Hannaford then determine just what type of entity could take over their abandoned store, as they are doing with the old Martin Foods in K-Mart Plaza?

On another front, I believe that Hannaford will try and find a way to deal with storm water, no matter what it entails, even if they must go off site. If they succeed in this, and convince you, the board members, that they have even exceeded the state storm water requirements, we still will have used up much of the allotment that new business might need to have available to address their own storm water issues. The same holds true for traffic. This big store uses up much of the allotment currently available, and any further growth is going to mean major changes to our roads. The fact is that Hinesburg, located as it is on a major thoroughfare, is a prime target for strip development, and we are going to have to fight very hard to not let this happen. But once a store like Hannaford is allowed to operate in our small town, the battle is almost over.

Having reviewed the pertinent town Zoning Regulations and the Town Plan, I believe that the wording of these documents expresses an intent and a spirit very different from having a large supermarket built on Lot 15. These important documents, even though in some instances they can be interpreted broadly, still seem to give this board ample room to maneuver in terms of denying Hannaford a permit to locate here. Furthermore, if Hannaford is defeated in this, I believe that their passing will make it easier to confront the next suitor, if that suitor is not suitable within the spirit of our town plan and zoning regulations, It will also give this town some breathing room to really consider what could be done on Lot 15 that would be more in keeping with the spirit and stated intent of the documents.

Perhaps, if we are not to fall prey to too many more corporate suitors, having to go through this long ordeal with each one, we might consider reworking these documents in such a way that we retain strong local control over our small and very vulnerable village. Being as close to a large urban center as we are, we have become to some extent a bedroom community; and along with this reality, we are going to find those people who want for this little village as many amenities of urban living as possible. But we are not an urban center and would do well to realize this and continue creating a village center and local business community that we can be proud of, and that will attract many people here, but in a different way.

I can only imagine that you as a board are very tired of considering all the ramifications brought on by the Hannaford application. On top of these concerns, it has been a divisive issue. Add to that the reality that this decision is going to be a turning point for our town, no matter how it plays out, and I can understand how you might just want to make a decision and move on. The stakes are high. If anything, please consider all the work that has gone into the Town Plan and the Zoning Regulations, and the spirit of these documents that I mentioned above. Please strongly consider rejecting the Hannaford application for a permit to build on Lot 15. We deserve better than a 36,000 sq. ft box store in our midst.

Sincerely,
Robert Thiefels

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

From: fatcat@gmavt.net [<mailto:fatcat@gmavt.net>]
Sent: Friday, March 30, 2012 9:38 AM
To: hinesburgzoning@gmavt.net
Subject: hannafor'd's store

I am all for the new Hannaford's store i think it is a great location it is accessible from the mechanicsville road and far enough away from RT116 . It is convenient for people going to do banking or to the post office. It would also be convenient and a great job opportunity for the CVU students. Now if you want inconvenience try going into or leaving lantman's IGA at 8am or 5pm. Please understand i have lived in Hinesburg a long time and love lantman's ,but the town must grow and Hannford's is the way to go. also to the people of Hinesburg and the Responsiblegrowthhinesburg.org if you feel that Hannford's is not a good fit or is in the wrong location how do you think the new office building next to Kinney's looks sitting right next to RT 116 ??

thank you
john dunshee

From: Janice Osgood [<mailto:janicemhillsgood@hotmail.com>]
Sent: Thursday, February 23, 2012 7:12 PM
To: hinesburgzoning@gmavt.net
Subject: Hannaford

I read Jim Collins posting on the Front Porch Forum about Hannaford. He has some very good points and he is correct on most of them. Though I have only lived in Hinesburg for six years, I think as a native Vermonter I am qualified to give an opinion on Hannaford being in Hinesburg. In my opinion, Hannaford should be allowed to build the store on Lot 15. The property is correctly zoned and Hannaford is bending over backwards to meet the ever changing ideas/whims/minds of the Hinesburg zoning and DRB.

The Town officials need to step into reality and understand we who pay taxes here have had enough of town "mistakes" for which the town gets sued and then we the tax payer have to foot the bill, again. Hinesburg however is not alone for being sued as it has happened in other towns in Vermont and the taxpayers there are just as sick of it as we are.

The town does NOT NEED ANOTHER PARK OR GREEN AREA, there are enough as it is for which no tax revenue is being collected. WE the taxpayers trying to get ahead are tired of the craziness which seems to be governing this town. As a town we need to get real, keep costs down (especially for the CVU, the HCS and the Town [offices, water/sewer, police, fire department, etc.]) so people of all income levels can afford to live here, buy homes if they wish, prosper, perhaps start businesses to provide jobs for others who live in town, and retire here if they wish. If having box stores raises town services and taxes so much then why are taxes in the Town of Williston so much less

than all the surrounding towns, including Hinesburg? Even a little less for taxes is better than what it is now as everyone is not made of money.

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Thank you for taking the time to read this email. I hope you will listen to people who pay for the town and its services and schools. We only want to be able to afford to live here in town with dignity that is due all law abiding citizens. Janice

Janice M. Osgood
janicemhillosgood@hotmail.com
802-482-3563

From: Jim Collins [<mailto:BPMJEC@GMAVT.NET>]
Sent: Thursday, February 23, 2012 7:41 PM
To: hinesburgzoning@gmavt.net
Subject: Hannaford application

I am Jim Collins. For those of you who haven't been on the DRB (or Zoning Board of Adjustment, ZBA) as long as Tom, I was a past Chair of the ZBA and then past Zoning Administrator. My wife and I put 4 children through the local Hinesburg schools. They were raised on raw milk, first from Howard Russell Sr. and then from David Lyman. Their Doctor was one the Lantman brothers, Dr. John Lantman (his brother Doug and cousin Howard owned Lantman's grocery). We would have to go into So. Burlington to get the drugs prescribed by Dr. Lantman.

A lot has changed. We used to only have gas available at Hart & Mead or Lantman Bros Grocery. We had no traffic light. We had a Constable and the state police (that you couldn't depend on). We didn't plant trees in town back then. There were no sidewalks to have the town plow. We used to meet at the Fire Station for town dances and it seemed like everyone came. Change is not all good, not all bad, change is inevitable.

I like being able to go into the village to see my Doctor. I like going across the street from the doctors office to get my prescription. I like being able to get my gas where it is cheapest that day. I like the fact that Hinesburg has NO land available for a Costco, Target or Wal-Mart. I don't have to tell you that Lot 15 was/is the last zoned land in Hinesburg where Brian Busier could have built a new store even 20% larger than the present Lantman.

While I have attended numerous DRB meetings and DRB members are probably clear on my opinion, I want to make sure I am on record, without misunderstanding, what my opinion on the Hannaford case is.

I support the Hannaford proposal for the following reasons:

- 1) I believe it is the environmentally correct thing to do. It will reduce our fuel consumption and save residents (and yes our neighbors to the east, south and west) money for gas and food, actually working to make Hinesburg a more affordable community.
- 2) I believe a commercial lot, zoned to allow for more than a 36,000+sq ft building, within walking distance of the village and many residents homes and central to all Hinesburg residents, is a perfect place for a modern spacious grocery store.

- 3) I believe that if Lot 15 were GIVEN to Hinesburg (which it won't be), it would sit undeveloped for decades. (You all know that Hinesburg has owned Lot 1 for years and has done nothing with it. Hinesburg owns land behind Creek Side and has done nothing⁴ with it.) The cost for preparation of Lot 15 for development, for a park, athletic field or municipal building far exceeds the appetite of Hinesburg residents for taxes.
- 4) I believe that a Hannaford will give my wife and I a better selection of products at better prices than are currently available in Hinesburg. Unless I need building material for a home project, or a large appliance, I will have no need to leave Hinesburg for shopping.
- 5) I believe that Hannaford meets the intent of the Official Map with their commitment to provide facilities for a farmers market, provide additional park/green space, and expand the village sidewalk system.
- 6) I believe that if the application is not approved, the applicant has ample grounds to sue Hinesburg and win in court. I do not want to pay for this battle.

Please approve Hannaford's application. Jim Collins

From: Ute Talley [<mailto:ustalley@gmavt.net>]
Sent: Thursday, February 23, 2012 9:06 PM
To: hinesburgzoning@gmavt.net
Subject: I agree with Jim Collins

I agree with Jim Collins' recent comments in Front Porch Forum in support of Hannaford. I hope their proposal is passed.

Ute Talley
69 Fredric Way
Hinesburg

From: Charles Foutz [<mailto:foutzfamily@gmavt.net>]
Sent: Thursday, February 23, 2012 10:37 PM
To: hinesburgzoning@gmavt.net
Cc: Diane T.
Subject: Hannafords

I am certain you all are more than tired of hearing the debate, but Jim Collins posted yet another letter in my Front Porch Forum, with a letter from a Jennifer Prue - who once again references a "quiet majority" - and suggested citizens write to the DRB. I believe I am part of a quieter majority - the majority that do not feel Vermont needs a national-scale grocery store every 9 miles. I measured it to Williston; I suspect South Burlington's is not much farther. We have a grocery store - which has greatly reduced its prices now that they are carrying Hannaford's non-perishable products. We have a big new pharmacy in a less disruptive location. We have three gas stations. Jiffy Mart is new and expanded - those are all fine additions, and I believe it is all we need, particularly of non-local big-chain entities. We do not need to pave the entire town, and we do not need to drastically increase traffic (of folks from outside Hinesburg) in the village center. I suspect that a vast majority of Hinesburgers go into South Burlington or Williston more than once a week anyway - I don't believe it's a "gas matter" to grocery shop. The Jericho/Underhill area has very few grocery options, and I have not heard an outcry to bring in a national chain store there.

I would love to see a small retirement complex on that lot, given the projected increase of elderly in the coming years. A structure with assisted living or extended care could be converted to apartments if the need for elderly housing were to decline. I know the owners of that lot have some freedom on who they sell to, but it would so much wiser an investment, and so much less disruptive to our town.

I have been a homeowner and taxpayer in Hinesburg for 24 years and I am strongly against having a new Hannaford store in town.

Cathy Foutz

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From: charles parent [<mailto:cparent@gmavt.net>]

Sent: Monday, April 02, 2012 7:39 PM

To: hinesburgzoning@gmavt.net

Subject: hannafor ds

I AM WRITING TO EXPRESS MY OPPOSITION TO THIS PROJECT.

WE NEED A LOCAL STORE OWNED BY LOCAL PEOPLE THAT WILL KEEP THE PROFITS IN THE LOCAL COMMUNITY.

THE HANNAFORD PROJECT IS TOO LARGE FOR THE SPACE. PROBLEMS WITH STORM WATER RUNOFF AND TRAFFIC ARE CONCERNS.

WE DO NOT HAVE TO LOOK LIKE OTHER COMMUNITIES THAT HAVE GONE THE WAY OF BIG BOX STORES.

KINNEY DRUG STARTED IN NEW YORK AND THEY ARE STILL BASED IN NEW YORK. I DO NOT THINK THEY HAVE BEEN BUYING OUT SMALLER STORES. HANNAFORD HAS BEEN BUYING OUT STORES IN THE NORTHEAST AND ALONG THE EAST COAST FOR YEARS AND ARE FOREIGN OWNED.

THIS LOT WAS TO BE FOR A COMMUNITY FACILITY. HANNAFORD IS NOT A LOCAL FARMER'S MARKET.

SINCERELY,

CHARLES & ANN PARENT

From: susan schulman [<mailto:susanschulman@gmavt.net>]

Sent: Monday, April 02, 2012 9:25 PM

To: hinesburgzoning@gmavt.net

Subject: Hannaford Application

Please let me know if there is going to be any discussion involving Hannaford's application at the Tuesday April 3rd DRB meeting. It sounds like it has been put off until May. I would like to let you know that I am extremely worried about the traffic that a Hannaford super market will bring to Hinesburg. I already avoid going to Lantman's between 4:30 and 5:45 or 6:00. If I really need something for a recipe, I drive to the post office and park there and then walk the rest of the way to Lantman's to avoid the traffic. I really do not want any more traffic. It already backs up all the way to CVU road at times. I do not want 116 to be expanded, but having such a big back up makes Hinesburg very unpleasant at rush hours. Not to mention all that wasted gasoline. Please make sure that this e-mail is entered in citizens comments.

Susan Schulman

538 Richmond Rd

Hinesburg, VT 05461

To: Hinesburg DRB

From: Michael Sorce & Kelly Leary
Dark Star Properties, LLC

Date: May 1, 2012

Re: Lot 15

Hinesburg DRB,

I have been following the application process for the proposed Hannaford super market on Lot 15 closely. I presently have several concerns as one of the immediately neighboring businesses. These are concerns I do not feel the DRB has given much attention too and would like you to respectfully address them before final deliberations on this particular application.

1. Hannaford needs the lot to be relatively flat for parking lot and store. The lot slopes to the west, so they will need to pick a level on the east side and raise the rest of the lot and store to that level. If I am reading the Hannaford proposal correctly the level of fill by my building will be between 6 and 7 feet. I have also been informed that Hannaford might have to treat storm water on site before it leaves lot 15 and that may require raising the level of the parking lot an additional 4 – 5 feet. The proposed building looks to be about 20 -30 feet with mechanicals on the roof. That would mean I may be seeing a structure rise to the potential height of 40' – 50' directly to my south. Our offices are facing south and we enjoy sunlight through those windows and if I am not mistaken the town of Hinesburg is encouraging all of us to maximize our solar gain. Frankly we are alarmed at the potential of such a large earthen bank and structure being built so close to our building. This seems way out of scale and not very considerate of neighboring properties.

I have mentioned this to a local contractor and he noted that the DRB has in the past requested of the applicant that they simulate the proposed structure using balloons placed at the maximum potential height. I would like to formally request this of the DRB. Please have Hannaford simulate the size of the building and proposed height by placing balloons at the projected height at the four corners of where they propose to place the store. This will give us a visual of the scale and height of what we can expect and perhaps we can really see for ourselves the magnitude this proposed store will have on the neighbors of lot 15. The issue of scale has been brought up time and time again at the meetings. This simulation will not only help me visualize the impact this store on our building but will help all of us have an opportunity to see for ourselves the magnitude and scale of what is being proposed.

2. I am still very concerned about how storm water is going to be dealt with on lot 15. With large storm events, when the retaining tanks are full where, will the water go? We are the building directly downhill from this proposed store and will we be assured that we will not be the excess water retention site? If we are looking at a 7'- 12' slope at the edge of our property what will prevent excess water from flowing directly into our building as the water seeks new paths if the retaining tanks are full? Will the DRB hold Hannaford responsible to repair our building? Will the engineers who are signing off on the engineering plans for Hannaford also sign off that they will repair any damage to neighboring buildings if their calculations do not cover a larger event? We are back to scale again. That much impermeable surface does not belong on that lot.

I appreciate you listening to my concerns and would really appreciate an opportunity to visualize this building before you give Hannaford a permit and I am sure this will also help you in your decision.

Respectfully,
Michael Sorce
Kelly Leary

Development Review Board
Town Hall
Hinesburg, VT 05401
Criterion 5 Associates, Inc.

May 8, 2012

Dear Board Members,

3.1 Village Growth Area - Overall Purpose⁴

To allow for development that brings value to the community and maintains Hinesburg's unique sense of place.

In what ways might a new business accomplish this purpose?

*It might bring in tax revenues—but research by the Lot 15 Committee has shown that over five years, a Hannaford would cost the Town more than it would contribute in tax revenues.

*It might provide jobs—but they would not be as high-quality jobs as those provided by a locally-owned business with a proven record of employing and promoting local folks, especially our young people.

*It might support the rural character that local residents have named as a value—but the proposed Hannaford is regional, not local, and in every way *suburban*: in size, scale, corporate ownership and management, reliance on automobiles and the associated prominence of its parking lot.

*It might contribute to a “walkable village”—but the proposed Hannaford would do just the opposite, making it harder and less safe for pedestrians to navigate its part of town.

*It might provide products or services the Town lacks (as do proposed uses in the old cheese factory)—but Hinesburg already has a grocery store that is the right size for our community and that makes a point of stocking local products and addressing local needs.

*It might respond to an expressed desire by Town residents to be unique by being “green”—but Hannaford has resisted any suggestions for solar panels, natural light, higher LEEDS certification (the basic certification is extremely limited).

*It might answer to the need for community open space as the Village Northwest grows in number of residences—but Hannaford’s idea of community space is woefully and necessarily limited, given how much of Lot 15 the store and its parking lot would occupy.

In all of these ways, Hannaford not only would fail to add value to our community, it would ignore our expressed values and subtract from our unique sense of place, bringing us closer to being “Anywhere, USA.”

Thanks to each of you for the time and thought you have put into this long, arduous process and for listening carefully to residents’ comments at the many hearings. Thank you too for considering the concerns I have raised in this letter.

Sincerely,
Jean Kiedaisch

5/9/12

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Additional comments from John Roos to DRB regarding Hannaford application:

Official Map:

After having reviewed the most recent revisions by the applicant that date to 5/1/12, I wish to make further comments in regards to the failure of this application to address the official map requirements.

Information about Official Map characteristics and requirements specify it being a community facility. The current proposal continues to lack this requirement. What is being offered by the applicant to address this in the form of very limited use of their parking area and the small adjacent parcel of Giroux property that is part of the Quonset property comes nowhere near meeting any element of something that is a community facility. The current proposal is to provide part of their parking lot for less than a handful of hours just once a week but with those weeks being less than one third of the year. There are many other constraints and averages out to being something just over one hour a week if looked at from the perspective of a whole year. This and many other constraints beg any common understanding of what is a “community facility”.

I have commented previously about the “pocket park”. As best I can tell, there were no changes made in this revision.

Storm water:

There is no narrative to accompany the applicant’s most recent submission of the problem of storm water. In looking over the schematic plans with my best interpretation, there seem to be the elements of a large area of impervious surface, significant elevation drop (what looks to be up to 10’), constrained passages through culverts, and the lack of adequate retention either on site or down stream in the area north of the Mobil station. So all things considered, the application seems to be sorely lacking in both addressing major issues of storm water and in clearly describing what are answers to these storm water problems. It appears that there is much ambiguity in this plan for storm water on the Lot 15 site, in relationship to adjoining landowners, and downstream to neighboring lands.

Sincerely,
John Roos



M E M O R A N D U M

To: Hinesburg Development Review Board and Peter Erb

From: David G. White

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Date: May 9, 2012

Re: Hannaford - Current Documents - CORRECTED

This memo responds to an inquiry from Peter Erb seeking clarification regarding which documents provide Hannaford's current proposal with respect to various review criteria.

Regarding the original application materials submitted in November 2010, the application forms and Option Agreement from that submittal package are still applicable, otherwise the materials have been superseded by subsequent revised submittals as described below and as further described in another memo from me, dated May 8, 2012, being submitted along with this one.

The materials submitted on May 1, 2012 are all current. For a complete list of those materials, please see the memo from me, dated May 1, 2012 RE: Hannaford Hinesburg - Site Plan and Conditional Use Submission Materials.

With respect to Peter's specific questions, what follows lists the current applicable materials all of which have been previously submitted or are being submitted herewith.

168 Battery St., PO Box 1007 / Burlington, VT 05402-1007 / P: 802.862.1225 / F: 802.862.3601

www.whiteandburke.com

- 1) Conditional Use Application – Memorandum from me dated July 26, 2011
- 2) Signs – 2
 - a. Wall Sign – The wall sign detail provided by Thomas Signs, dated 7/18/2011 (Note: the façade drawing on this document has been superseded by the new architectural plans submitted May 1, 2012).
 - b. Free-standing sign – Detail sheet provided by Thomas Signs, dated 1/14/11, last revised 7/18/11.
- 3) Official Map – Hannaford’s proposal relative to the Official Map is contained in a series of documents:
 - a. Memo to the DRB from me, dated February 6, 2012.
 - b. Farmer’s Market Concept sketches “A” and “B” reviewed at the DRB meeting 12/6/11 and contained in the pdf of the powerpoint from that meeting.
 - c. Images of Farmer’s Market contained in pdf of powerpoint from 12/6/11 DRB meeting.
 - d. Approximate area of proposed “Canal Park” shown on page 16 of the pdf of the powerpoint from the 12/6/11 DRB meeting.
 - e. Draft easements for the Farmer’s Market and Canal Park submitted May 1, 2012.

If there are any conflicts among these documents, the more recent document supersedes any conflicting element of an earlier document.

- 4) LEED – The LEED scoresheet, dated 12/17/2012, last revised 4/9/2012.
- 5) Conformance with various other criteria – please see the memo from me dated May 8, 2012, being submitted herewith.
- 6) Landscaping Costs – I am submitting herewith two tables prepared by our landscape architects, SE Group, with cost estimates for the project’s landscaping based on the most recent landscape plan (L1, last revised April 26, 2012). The first table shows the budget estimate for the entire project, totaling \$109,705. The second table shows a sub-set of the first table, containing an estimate of

the cost of the plantings and pocket park within the proposed “Canal park” area, totaling \$28,820.

- 7) Other – In addition to the foregoing, numerous other documents that have been previously submitted still contain relevant information, especially responses to questions that have been raised. These include, but are not necessarily limited to:
- a. FAQ, dated 11/9/11. This is mostly up-to-date, with only a few obvious areas that have been superseded by subsequent submittals, such as regarding stormwater and traffic.
 - b. W+B response to Lot 15 Fiscal Analysis, dated February 7, 2012.
 - c. Memorandum from me to Peter Erb, dated November 21, 2011. This is mostly up-to-date, with only a few obvious areas that have been superseded by subsequent submittals, such as regarding stormwater and the building design.
 - d. Lighting Cut Sheets, dated July 25, 2011.

From: Chuck Reiss [<mailto:vbrreiss@gmavt.net>]

Sent: Thursday, May 10, 2012 1:41 PM

To: hinesburgzoning@gmavt.net

Subject: Fw: LOT 15

Peter and the Hinesburg DRB,

I just spoke to Michael Sorce from Dark Star. He forwarded the email he sent to you to me (see below), which has a formal request to the DRB to do a demonstration with the balloons on lot 15.

He also mentioned that the swale between his lot and lot 15 is completely full right now and yesterday the water was a foot from his building. I can not see how they are going to use this as treatment when we actually have a wet spring and snow melt at the same time. This is been a relatively dry spring and still Dark Star's lot is full of water. The engineers can put on paper any thing they want, but you still have the fact that this is a wetland and the water is there.

I would also like to formally request from the DRB a simulation similar to the one requested by Michael Sorce. Four corners staked out, balloons at the parking lot height and at the tallest building height. This would help us all visualize the structure.

The question of scale I do not think can be addressed by prints, an in the field visual would be helpful to everyone in town and also for the DRB members, as Michael has noted. I am surprised that the DRB has not requested this themselves.

I would also like to request on behalf of myself and the members of RGH, that storm water be addressed at the June meeting of the DRB, not this coming one May 15th. We need time to process the information we just receive today. Our consultant has been forwarded this information and his response will not be ready for next Tuesday's meeting. This is a significant change to the original application. Appears that our consultant was right, the original proposal was not capable of treating the storm water and now they have an alternative plan. We need time to evaluate this new plan, more than a few days.

Thank you Peter and I hope this gets to you in time for the packet that goes to the DRB.

Chuck Reiss

May 10, 2012
James E. Collins, Jr.
373 Hayden Hill Rd W
Hinesburg, VT 05461

Dear DRB Members,

First, thank you for your volunteer efforts to make Hinesburg an attractive, safe, and walkable community that retains its historic heritage and agricultural background.

I would like to be on record as supporting a larger, competitive grocery store on commercial Lot 15.

We in Hinesburg are fortunate to have this parcel, a walkable distance from the village and nearby residential developments. We are fortunate that the property is large enough that a 36,000 sq. ft. building will fit nicely on the property, using **less than** 60% of the property. This is unlike Richmond that had to squeeze a still crowded store into an irregular shaped lot with very challenging parking.

We in Hinesburg are fortunate to now be able to get our prescription drugs, books, most common hardware, and liquor, locally. I look forward to when we can get a larger, competitively priced selection of groceries in a roomy professionally designed store. The fact that we will be able to enter and exit the store without having to contribute to the Rt 116 traffic is a plus. This will also be a positive step toward "and affordable" community and reduce our carbon foot print.

As a Lions Club member, I appreciate the offer Hannaford has made to the town, of their property and facilities, to host the Farmers Market. I believe their offer could result in an improved and growing farmers market. This will provide additional financial help to our local farmers and the Lions Club, who returns its funds to the Hinesburg community. Hinesburg Lions funds support the Hinesburg Food Shelf (as does Hannaford), a scholarship for a Hinesburg student, glasses and hearing aids for area needy, and local projects like the benches along the canal sidewalk and the town flag post, to name just a few.

In my view, Hannaford has already shown that it will be a good neighbor by listening to and replying positively to almost every request from the DRB and public. I believe their application meets the zoning requirement and the intent of the Official Map. Hannaford has an excellent reputation of giving back and supporting 'locally grown'.

Please approve Hannaford's application.

Jim and "Sam" Collins

May 10th, 2012 Dear Development Review Board:
I have attached documents relating to the storm water management system at Commerce Park. These are the letters I cited in my statements at the last meeting (in which Hannaford presented) in order to give you the information that the current system is not sufficient for the additional impervious area added by the Hannaford proposal.

In addition, I wish to express my very strong opinion that this proposal, if you find it permit-table, should only be permitted with **the condition** that sidewalks are built on both sides of the new road "Hannaford Way". Section 5.6.7 of the ZR permits the DRB to use its judgment to require sidewalks where "necessary to improve public safety...provide access to services or otherwise promote continuity within the zoning district". When looking at Hannaford's site plan, please make note of the fact that one cannot walk from the hardware store or Kovals TO Hannaford without crossing their access road TWICE. When you picture this scenario in your mind, do not picture someone on a fast fitness walk. Please picture a mother, pushing a stroller and holding the hand of an older child. Perhaps her husband has the family's one car today and she just needs to get a few items at the grocery. Each road crossing she makes is a stressful event as she watches the traffic in both directions, tries to make eye contact with drivers AND keeps hold of her older child. Maybe he trips and falls in the middle of the road..... This is not an isolated scenario - it has happened to me many times. Hannaford should want to make it easy for walkers to get to their store and the DRB should make sure it is an easy and safe walk. This is not some vague traffic safety theory - this is real life.

Thank you.

Sincerely,

Catherine Goldsmith

member of Responsible Growth Hinesburg

(aka "the petitioners with standing in this matter")

May 10, 2012

James E. Collins, Jr. , Hinesburg Lions Farmers Market

373 Hayden Hill Rd W

Hinesburg, VT 05461

Peter Erb, Zoning Administrator,

Thank you Peter for forwarding me the DRAFT "Deed of Term Easement". I have forwarded it on to the Lions Farmers Market Committee members and received comments back.

I have communicated our concerns to Tyler Sterling of Hannaford Bros. and we, the Hinesburg Lions Farmers Market Committee, agree in principle to the agreement.

One concern is with the currently defined hours. This year we, with the vendors input, have decided to open ½ hour earlier.

Another concern is Hannaford defining the ratio of crafters to agriculture vendors. I explained to Tyler that the farmers market is centered around locally grown produce, but in order to attract the public we include crafters, prepared foods, entertainment, etc. The market is managed by the Hinesburg Lions Farmers Market Committee with the direct input of the participating vendors. Hannaford has agreed to work with us to establish a more flexible limit.

Our largest concern is of the loss of the first week of July to the vendors/market. Tyler explained that the days around July 4th is one of the peak periods of the year for shopping and of course the market is held during the peak hours. Tyler explained that Hannaford had reduced the number of parking places per the towns request and this could be a problem during this peak period and hours. Hannaford has agreed to work with us to tighten up the window.

The bottom line is that the 'final' issue of the DEED OF TERM EASEMENT should be done a few months prior to actual occupation of the property by the farmers market. That way the agreement will reflect actual conditions; hours of operation, make-up of vendors, etc.

The Hinesburg Lions Farmers Market Committee is in basic agreement with the DEED OF TERM EASEMENT and will negotiate the final details prior to any anticipated move to the Hannaford lot.

Lion Jim Collins

As the Hannaford review process, hopefully, wraps up, we thought we would condense the past year and a half's worth of meetings in a nutshell.

From Elly Coates:

DRB/Public: We don't like the drive through pharmacy.

Hannaford: Okay, we will remove it.

DRB/Public: We don't like where the loading dock is.

Hannaford: Okay, we will move it.

DRB/Public: There is too much parking.

Hannaford: We will reduce the number of parking spaces.

DRB/Public: The lights are too bright.

Hannaford:

- **We will change to LED lights.**
- **We will reduce the wattage.**
- **We will shorten the parking lot light heights.**
- **We will reduce foot candles.**
- **Our sign will have exterior lighting.**

DRB/Public: We don't like the operating hours, delivery times.

Hannaford: Okay, we will not ask for a variance.

DRB/Public: There is not enough landscaping.

Hannaford: We will increase the parking lot landscaping as well as along the west side to screen the store from Route 116.

DRB/Public: We need community space.

Hannaford:

- We will make space for the Lion's Farmer Market.**
- We will design a pocket park.**

DRB/Public: The market doesn't have enough green space. The park is too small.

Hannaford:

- We will buy additional land for the market.**
- We will give the town an easement and funding to create a canal park of the town's design.**

DRB/Public: There will be more traffic. It won't be safe.

Hannaford: -We will add sidewalks along Mechanicsville Road to the store.

-We will finish the sidewalk along Commerce

Street.

-We will move the curb cut for Firehouse Plaza.

-We met with VTrans to make improvements to

Charlotte Road/Route 116 intersection.

-We did multiple traffic studies.

- We propose a permit condition for a follow-up

improvements

**traffic study after the store opens to make other
if necessary.**

DRB/Public: We don't like the building design. It's a box.

Hannaford: We have re-designed it.

DRB/Public: We still don't like it. It's too big.

**Hannaford: -We will hold a charette so the community can
help design the building.**

**-The size will not change. We have given
evidence that it is an appropriate size for this
community.**

**-We are under the 60 percent allowed lot coverage
of your regulations.**

DRB: Even though you meet the regulations it's still subjective.

***JUST WHO IS BEING UNREASONABLE, UNCOOPERATIVE AND NOT A GOOD COMMUNITY
PARTNER HERE?***

***Submitted in frustration, Elly Coates
For Hinesburg Village Vision***

To the Development Review Board:

May 12, 2012

I urge you to approve the Hannaford application. I want it on record that I feel all zoning regulations have been met and an approval should be the end result. Never to my knowledge in all the years of attending board meetings, has any applicant made such an effort to consider all requests and desires of both interested parties and the Board. The expense to them has to be astronomical. Not that that is a factor in the ultimate decision but when did we stop being considerate. When did we turn into being a rude group with a controlling nature? The whole procedure (better known commonly as the circus in Hinesburg) started off with staff indicating how they were opposed to the application before it was even heard. It went downhill from there and special interest groups turned it into a Lantman's vs. Hannafords war. It never was and isn't even about that. It was an application for an allowable use filed for processing. We have rules and regulations that are supposed to have been made for the good of our community. They were made to be followed not torn apart and only used when desired. If everything is subjective why do we have to waste the time and energy of dedicated people time serving on boards?

Hannaford is rated by Consumer Reports in the top 20 of all grocery stores across the entire country. They are noted for their generosity to local causes and charities. They are known for having happy employees. One of the factors for their high rating was "cleanliness". A grocery store is a basic need of a community. Look at what the gas prices are doing to the budgets of every household. And we want to give up this opportunity for a park? We have other areas for parks and recreational fields. (See the petition entitled "A petition to save our limited commercial land for new businesses in your files signed by 270 plus residents). We can't flat afford parks like they have in Washington, D. C. and Savannah, GA, recently discussed as role models. That's like comparing raisins to giant pumpkins not to mention tax bases. Al Barber was quoted as saying that 300 people told him the reason they voted down the fire/police station bond is that we didn't need another park. So why do we need one across the street? Who will be paying for the improvements? Why doesn't RGH utilize their funding raised for lawyers' fees for Lot 1 so that we can have something to jumpstart renewed community spirit and have something to be proud of.

We have the opportunity to have a high standard grocery store that meets the needs of the community. Hinesburg can be the best sustainable town around. We can live, walk, play and shop in one community. The townspeople certainly are enjoying being able to shop at a local drug store even the ones who fought against it. There is the opportunity to make significant improvements to more sidewalks, intersections and remedy some traffic problems. If Hinesburg needs to look like some other towns all the time what is the purpose of planning? We can just copy, paste and watch our tax bills grow.

Submitted for your consideration, Barbara Lyman

To the Development Review Board

May 11, 2012

Re: Hannaford Application

This is to advise you that I will not be attending the meeting on May 15 but **I want it to be on record that I believe Hannaford has met all zoning regulations and requirements and should be approved.** After a year and a half of the hearings that rapidly turned into a circus, my blood pressure will no longer tolerate it. I am quite aware of the time extensions that Hannaford needed and I am talking more about the rhetoric that takes place. I guess if something is said enough, people will believe it. Your decision should be made easier by simply following the rules and regulations. The official map has its virtues when properly handled - this one was **absolutely** not. I fear we are going to have to absorb more legal costs that could have been prevented. Some people seem to think they have ownership in the decision making process. The stall tactics currently being used should be recognized as such and halted. Please be the board the majority of the people want and expect, one of decisiveness and professionalism.

Thank you for all your work and I hope you realize why more people don't attend meetings that could be informative and productive.

Sincerely,

David Lyman

Cc: Members of the Selectboard

hello again to the drb

May 15, 2012

I have written several letters to you in opposition of the building of Hannaford.
Its too big and too much for our town and more importantly for the size lot.

I have also mentioned growing up in Connecticut where we watched miles of agricultural land turn into miles of asphalt. In the 1970's the developers couldn't build the biggest malls and gargantuan box stores fast enough. As one mall would close up,. there were 3 more being built down the street. Now, 30 years later I returned to my hometown for a friends funeral. Now its just miles of asphalt, abandoned boarded up buildings. Neighborhoods full of big box stores that "out did" each other to the point of overkill. And to add insult to injury, the only thing that can fill a huge box store space, is another box store. Driving to Littleton NH last weekend, I saw an empty giant Brooks Pharmacy building right next to a brand new Rite Aid Pharmacy. Its like corporate cannibalism!

We as a town need to reign-in development and make certain we are being responsible about our choices.

I have lived in Lyman Meadows Condos since 2003. They are the only affordable housing in the area. Unfortunately, they are also shoddily built. The furnace is outside- in a shed- in Vermont! Do you know how many times each of the 80 units has had frozen or burst pipes and wrecked floors and sheet rock as a result?

Who was looking over these plans when they were being built? As a result our insurance and association fees are astronomical.

Please consider the future of Hinesburg and the legacy you want to leave for your grandchildren.
We are making a mess of things.

thank you for your time. Natacha

Hello Peter,

May 15, 2012

Would you kindly pass this message on to the DRB? Thank you.

Dear Members of the DRB,

I wish to share with you my concerns about the many trucks during the day AND during off hour deliveries that would be generated by Hanneford business. It is my understanding that Hanneford is also going to ask for a conditional use permit to allow the store to be open late at night (over night?) for employees. Think late night LIGHTS, and CAR traffic in an area that is otherwise peaceful late at night. Despite this being zoned "commercial", it is not zoned "noisy" or "lighted late at night", or "busy with lots of traffic". Many forget that around and very close to that area is residential and increasing number of pedestrians enjoy a relatively quiet walk in town now. The existing kinds of business in that commercial area are good neighbors and built to the scale of the surrounding residential neighborhood. That rare in-town experience will be gone forever if this application is approved.

Thank you all for your careful work on this difficult and long application process around the Hanneford application. And thank you for watching developments and applications like this that would certainly have character changing and negative impact on our town.

Sincerely,
Wendy Patterson
35 Elderberry Lane
Hinesburg

Law Office of James A. Dumont, Esq., P.C.

15 Main St., P.O. Box 229, Bristol VT 05443
802-453-7011; Toll Free: 866-453-7011; fax 453-6040
email: jim@dumontlawvt.com; website: dumontlawvt.com

James A. Dumont, Esq.

Kit D. Donnelly, Legal Assistant

February 21, 2012

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)

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

I write on behalf of the many citizen-petitioners in this case, for whom I am the designated representative.

You have heard from the applicant's representatives repeatedly, and in some detail, their views as to why they believe the evidence they have submitted meets the requirements of the zoning ordinance, and why they believe they have "accommodated" the "mapped public facility." You have not yet had the opportunity to listen to a comprehensive presentation on these subjects on behalf of project opponents. I write to ask for that opportunity, after the evidence is closed, before you enter into deliberative session. Please schedule a time, after the evidence has closed, for me to do that.

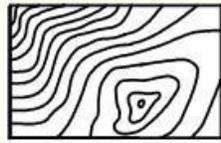
I also would like the opportunity to submit to you a set of proposed findings. Often zoning boards find these helpful in writing their decision.

Sincerely,

James A. Dumont
James A. Dumont, Esq.

cc: Scott Jaunich, Esq.

Everything above here has been sent to DRB and put on table May 15th 2012



**GROVER
ENGINEERING PC**

Water and Wastewater - Site Design
Stormwater Management - Environmental Consulting

2044 Main Road, Huntington, Vermont 05462
phone: 802-434-2989; email: dean@groverengineeringpc.com

May 29, 2012

Development Review Board
Town of Hinesburg
10632 VT Route 116
Hinesburg, VT 05461

Draft for Client Review

Re: Proposed Hannaford Supermarket & Pharmacy
Commerce Street, Hinesburg
Stormwater Design Concerns following April and May 2012 Submittals

Dear DRB Members:

We are writing on behalf of Responsible Growth Hinesburg to summarize our concerns to the DRB regarding the most recent stormwater design revisions for the proposed Hannaford development. We have reviewed the O'Leary-Burke Stormwater Plan C6, and Stormwater Details C7, both revised April 25, 2012, and a memorandum to Peter Erb from Brian Bertsch at O'Leary-Burke dated May 8, 2012. We acknowledge that these recent submittals provide additional information on the methods proposed to provide water quality treatment for this system, but there are significant details lacking as described below:

- 1) Water Quality Volume treatment: The current submittal states that the Water Quality volume is treated using open channels to detain the first flush of water leaving the Hannaford's site. This contention has not been established by model results and other details that would be required for a full application to the Vermont Stormwater Section. The applicant has not provided sufficient details to indicate whether the proposed channels are wet swales or grass channels as defined in the Vermont Stormwater Management Manual. The applicant has the additional burden of establishing that treatment has been provided while all other existing offsite storm flows that enter this system are being handled.
- 2) Deficiencies in the existing stormwater conveyance system for Commerce Park: During significant storm events the existing 15-inch culvert beneath Commerce Street that discharges to the swale between Lots 2 and 3 has been observed to back up, causing flooding at the Dark Star property, and causing flows to move west along a deficient swale beside Commerce Street then north along Route 116 and eventually reach Patrick Brook. This stormwater flow path is contrary to the original design for the Commerce Park system. The 15-inch culvert beneath Commerce Street is set level as indicated by the identical invert inlet and outlet elevations on the site survey prepared by others for the O'Leary- Burke plan (both at 335.4-feet). The culvert is also about 60-feet long and is part plastic (at the inlet) and part galvanized metal pipe (at the

outlet). We note that joints where two dissimilar culverts are joined are often a site where partial plugging, leaking, erosion and loss of hydraulic capacity may occur. As at least a partial remedy to existing stormwater problems we recommend that this pipe be replaced by the applicant with a new 18-inch PE culvert.

- 3) Open channels as WQv devices are currently inadequate Open channels are permitted to temporarily pond stormwater to provide WQv treatment. For grass channels, the state rules allow extended stormwater ponding for no more than 40 hours to minimize breeding of mosquitoes and other nuisance insects. (We note that wet swales do allow for more extended temporary ponding, but are not recommended in residential areas since they can breed insects. We expect that the DRB would prohibit this approach in the Commerce Park area using the same reasoning.)

The existing swales were filled with stagnant water during our site inspection between 12:00 noon and 12:30 PM on May 29, 2012. The presence of cattails in these swales strongly suggests that they remain wet for extended lengths of time. We note from design drawing C6 that there is only a tenth of a foot of drop between the outlet of the proposed stormwater outfall (15-inch PE) at the northwest corner of Lot 15 and the existing culvert at Commerce Park, about 200-feet to the north. Therefore, the average slope of the approximately 200-foot grass channel between Lots 10 and 11 would be 0.05%. Customarily, slopes milder than 2%, or 40 times steeper than the proposed swale, are considered to be the mildest that can be constructed without causing puddling. In our opinion the proposed treatment swale cannot be installed without causing long-term ponding. We expect similar issues with the swale north of Commerce Street.

- 4) Proposed grass channel between Lot 12 and 15 and between Lot 11 and 15 lacks details: Grass channels are required to have a bottom width of between 2 and 8 feet, and a side slope of 1:3 or 1:2. Lacking details that show otherwise, it appears from site plan C6 that these geometric constraints are not being met in the V-shaped, steep-sided swale proposed at the base of the high fill embankment at this location. We note that there is no existing right-of-way along this ditch (as there is for other drainage structures). Consequently, all drainage improvements will be required on the subject parcel unless permission is granted by Dark Star to regrade on their property.
- 5) Maintenance: The Vermont Stormwater Management Manual states that “a legally binding and enforceable maintenance agreement shall be executed between the facility owner and the local review authority to ensure the following:
- Sediment build-up within the bottom of the channel is removed when 25% of the original WQv volume has been exceeded.
 - Vegetation in dry swales is mowed as required during the growing season to maintain grass heights in the 4 to 6-inch range.”
- 6) Large-storm overflow will likely lead to offsite erosion Large stormwater flows that pass over the lip of the Hannaford parking lot are proposed to flow down a steep rip rapped embankment to within a few feet of the north Hannaford property line. These erosive flows will then have to turn 90-degrees to the west to enter the drainage swale. In our opinion this arrangement will almost certainly cause extensive erosion of both sides of the swale, affecting the Hannaford and Dark Star properties.

- 7) Loss of wetlands on Giroux property adds to stormwater problems The most recent proposal to fill Class 3 wetlands on the Giroux property and to install a long culvert beneath the filled area will contribute further to flooding problems downstream of this area.
- 8) Additional stormwater concerns listed in December 2, 2012 letter to the DRB We also encourage the DRB to require evaluation of five other deficiencies in the current stormwater design that have been noted in previous Grover Engineering letters:
 - a. Residual stormwater stored in underground storm chambers between storm events will lack exposure to UV radiation and fresh oxygen exchange. Studies indicate that this means of storage can lead to elevated pathogen levels in discharged stormwater.
 - b. Outlet orifices for the storm chamber systems are unprotected from plugging by floating debris.
 - c. Dissolved contaminants in stormwater flushed from the parking lots will be essentially untreated by the storm chamber system.
 - d. Sediment will accumulate over time in the storm chambers and no mechanism for cleaning of these chambers is presented.
 - e. Stormwater flowing over steep slopes (likely impervious retaining walls) on the perimeter of most of the proposed paved area will be untreated.

Thank you for your consideration.

Sincerely,



Dean A. Grover, P.E.

V:\11012-Hinesburg-Resp-Growth\Hannaford_Storm_Post-Hearing_GEPC_2012-05-29.DOC

Catherine Goldsmith
10732 Route 116
Hinesburg, VT 05461
802-482-2926

May 31, 2012

To the members of the Development Review Board:

I am writing for the group of petitioners who have party status for the Hannaford Application – our group is also known as Responsible Growth Hinesburg.

We appreciate the long hours that you each have dedicated to an appropriate hearing of the evidence in this application. This is a complicated application and the issues are serious.

We request that the hearings not be closed on June 5th so that our attorney, James Dumont, will have an opportunity to speak and formally summarize our position on how this application violates the letter of

Hinesburg's Zoning Regulations and the spirit of our town's Plan. We further request that he be able to speak FIRST at the next hearing after June 5, while the majority of the audience is still present and while board members still have plenty of energy to listen.

Shortly, we will submit a succinct account of where this application does not meet the letter and the spirit of Hinesburg's regulations and Town Plan (including but not limited to: ZR 1.2 – 2.6 – 2.8 – 3.1 – 3.8 – 3.4.4 – 4.34 (1-3,6-7) 5.5.4 – 5.6.3 – 5.6.7 – 5.7.3). We had hoped to provide the board with this information sooner, however, we have just discovered that the attorneys for Hannaford have not been copying our attorney Jim Dumont on their submissions.

Finally, on this coming Tuesday, June 5th our group would like to present some visual evidence on the subject of “maximum compatibility” (ZR 4.3.4 (3)).

Thank you for your consideration.

Sincerely,
Catherine Goldsmith
for Responsible Growth Hinesburg

5/30/12

Additional comments regarding traffic at intersection of Commerce St & VT #116:

As much as I have been thinking about the potential additional traffic problems occurring at this intersection with a proposed Hannaford, new observations have added to this.

Currently, even now without a Hannaford, I observed twice last week in the evening commute at about 5:30pm that southbound traffic on VT #116 was backed up to north of Riggs Road. There was no unusual irregularity or incident to cause this. What is new in my observations was that both days, westbound traffic on Commerce St trying to turn left (south) on VT #116 were essentially unable to because traffic was not clearing enough from southbound traffic to let them turn onto VT 116. With a Hannaford, there would be even much more traffic attempting to make this left turn onto 116.

Again as these vehicles back up on Commerce St trying to turn south on VT 116, they are blocking the entrance to the Mobil station and thus causing further backup on VT 116 north of Commerce St.

If there was a big truck trying to make a turn at this intersection, there would not be enough space if vehicles are occupying all of the lanes. The trucks would have to wait for drivers to allow them to use additional lanes to make the turns.

This is a complicated and already complicated intersection in terms of traffic flow and adding traffic generated for a proposed Hannaford would cause a major degradation of traffic movement in Hinesburg.

Sincerely,
John Roos

I think that all above this has been circulated and sent to the DRB confirm w/ Freeda

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

From: ecoates@gmavt.net [mailto:ecoates@gmavt.net]
Sent: Tuesday, June 05, 2012 11:39 PM
To: hinesburgzoning@gmavt.net
Cc: dwhite@whiteandburke.com
Subject: Hannaford

To all DRB members:

After 18 months of Hannaford meetings we have not moved one inch. Hours of meetings have produced the same people saying the same things over and over, some of them being paid to do so.

Let's face the simple fact: Some people, including members of this board, just don't want Hannaford in Hinesburg no matter what they may offer.

Close the public hearings and end this circus. Stop wasting time and make a decision. We all know this will end in court either way. It probably should have started in court since it is apparent that Hannaford will never be able to get a nonprejudice decision from this town.

This whole process has made me ashamed to be from Hinesburg. I wish to apologize to all of those in Hannaford's team. Not all Hinesburg residents are this unreasonable, demanding and intolerant.

Beyond frustration with this unfairness, Elly Coates

June 5, 2012

Review comments from the Village Steering Committee to the Development Review Board/Planning Staff

Re: Hannaford's Application and amendments

Development Review Boards Members:

The Hinesburg Village Steering Committee has continued to reflect on the substance of the Hannaford Application before you. Comments made during the last hearing by the applicant focused on the issues of architectural character and compatibility and on the issue relating to the Town of Hinesburg's Official Map.

We would like to address the substance of those comments and offer our collective opinion on those two general topics this evening.

We also reiterate comments and presentations that the Village Steering Committee has made to this board on prior occasions, namely those presented at the February 14, 2011 and November 29th, 2011 hearings. Those presentations are part of the public record and we continue to stand by those comments.

Since the original application for a 36,000 square foot Hannaford Grocery store was filed in the late fall of 2010 we as an advisory committee have seen several changes and improvements to an initial application that we collectively felt was seriously flawed. Subsequent improvements to that original application include reduced site circulation and the removal of a drive-through pharmacy; lower level lighting; the modest provision of public amenities such as the proposed farmer's market site and open space along the canal and certain architectural design improvements described by the applicant at the last hearing on May 15th.

1. Compatibility, fit, design quality and related characteristics of the proposed design:

We still don't think that this building fits on lot 15 And this is exemplified by the awkward facets of the project that all the design efforts just cannot overcome The constraints of topography, wetland, access by vehicles and storm water are but a few of the difficulties encountered in the design. We feel this is an issue of fit and that has produced a design that is incompatible with this site and location.

Traffic We all are aware that our road system is stressed, especially at certain times of the day. Common sense and considerable testimony tells us that this situation will be deeply aggravated by the creation of a 36,000 sf. grocery store on lot 15, on the east side of Route 116. In our view, this makes the proposed Hannaford project incompatible with lot 15 and our village.

The size of the building continues to be an issue... why is it that similar sized towns like Shelburne, Richmond, Vergennes, Bristol and even a much larger Burlington can live with grocery stores a third to half the size of the Hannaford store proposed for our Village? Is this not an issue of fit? Of compatibility? Of proportion and scale? Yes there are other large structures in our town ... the former cheese plant though is set well back from the Main Street and NRG is a 2 story structure that speaks competently about good renewable energy practices and high quality design. This Hannaford building is both too big for the site and too big for our Village. We feel that the proposed size makes the design incompatible with this site.

Why can't the building directly address and face the street? We said at our first critique of this project that just about every building in this town faces the street directly (like my mother told me to), with parking to the side or behind buildings. Almost every building in Commerce Park does this. Why can't Hannaford accomplish this instead of the building facing the parking lot? In our minds this makes the proposed design incompatible with this site. Most good commercial buildings in our community are 2 stories and often contain multiple uses This is the case with the existing Lantman's, NRG, the Town Hall, the White Building Why can't Hannaford be designed to be more compact and to be at least in part a 2-story structure We feel this is an issue of incompatibility. Even the new Kinney Drugs development is constructing 2-story multi-use structures that properly address the street. Clearly it is feasible and do-able from our perspective.

Architectural Design compatibility... on many levels we applaud the recent design charrette efforts organized by the applicant. Some good things came from that effort ... most notably the covered entry porch that faces the proposed parking lot. Nevertheless the size, length and one story use of the structure makes this very visible building design extremely difficult to design when it comes to proportion, scale and detail. Design elements that work on smaller scaled, more vertical structures are difficult to translate to a proposed building so much larger in size. We feel that this makes the proposed design incompatible.

This board has heard considerable testimony over the past 18 months We suggest that direct observation and commonsense are good tools for assessing the issue of compatibility and fit The balloon test observed on the site is a true test. Despite the comments about compatibility, we feel that this is an issue not unlike the Emperor and his

choice of clothing and as in the play, we feel obligated to say that this design for Hannaford as proposed, is too large, does not fit and is not compatible with this site and our Village.

2. We would also like to comment on the Official Map designation for Lot 15. The applicant has stated that this designation is invalid because a specific use for Lot 15 was not identified at the time of the map's creation by the Selectboard in 2009.

Despite this opinion Hannaford has proposed modest public uses of the site such as the Farmer's Market and the natural area along the canal. This can easily be seen as an acknowledgement of the Official Map's validity by Hannaford.

Our review of the State Statute that created this planning tool indicates no requirement to specify a specific public use for a site identified on an Official Map. Official Maps are planning tools intended to assist a community in planning for its future. It is not logical to assume that all such designated sites would have a specific use ascribed. Many other Official Maps in use in this country have been created in a like manner. To suggest that the Hinesburg Official Map as it pertains to Lot 15 has no legitimacy is not valid.

This planning tool has its roots in the defining patterns of growth established in many towns and cities such as Boston, Philadelphia, New York, Savannah, Georgia and many of these communities were small towns when long-term planning decisions were enacted. Celebrated and much-used public spaces such as the New England Town Greens, Central Park and the Fenway Park system owe their origins to the foresight of our predecessors. By way of Hinesburg's Official Map, we too, have the opportunity to plan the form and content of our Town. The State of Vermont has a statute that has enacted official maps and we as a community must have the courage to utilize this planning tool for the betterment of our community. The creation of public use spaces is essential in the creation of liveable, walkable communities and Hinesburg is no exception.

The VSC feels that our town is totally within its rights to designate sites on an official map. In 2007 the Hinesburg Village Steering Committee identified Lot 15 as a site of significant public importance for use as a Town Green given the site's location at the center of the newly zoned Hinesburg Village. We remain steadfast in the belief that this designation is valid and necessary.

3. Comments on the Role of the DRB

Lastly we have a few comments, that while not directly germane to your review of this application, require articulation. The review process of the Hannaford application is approaching 18 months. Much effort has gone into the review of this application by our towns planning staff, you as members of the Development Review Board and many citizens of our community. Hannaford's also deserves recognition for their persistence and willingness to participate in this process.

It has been suggested though, that these processes are unfair, arbitrary and lacking in common sense. We on the

VSC would state the contrary. Effective and sometimes lengthy reviews of complicated projects such as this application are essential to the making of good communities such as ours. One has only to reflect on the effective review process, public commentary and applicant willingness, in the case of the Kinney development to recognize the validity and necessity for such a thorough review process. And while some may still take issue with the blue roof or other design features, the Kinney's development as now being constructed, is a vast improvement over what was initially submitted and worth the effort of many in making a positive addition to our community and the orderly growth of our Village.

So while this board may on occasion suffer undeserved criticism in your role as arbiters of our zoning regulations and our town plan, we on the Village Steering Committee (and no doubt many others) want you to know that you have our unwavering support in doing what you do for the betterment of our community. The process takes time, patience and courage and for that you have our admiration.

Respectfully
Hinesburg Village Steering Committee

Memorandum

To: Hinesburg DRB
From: Michael Oman, Principal, Oman Analytics
Date: June 5, 2012
Subj: Summary of Traffic Issues re Hannaford Proposal

Based on my participation in the proposed Hannaford's traffic review process including numerous reports, memos, and hearings, I would like to offer a few summary comments.

Need for Adequate Evaluation Methodology

From a traffic point of view, much of the Board's consideration is based on its understanding of how traffic patterns in and around the Village will be affected by the combination of the addition of future Hannaford's traffic, the alteration (if any) in the existing Lantman's traffic stream, and any modifications or mitigations undertaken to improve these impacts.

For this purpose, the applicant has undertaken a number of traffic analyses, centered largely around level of service (LOS) analyses of key transportation facilities in the Village area. To do this, they have employed a variety of standard evaluation techniques.

Under most conditions these evaluation techniques are at least adequate. However under some circumstances, the presumed underlying circumstances and relationships fall outside the range for which they were designed and problems arise. This appears to be the case in Hinesburg: the standard analytical techniques employed in the analysis of existing and future traffic conditions relative to the development of a new Hannaford's supermarket on the northern edge of the Village have not been able to replicate existing traffic conditions. This is fundamental, since in the absence of reliable traffic analyses it is impossible to make any realistic assessment of the impact of either future development nor measures intended to mitigate it.

The applicant explicitly recognizes this in their 12/12/11 traffic memo: "A critically important first step in performing any traffic simulation is to first calibrate the software to model existing conditions as accurately as possible." (L&D Memo 12/12/11 p.2)

It is also clear that the existing methods intended to analyze the traffic have proven inadequate based on the applicant's own information. Although documentation and other information presented at the DRB left the impression that existing queues at Charlotte Rd were much more modest, a PowerPoint presentation to VTrans on 10/11/11 clearly indicates that the actual circumstances of the queue and the failure of the existing methodology were well understood at the time. Both of the following are direct quotes from that presentation, both found on page 3.

- "Even with these adjustments [VTrans modifications to signal timing] southbound VT 116 traffic is backing up beyond Commerce St (sometimes to NRG's driveway) during the pm peak hour; a distance of approximately ½ mile"
- [The applicant's analysis has been] "[u]nable to duplicate the extremely long southbound queues in the analyses"

Based on this analysis, it is clear that they concur that the methods to date have not been able to replicate reality. This is documented both photographically and through field observation. It follows that these methods can not be fully relied upon to predict future conditions at this intersection. The Board has no actual reliable information about future traffic conditions in the village.

The single most important thing for the Board at this point is to assure that it has a reliable picture of existing and future traffic conditions in the Village. The normal approach to accomplishing this is to work with a number of modeling parameters until they are able to satisfactorily replicate actual traffic conditions as they currently exist within some reasonable level of accuracy.

Possible Approaches to Improving Analytical Performance at the Charlotte Rd Intersection

Although it is not normally the province of those challenging an existing traffic analysis to offer specific suggestions for its improvement, and it is certainly not required that the applicant follow them, we offer some suggestions that could possibly improve the capacity of either the HCM based analysis or the micro-simulation to capture existing conditions.

Adjust the total approach volume (the demand v service rate problem)

The Charlotte Rd intersection, like any intersection subject to excessive queuing, is also subject to an anomaly of traffic data collection that tends to undercount the actual traffic demand at that intersection. This is an artifact of how the data are collected.

Because a key ingredient of an intersection count on which any intersection LOS evaluation is based on the turning movements associated with each approach, the data are, quite sensibly collected at the intersection itself. In most instances this is fine. However, what is actually being counted are the vehicles that are being successfully served by the intersection, not the vehicles demanding service. Whenever a significant queue builds up, the demand is pretty much by definition higher (maybe much higher, if the queues become long) than the service rate. Since we know that there is substantial queuing at this intersection, we also know that the actual demand is, for at least some portion of the peak hour, higher than the service rate that was counted. It is possible, even likely, that the actual demand volume exceeds the volume analyzed by the applicant in evaluating this intersection. Either alternate count(s) that capture the approaching demand, or adjustments based on the queue lengths could address this issue.

Application of a peak hour factor (phf) in the analysis

Traffic arriving at an intersection does not do it perfectly uniformly, even over the course of a single hour. The small variations over a period of minutes are of no consequence. However, sometimes the traffic exhibits what might be thought of as "macro"-variations, with some portions of the hour receiving appreciably greater demand over the course of several signal cycles. This type of variation can impact signal operations. It is normally addressed by the use of a "peak hour factor" (phf) that mathematically describes this variation. Peak hour factor is defined as the total hourly traffic volume

divided by four times the peak 15 min traffic volume. By this definition, the phf for totally uniform flow (the same over every 15 min) is 1.00. while if 100% of the traffic arrived in a single 15 min period, the phf would be 0.25. PHF for most intersections tends to be in the range of 0.9 to nearly 1.00.

In conformance with standard VTrans procedure, the applicant has performed his analyses using a phf of 1.00. This based on the adjustment of turning movement volumes to design hourly volume (DHV),

which is usually considered a high enough volume without further adjustment. In most instances, this is reasonable. However, if the variation is too great, it can overwhelm this approach and fail to reflect actual conditions. Based on the observed queuing that accumulates and dissipates over the course of an hour, it might be reasonable to posit that there is sufficient variation over the hour to generate the queuing observed at the intersection. If this is the case, it would make sense to evaluate an approach phf and apply it to the analysis to see if it could better reflect existing conditions.

Further adjustments to saturation flow

The capacity of the intersection to carry traffic is significantly influenced by the maximum capacity of its individual movements characterized as the saturation flow. The applicant has already adjusted this parameter once, but it is possible, especially given the unusual downstream configuration at Lantman's entrance, that this initial adjustment has been inadequate. A further adjustment might be indicated. Rick Bryant also mentioned this in one of his observations.

Whatever steps the DRB chooses to take, it needs to be based on a reliable evaluation methodology. Although the methods used by the applicant are generally industry standard, and are usually pretty reliable (at least within the broad parameters of traffic analysis and projection), in this instance they have failed to accurately reflect the traffic as it actually occurs.

Outstanding Items

In addition to the fundamental problem of performing any evaluation in a reliable manner, there are a number of items that we believe remain outstanding that should be addressed.

Trip generation of the proposed Hannaford's

As indicated in previous memos, we believe that there is very good reason to believe that the trip generation of the proposed Hannaford's may be significantly higher than that posited by the applicant. Obviously, this remains in some dispute.

While the ultimate goal of such an analysis is to be as correct as possible, unfortunately, it this will not be determinable until it is too late to do anything about it, ie, after the project is built.

Regardless of the ultimate accuracy of the predictions of future traffic conditions, there is a somewhat different but related consideration: the consequences of being wrong. Basically, if the Oman (higher) trip generation figures are wrong, the consequences are small and consist of a traffic system that functions a bit better than expected. However, if the L&D figures are wrong (ie, the Oman figures right) and the project proceeds on the basis of the L&D figures, the result is a traffic system functioning much worse than projected with no direct recourse to the source of the trouble.

Fortunately, there is an approach to dealing with this that can finesse this dilemma. That is to perform a sensitivity analysis on Hannaford's trip generation. This could take either of two forms: 1. it could directly analyze the suggested higher trip generation rate to see if it would cause any trouble; if it wouldn't there is no cause for worry, or 2. it could seek to establish the trip generation rate at which the system would fall below a pre-established threshold and assess how likely/unlikely this is given normal levels of variability (standard deviation) in the trip generation distribution. Of these, the first is certainly the simplest, and does not require the establishment of thresholds and acceptable confidence

intervals for the outcome. (Both of these, of course, would need to be evaluated using a reliable model as discussed above.) We recommend that such a sensitivity analysis be included in any final evaluation.

Analysis of northbound queuing including potential Silver St blockage

In all the discussion of the southbound queue at Charlotte Rd, the far less dramatic northbound condition has more or less slipped from view. However, queuing northbound and its interaction with Silver St may also have an important impact on project consideration.

Based on map measurements, a northbound queue length of roughly 700' at Charlotte Rd will begin to interfere with vehicles attempting to exit Silver St to Route 116 northbound.

In the applicant's December 12, 2011 memo, the maximum northbound queue assuming continued Lantman's existing traffic volumes at Charlotte Rd is represented to be 742' (memo 12/12/11, Table 2, p.6), . This will almost certainly interfere with this Silver Street movement, a condition that has not been discussed nor mitigated.

Further, although it is likely that morning northbound traffic volumes in general and Silver Street volumes in particular are likely to be heavier, no information relative to the AM queue at this location is offered. We urge that this condition be analyzed and evaluated fully as part of this project evaluation.

Poor Levels of Service at Mechanicsville and Silver St Intersections

Operations at the Mechanicsville and Silver St intersections continue to be problematic. The Applicant has identified poor levels of service at both these intersections with uncertain to non-existent mitigation. Specific issues include:

- Mechanicsville Rd is projected to experience a further deterioration of its existing level of service "F". The applicant has proposed a general mitigation of contributing financially to the installation of a signal at this location, although no specific time-frame, nor design has been identified. It is unclear when, or if, this mitigation will occur.
- Although Silver Street is projected to experience a deterioration from level of service "D" (low acceptable) to "E" (below VTrans standard) as a result of the projected Hannaford traffic, no mitigation is proposed for this location.

Improved signal operations as base case

The applicant has offered improvements to signal operations, particularly at the Charlotte Rd intersection described as mitigation specific to the Hannaford project. However, it appears that the Town is pursuing improvements at this location without regard to the Hannaford's development. Logically, this should be treated as at least an alternative base case in the analysis.

This is supported by Alex Weingagen's indication in his memo to Josh Schultz (11/28/11) concerning improvements to the Charlotte Rd intersection: "We agree that these constitute real improvements to the existing intersection design, and we recommend that these changes be made as soon as possible, regardless of the final outcome of the Hannaford project." (emphasis in original)

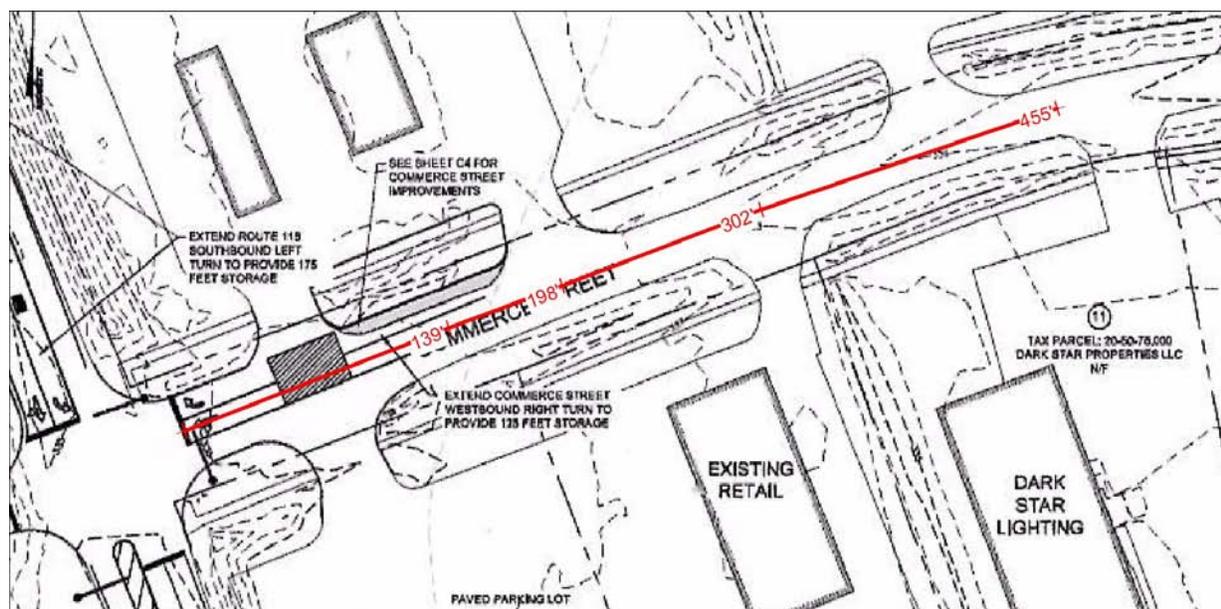
Queuing on Commerce Street

The Applicant has analyzed queuing at the Commerce Street signal under both projected traffic

conditions due to Hannaford's and also assuming a diversion of 50% of the Mechanicsville Rd traffic to this signal due to long delays at the Mechanicsville Rd intersection. These queues have been analyzed for both the 95% confidence interval (ie will be exceeded 5% of the time, or about 3 min per hour during peak conditions) and average conditions (ie will be exceeded roughly half the time during peak conditions). The results of this analysis are shown in table 1.

Table 1 Expected Queue Lengths at Commerce St Signal		
Traffic Assumptions	Average (ft)	95% (ft)
Hannaford Build, no diversion from Mechanicsville	139	302
Hannaford Build, 50% diversion from Mechanicsville	198	455
Source: Roger Dickenson memo to David White, 12/11/11, p.1		

The effect of these queue lengths is represented on the accompanying figure.



As represented:

- 139' queue will fully block the westerly Jolley's drive
- 198' queue will partially block the rear Jolley's and relocated Aubuchon drive (not shown on plan)
- 302' queue fully blocks Jolly's drive and partially blocks easterly (rear) Aubuchon plaza drive
- 455' queue extends to the edge of Dark Star driveway also blocking the Tailhook drive

Clear Summary Report

Finally, we hope that all this can be pulled together in some kind of clear summary report.

Over the course of the project, a variety of conditions have been discussed and analyzed. Most recently, the question of whether the reduction in Lantman's traffic was or was not considered part of the project mitigation and in what analyses which Lantman's traffic generation was considered. Similarly, some

signal timings have varied back and forth, and modifications to lane configurations and storage lengths have varied as well. It has reached a point where it is difficult to know what is actually being proposed.

Except for perhaps some if the specific items discussed above, this should be fairly simple to compile. It would be very helpful for such a concise compilation of the analyses to be made available for final review. Such a compilation should include:

- the revisions to the LOS methodology discussed above fully calibrated to existing conditions
- the specific outstanding items discussed above
- make clear just what conditions apply to what analyses
- what specific mitigations are proposed and their specific impacts on future traffic conditions

In its absence, it is difficult to even fully assess exactly what has been proposed and the current state of its anticipated impacts.

The Development Review Board of the
Town of Hinesburg

**In re: Application of Martin's Foods of South Burlington, Inc. for a Hannaford Bros.
36,000 Sq. Ft. Store in Hinesburg**

**POST-HEARING MEMO SUBMITTED ON BEHALF OF THE PERSONS WHO SIGNED THE PETITIONS
OPPOSING THE HANNAFORD APPLICATION (RESPONSIBLE GROWTH HINESBURG)**

The undersigned submits this memorandum on behalf of the many persons who signed the Petitions filed under 24 V.S.A. 4465(b) in opposition to the application. Those persons collectively refer to themselves as Responsible Growth Hinesburg (RGH). RGH thanks the DRB and its staff for their close attention to the facts and their thoughtful questioning.

**1. THE HANNAFORD PROPOSAL CALLS FOR BLATANT DISREGARD OF
HINESBURG'S ZONING LAWS AND THE ENABLING ACT**

Many aspects of the Hannaford application require the DRB to exercise judgment and discretion in determining whether the application deserves approval. These aspects are discussed subsequently in this memorandum. But with respect to four aspects of the Hannaford application, there is no discretion or judgment to exercise. The only legitimate course of action available under the law is to deny the application.

i. Hannaford's Request That the DRB Disregard the Town Map Is Blatantly Unlawful

(4) Building on properties with mapped public facilities. No zoning permit may be issued for any land development within the lines of any street, drainageway, park, school, or other public facility shown on the official map, except as specifically provided in this section. No person shall recover any damages for the taking for public use of any land development constructed within the lines of any proposed street, drainageway, park, school, or other public facility after it has been included in the official map, and any such land development shall be removed at the expense of the owner...

(5) Development review for properties with mapped public facilities. Any application for subdivision or other development review that involves property on which the official map shows a public facility shall demonstrate that the mapped public facility will be accommodated by the proposed subdivision or development in accordance with the municipality's bylaws. Failure to accommodate the mapped public facility or obtain a minor change in the official map shall result in the denial of the development or subdivision...

Hannaford has consistently argued that the DRB should disregard the Town Map. In its most recent filing (Proposed Decision, pp.24-25), Hannaford reiterates the position it adopted in 2011 that the DRB should reject the Town Map because of its lack of specificity.

It is absolutely clear under Vermont law that a DRB lacks the legal authority to accept Hannaford's position. A DRB is not a court. A DRB cannot declare any statute, ordinance or other official act of the town to be unlawful or unenforceable. Westover v. Village of Barton Electric Dept. 149 Vt. 356, 543 A.2d 698 (1988)¹. Over the years, there have been countless challenges to zoning and subdivision ordinances. Zoning and subdivision ordinances "are presumed to be valid," as the courts have said over and over. The cases also say, over and over, that "*Courts* will not interfere with zoning unless it clearly and beyond dispute is unreasonable, irrational, arbitrary or discriminatory." McLaughry v. Town of Norwich, 140 Vt. 149, 433 A.2d 319 (1981) (emphasis added). There is no reference to local commissions or boards making such rulings because it is understood that this is not the job of local boards and commissions.

Hannaford had the option of filing a Superior Court action to challenge the lawfulness of the Official Map *before* the DRB considered the applicability of the Official Map. If Hannaford

¹ Westover involved the Public Service Board's authority. The Public Service Board consists of members who are appointed by the Governor and must be approved of by the Senate. The Public Service Board also generally possesses the powers of a court of law. See 30 V.S.A. § 9. Even so, not even the Public Service Board can strike down a regulation. Since the Public Service Board lacks such authority, the Hinesburg DRB also lacks such authority.

had convinced a Superior Court judge that the Official Map is unlawful and should be disregarded by the DRB, then the DRB would have had to obey the order of the Court. Hannaford chose not to seek such a ruling.

The duty of the Hinesburg DRB is to apply the Official Map as written. The law prohibits granting Hannaford's application unless the application accommodates "the mapped public facility."

ii. Hannaford's Position that "Canal Park" and the Proposed Farmer's Market Will Accommodate the Mapped Public Facility Is Also Blatantly Unlawful

Hannaford argues that if it must accommodate the public facility, it will do so by creating "Canal Park" and by making space available for a Farmer's Market on lands it plans to acquire outside of Lot 15. (Proposed Decision p.25). It can readily be seen that both proposals are unlawful.

The statute which authorizes towns to create Official Maps cannot be lightly disregarded.

Section 4421 states:

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

(1) Preparation of an official map. For the purposes of this chapter, the official map shall be based upon the most accurate data available as to the location and width of existing and proposed streets and drainageways and the location of all existing and proposed parks, schools, and other public facilities. Where questions arise in the administration of this section that require more precise determinations of the location of any street right-of-way line on all drainageways or the location of any park, school, or any other public facility, the legislative body shall have a survey prepared of the street or section, park, school, or other public facility in question, that may by resolution of the legislative body become a part of the official map.

Hinesburg's Official Map identifies *all* of Lot 15 as the site of a public facility. Lot 15 consists of 4.56 acres. The Map was based on "the most accurate data available" and expressed the Town's view of the "land identified for public improvements." The statute does *not* contemplate, and the Hinesburg Official Map does *not* identify, land *some of which* may be needed for public improvements. All 4.56 acres were identified.

The Canal Park proposal calls for the conveyance of a *narrow strip of land consisting of .9 acres* between the proposed store and Mechanicsville Road to the Town for use as a park. The proposed Hannaford Easement Deed returns the .9 acres to Hannaford if the Park area is not landscaped in accordance with landscape plans that *Hannaford alone* will approve or disapprove of, returns the .9 acres to Hannaford if *Hannaford alone* decides that the public's use is detrimental to Hannaford or its customers, and returns the land to Hannaford if there is ever *any damage at all* to the property of Hannaford arising out of use of Canal Park. No reasonable person would conclude that granting an easement covering only .9 acre of a 4.56 acre site accommodates "the mapped public facility" consisting of 4.56 acres. The DRB may have authority to approve of a project that uses 20% of the area of a mapped public facility for a commercial use, while reserving the other 80% to accommodate the public use – but not vice versa. Nor would any reasonable person conclude that deed terms such as this satisfy the requirement of use as a "public facility," since Hannaford will, in effect, retain private control of the use of the land.

The proposal is not only a pale shadow of the intended accommodation of a mapped public facility, it is frivolous. *Lot 15 already is subject to an easement granted to the Town, providing for a sidewalk along the Mechanicsville Road side of the land.* The sidewalk easement is approximately 500 feet by 40 or 50 feet. (See O'Leary Burke Existing Conditions Plan.)

Thus, Hannaford proposes to satisfy the requirement of the law that it accommodate the mapped Page 5

4.56 acre public facility by “giving” to the Town an .9 acre easement to land much of which *the Town already has an easement over*. The additional area that would be added is miniscule in size.

Hannaford's proposal to satisfy the statute by allowing a farmer's market on lands adjacent to Lot 15 is equally frivolous. The proposal is to allow public use of about a third of an acre for one afternoon a week during three months of the year. That is, Hannaford proposes to “accommodate” the “mapped *public* facility” of 4.56 acres by allowing public use of a third of an acre for *13 afternoons a year*. No reasonable person would find the statute to be satisfied.

iii. Hannaford's In terpretation of “Accomodate” Ignores the Wording of the Statute

Hannaford's argument that its plans “accommodate” the mapped public facility suffers from another fatal flaw. Hannaford has ignored the actual wording of the statute.

Section 4421(5) states:

(5) Development review for properties with mapped public facilities. Any application for subdivision or other development review that involves property on which the official map shows a public facility shall demonstrate that the mapped public facility will be accommodated by the proposed subdivision or development in accordance with the municipality's bylaws...”

The statute says that the accommodation must be “in accordance with the municipality's bylaws.” Section 3.1 of Hinesburg's bylaws sets forth the purpose of the Village Growth Area. It contains one unambiguous mandate. “The design of this area *shall* include public spaces to serve as focal points and gathering spaces.” (Emphasis added.) Section 3.1 is not mere guidance. It does not say the Village Growth Area “should” include such a space, or that it is the hope or the intent of the Town that it do so. The Village Growth Area “*shall* include public spaces to serve as focal points and gathering spaces.”

The Official Map designates Lot 15 as a public facility. The proposed uses are: "Town Green, Community Center, Fire/Police station expansion, Farmer's Market venue, Parks & Recreation Areas, Library Relocation." Lot 15 is undeveloped. It lies at the heart of the village. An existing sidewalk connects it to existing residences and the existing grocery store. The Village Steering Committee and the Planning Commission have both submitted letters and testimony to the DRB explaining that Lot 15 is in the ideal location to meet the need for a Town Green. When read "in accordance with the municipality's bylaws," as it must be, the Official Map does not contemplate accommodation of the intended *public* uses of Lot 15 by providing a trivial enhancement of the existing sidewalk and a farmers market open only 13 afternoons a year.²

iv. Hannaford's Proposed Change in Use of Lantman's and of Giroux Lands Outside Lot 15 is Unlawful In The Absence Statutory Notice as to Those Lands and Applications Signed by the Landowners

Hannaford proposes to accommodate public use by acquiring Giroux lands outside of Lot 15 and using some of those lands for the farmer's market, and proposes to ameliorate traffic congestion by purchasing the rights to Lantman's store, closing down the store and barring that land from being used as a supermarket ever again while Hannaford is in operation. Proposed Decision pp.2-3.

Section 4.1.1 of Hinesburg's zoning ordinance requires a zoning permit before there is any "change in use" of land. Section 4.1.1(2) states that "a zoning permit shall be required for any action that ... substantially changes or expands the use of land." Section 4.1.1(4) states that

² Obviously, the Hannaford project would be completely incompatible with use of the same land for a Community Center, Fire Station, Police Station or Library, so the only possibly compatible uses are the listed open space uses (Town Green, Farmer's Market, or Recreation Area).

“a zoning permit shall be required for any action that ... substantially changes the type of use”
page 7

of a premises.” Section 4.1.1(7) states that “a zoning permit shall be required for any action that ... substantially changes, improves or expands an existing commercial or industrial structure or use.”

Section 4.1.5 requires that each such change in use be applied for by means of an application signed by the landowner.

Section 4.1.6 requires that the application set forth “the intended use and areas of use of the land” and of all buildings.

The enabling statute requires that before any hearing is held on any proposed zoning permit there must be notice to adjoining owners and to the public of the hearing. The public notice must be published and must be posted. 24 V.S.A. § 4464.

The proposed changes to the Giroux lands, outside of Lot 15, and to Lantman's, trigger the requirements of section 4.1.1. These changes have never been the subject of a zoning application, much less a zoning application signed by the landowners. There has been no posted or published notice to adjoining owners or to the public³. The proposed change in use to the Lantman's land also lacks any specificity as to the intended use and areas of use of the land and the buildings.

The DRB therefore lacks legal authority or jurisdiction to approve of any aspect of the Hannaford proposal that involves changes in use of the Giroux lands outside of Lot 15, or to the Lantman's lands. The only aspects of the Hannaford proposal that are lawfully before the DRB are those that lie within the boundaries of Lot 15. Hannaford's request that the DRB base its

³ The notices to the public contained in the DRB's files refer only to proposed use of Lot 15. See, e.g., notices dated 12/30/10 and 9/8/11.

must be denied as a matter of law.

2. HANNAFORD WRONGLY ARGUES THAT THERE ARE NO CLEAR "COMPATIBILITY" STANDARDS THAT ITS PROPOSAL MUST COMPLY WITH; IN FACT, THE PROPOSAL WOULD VIOLATE CLEAR STANDARDS IN THE ORDINANCE

Section 4.3.4(3) of the ordinance states that the DRB "shall" take into consideration certain standards, including:

(3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving *maximum compatibility with adjacent property and the character of the neighborhood*.

(Emphasis added.) Hannaford has argued at DRB hearings and in the Proposed Decision (pp.6-9) that "character of the area" is not defined in the ordinance and is subjective and ambiguous.

Therefore, Hannaford argues, the Board is free to interpret this standard in a manner that considers the area whose character is at stake to include the NRG and Saputo Cheese sites, and because those sites have large buildings, the proposed Hannaford building and its parking would be compatible.

The Hannaford approach makes a mockery of the hard work the people of Hinesburg have expended in drafting and adopting the zoning ordinance.

a. Part of the Project and its "adjacent property" are in the Village District; a 36,000 sq. ft. Single-Story Box Store Would Not Provide "Maximum Co mp atib il ity" with Adjacent Village District Property.

The project must meet the maximum compatibility test for both "adjacent property" and "the character of the neighborhood." "Adjacent property" requires no further definition; it is the properties that adjoin the site, including separated only by the town road. (See 24 V.S.A. § 4446(a)(1)(C), defining adjoining properties.) This standard is objective, unambiguous and clear. Hannaford acknowledges that this definition is unambiguous (Proposed Decision p.6) but then

proceeds to ignore this standard, instead urging the DRB to conclude that because the project ~~page 9~~

the "character of the neighborhood" standard it should be approved (Proposed Decision pp.7-9).

Clearly, much of the "adjacent property" lies within the Village District. That part of the proposed project which involves Giroux land outside of Lot 15, as well as the proposed change of use at the Lantman's site, actually will occur within the Village District. Other property adjacent to Lot 15, on its western side and southern side, also includes property in the Village District.

It is noteworthy that throughout the many hours of hearings, and in the many memoranda submitted, *Hannaford has remained silent on whether its project will provide maximum compatibility with the adjacent property in the Village District.* The silence has been for good reason. Property in the Village District is singled out by the ordinance for special protection. Section 5.2.3 says "The village area of Hinesburg has a unique sense of place" for many reasons, including its "historical buildings and architecture" and its "vibrant mix of uses related both to present day needs as well as traditions and influences from the past." Therefore, §5.2.3 states, "Hinesburg is not now, and should not be allowed to become, 'Anyplace USA.'" A 36,000 square

foot single-story box-structure store, with large parking area in front of its main entrance, *is* "Anyplace USA." The view from the Village District of the massive rear façade and the massive side façade of the store (each with landscaping that will do little to obscure the building) will be like the rear or side view of a big box store "Anyplace" in the USA. There is nothing more characteristic of shopping malls throughout the USA than what Hannaford proposes. No reasonable person could conclude that Hannaford's proposal is consistent with "*maximum*

compatibility with the adjacent property” in the Village District.⁴

b. The “Character of the Neighborhood” Standard Is Not Ambiguous, Is Addressed by the Town Plan, and Would Be Violated.

A neighborhood is a district or area with distinguishing characteristics. Merriam-Webster.com; The American Heritage College Dictionary (Houghton Mifflin 2002). The “neighborhood” is not restricted to the lands of the project, but includes surrounding lands, so long as they share distinguishing characteristics. Hannaford appears to agree with this definition. (Proposed Decision p.8.)

What is the neighborhood of this site? Hannaford treats the entire area from NRG to Saputo Cheese as a single neighborhood. The Town Plan asks basically the same question -- and arrives at a different answer. Part 3 of the Plan reviews the history and patterns of development of the Town. It concludes, in Part 3.2, that there is a central or core “Village” area that includes Lot 15. This core area defines the “essential character of the Town” and “it helps frame the character of the Town by defining a compact built landscape.” The “village core” includes the Village District, the Industrial 3 and 4 Districts and the Commerce Park portion of the Commercial District. The core area is distinguished by a “variety of residential types and businesses.” Some residential buildings now contain businesses, but many residences remain.

⁴ To be compatible with the adjacent property means to be “capable of existing together in harmony” with the adjacent property. “Maximum” means “the greatest value or quantity attainable or attained.” Merriam-Webster.com. Expert witness Jean Vissering testified that the building’s massive rear façade will be visible from Route 116. Obviously, it will be visible from the properties adjacent to it in the Village District. Note that whether or not that the Giroux or any particular landowner objects is not relevant to the analysis; zoning classifications and their implementation are not predicated upon the likes or dislikes of the persons who happen to own land within each district at the time of a zoning application but are based upon the longterm needs and desires of the community for each area of land as expressed in the ordinance.

“Much of the vitality” of the core village derives from the fact that town services, public institutions and commerce are “within walking distance” of the residences. Pedestrian access is “fundamental to the sense of the Village.” Density of development, so that multiple functions can fit within walking distance of each other, is “crucial” to preserving this character. (Town Plan pp.16-17).⁵

The Hannaford proposal would introduce into this area, for the first time, a new and inconsistent character – suburban-style sprawl, characterized by one-story buildings with large parking lots, as Ms. Vissering explained. This one-story sprawl uses limited land inefficiently, crowding out what would otherwise be multiple uses, and it introduces to the neighborhood the “Anyplace USA” appearance that the zoning ordinance strives to avoid. Lantman’s, in contrast, uses the first floor of its two-story building for retail and thus maintains Hinesburg’s traditional appearance and traditional efficient, dense use of space.

In short, regardless of whether Lot 15 must be reserved for use as a Public Facility, the proposed use for a 36,000 sq. ft. one-story building, with a large parking lot, does not meet the “maximum compatibility” standard of the ordinance. It does not provide maximum compatibility with the adjacent property or with the character of the neighborhood.

3. THE HANNAFORD PROJECT FAILS THE REQUIREMENT OF CONSISTENCY WITH THE PATTERNS OF DEVELOPMENT IN THE TOWN PLAN STANDARD, 4.3.4(7)

Section 4.3.4(3) of the ordinance states that the DRB “shall” take into consideration another standard: “(7) Consistency with the Town Plan in regards to the pattern of

⁵ The same discussion notes the importance of preserving this core village neighborhood by setting aside for use as a “sizable green or common” to serve as a “community focal point” and “public gathering space.” Obviously, the Official Map identifies Lot 15 as that space.

development.”

Hannaford's Proposed Decision at p.11 notes this standard – but does not reference the crucial language within the “Patterns of Development” discussion in the Plan. Pages 16-17 of the Plan, under the heading of “Patterns of Development,” urges the Town to set aside a “sizable green or common” in the Village to serve as a “community focal point” and “public gathering space.” The Official Map has done that. As the staff memo dated May 11, 2012 summarizes, the Village Steering Committee and the Planning Commission have both submitted letters and testimony to the DRB explaining that Lot 15 is in the ideal location to meet that identified need.

Hannaford's representatives do their job very well. Their submissions highlight their strong points, as any good advocate does. But the duty of the DRB is to apply the ordinance as written, and the ordinance requires the DRB to consider whether or not the project is consistent with the pattern of development set forth in the Town Plan. The Town Plan calls for setting aside land for a Town Green or other public gathering space. The Official Map designates this lot for such a public use. Approval of the project would be utterly inconsistent with the Town Plan. Approval must be denied.

4. THE HANNAFORD PROJECT FAILS THE TRAFFIC AND PEDESTRIAN SAFETY STANDARDS IN THE ORDINANCE

Several sections of the ordinance address traffic and pedestrian safety *per se*, or indirectly because of the dramatic impact traffic and pedestrian safety can have on the character of the neighborhood and patterns of the Town's development. See, e.g., §§ 4.3.4(1), 4.3.4(3), 4.3.4.(7). The extended hours of operation trigger conditional use review, which requires proof of no adverse impact on traffic and the character of the area. §§ 4.3.6, 4.2(2), 4.2(3).

Additional information was recently submitted to the DRB by Hannaford as to traffic.

same citizens represented by the undersigned. Mr. Oman's report demonstrates unacceptable traffic

queuing and levels of service. Mr. Oman's report also demonstrates that substantial defects have yet to be remedied in the traffic studies submitted to the DRB. The DRB is referred to Mr. Oman's report, but three of the problems deserve mention here.

First, despite repeated requests from the DRB, Hannaford has yet to provide actual analysis of the "base case" in which traffic signal timing is changed at the Charlotte Road intersection but no Hannaford store is constructed. As mentioned by Mr. Oman, submissions by the Town to VTrans demonstrate that the timing change was being requested by the Town, regardless of the Hannaford project. It makes no sense for Hannaford to avoid meaningful comparison of the build/no-build traffic impacts on the basis of its argument that its paid consultants were more successful than the Town had been in obtaining consent from VTrans for the change. Hannaford may have brought its bat and ball to the playing field, but the rules of the game should remain the same regardless of who paid for the equipment.

Second, reliance on cessation of grocery business at the Lantman's site is not properly before the DRB, for the reasons noted above. In addition, as Mr. Oman has testified, many replacement businesses at the same location would have the same or greater traffic impacts.

Third, Hannaford's expert's own report reveals unacceptable levels of service. Mechanicsville Road's existing LOS of F will deteriorate further, with only vague suggestions of mitigation. Silver Street will decline from a D to an E (which is below the VTrans standard), with no mitigation proposed.

5. THE HANNAFORD PROJECT'S RETAINING WALLS VIOLATE THE SETBACK STANDARDS

walls." Three of the four "retaining walls" will be placed right on, or immediately next to, the property boundary. The walls are to be made of concrete blocks stacked 4 to 5 feet tall and will rest on foundations of concrete blocks buried one foot deep. See O'Leary Burke 30-Scale Site Plan. The retaining walls are designed to retain earth. These three retaining walls would violate the 10-foot setback requirements of the ordinance.

The Hinesburg regulations define "structure" as:

anything constructed, erected, or placed and which requires a fixed location on the ground in order to be used, including, but not limited to, a building in excess of 100 square feet, mobile home or trailer, signs, manure lagoons and pits, silos, tennis courts, and swimming pools with an area greater than 100 square feet.

2011 VT 1, ¶ 11. The regulations exempt "sidewalks, patios, driveways, utility poles, compost bins, steps, planters, fences, or temporary docks or floats" from the definition.

The Supreme Court's recent decision in In re Laberge Moto-Cross, 2011 VT 1, 15 A.3d 390, addressed the Hinesburg definition of structures and makes clear that under this definition, the three retaining walls are structures. The Laberges enjoyed moto-cross riding, and over several years they fashioned "a series of earthen jumps and berms using a small lawn-tractor to shift on-site excavation materials left over from the earlier construction of their house and driveway." The Supreme Court opinion notes that they "undertook no additional excavation and brought in no materials from elsewhere." The Laberges "created the largest of the track's jumps by covering an existing rock pile with a veneer of dirt." 2011 VT 1, ¶ 2. The Court ruled that there was no land development, and the track was not a "structure," because all the Laberges did was move around, on their own property, soil and rocks that had already been there and the

changes they made were dissimilar from the type of structures listed in the definition as structures.

... To begin with, the structures contained in the list—which includes among other things buildings, mobile homes, tennis courts, silos, and pools larger than 100 square feet—all run the risk of altering the character of the property to a significant degree. Their construction would require the use of building materials such as concrete, asphalt, metal, or wood. In contrast with these structures, almost all of which would be of a semi-permanent nature and would need materials to be imported onto the property, landowners' track was created through the incidental erosive impact of the motorbikes' tires and the subsequent movement of dirt already located on the property.

The Court interpreted the Hinesburg ordinance definition of structure as applying only to objects whose “construction would require the use of building materials such as concrete, asphalt, metal, or wood.”

The Hinesburg definition excludes fences. If the retaining walls are “fences,” they are exempt. Fences are not defined in the ordinance. The dictionary defines a fence as a barrier designed to prevent escape or intrusion or to mark a boundary. A wall, on the other hand, is a “structure” usually made of masonry. Part of the definition is that it is a structure that “serves to hold back pressure (as of water or sliding earth).” Merriam-Webster.com. That is precisely the purpose here. No reasonable person looking at the retaining walls would describe them as fences.

The four retaining walls are walls, which are structures. Three of them are to be placed within the setback zone. Section 4.3.4(3) requires the application to demonstrate adequate setbacks. This site plan does not. It must be rejected.

The setback violation is not a technicality. As Ms. Vissering testified, the entire design of this project is premised on trying to fit too large a building, and associated parking, onto too

small a lot. The result is that retaining walls are needed. The retaining walls themselves will be visual impacts on the adjoining properties – properties that will be inches away.

6. THE HANNAFORD PROJECT WILL CAUSE STORM WATER RUNOFF IN VIOLATION OF THE ORDINANCE

Section 4.3.4(6) requires adequate control of storm water runoff. The reports submitted by Dean Grover in the past explained that this standard is not met. Mr. Grover's latest report, filed earlier this week, explains that this standard still is not satisfied. This too is not a technicality. The project as submitted is too large for the site. It will occupy too much surface area with its structures and its paved areas. The result will be flooding that may affect the village area, and neighboring properties, that the ordinance was designed to protect.

CONCLUSION

The Hannaford application should be denied.

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