

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

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

Conclusion

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

Sincerely,

James A. Dumont

James A. Dumont, Esq.

cc: William W Schroeder, Esq.

Mr. David White

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

Peter,

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

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

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

Rick

Colin McNaull
48 Southwind Road
Hinesburg, Vermont 05461-9729
Tel: 802-482-3347 E-mail: saratogalives@yahoo.com

April 7, 2011

DBR Chair
DBR Town of Hinesburg
Hinesburg, Vermont 05461

Re: Hannaford trying to build a commercial store in a commercial lot on Commerce Drive

Dear Chair,

You can see the irony of what you and your board are facing in the subject line.

I would like to have this letter entered into the formal DRB proceeding on the Hannaford application so it can become part of the official record of the proceedings.

1. Recent letter sent to the Select Board

“Dear Hardworking Selectboard Person,

Re: Your/Hinesburg’s/Hinesburg Taxpayer’s No-Win Hannaford Legal Expenses

From where I sit, I think you are going to be sued if the Giroux/Hannaford sale does not go through because of actions taken by our DRB and you as Selectboard Members by Hannaford and the Giroux by preventing this commercial land sale by a willing seller to a willing buyer. The view that you can zone commercial land into a park and not pay for the land immediately when putting this zoning into effect in my view is an uncompensated public taking. Your stand may be upheld in the Vermont Court System but I think that it will be overturned in the Federal Court system.

The town paying for its own traffic study is prudent.

Please consult with our Town Attorney now to get an opinion on the town to win in this suit and an estimate on the cost involved. Please ask for an objective opinion, not the one you wish to get. At the same time you need to consult with our insurance carrier's to find out how much they will pony up to help defray the suit's cost to the town or if they will not pick up any of the legal expenses.

A lawsuit, up or down, by Hannaford is a business expense for them. As a business expense, the tax savings generated by the suit can reduce its cost by 50% or more.

A lawsuit for Hinesburg will be a direct expense paid for by Hinesburg Town Residents.

Hannaford, if they think they can recoup their investment, can fund a lawsuit the costs them \$1,000,000.00 and five years to win. Can Hinesburg afford this?

There are many people who think that Hinesburg will prevail in court and that the money spent will be worth the effort. I am one that thinks the town will lose at the Federal level. I will leave the cost to others.

Hinesburg has a history of spending money on lawsuits that the town loses. Will this be another one?

The saddest thing about this entire situation and the work that you, the town, and town committees are doing on this project is that I think you will also be subject to or involved in lawsuits if Hannaford is allowed to build and complete its sale with the Giroux's. Responding to these types of lawsuits will not be as expensive in terms of out-of-pocket expenses but it will involve many hours of people being deposed and paying for lawyers to be with them while being deposed.

I would like to be wrong in my assessment of the situation. Please consider the fact that I may be correct.

Colin McNaull

South Hinesburg Front Page Forum Post of 2/8/11

“By [Colin McNaull](#), Southwind Rd

Tuesday, February 08, 2011 - 10:20 am

I will let others debate the merits/demerits of another grocery store in town.

I am very interested in forestalling the town getting involved in another round of unnecessary, costly, and useless litigation over this matter.

The Giroux's have the absolute right to sell their land to a willing buyer. Hannaford has an absolute right to buy from a willing seller. The town has the right and duty to ensure the intended use for the land meets current Planning and Development Review Board requirements and it is my understanding that Hannaford has met these so under normal circumstances the sale of the land should proceed and Hannaford would build their store in accordance with Planning and DRB guidelines.

I feel that it is in the interest of the town to ask to see the current Purchase and Sale agreement between the Girouxs and Hannaford now so there can be an intelligent discussion of this project at our February 28th town meeting.

Am I interested in how much the town could possibly buy the land from the Girouxs if the Hannaford sale does not proceed? Yes. Am I interested in getting an idea of Hannaford's current expenses for site inspection, legal representation before town board? Yes. Am I interested in how long the Hannaford option to buy is in place? Yes.

Why? I want to see how much money the town may be liable for in court if the sale and development does not proceed because it could be readily shown that the town and its boards were responsible for the sale falling through and the town would then have to make the Girouxs and Hannaford whole on their expenses and damages for the loss of potential revenue.

I assume that there will be private lawsuits to prevent this project from going forward even if the town gives its approval to proceed. I do not want to see the town as a party to this litigation and having good information now will help to prevent this.”

Sincerely,



Colin McNaull

From: A. Thomas [mailto:aadl@madriver.com]

Sent: Monday, April 11, 2011 11:27 AM

To: Alex Weinhagen; michaelbissonette@gmail.com; Ken & Carol Brown; Andrea Morgante; trefryj@gmavt.net; Randy Volk

Subject: my 2 cents on Hannaford, etc

A letter to the residents & town officials of Hinesburg - (my mind has been buzzing madly for months so I've finally organized my thoughts and put them on "paper" so I can sleep better at night! And so my opinion can be put on record - for whatever that's worth.)

What I have to say about Hannaford's, and the bigger town picture...

First of all, I'm neither for nor against Hannaford coming to Hinesburg. I shop at Lantman's weekly and Hannaford's probably monthly. I haven't decided if I think we're ready for a store that size. If not now, I do think we will be soon. I also think traffic issues needed to be addressed, like, yesterday!

The Hannaford's issue has brought some general town issues to the surface. Maybe I'm late to chime in, but here's what I have to say:

The government should never be endorsing or supporting one business over another. A town should allow growth according to fair, consistent, and NOT overreaching guidelines and then let the market (that's us!) decide who succeeds. The savvy business person will roll with the changes. And there will always be changes.

A further comment on consistency- It's not right to quietly fast-track some people's development plans but make other people jump through endless hoops for theirs. Why is the Hannaford proposal being very publicly dragged through the mud, yet ugly (and might I say inefficient?) solar panels appeared right along the Charlotte Rd seemingly overnight? Shouldn't we have been given the same chance to voice our opinion on that project? I know, I know, we should all be following the meeting agendas and minutes online religiously, but a quick heads up on projects with such impact would be nice (I don't remember seeing anything about the solar panels on Front Porch Forum – did I miss it? I've certainly seen a lot on Hannaford's there)

Everyone needs to live in the real world. Hinesburg isn't some back country, rural town. We are 25 minutes from Burlington and IBM, on a heavily travelled corridor, in the most populated county in the state. Just because you want Hinesburg to be a certain way, doesn't make it so. That doesn't mean we open the doors wide to whatever may come to town, but controlled growth doesn't mean we ignore the unchangeable realities we live in.

As for choice, if you and your friends want to only shop locally, then shop locally. But don't tell everyone else that they have to. By only developing Hinesburg according to a narrow vision, we lose the diversity (full spectrum of diversity) that so many people purport to want. We are a town of rich people and poor, vegetarians and hunters, liberals and conservatives (yes, we do exist), religious and atheist... Don't ignore the groups you don't agree with and pretend they don't exist (or have a right to exist!)

If anyone (individually, or collectively – meaning a private group *or* a public group) wants to see a certain business or use in a certain place, then buy the property yourself and invest your own money in the endeavor. My land is my land, not yours. Unless I sell it to you. And as a member of the public group that is the Town of Hinesburg, I say we just don't have the money to be so aggressively coveting other people's property. Yes, I am Taxed Enough Already.

Ok, that's my input, or was it more of a lecture?? I just had to get my 2 cents out there (and my 2 cents is worth a full 2 cents, just like everybody else's)

Ann Thomas (Leavensworth Rd.)

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

Peter,

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

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Rick

Rick Bryant
Llewellyn Bryant Incorporated
20 Kimball Ave Suite 202N South Burlington, VT 05403
(802) 658-2100 rb@lbengineers.com

From: Peter Erb [mailto:hinesburgzoning@gmavt.net] Sent: Tuesday, April 12, 2011
8:16 AM
To: 'Rick Bryant'
Subject: RE: Hannaford, Dumont

Rick, really helpful thanks peter.

From: Rick Bryant [mailto:RB@LBEngineers.com] Sent: Monday, April 11, 2011
4:23 PM
To: hinesburgzoning@gmavt.net
Subject: Hannaford, Dumont

Peter,

Some quick thoughts on the Dumont letter for your use. Rick

Catherine Goldsmith
10732 Route 116 (aka Main Street)
Hinesburg, VT 05461

Dear Members of the Design Review Board,

I have attended two of the three Hannaford meetings; I have spent hours reading over the proposal and examining the plans. My letter of concern comes so late only because I have not been able to decide which of the many problems with this proposal are the most important to me. I respect the many hours you give to Hinesburg and I recognize yours is no easy task. This is a major proposal which, if built, would affect the look and feel of Hinesburg forever and must not be considered lightly. Forgive the length of my letter. I am passionate on this subject – I moved here and I continue to live here because I love this town and my community.

I feel strongly that the tone of the introductory presentation given by David White was completely disrespectful to the DRB, the planning and zoning committee and the citizens of Hinesburg. Some of his erroneous interpretations of Hinesburg zoning could have been laughable, if they had not been offensive. The future of Hinesburg is important to all of us, even if we disagree on how that future should look. It is not a joke or merely a business challenge to be overcome.

The “disagreement” over where major parking is allowed is ridiculous. The elevations of the proposed store clearly show what is the front of the store and it is labeled “front”. Hinesburg does not permit parking to be in the front of a new commercial structure (5.6.3). A respectful proposal would not attempt such a device. The zoning permits exceptions where shared parking is employed which Hannaford, very specifically, does not do. Shared parking would reduce the total amount of paved space needed and facilitate WALKING from business to business (see separate islands of parking for the Hannaford, Darkstar, Middlebury Bank, Dr. Giroux, and the post office). The retaining wall on the west side of Lot 15 also would eliminate any future possibilities for shared parking for businesses fronting on 116.

The proximity of the planned store to Thistle Hill and the Village Heights condominium is a major concern. These are not typical suburban developments – people moved there because they wanted to live in a true village. Both developments conform to the town plan’s goal of concentrated housing within walking distance to town hall (TP 3.2.5). Both back up to conserved wild land crisscrossed by miles of nature trails. Residents who bought homes in these areas (up to 20 years ago) never anticipated that their night sky would be brightened by the glow of a one or more acre parking lot. The proposed lighting violates 4.3.4(4) of our regulations - “creating offsite-glare”.

The scale and siting of the proposed store in no way respects the spirit of Hinesburg's zoning. The town has decided it wants to retain some of the historic features of the village and blend, as much as possible, new construction into that feeling. "consistency....pattern of development,cultural resources...nature of existing roadways" ZR 4.3.4(7) The village of Hinesburg (our main street) is a mere 1.5 miles long; one cannot separate out the commercial district as if its development does not affect the whole. The *pattern of development* in our town dates back to the 1800's where buildings face the street, vehicles are in the road and pedestrians are separated, for safety and comfort, by a grassy strip or a fence. The canal, a *cultural resource*, is a key part of our historic identity and the canal path is the only real park area in town where pedestrians can meet each other casually on their way somewhere and perhaps even sit and visit. It is the closest thing we have to a formal park (not a playground, sports field or wild space). Fittingly, for the rural culture of Hinesburg, the path adjoins a wetland and a stream where frogs and beaver still live rather than a manicured garden.

Traffic - the report commissioned by the town clearly states that "traffic will worsen considerably." In 2003, 6% of survey respondents stated that traffic congestion would be one of the serious challenges facing Hinesburg in 2008-2016. It seems clear that this truly has come to pass. A proposed conditional use shall not "adversely affect traffic on the roads and highways in the vicinity" - 4.2.2(3). This retail store of this size on this site will do so. New turn lanes will only make our town LESS walkable. The access road is only 24' wide and cannot be made wider. Darkstar has so far declined to sell to Hannaford. 4.3.4(1) – the width of the access road does not provide adequate safety for pedestrians or adequate circulation for supply trucks AND emergency access (4.3.4(2)).

Mr. White's characterization of Hinesburg's prevailing "style" as diverse does not take into account the relative ages of the surrounding buildings. As the growth of Hinesburg has become imminent, the citizens have more clearly specified the direction of wanted growth. The newer buildings reflect the town's desire (Animal Hospital, Middlebury Bank) – the Hannaford proposal ridicules it. The older buildings; quonset hut, Estey's mall, the Lighthouse church/Curves mall all date from a period well before the DRB was established in 2002. Under conditional review (4.2.2(4) the project must not adversely affect the Town Plan (1.2.4): "Hinesburg will plan its growth and manage its resources so that our town continues to be a desirable place to live and work. It will enhance the Village area...." Big blank buildings and parking lots are the fastest way to kill a town. Please let the residents of Hinesburg continue their process of thoughtful planning and zoning. Don't let this proposal, at this time, on this site dictate what our town will become just because corporate leadership at Hannaford wants to build a store in between Middlebury and Williston.

I beg you to deny this proposal, not only based on the official map, but on the various specific regulations I have cited. This disrespectful proposal, calculated to wear down citizen objections over months of delay cannot be modified to meet Hinesburg's guidelines. **The lighting, traffic, safety concerns, parking, its very size and lack of architectural integrity cannot be sufficiently modified. Only a completely new proposal, submitted in a spirit of partnership with our town can possibly meet our regulations.**

In the meantime, Lantmans Grocery does meet the spirit of our zoning. It is contained in a sympathetically re-used historic building, the size and scale is appropriate to a town of 4,500, the lighting is discreetly suitable to a village setting and the owners are valued members of our community. Mr. Busier and his son each live less than ½ mile from town hall and the store. How can that degree of corporate commitment be compared to the faraway leadership of Delaize in Belgium?

With respect and most sincerely,

Catherine Goldsmith

p.s. Has the ownership of the canal yet been determined? Obviously if it is not part of Lot 15, Hannaford's planned lot coverage and setbacks would have to change.

"A petition to save our limited commercial land for new businesses"

We, the undersigned citizens of the Town of Hinesburg, petition the Hinesburg Select Board to respect and support the long established zoning for Lot 15 at Commerce Park, and to find that the objectives of the recently adopted "Town Map" can likely be met on Town owned land elsewhere in the community. We support the long stated Town Plan goal of attracting new business to Hinesburg, for the jobs that are created and for the added value made to our tax roles. (A copy of this petition will also be presented to the Development Review Board).

To see signatures click on hyperlink

[comments_reference_documents\Petition for Lot 15 .pdf](#)

From: VT1320@aol.com

Sent: Saturday, July 30, 2011 7:47 AM

To: hinesburgplanning@gmavt.net; hinesburgzoning@gmavt.net

Subject: Re: Revised Hannaford Application Submitted

Good morning, just as an FYI I have already reviewed the prints prior to submission and we support the design proposed.

Al



HANNAFORD EAST ELEVATION AS CURRENTLY PROPOSED



HANNAFORD EAST ELEVATION AS PROPOSED IN FEBRUARY OF 2011



HINESBURG COMMUNITY SCHOOL 2 STORY PRESENCE IN VILLAGE



TWO STORY FOOD STORES

MEGA BY DELHAIZE IN BELGIUM



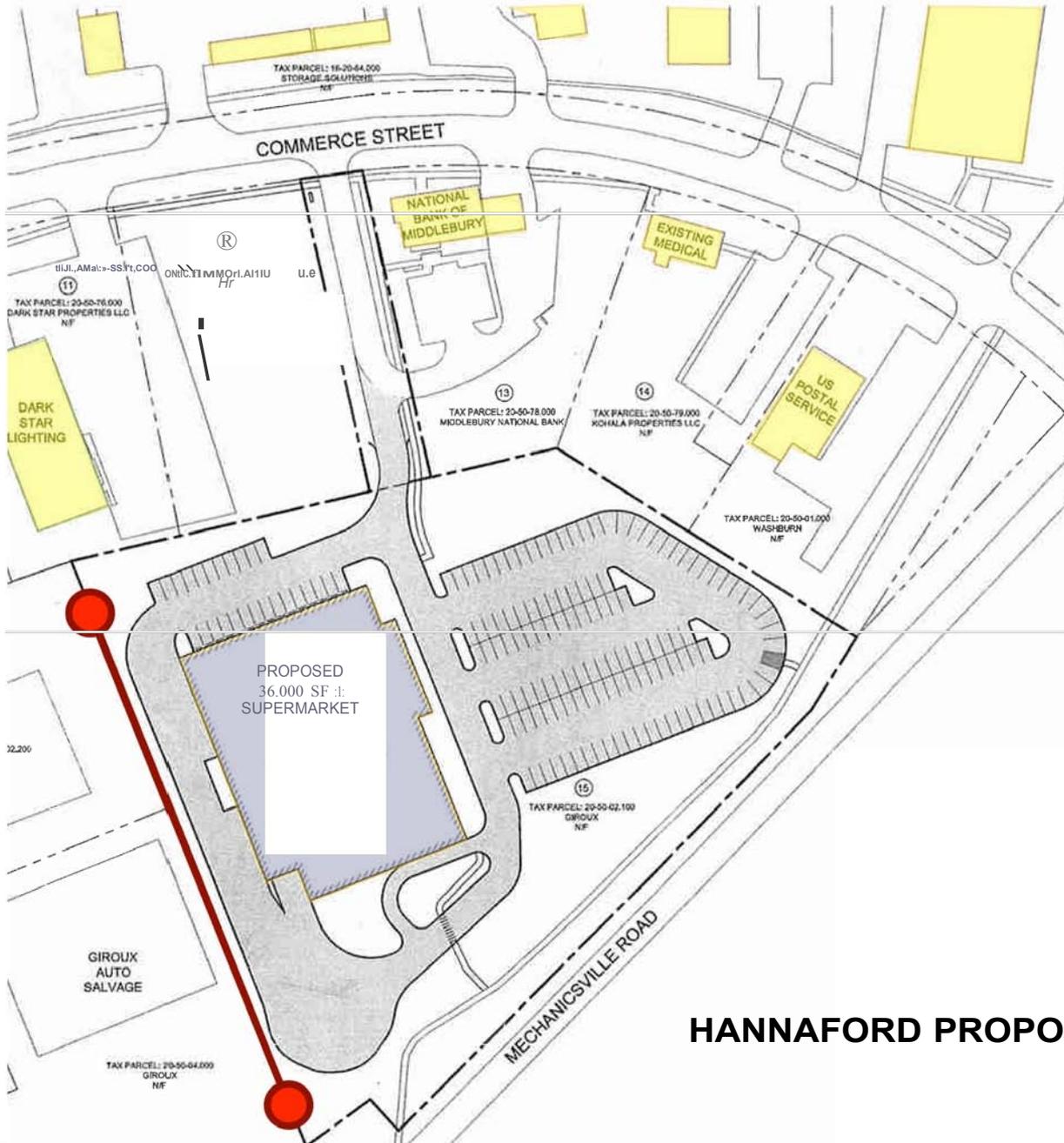
FOOD LION BY DELHAIZE



LANTMAN'S 2 STORIES, FRONTS THE STREET, SIDE ENTRANCE

HINESBURG TOWN HALL WITH IT'S MULTIPLE ENTRY POINTS





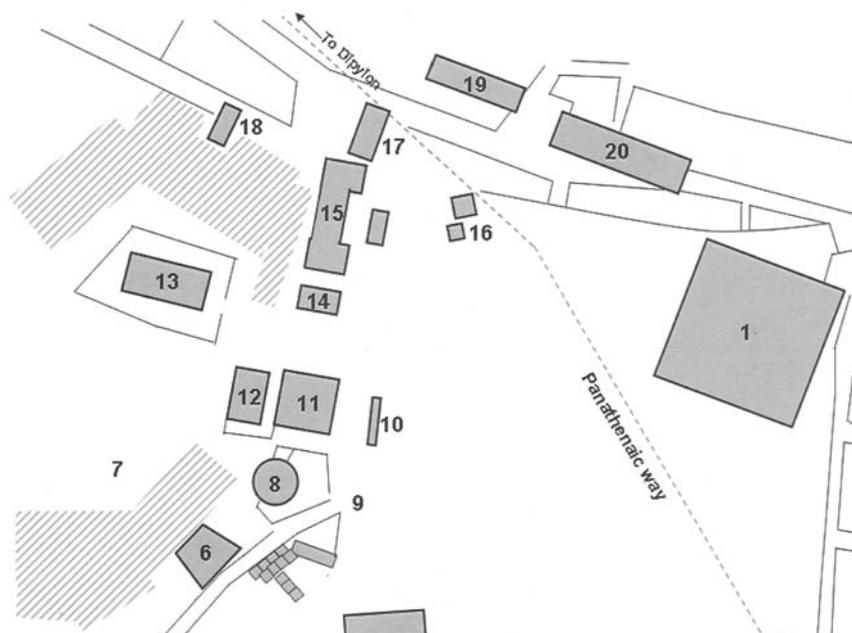
HANNAFORD PROPOSAL EARLY 2011

HANNAFORD PROPOSAL CURRENT



- HANNAFORD PROPOSED SITE SHOWING 36,000 SF MARKET
- 132 PARKING SPACES
- REMOVED DRIVE UP PHARMACY
- RELOCATED TRUCK ACCESS
- IMPROVED LANDSCAPING
- MODEST PUBLIC SPACES
- FARMER'S MARKET ON PARKING LOT

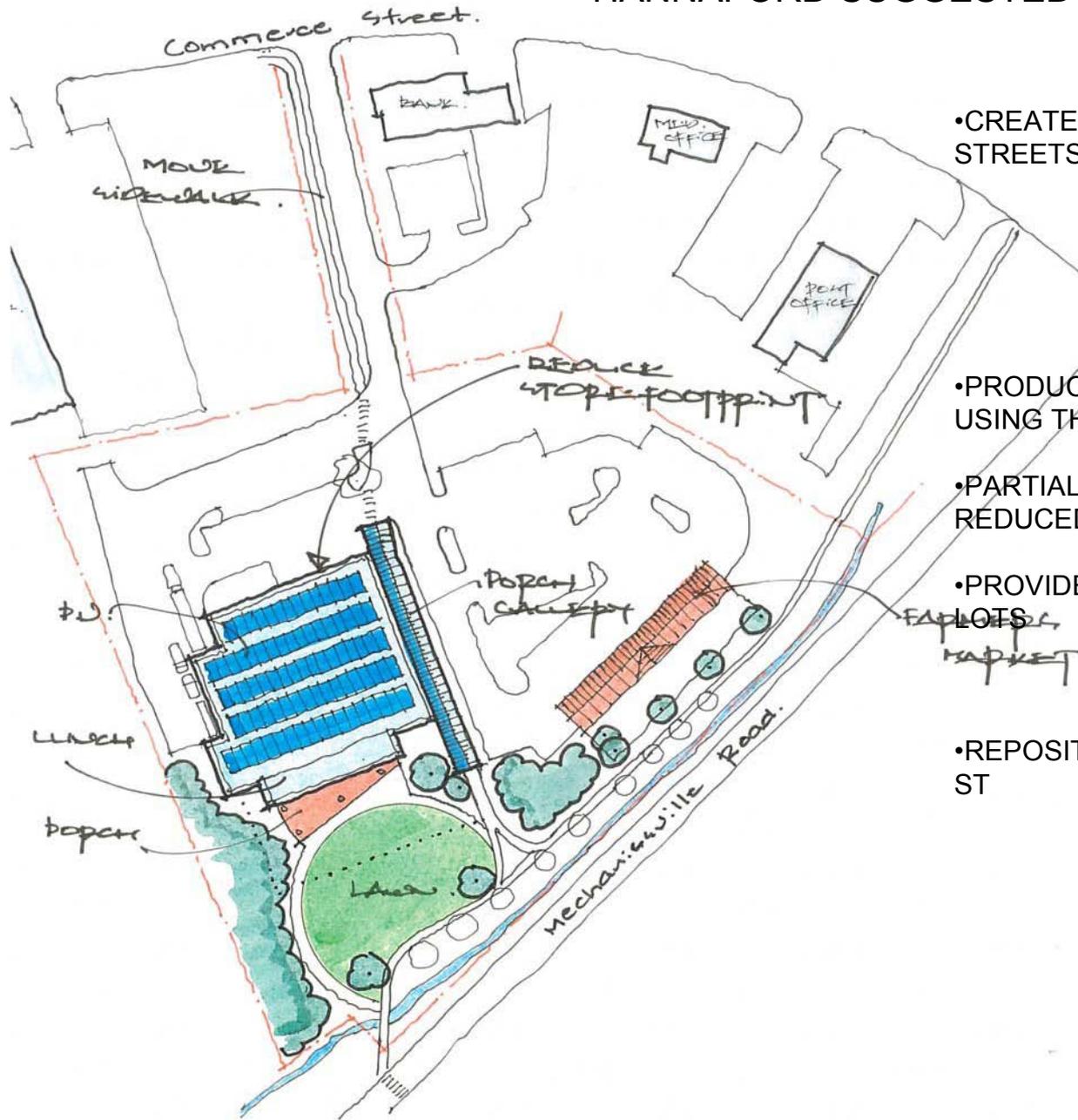
KEY	BOTANICAL NAME	COMMON NAME
TREES:		
AR	Acer rubrum	Red & Sarsic
AG	Amelanchier grandiflora 'Autumn Brilliance'	Sarge
MS	Malus sargentii	Greer
TC	Tilia cordata 'Greenspire'	White
PGa	Picea glauca	White
PGb	Picea glauca	White
UA	Ulmus americana 'Princeton'	Princ
Transplant (4) Existing Trees Along Commerce Street		
SHRUBS:		
CS	Cornus sericea 'Bailey'	Redot
RR	Rosa rugosa	Rugot
SB	Spiraea x bumalda 'Anthony Waterer'	Artho
SJ	Spiraea japonica 'Shirobana'	Japan
PERENNIALS:		
HM	Hamamelis (Morsus Urticae)	



GREEK AGORA OR MARKETPLACE



HANNAFORD SUGGESTED IMPROVEMENTS



•CREATE A REAL FRONT ONTO ADJACENT STREETS WITH A COVERED ENTRY PORCH

•FARMER'S MARKET COVER

•ACTIVITY/CAFÉ TO STREET

•PRODUCE ENERGY ON THE ROOF BY USING THE ROOF

•PARTIAL 2 STORY BUILDING WITH REDUCED FOOTPRINT/BUILDING SIZE

•PROVIDE CONNECTIONS TO ADJACENT PLOTS

•PROVIDE SHARED PARKING

•REPOSITION SIDEWALK FROM COMMERCE ST



GALLERIA IN ANN ARBOR,
MICHIGAN

CITY MARKET PORCH/EATING
AREA

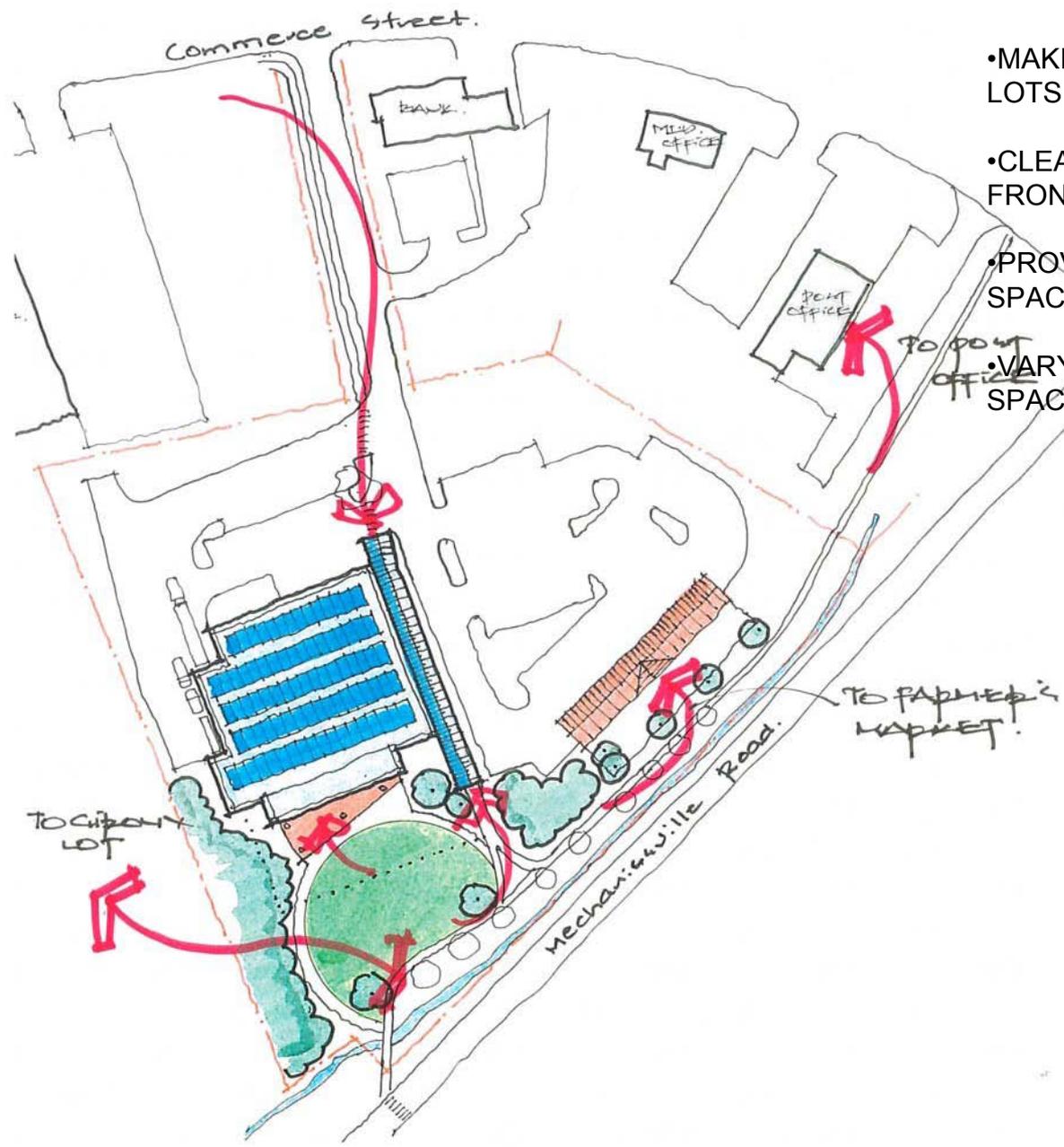


USE THE ROOF

- MULTI-STORY STRUCTURE
- USES THE ROOF FOR ENERGY
- USES ROOF FOR RECREATION
- GREEN ROOF REDUCES GROUND WATER RUN-OFF

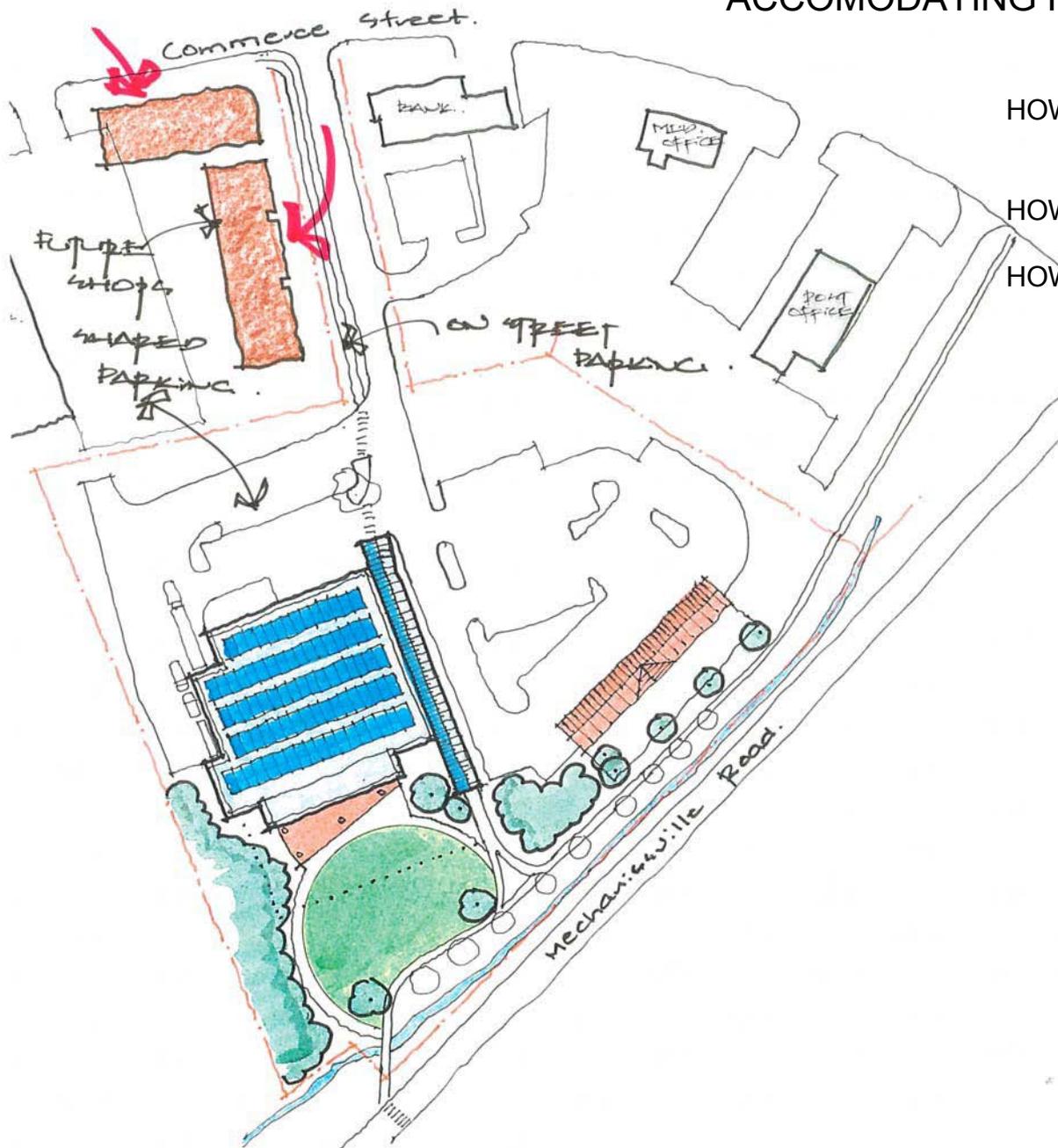


IMPROVING PEDESTRIAN CONNECTIONS



- MAKING IT EASY TO WALK BETWEEN LOTS
- CLEAR PEDESTRIAN ENTRY'S THAT FRONT THE STREETS
- PROVIDE PEDESTRIAN AND PUBLIC SPACES THAT ARE MEANINGFUL
- VARY THE COMMERCE WITH A VERY GOOD SPACE FOR A LOCAL FARMER'S MARKET

ACCOMODATING FUTURE GROWTH



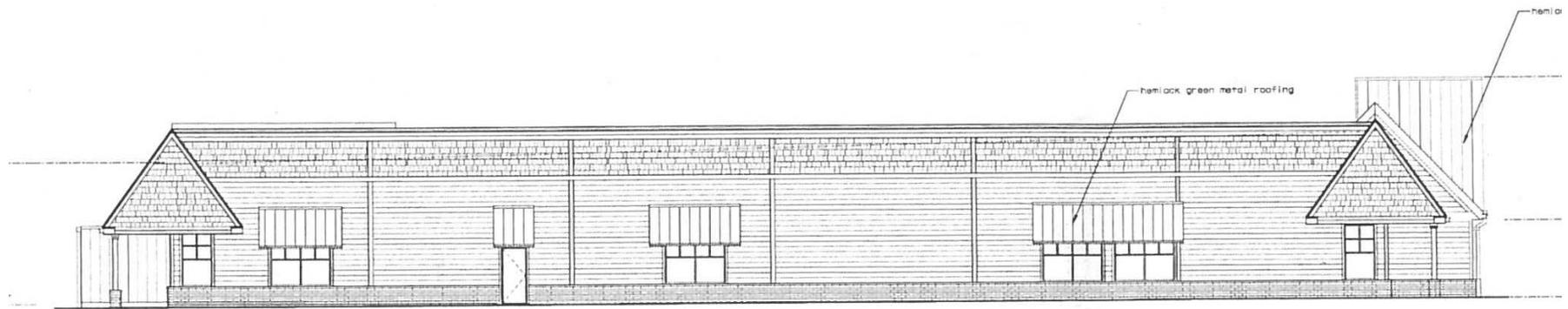
HOW IS FUTURE GROWTH CONNECTED EASILY?

HOW IS WALKABILITY MADE EASIER?

HOW IS PARKING SHARED BETWEEN ADJACENT PROPERTIES?



HANNAFORD PROPOSED EAST AND ENTRY ELEVATION



HANNAFORD SOUTH ELEVATION TOWARD MECHANICSVILLE ROAD AND CANAL



TWO STORY FOOD STORES

MEGA BY DELHAIZE IN BELGIUM



FOOD LION BY DELHAIZE

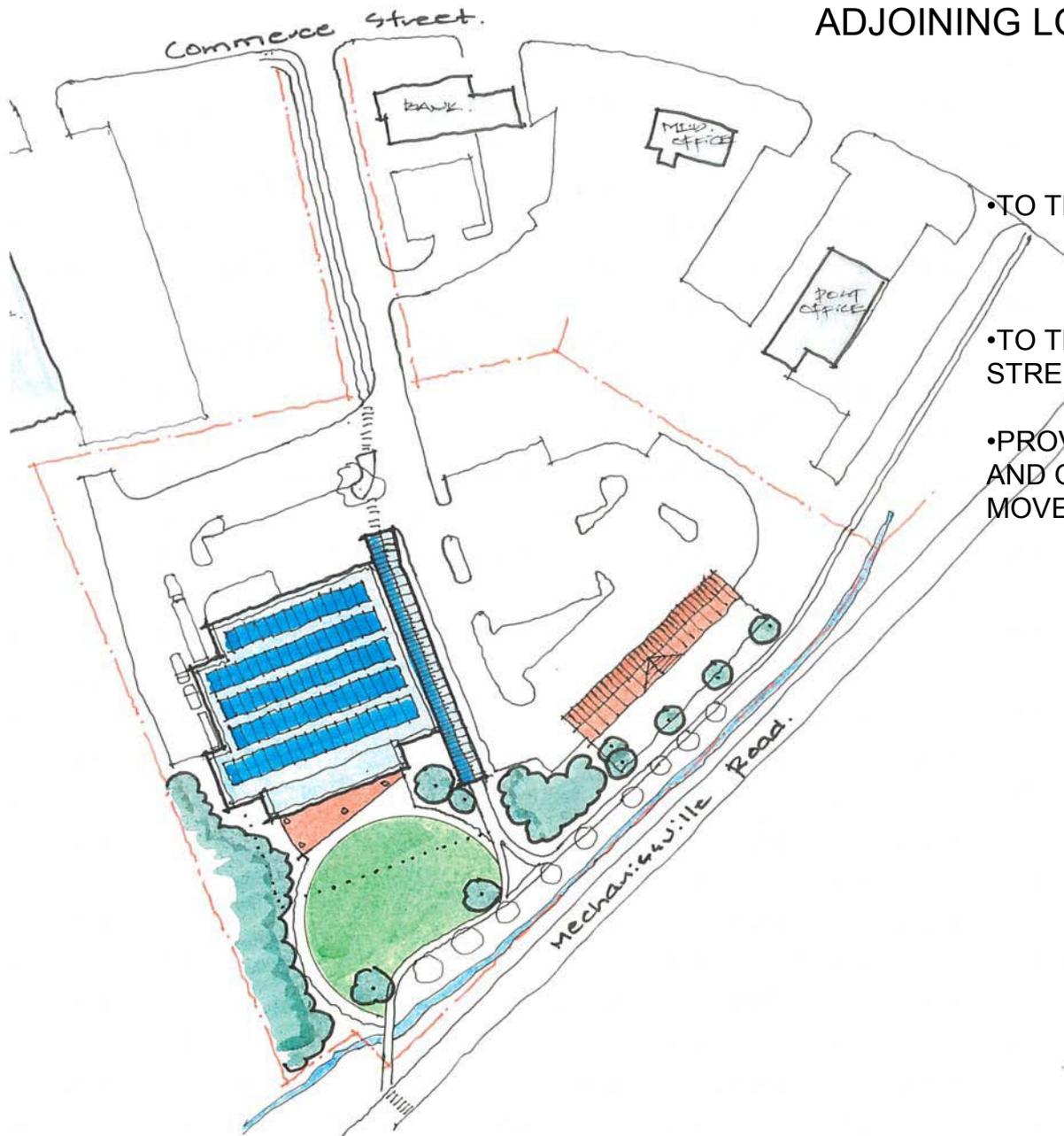


RICHMOND MARKET 12,000 SF



CITY MARKET@16,000 SF

WALKABILITY AND LINKS TO ADJOINING LOTS



- TO THE POST OFFICE

- TO THE GIROUX LOTS TO THE WEST

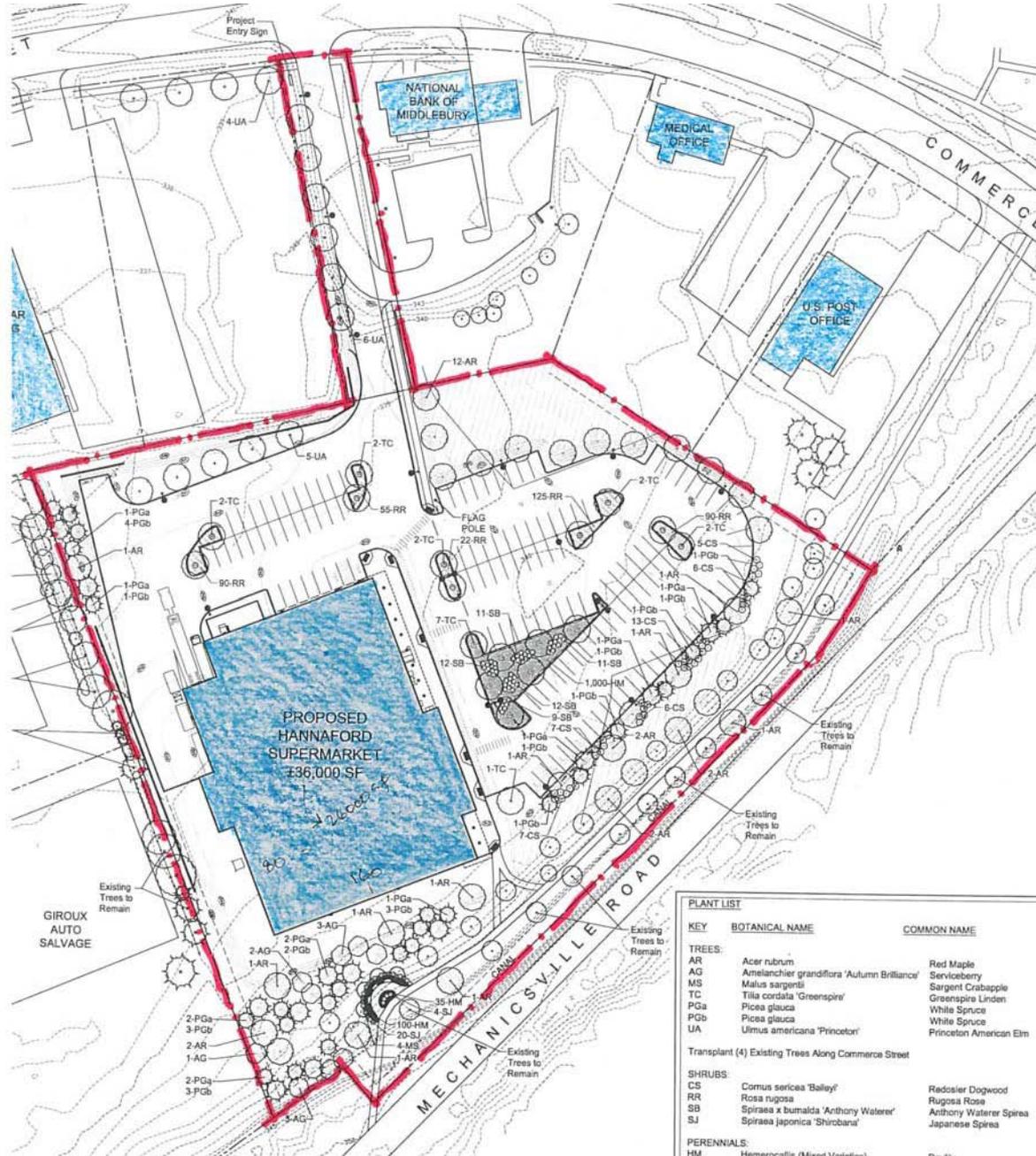
- TO THE FARMER'S MARKET

- TO THE LOTS ALONG COMMERCE STREET

- PROVIDING VARIED EXPERIENCES ON SITE AND ON NEARBY LOTS AND REDUCING MOVEMENT BY CAR

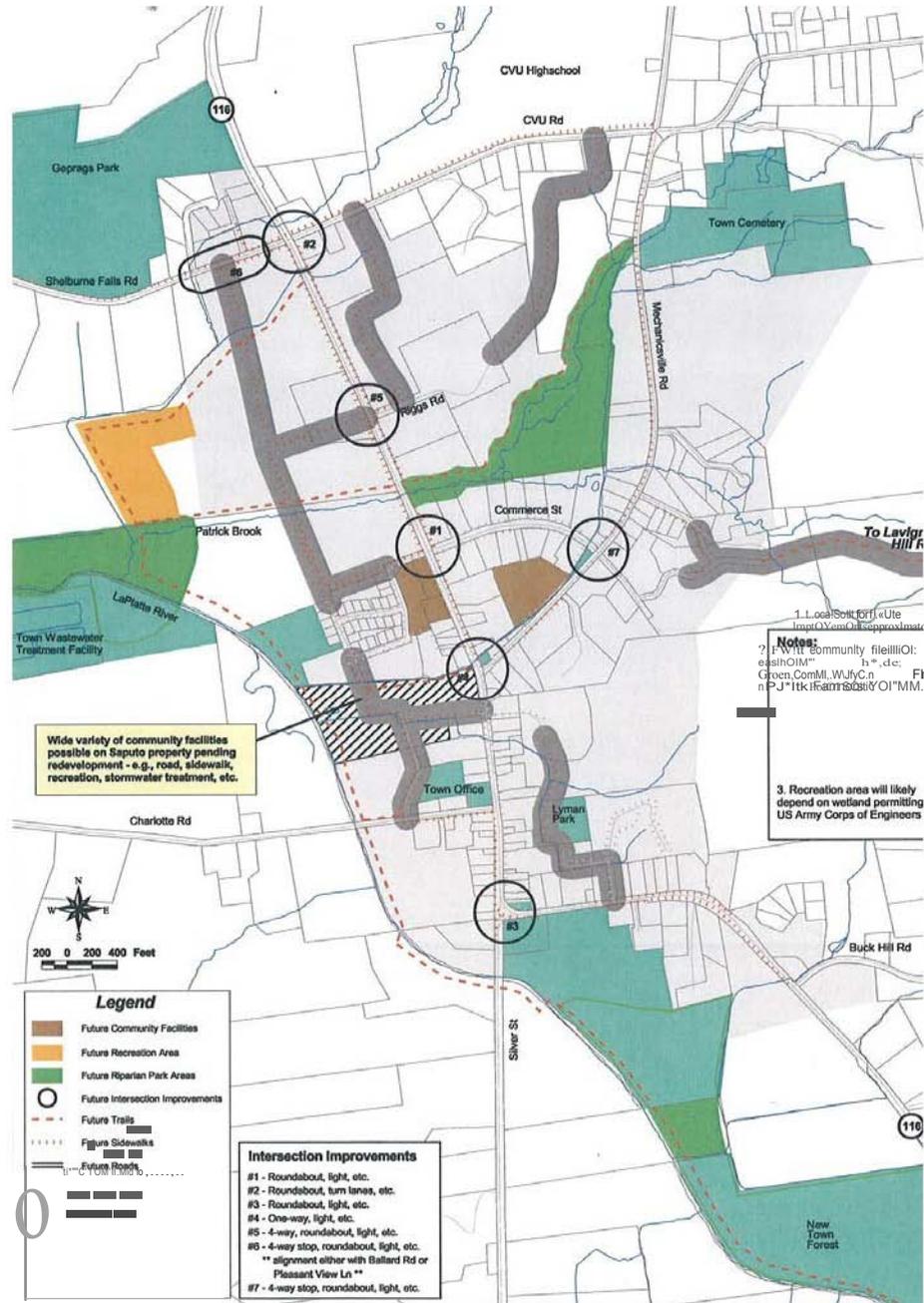
HANNAFORD SITE PLAN CURRENT

- Hannaford proposed site plan showing 36,000 square foot market with landscaping and parking for
 - 132 PARKING SPACES
 - IMPROVED LANDSCAPING
 - IMPROVED SITE LIGHTING

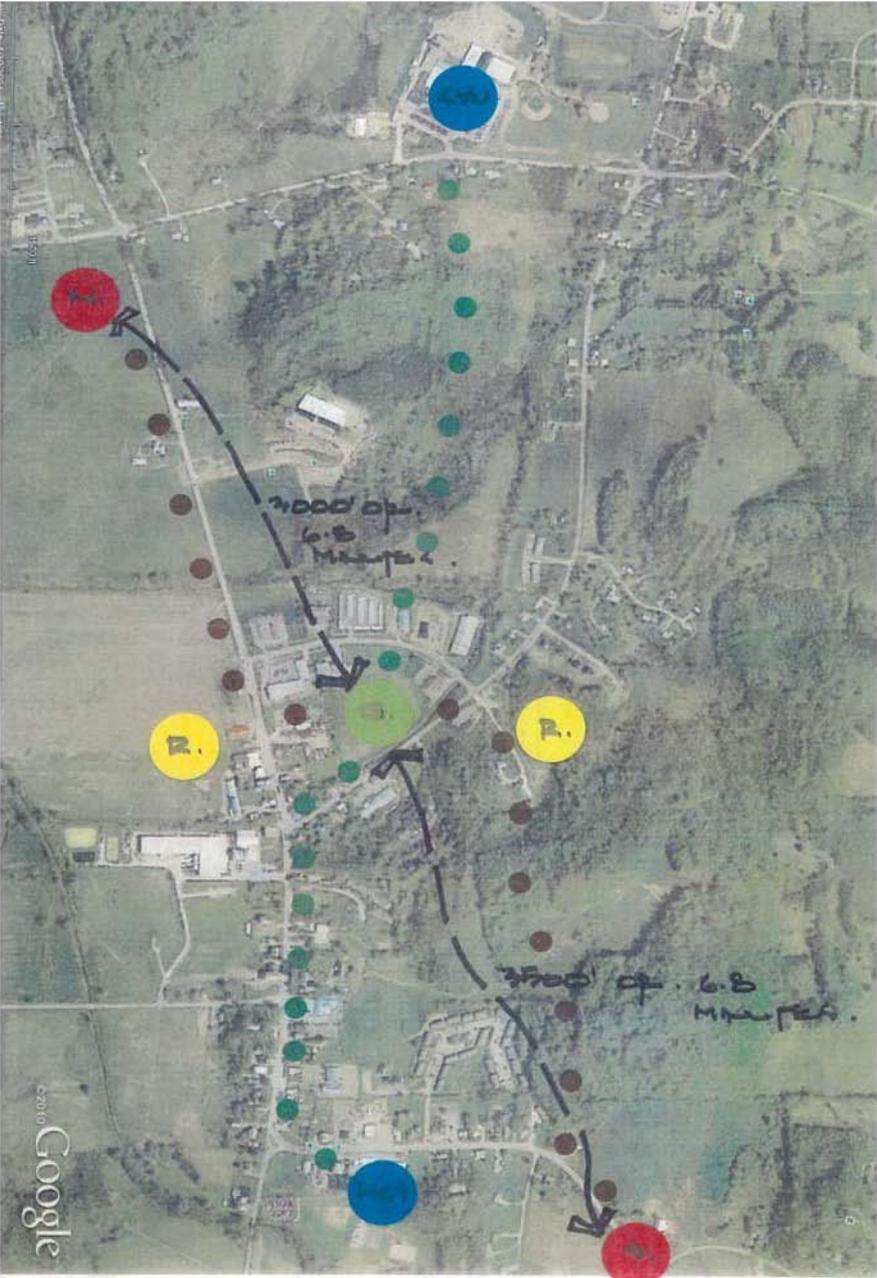


PLANT LIST		
KEY	BOTANICAL NAME	COMMON NAME
TREES:		
AR	<i>Acer rubrum</i>	Red Maple
AG	<i>Amelanchier grandiflora</i> 'Autumn Brilliance'	Serviceberry
MS	<i>Malus sargentii</i>	Sargent Crabapple
TC	<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden
PGa	<i>Picea glauca</i>	White Spruce
PGb	<i>Picea glauca</i>	White Spruce
UA	<i>Ulmus americana</i> 'Princeton'	Princeton American Elm
Transplant (4) Existing Trees Along Commerca Street		
SHRUBS:		
CS	<i>Comus sericea</i> 'Bailey'	Redosier Dogwood
RR	<i>Rosa rugosa</i>	Rugosa Rose
SB	<i>Spiraea x bumalda</i> 'Anthony Waterer'	Anthony Waterer Spirea
SJ	<i>Spiraea japonica</i> 'Shirobana'	Japanese Spirea
PERENNIALS:		
HM	<i>Hemerocallis</i> (Mixed Varieties)	

HINESBURG OFFICIAL MAP ADOPTED IN 2010

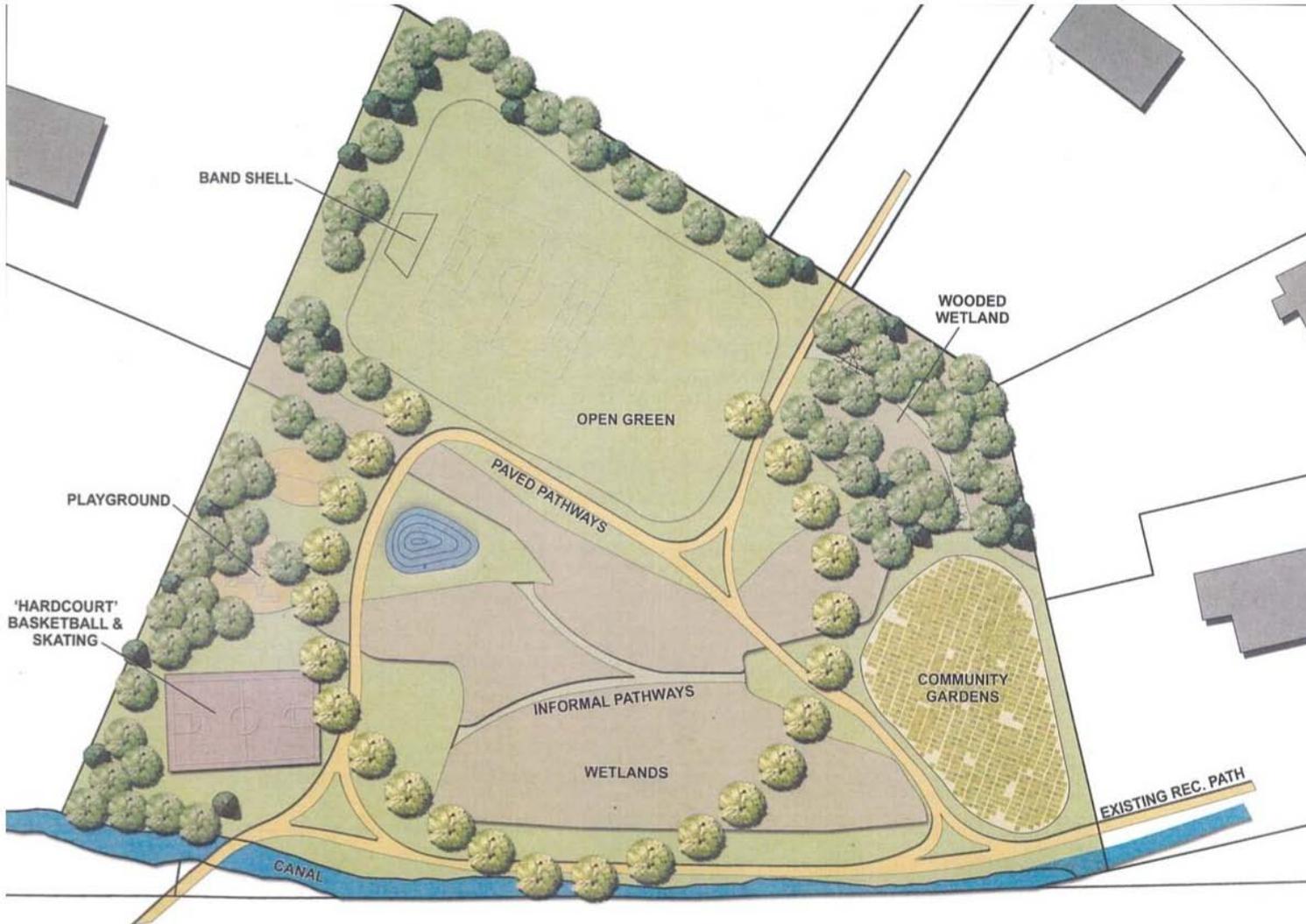


LOT 15 LOCATION IN THE NEW VILLAGE



1.5 500' HINESBLUFF VILLAGE AREA.

LOT 15 PLAN AS A TOWN GREEN AND RECREATION AREA IN THE VILLAGE CENTER



1

July 20, 2011

To the Development Review Board and the Select Board of Hinesburg:

I have lived in Hinesburg since 1980 and have owned a home on Silver St. since 1983. I have deep roots in this town and a great love for its rural character and sense of place. I have strong connections to my neighbors and to many of the shopkeepers in our village.

I am writing this letter because I have grave concerns about the direction that unnecessary and hasty development is taking in our town. I feel strongly that those ultimately responsible for critical decisions are leading this town down a path that is quickly turning it into a suburbia resembling Williston and South Burlington. Euphemisms such as "vibrant growth" or "economic vitality" cloak what I feel is the real story: the deep pocket of developers and large chains, and the misguided decisions of some of those who sit on the governing bodies in Hinesburg - a combination responsible for the speedy, thoughtless growth which is quickly destroying the very essence of our town.

There are many towns throughout Vermont that have managed to maintain their sense of self and place and have also managed to maintain economic viability by strongly planning for and supporting local businesses. These towns are committed to preserving their local character and rural roots. I'm sorry to say that I don't see that commitment here. I'm very worried that our local boards are poised to do our town a grave disservice: Kinney Drugs, a reality (where was citizen input for that project? - it was up before many citizens even realized it was being considered), Dunkin' Donuts, Subway and Hannaford's are real possibilities. I teach in Vergennes, and everyday I witness the disastrous effects of commercial truck traffic on a picturesque, small town. Is that what we want for Hinesburg? You are naïve if you think that these decisions are not putting us directly on the path that So. Burlington and Williston have taken.

I'm concerned that many of our town leaders may be taking Hinesburg down a path which is unalterable in the most negative of ways. I am sorry to say I also feel manipulated and powerless in the face of decisions which sometimes seem to be made without the serious thought and input they deserve. Therefore I hope to provide my input by citing these specific ways in which the Hannaford proposal violates Zoning or Conditional Use regulations:

- (1) **4.2.2(2): "The Proposal shall not adversely affect the area affected, and the essential character of the neighborhood or district in which the property is located."**

(Hannaford's will have a major impact on the essential character of the surrounding area. It will significantly contribute to the loss of local village flavor and roots and therefore to our quality of life. The building design is egregiously overbuilt for a town of our size. I know Hannaford's is counting on pulling in traffic and shoppers from other areas -- is this what we want?)



(2) **4.3.4 (2): "Safety of vehicular and pedestrian circulation on site and on the adjacent street network."**

(This town needs more safe and accessible walking areas, park space and green areas, especially for its young families and older citizens. This will make Hinesburg a safe, lovely town that people will want to visit and settle. A major supermarket will bring traffic congestion on and around the site, like we have never known in Hinesburg. Without question this presents a safety issue for pedestrians.)

(The traffic congestion and road safety issues this project will present for our small town, which is already stressed with rush-hour problems, will be increased exponentially. Again think of Williston during rush hour – is this is where you want to lead us?)

(3) **3.3.4 (4): "Adequacy of exterior lighting for...without creating off-site glare and excessive illumination."**

(Hannaford's will be operational 24 hrs. a day. It will be lit 24 hours a day. I know that proposed light levels are four times brighter than recommended. The rural night sky is forever gone. I have to say, this is nothing short of heartbreaking.)

I also wish to add that as a home owner I feel strongly that my property value will be adversely affected by the inevitable increase of traffic on Silver St. and the loss of village character that this project will most certainly usher in.

And very importantly I wish to add that our town's local businesses such as Lantman's, Koval's Coffee Shop and Brown Dog Books are a vital part of this town's economy, uniqueness and quality of life. We need to do everything we can to support them and other establishments like them. That is where the growth needs to occur. Instead we are moving quickly in the direction of putting them out of business and replacing them with chains and super-stores. Again nothing short of heartbreaking.

I respectfully submit this letter in the hopes that I can persuade you to make responsible decisions which will help preserve the rural character, quiet, uniqueness and safety of our town.

LLEWELLYN - HOWLEY

INCORPORATED

MEMORANDUM

To: Mr. Peter Erb, Zoning Administrator

From: Rick Bryant, Llewellyn Howley

Re: Proposed Hannaford Bros. Supermarket
Hinesburg, VT

Date: August 8, 2011

Summary

Per your request we have reviewed the *Traffic Impact Assessment for a Hannaford Supermarket* prepared by Lamoureux & Dickinson (L&D) and dated July 20, 2011. The submitted study represents an update of an earlier study dated February 28, 2011. The roadway capacity analyses included in the original study have been updated to consider a reduction in the peak hour traffic volumes generated at the existing Lantman's supermarket site. (It is assumed that the supermarket will close and be replaced with a less intensive use. As Hannaford negotiated the agreement to close Lantman's upon the opening of the Hannaford supermarket, this is presented as traffic mitigation.) New mitigation is also offered in the form of an agreement to relocate the Firehouse Plaza driveway on Commerce Street to the east providing greater separation from Route 116. Congestion mitigation retained from the prior study includes:

- extending the southbound left-turn lane on Route 116 at Commerce Street;
- extending the westbound through and right-turn lane on Commerce Street at Route 116;
- changing lane use conditions on Commerce Street westbound at Route 116; and,
- increasing the signal cycle length for the Route 116 traffic signals at Commerce Street and at Charlotte Road.

With the proposed mitigation L&D concludes that "the existing roadways and intersections in the immediate vicinity of this Project have sufficient capacity and that this Project will not create unreasonable traffic congestion conditions".

No mitigation is offered for the unsignalized intersections of Route 116 with Mechanicsville Road and with Silver Street. Under Build conditions, left-turns from the side streets at these two intersections in fact operate below capacity albeit with long delays. Level of Service E and F operations are anticipated at these two locations and volume levels at the Mechanicsville Road intersection satisfy traffic signal warrants.

Generally we find that the study has been prepared in accordance with industry standards and provides a reasonable depiction of future traffic conditions with the proposed project built. However, we recommend that the applicant consider certain refinements and additions to the traffic mitigation package. We also recommend that when evaluating these refinements that L&D again update elements of the traffic analyses included in the study.

Project Description

The L&D study evaluates a proposal to construct a 36,000 square foot Hannaford Bros. supermarket on Lot 15 of Commerce Park in Hinesburg, Vermont. (For analysis purposes a 36,783 square foot store was assumed consistent with the earlier study.) 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 ft 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.

Traffic Mitigation

Our review of the prior traffic impact study included recommendations that the applicant consider proposing a more comprehensive traffic mitigation plan. An enhanced mitigation program has been offered as part of the current study however, further actions should be considered as described below by location.

Commerce Street/Route 116

Anticipated congestion at the Mechanicsville Road/Route 116 intersection could cause existing westbound traffic using Mechanicsville Road to divert to Commerce Street where traffic can enter Route 116 with the benefit of a traffic signal. Given the potential for these traffic diversions, the adequacy of the proposed extension of the westbound through/right turn lane on Commerce Street at Route 116 (from 25 feet to 200 feet) should be reexamined.

The assumed traffic distribution for the proposed supermarket is oriented more to the south than traffic for the existing Lantman's supermarket. Should the Lantman's traffic distribution be more reflective of the actual distribution for the proposed supermarket then a higher volume of traffic may approach the site from the north than assumed in the study. Consequently, the adequacy of the proposed extension of the southbound left-turn lane on Route 116 at Commerce Street (from 75 feet to 175 feet) should be reexamined.

The proposed lane use conditions on Commerce Street and on Farmall Drive at Route 116 should be evaluated with respect to lane alignment across the intersection. The current lane use proposals would suggest much wider cross sections for the two side streets than currently proposed. Likewise, the lane use proposals should be reevaluated to determine if overall traffic delays may be reduced by maintaining the existing exclusive right-turn lane on Commerce Street westbound. In this regard, the Build AM peak hour volumes shown in the study assign greater volumes to the right-turn movement than the left-turn movement exiting Commerce Street suggesting that there may be benefits to maintaining an exclusive right-turn lane on Commerce Street.

The proposal to relocate the Firehouse Plaza driveway further to the east is beneficial in reducing traffic conflicts on the Commerce Street westbound approach to Route 116. However, this relocation does not eliminate all turning conflicts on the intersection approach. Also, the proposed "Don Not Block Intersection" striping, if as ineffective as the existing striping at the Lantman's entrance on Route 116, will not fully preclude traffic blockages and unsafe maneuvers. The applicant should also consider:

- Restricting left-turns from the western Jolley-Mobil driveway;
- Providing signage on Commerce Street eastbound directing motorists to the eastern Jolley-Mobil driveway;
- Defining a contingency plan should future operations prove to be problematic;
- Monitoring conditions at this location after the Hannaford project is built; and,
- Committing to implementing all or part of the contingency plan, as appropriate, if conditions warrant action based on the monitoring program.

Mechanicsville Road/Route 116

Left-turns from Mechanicsville Road to Route 116 operate with long delays (Level of Service F) under existing peak hour conditions. The intersection volumes reported already satisfy traffic signal warrant criteria. Traffic impacts from the proposed project will measurably impact delays and queues on the Mechanicsville intersection approach. Accordingly, the applicant should consider providing “post-Build” traffic monitoring at this intersection to determine if traffic conditions worsen relative to existing conditions and if improvements should be provided.

Charlotte Road/Route 116

Traffic mitigation at the Charlotte Road/Route 116 intersection is comprised of increasing the signal cycle length and closing the Lantman’s supermarket. (The L&D report also mentions that adding a southbound right-turn lane on the Route 116 intersection approach would significantly improve operations but there is no discussion provided relative to the feasibility of this change or any commitments to make this change.)

To the extent that a change in use of the Lantman’s site is included in the Hannaford project as traffic mitigation, then there should also be some legally binding commitment to cap the traffic generation for the Lantman’s site to the figures used in the traffic study. Such a commitment would require the current or future owners of the site to perform a traffic impact study and provide mitigation if they choose to redevelop the site in a manner that would generate significantly more traffic than indicated in the L&D study. Such a requirement might also create an opportunity to improve the existing intersection geometry. The current location of the entrance drive for Lantman’s is the cause of significant congestion at the Charlotte Road/Route 116 intersection. If the driveway could be relocated as part of a redevelopment project it may improve existing intersection operations.

Relative to the proposed change in the traffic signal cycle length it is unclear why this is proposed. Analyses should be provided with and without the proposed change to demonstrate the impact of the change on intersection queues and delays. A longer cycle length will often lead to longer queues during peak hours and longer delays during off-peak hours. Consequently, the change may have more negative impacts than positive impacts. (Similar analyses would also be required for the Commerce Street/Route 116 intersection where the signal cycle length is also proposed to change.)

Commerce Street/Hannaford Drive

The applicant proposes to increase the corner radius on the National Bank of Middlebury driveway at Commerce Street to accommodate trucks. A detailed plan of this change should be provided for review as the proposed two-lane driveway is narrower than driveways typically found at supermarket entrances.

Traffic Analysis

As noted, the updated traffic study provides a reasonable forecast of projected future traffic conditions. However, there are certain assumptions made in the analysis that should be updated to the extent that the analyses are used to support the design of proposed traffic mitigation measures. These are noted below.

Turn volumes into the existing Lantman’s driveway should be shown in the traffic flow networks and incorporated into capacity analyses for the Charlotte Road/Route 116 intersection. (Incorporation may take the form of using even lower saturation flow rates for the Route 116 southbound approach at this intersection.)

Potential traffic from the “Dark Star” parcel should be included in the No Build traffic flow networks as development of this site has been “approved” under the original Act 250 permit for Commerce Park.

Trips deducted from the traffic flow network to represent exiting Lantman’s traffic should be adjusted to consider the fact that a portion of the existing Lantman’s traffic includes pass-by trips. (The Lantman’s traffic was removed from the system as if it were all “new” traffic.)

Future use of the Lantman’s site should consider the more generic Institute of Transportation Engineers “Shopping Center” (Land Use Code 820) trip generation rates since the potential new users of the site are unknown.

Signalized intersection analyses should include the use of Peak Hour Factors (PHF’s) to adjust base traffic volumes. (The L&D report states that this adjustment is not required by VTrans when studying Design Hour Volumes [DHV’s]. Presumably, this is to avoid an overly conservative analysis since observed traffic volumes are usually inflated to develop DHV’s. However, when creating the DHV’s for this traffic study L&D actually lowered observed traffic volumes at some locations.)

A signal warrant analysis should be provided for the Silver Street/Route 116 intersection since it reportedly operates at Level of Service E under Build conditions.

Closing

As always, we are ready and willing to meet with you, your Board and/or the applicant to review our comments in person.

May 17, 2011

Dear Hinesburg Development Review Board:

As you are aware, I oppose the approval of the Hannaford supermarket application for “Lot 15” for numerous reasons, many of which were enumerated in my letter from January 27, 2011. I also understand that the application process is on hold, pending changes by Hannaford to the application, but I have been compelled by recent media coverage of the Hannaford proposal to write once again.

Hannaford has certainly been hard at work polishing its image in the wake of organized opposition to its proposal – the only type of action by any townspeople that has worked to slow the rush to development by Hannaford when it has decided to build in a specific location. I, along with many interested Hinesburg residents, await the revised plans from Hannaford; it is possible they represent a supermarket in scope and style that is appropriate for the “canal side” location selected by the corporation for building. However, its negotiation to buy out Lantman’s if it receives permits for a new store does not address the central problems with developing in the Village, or in the Lot 15 location.

I absolutely support the idea of current Lantman’s owner Brian Busier to sell out to Hannaford, or to relocate the store and/or switch to Hannaford as a grocery supplier, should he decide to take that route. But, nice as the notion is that Lantman’s might remain, under the new name or in a new place, the central issues still remain. The new proposal from Hannaford should be considerably smaller than proposed 36,000 square feet, and Hinesburg residents should not have to allow zoning exceptions for parking lots lighting, hours of operation, or 24-hour deliveries. Those are the things that kill the “village feel” Hinesburg is working hard to create under its Town Plan.

To Hannaford, the DRB should say NO to exceptions required for business hours before 6:00 a.m. or after 10:00 p.m.; lighting exceptions that will negatively impact Village neighbors; noise exceptions that will disrupt the village area; or signage exceptions. If Hannaford is unwilling to make the concessions necessary to act as a good neighbor, it should not be granted the privilege of building here.

Regards,

Craig Chevrier

1314 Gilman Rd.

(802)482-6152

September 19, 2011

I respectfully ask the DRB not to let peoples' emotional reactions to a chain store decide the outcome of Lot 15. I keep hearing how the zoning regulations are the rulebook. Therefore, the Hannaford's application needs to, and does in my opinion, comply with those regulations. Hannaford's revised application truly shows that the company is willing to work with the town (i.e., a farmers' market, park, and sidewalks) and consider peoples' concerns (no drive thru, less parking, lower lighting levels). Some say a Hannaford would not fit in Hinesburg. But this is a grocery store, not Toys R Us. Hannaford knows it will better serve this community. Just ask yourself as well as your friends and neighbors, "Where do you go to do the bulk of your grocery shopping?" The answer, most likely, would be another town. The responsible thing to do is keep residents in town to fulfill this most basic need.

I love my town and I am committed to staying here for the rest of my life. I would not feel this strongly about something that would "ruin the town" as some have said. A larger more affordable grocery store run by a company committed to local farmers (the "close to home" program) and the communities they serve (through donations to food shelves and local nonprofits) would be beneficial to Hinesburg and its future. Can we have a chain grocery store and keep our small town feel? Yes we can just like Stowe, Brandon, and Bristol.

Sincerely,

Elly Coates

Hannaford has recently submitted its new proposal for the one acre store and two acres of parking to be build on Lot 15 in Hinesburg. This new and amended version will be "sold" to our community and the DRB on September 20, 2011 at the Town Hall. Hannaford's initial proposal was an insult to many towns people as it was a huge, ugly, generic and carelessly conceived model of a grocery store that has no place in our small Vermont village. Now, what has been submitted constitutes a lighter shade of ugly.

This second Hannaford proposal continues to be out of scale with our town's vision. Our town plan and official map carefully designated this particular land for town green, community center, or a possible relocation of our town library. A big box eye-sore was not even considered to be an option because it was felt that this land could not support a structure or development of this size. The land is wet and even Hannaford reports that they would have to build up the center of this land six feet for their store. Let us not forget that another frightening aspect of this transaction was that it was done in the dark of night; the owners leased the land to a developer without knowing that its occupant would be the grocery chain, Hannaford.

VT TRAN (Vermont Agency of Transportation) reported to the Selectboard (July 25, 2011) that, currently, the traffic on RT 116 is already beyond capacity. They pointed out that 60 cars are often lined up for Lantman's traffic light at 5:30pm. The light at Lantman's can cycle six times by

the time a car, which is mostly idling, passes through town. Essentially, Hannaford is dictating to the town what other local businesses will be able to put down roots here because the roads, especially 116, will not be able to accommodate more traffic. What is truly incongruous is that Hannaford, in their own traffic study, to the DRB that their store will have a negative effect on traffic. Who are they kidding?

Hannaford and its shareholders will have no responsibility to address the needs of our community once they have built their store. They will not be responsible for the wear and tear of the roads and the probable need to upgrade the fire and police departments. Hannaford has shown its colors as an irresponsible community partner in the K-Mart Plaza in South Burlington. When their store was found to no longer be profitable, they left a vacant unsold and unsightly building/parking lot. It appears that they do not want to sell to any possible competitor. What if Hannaford found that their store on Lot 15 did not perform as they has planned; could it as easily be abandoned, leaving the store and parking lot to rot in the center of our town? If Hannaford can affect this type of wreckage in South Burlington, what makes us think that the future of our community would be any different?

It is not what for the people of Hinesburg to take responsibility to imagine and create a beautiful space on Lot 15. We know that it is the parks, local business and green space that make a community healthy. Please, let us not be complacent or cajoled into thinking that the Hannaford proposal is already a finished deal or that we have no way to fight this kind of corporate takeover. It is just not true. We must win this battle because if this precious land in the middle of the village is paved over, it is lost to us and our children forever.

Please, find your way to get involved so that we can shout respectfully together: Hannaford, not here!

Mary Beth Bowman 140 Aube Ridge Road Hinesburg, Vt. 05461 598-7799

Hello Peter rec'vd 9-15-11

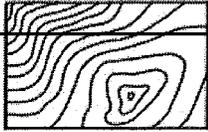
Regarding the Hannaford's application, has the following possibility been considered?

- Instead of locating Hannaford's on Lot 15, relocated the community LIBRARY to Lot 15 – and ask Hannaford's to research whether they can build on the lot vacated by the library on Shelburne Falls Rd. That location is far better suited to a large retail business, and Lot 15 is far better suited for community use.

Has this been studied?

Thank you

Mary Hurlie
(Enos Road)



**GROVER
ENGINEER
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2044 Hnln Roo.d, Huntington,
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05462 phone• 802-434

September 16, 2011

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

RECEIVED

SEP 20 2011
TOWN OF HINESBURG
DRB & ZONING

Re: Proposed Hannaford Supermarket & Pharmacy
Commerce Street, Hinesburg
Review of Stormwater Plans and Details

Dear DRB Board Members:

On behalf of Responsible Growth Hinesburg, I have reviewed the following plans for the proposed Hannaford supermarket and pharmacy in Hinesburg: C6-Stormwater Plan, and C7-Stormwater Details, both dated November 9, 2010 prepared by O'Leary-Burke Civil Associates, PLC. I also briefly discussed this stormwater plan with Kevin Burke, Environmental Analyst with the Vermont Stormwater Section at the DEC.

Based on my review of these plans and discussions with Kevin Burke I have concerns about the viability of this proposed stormwater collection, treatment, and disposal system to adequately protect water quality, to prevent downstream erosion, and to protect human health. The following list highlights my concerns and recommendations:

1. The proposed use of stormwater chambers like the Stormtech products can only meet the state requirements for treatment of the Water Quality Volume (WQv) as an infiltration device (described in Table 2.1 of the Vermont Stormwater Management Manual -Volume I). This practice requires that underlying soils have an infiltration rate of at least 0.5 inches per hour, a clay content of less than 20% and a silt/clay content of less than 40%. No supporting percolation test data shows that this rate is available. Limerick silt loams "...are saturated with water for an extended period. A normally high water table keeps them wet from late fall to late in spring. During the wetter part of the year, water stands at or near the soil surface." (USDA Soil Survey of Chittenden County Vermont, reissued January 1989, page 42). Munson and Raynham soils "...have limitations for many non-farm uses, especially those for which wetness, permeability, and texture are considerations (ibid, page 53). Moreover, the bottom of the stormwater chambers must be separated by at least three feet vertically from the seasonally high water table, and infiltration practices cannot be located in fill soils

(except the top 25%). There is no indication that this separation is being met at the site.

2. Use of storm chambers results in stagnant water being stored between storm events in the underground chambers, with no benefit from the sterilization process afforded by exposure to sunlight. Studies suggest that this lack of drying and lack of UV light can lead to pathogen buildup in stormwater, and could also seasonally serve as a breeding ground for mosquitoes. See the attached article, which indicates that processes like dry detention ponds, sand filters,

and bioretention devices are most effective at pathogen removal. I am concerned that, especially with the first flush water during new storm events, elevated levels of pathogens will discharge from the proposed stormwater system.

3. The storm chamber system, as described in the narrative on Sheet C6, uses orifices to slowly release stored water from 1-year and 10-year storm events, but larger flows pass over the top of the concrete weirs in structures POI #1 and POI #2, and are directed to the single point of outfall at an existing drainage swale located just north of Commerce Street. The documents reviewed do not perform a downstream analysis using the 10% rule to test the adequacy of existing downhill structures, swales and streams to accept these flows. This analysis is required by the state for sites with more than 10-acres of impervious area, which admittedly is not met at this site. However, given the high percentage of impervious coverage proposed (65.4%), I am very concerned that storms larger than the 10-year-24-hour event would damage or overwhelm stormwater conveyances downstream of the point of discharge. I recommend that this evaluation be performed.
4. There is no protection for the control orifices from floating or suspended debris. Without this protection, these orifices may plug and reduce or eliminate any stormwater detention capabilities of the chambers.
5. Conversion of this natural site to the proposed use will introduce many dissolved, emulsified and suspended contaminants into the stormwater that is generated, including road salt, oils, greases and heavy metals. These contaminants will, for the most part, simply pass through the proposed stormwater treatment system and will impact downstream water quality.
6. Despite the provision of an "ADS Pipe Water Quality Chamber" to remove grit and possibly free-phase oils, suspended soils will enter the large complex of chambers and will settle out into the crushed stone beds at the bottoms of these chambers. This buildup will reduce available detention volume and could create a medium for accumulation of pathogens. Under "Storm System Maintenance" notes on Sheet C7 is the following statement: "A build up of debris in excess of the design storage volume could reduce the efficiency of the system." There is no indication as to how accumulated sediment will be effectively removed from the long rows of 16-inch high chambers, and from the void spaces in crushed stone surrounding these chambers.
7. Stormwater flowing down steep side slopes along the perimeter of the parking lot do not appear to be treated. If these slopes are impervious retaining walls, then treatment is required. If they are pervious structures, they could be sites of erosion due to their steep slopes.

In light of these concerns, I urge the Development Review Board to seek additional information from the design engineers (especially with regard to treatment of the Water Quality Volume), to recommend additional treatment practices, or to require a reduction in the coverage (total impervious area) for this site.

Sincerely,



Dean A. Grover, P.E.

Attachment

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Removal of Pathogens in Stormwater

Controlling pathogens in runoff presents a growing challenge for stormwater managers and designers. This fact sheet provides an overview of pathogens: what they are, how they affect people, and how they are regulated; describes their association with stormwater runoff; and investigates stormwater management practices that may limit pathogen presence in surface waters.

WHAT ARE PATHOGENS?

Microorganisms are common in the natural environment, often performing beneficial functions such as cycling nutrients, decomposing organic matter, and enhancing plant productivity through symbiotic relationships. The term *microorganism* generally refers to many different organisms including bacteria, protozoa, and fungi. Although often beneficial, some types of microorganisms can cause sickness when they enter the human body during consumption of contaminated shellfish, ingestion during water-related

recreational activities, and even through skin contact with contaminated waters (USEPA 2001). Microorganisms

(and viruses) that can cause illness are referred to as pathogens and are a major concern when they are present in streams, lakes, and marine waters. Common examples of pathogens we presented in Figure and Table 1.

HOW DO WE KNOW IF A WATER BODY IS CONTAMINATED BY PATHOGENS?

Indicator species are used to test for the presence of harmful pathogens in surface waters. Although these species are normally not harmful to humans, their presence in surface waters can indicate contamination from the fecal matter of warm-blooded animals, a source of pathogens. Various indicator species have been used to assess water quality degradation due to pathogens, including total coliform, fecal coliform, *Escherichia coli* (*E. coli*), and enterococci. In North Carolina, freshwater systems (class C, Table 2) are commonly evaluated using fecal coliform as an indicator. The geometric mean of at least five water quality samples (normally "grab" samples) taken over a month must not exceed 200 per 100 milliliters (400/100 ml should not be exceeded in more than 20 percent of these samples). Additionally, standards have been established for fecal coliform in waters designated for shellfish harvesting (SA waters), with the targeted geometric mean being no higher than 14 per 100 milliliters (43/100 ml should not be exceeded in more than 10 percent of these samples). Enterococcus is commonly used in marine waters as an indicator in shellfish harvesting waters (SA), and in very recre-



State University

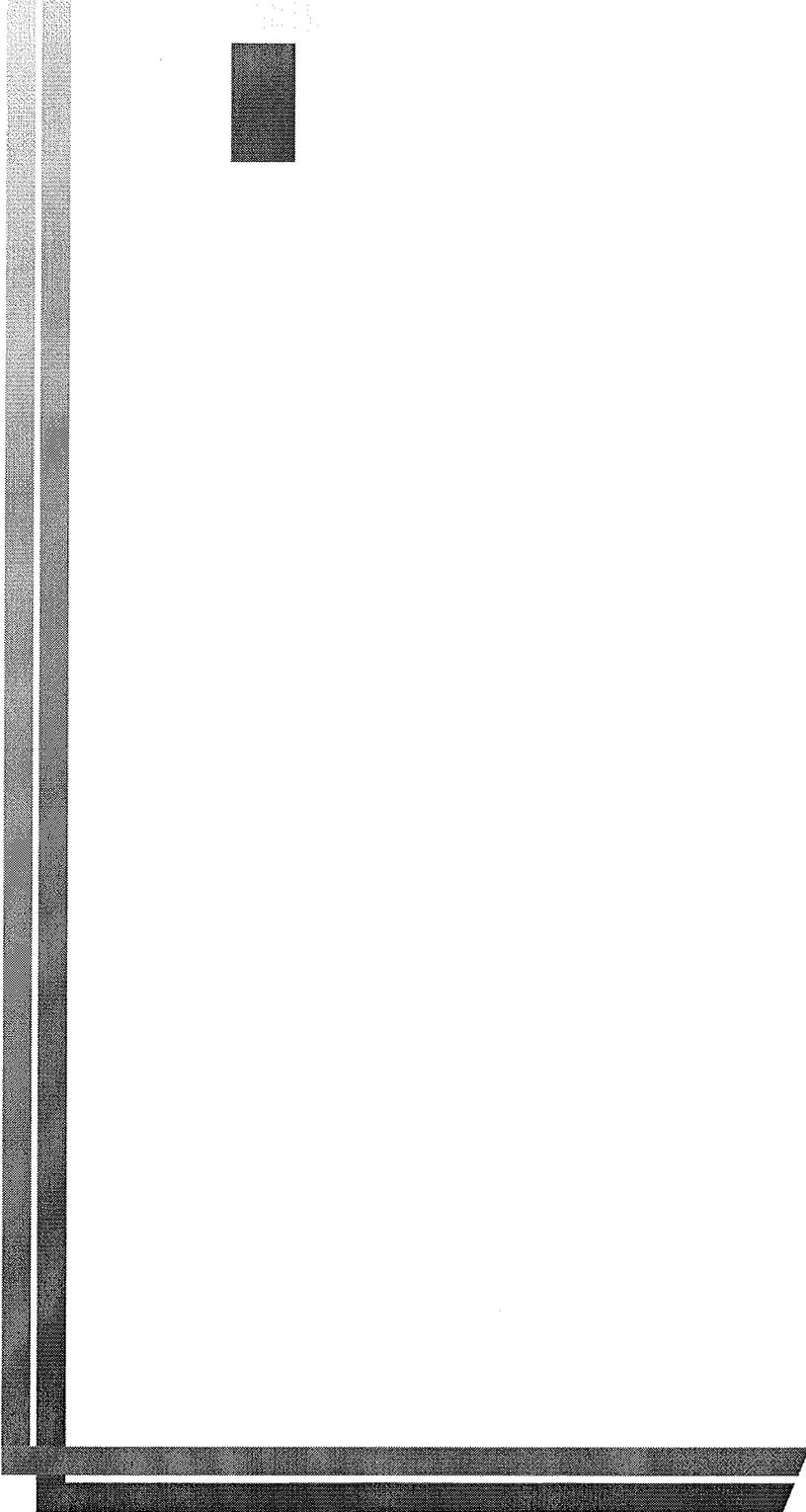
COOPERATIVE

EXTENSION

URBAN

Empowering People - Providing

Waterways



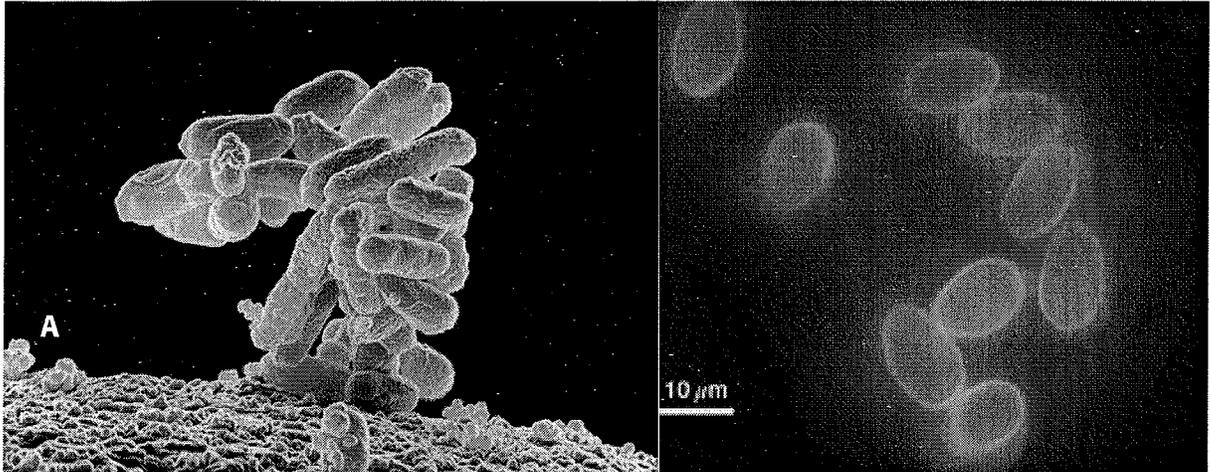


Figure 1:(A) Electron micrograph of *E. coli* cluster (U.S.Department of Agriculture-Agricultural Research Service) (B) Immunofluorescence image of *Giardia lamblia* cysts (H.D.A Lindquist,U.S. EPA)

Table 1: Pathogen types,descriptions,and example

Type	Brief Description	Example Pathogens (disease)
Bacteria	Single-celled organism with no nuclear membrane.Cell structure is simple,containing few organelles.	<i>Salmonella typhimurium</i> (Typhoid fever), <i>Escherichia coli</i> 0157:H7 (Gastroenteritis), <i>Vibrio cholera</i> (Cholera), <i>Salmonella typhi</i> (Typhoid fever)
Protozoa	Single-celled organism,genetic material enclosed in nuclear membrane.Described as microfauna.Often feed on bacteria, algae,and other microorganisms.	<i>Giardia lamblia</i> (Giardiasis), <i>Cryptosporidium</i> (Cryptosporidiosis), <i>Entamoeba histolytica</i> (amoebic dysentery)
Virus	Infectious agent consisting (structurally) of either DNA or RNA covered in a protein coat.	Hepatitis A (infectious hepatitis),Rotavirus (Gastroenteritis),Adenovirus (respiratory disease, gastroenteritis)

Table 2: Description of various water classes in North Carolina (NCDWQ, Surface Waters and Wetlands Standards, 2007)

Class of Water	Description
C	SB
SA	SC es.

ation waters (SB), and in secondary recreation/aquatic propagation/aquatic protection waters (SC, Table 2). The standard for enterococcus in these waters is a geometric mean of 35 per 100 milliliters.

The U.S. Environmental Protection Agency (EPA) is currently promoting the use of either *E. coli* or enterococcus, rather than fecal coliform, as a bacterial indicator in fresh water because a stronger correlation between these two indicators and illness

Table 3: Water quality standards for indicator bacteria in North Carolina (NCDWQ, *Surface Waters and Wetlands Standards*, 2007)

Class of Water	Indicator	Geometric Mean (per 100 ml)
C	Fecal coliform	200
SA	Fecal coliform	14
SA	Enterococcus	35
SB	Enterococcus	35
SC	Enterococcus	35

in recreational waters has been identified. The suggested target geometric mean in fresh waters is 126 per 100 milliliters for *E. coli* and 33 per 100 milliliters for enterococcus. Table 3 summarizes the current target pathogenic indicator bacteria concentrations for each class of water in North Carolina. For a further description of indicator bacteria, see EPA report number 841-R-00-002, "Protocol for Developing Pathogen TMDLs."

SIGNIFICANCE OF PATHOGENS AS POLLUTANTS

WHAT IS A GEOMETRIC MEAN?

The geometric mean is similar to the average or arithmetic mean of a set of values; however, the geometric mean indicates the central tendency of the set, much as a median does. This is valuable when working with indicator bacteria because somewhat dramatic spikes and dips in bacteria measurements are not uncommon. Thus, using the geometric mean helps reduce the skew that such spikes can have on the calculated value for a given sample set and is considered a better metric for bacterial contamination.

$$\text{Geometric mean} = \sqrt[n]{A_1 \times A_2 \times \dots \times A_n}$$

In 2000, the EPA's National Water Quality Inventory revealed that 13 percent of the surveyed river and stream miles were impaired by bacteria (pathogenic indicator bacteria) (USEPA 2002). Of the stream and river miles designated as impaired—either unable or partially unable to meet their designated use—more were affected by pathogenic indicator bacteria than by any other pollutant or stressor (USEPA 2002).

Although pathogens are often thought of as pollutants affecting water quality in coastal areas, nu-

Where: A_1, A_2, \dots , etc. = a single sample in
a given data set n = number
of samples in the data set

merous streams throughout North Carolina are on the 303(d) list, a list of impaired waters sent to the EPA by each state every two years, for fecal coliform. The North Carolina Division of Water Quality (NCDWQ) reported in 2007 that river basins primarily located in the mountains and piedmont (the Catawba, French Broad, and Yadkin-Pee) had a combined total of 231 stream miles impaired by fecal coliform. These studies illustrate the importance of understanding and treating pathogen pollution throughout North Carolina.

PATHOGEN SOURCES AND PRESENCE IN STORMWATER RUNOFF

Many pathogens are present in the fecal matter of both humans and animals (domestic and wild). These pathogens can enter surface waters in many ways, including through sewer pipe and septic tank leaks, by waterfowl and other animals defecating directly into water bodies, and through fecal matter that is transported via stormwater runoff (Figure 2). A study performed in North Carolina by Mallin, et al. (2000) indicated that as the amount of impervious area in a watershed increases, the amount of indicator bacteria monitored in nearby receiving waters seems to increase. Impervious areas indicate human activity and the associated presence of pet and vermin waste. Impervious areas also generate large amounts of runoff that is quickly transported to nearby surface waters, carrying pathogens with it.

Pathogen transport from urbanized areas to nearby surface waters presents a public health risk within both freshwater and marine environments. Extensive research has examined the impact of bacte-

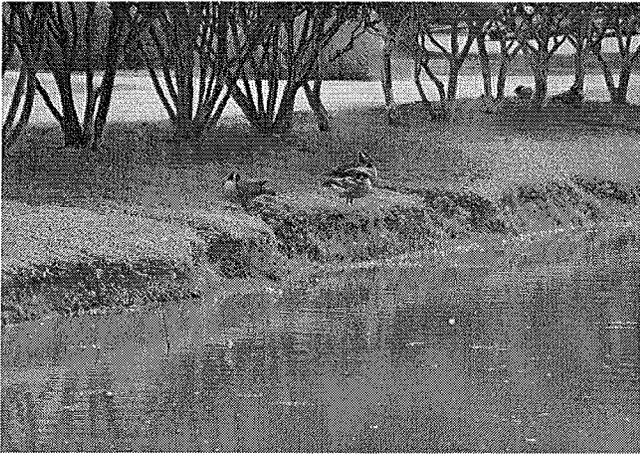
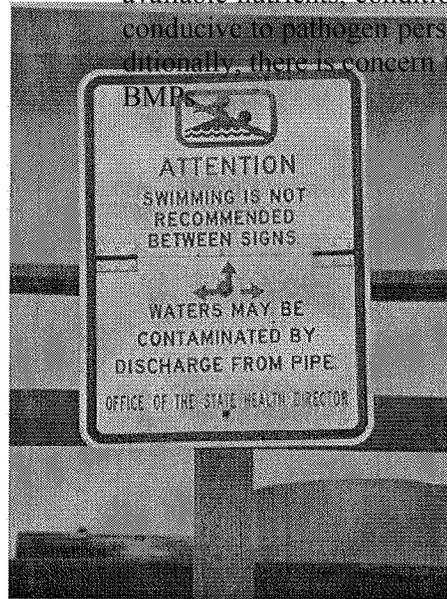
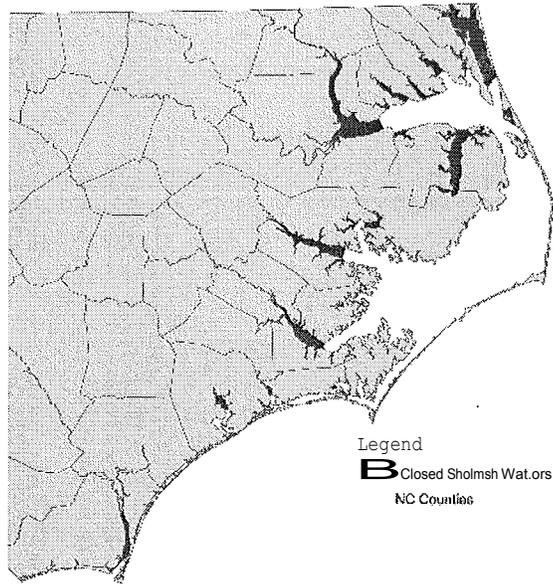


Figure 2: Waterfowl can produce substantial amounts of waste around urban ponds.



be treated by implementing stormwater Best Management Practices (BMPs), each of which provides some combination of treatment mechanisms. Examples of stormwater BMPs are dry detention basins, wet ponds, wetlands, bioretention areas, and proprietary devices (Table 4). For more information on these BMPs, please see AG 588-1 Urban Stormwater Structural Best Management Practices.

Microbes require specific environmental conditions to thrive and survive. Intolerance to certain environmental conditions such as high or low temperature and pH, or predation from other microbes, can remove pathogens or cause die-off. BMPs commonly have moist soils and readily available nutrients, conditions that may be conducive to pathogen persistence. Additionally, there is concern that stormwater

can be sources of pathogens. BMPs can attract wildlife including deer, waterfowl, rodents, and domestic animals. These animals defecate in and around the BMPs, resulting in direct pathogen inputs to the system. Ongoing research is being conducted at N.C. State University and elsewhere to determine

if BMP designs can be manipulated to provide or enhance

treatment mechanisms and environmental condi-

Figure 3: (a) Closed shellfish waters in North Carolina (b) Posted warning sign at North Carolina beach.

tions that will stimulate pathogen inactivation and die-off.

Table 4: Description of various stormwater BMPs and theoretical pathogen removal mechanisms

BMPType	Description	Treatment Mechanisms Relevant to Pathogen Removal
Dry detention (basin)	Fills during storm events, retains runoff for 1 to 2 days, and then slowly, but completely, drains. Remains dry between precipitation events. Primarily used for peak flow mitigation	Drying; sun exposure, sedimentation
Wet pond	Influent runoff theoretically replaces runoff captured from previous events (plug flow). Retains runoff for 1 or 2 days, and then slowly drains. Maintains water pool. Used for peak flow mitigation and some water quality improvement.	Sun exposure, sedimentation
Stormwater wetland	Fills during storm events, retains runoff for 1 or 2 days as it slowly drains. Maintains water pool. Has shallower water and more vegetation than wet pond. Normally used for water quality improvement, but can be used for peak flow mitigation.	Sun exposure, sedimentation, some drying
Sand filter	Runoff first enters a sedimentation chamber before flowing through a column of soil. Sand chamber is dry between events.	Drying, sedimentation, filtration
Bioretention	Similar to sand filter, runoff enters system and passes through soil media, where it is filtered. May pond 6 to 12 inches. Primarily a water quality BMP. System is dry between events.	Drying, sun exposure, sedimentation, filtration
Grassed swales	Runoff flows through an engineered, grassed channel used to convey it from one location to another.	Sedimentation, sun exposure, drying
Proprietary devices	Use baffles, settling chambers, filtration, and other means to separate floatable solids and promote sedimentation. Primarily intended for water quality.	Sedimentation, filtration, based on manufacturer's normal sedimentation and filtration, etc.

76 percent and 79 percent, respectively. The average fecal coliform outflow concentration for each of the wetlands was higher than the EPA target value of 200 per 100 milliliters. Davies and Bavor (2000) also studied a wet pond receiving residential stormwater runoff. There was a 2.5 percent mean addition of fecal coliform based on weekly samples taken from the site. Davies and Bavor (2000) associated the poor performance of the wet pond, relative to the wetland, to its poor removal of fine clay particles to which the bacteria were "predominately absorbed." The mean effluent concentration of fecal coliform was 8100 per 100 milliliters.

Research was also conducted at three wet ponds in Wilmington, North Carolina, by Mallin, et al. (2002). The ponds were sampled monthly, regardless of whether the pond discharge was base flow or storm flow. The authors did not report the percentage of samples associated with wet weather. The average fecal coliform removal in the three ponds was 56 percent, 86 percent, and 13 percent, and a correlation was observed between fecal coliform concentrations and rainfall occurring within 24 hours of sampling. The average effluent fecal coliform concentrations for the three wet ponds was 70, 43, and 85 per 100 milliliters, respectively; however, only one of the wet ponds had an average influent fecal coliform concentration higher than the EPA targeted value of 200 per 100 milliliters (488 per 100 milliliters). These effluent concentrations also include samples taken during base flow. These studies suggest some variability in wet pond performance with regard to pathogen removal.

Most of the BMP data associated with pathogen removal is available in a database format through the International Stormwater BMP database (www.bmpdatabase.org). Analyses of this database by Clary, et al. (2008) and by the Center for Watershed Protection (2007) show the potential that BMPs offer for

ed a study with the N.C. State University Biological and Agricultural Engineering department to assess the treatment capabilities of various types of stormwater BMPs in Charlotte, NC. Two stormwater wetlands, two wet ponds, two dry detention basins, a bioretention area, and four proprietary BMPs were monitored as part of this study. Enough bacteria data—no fewer than six samples—were collected from nine of these BMPs to begin to evaluate their performance for both *E. coli* and fecal coliform. Some of the results of this study are presented in Table 5.

These data indicate that some types of stormwater BMPs may effectively reduce indicator bacteria, and thus potentially pathogens, in stormwater. Specifically, the wet pond, two wetlands, bioretention area, and one of the proprietary systems showed positive fecal coliform removal (results vary to some degree for *E. coli*). Only the two wetlands and the bioretention area had statistically significant reductions. Despite these observed reductions in indicator bacteria concentration, reducing urban runoff to concentrations below North Carolina standards may be difficult using stormwater BMPs. For example, the data collected from the BMPs in Charlotte, NC, showed only one BMP produced effluent concentrations of fecal coliform below a geometric mean of 200 per 100 milliliters. This BMP was a stormwater wetland with poor vegetative growth, which possibly increased the exposure of indicator bacteria to UV radiation. The lack of vegetation is not an ideal characteristic for stormwater wetlands, as the vegetation provides aesthetic appeal, cools the outflow, uptakes nutrients, and aids in oxidation-reduction reactions (Figure 4). Research is ongoing elsewhere in North Carolina, with a number of stormwater BMPs being evaluated for pathogenic indicator bacteria removal.

Table 5: Fecal concentration reduction efficiency for BMPs in Charlotte, NC.

BMPType	Geometric Mean Influent (per 100ml)	Geometric Mean Effluent (per 100ml)	Efficiency Fecal Coliform (%)	% of effluent samples under 200 (per 100 ml)
Dry Detention 1	1985	2873	-31	0
Dry Detention 2	1327	1590	-21 ¹	0
Wet Pond	9033	2703	57	7
Wetland 1	9560	184	99 ²	56
Wetland 2	8724	3874	70 ²	13
Bioretention	2420	258	69 ²	74
Proprietary 1	667	277	77	43
Proprietary 2	235	368	-169 ¹	50
Proprietary 3	1472	2379	-381 ¹	0

1: Negative values indicate an increase in concentration

2: Significant reduction between the influent and the effluent

Table 6: Relative pathogen removal capabilities of various stormwater BMPs

BMP	Proposed Fecal Coliform Removal Ability
Dry extension detention basin	Medium
Wet detention basin (wet pond)	Medium
Stormwater wetlands	Medium
Sand filter	High
Bioretention	High
Grassed swale	Low
Proprietary devices	Unclear based on design

(NCDENR- Stormwater Best Management Practices Manual, 2007)

¹Category added to the table by authors



Figure 4: Substantial sun exposure at Wetland 1 in Charlotte, NC, possibly leading to low effluent concentrations of pathogen indicator species.

WHAT'S THE VERDICT?

Pathogen removal appears to vary not only by BMP type, but also among similar BMP types at various locations. The variations in bacteria removal efficiency within BMPs are not well understood; however, some performance assumptions can be inferred based on a scientific understanding of how microorganisms are sequestered and killed in the natural environment. The North Carolina Division of Water Quality's *2007 Stormwater BMP Manual* presented estimates of fecal coliform removal by BMP type. These estimates are a good starting point and are presented for a selected group of BMPs in Table 6. A more extensive list can be found in the *2007 Stormwater BMP Manual*.

Bioretention and sand filters are rated as "high" (Table 6). These systems have little input from animals due to their lack of exposed standing water, eliminating a common attraction for waterfowl. Sediment-bound pathogens are filtered in these systems during storms, and some sun exposure is provided in bioretention areas. These systems are designed to dry out between storms, potentially drying out pathogens at the same time.

Conversely, swales are rated as "low" (Table 6). Swales are attractive to animals such as dogs and are not necessarily intended to completely dry between storms, potentially providing an environment where pathogens can persist. Sediment (and the associated sediment-bound pathogens) may fall out of the runoff as it passes through the swale, but little permanent sediment sequestration occurs. Ongoing research in North Carolina and elsewhere

pathogen removal, but also what design features can be manipulated to enhance pathogen removal and decrease pathogen persistence in stormwater BMPs.

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Hunt, W.F. 2000. Urban Stormwater Structural Best Management Practices. NC Cooperative Extension Urban Waterways Series, AG-588-1. Available at: <http://www.bae.ncsu.edu/stormwater/PublicationFiles/UrbanBMPs1999.pdf>

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RELATED WEBSITES

www.bae.ncsu.edu/stormwater. NCSU BAE Stormwater Group Web site highlighting stormwater research projects and extension programs across N.C.

www.ncstormwater.org. State of North Carolina Stormwater Web site.

<http://www.deh.enr.state.nc.us/shellfishindex.htm>. NCDENR Shellfish Sanitation and Recreational Water Quality Section.

<http://csi.northcarolina.edu/index.htm>. University of North Carolina Coastal Studies Institute.

<http://www.epa.gov/nerlcwww/index.html>. United States Environmental Protection Agency Microbiology home page.

www.sph.unc.edu. University of North Carolina at Chapel Hill-School of Global Public Health.

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From: pjohannahouser@aol.com [mailto:pjohannahouser@aol.com]
Sent: Friday, September 16, 2011 6:07 PM
To: hinesburgzoning@gmavt.net
Subject: Hannaford

Greetings,

I've lived in Hinesburg for the past 21 years and I am deeply opposed to bringing a giant supermarket to our little town. You can get to the Hannaford in Williston in 15 minutes from our village. If this large supermarket is needed for people in Starksboro, or Bristol or Monkton, the store should be closer to them. I wouldn't wish that on them either.

I wasn't opposed to the new Drug store, but I am appalled by its location, only 5 feet from Rt 116. Why didn't they set it a little back from the road and plant some nice trees or shrubs.

I remember the first time I saw the ugly building that was built for Estys and the other businesses there. I almost cried. It seems as though no one cares about esthetics. Hinesburg could be a charming little town that could attract business without turning ourselves into all the other cookie cutter towns around the country. It's very sad to me.

I love Lantmans and will be heart broken if Hannaford comes to Hinesburg,

Sincerely,

P. Johanna Hauser

From: Jim Collins [mailto:BPMJEC@GMAVT.NET]
Sent: Monday, September 19, 2011 2:02 PM
To: hinesburgzoning@gmavt.net
Cc: Sam/Mom Collins
Subject: Hannaford DRB review

My wife and I are in favor of a Hannaford grocery store located on Lot 15 in the commercial district.

This store will help us reduce our carbon footprint by dramatically reducing our trips out of town for groceries. Not having to go into Burlington or Williston for groceries will mean we will be more inclined to buy other items locally.

Jim and 'Sam' Collins
373 Hayden Hill Rd W
Hinesburg

RECEIVED

MAY 24 2011

TOWN OF HINESBURG
DRB & ZONING

Annie Van Dusen
1429 Texas Hill Rd.
Hinesburg, Vt 05461

May 20, 2011

TO: The Design Review Board

Just a note to let you know my feelings concerning Hannafords coming to Hinesburg. I sent an email some weeks ago, but feel that it is important to keep the debate alive, while decisions are still in process. I feel that the quaint feel of our town would be lost with the installation of such a large box store. The availability of sidewalk and park area for residents to walk with their children within the village, I feel would be lost.

A community feel is so important and we have that now....why would we want to give that up. Lantmans is also a local business which lends to this feel even more. Another issue of course would be the increased traffic which is already difficult at the rush hours. The establishment of a park in the proposed area would be my first choice.

I feel that this is a turning point for our community: do we want to maintain our small town community feel with an importance on local businesses and available goods or do we want to become like any other suburban satellite within range of a larger city. I feel that if Hannafords were allowed to build a change....not for the good.....would be set in motion that our town could not recover from. Thank you for considering my views.

Annie Van Dusen (26 year resident of Hinesburg)



From: David Lyman [mailto:dflyman@gmavt.net]
Sent: Monday, September 19, 2011 10:51 AM
To: hinesburgplanning@gmavt.net
Subject: Please pass on to DRB

Dear Alex, Would you please present a copy of the following to members of the DRB tomorrow night. I have sent a copy to the select board members as I could get their e-mail addresses off the town website. Thank you, David

Dear Members of the Hinesburg DRB and Select Board.

As a life long resident of Hinesburg I wish to offer my thoughts on Lot 15. Over the last 83 years many changes have taken place. At one time Hinesburg was purely an agricultural town, mainly dairy with 50 to 60 dairy farms.

The house now occupied by Polly Quinn was the sight of the Condensery where local farmers went by horse and buggy to deliver their milk to market. Unannounced by any previous notice, on a particular morning was a sign on the door CLOSED. Thus was born the original buildings on what is now known as the Saputo property. Back then it became a branch of the Shelburne Cooperative Creamery.

This building was also closed at a point when the milk was trucked to the main creamery in Shelburne, VT. The question may arise as to how I am so knowledgeable of this fact. My Father was the trucker and he operated four trucks, picking up can milk at the farmyard and delivered to Shelburne.

In 1939 Dean Economou purchased these vacant buildings and was the start of cheese making at this facility. Not sure of the date, but Shelburne Cooperative Creamery closed and the milk of local farmers once again had a market in Hinesburg. The coming of the bulk milk tank, around 1960, was the beginning demise of the small dairy farm. It was an issue of economics.

As the dairy farms continued to disappear farm land was being sold off for building lots as a source of income for the land owner. The coming of IBM to the area also contributed to the down fall of the small dairy farm, good paying jobs became available on a 40 hour per week basis versus long hours on the farm. Hinesburg was fast on the way to becoming a bedroom town.

As the population grew there was the need and desire for infrastructure, such as Grocery Stores, Restaurants, Deli's Service Stations, Medical Center, Dentist, Hardware Store, Laundromat, Drug Store, Storage Facilities, Golf Course, Liquor Store, Car Wash, Churches. Indeed these did not come about all at once but as you can see and have witnessed it has already happened. Growth is inevitable.

Lot 15 has been zoned commercial for many years and has now been proposed for a new modern, up to date grocery store. I am very much in favor of this store and would only make Hinesburg more sustainable in these times of high gas prices and concern of too much pollution caused by driving to Burlington.

I "gave" the town, so called lot 1, six and one half years ago and no uses have been designated for it. So why all of a sudden does lot 15 become an issue when someone wants to buy it?

Thank you for listening to my side of the story.

David Lyman

From: Barbara Lyman [mailto:vtmtnbarb@yahoo.com]

Sent: Sunday, September 18, 2011 9:20 AM

To: hinesburgplanning@gmavt.net

Subject: LetteLetter to the Development Review Board: This is to advise you that I am very much in favor of a Hannaford's grocery store on Lot 15, which is zoned commercial. We keep hearing the words "Big Box Store". Bed, Bath & Beyond is a big box store. Best

Letter to the Development Review Board:

This is to advise you that I am very much in favor of a Hannaford's grocery store on Lot 15, which is zoned commercial. We keep hearing the words "Big Box Store". Bed, Bath & Beyond is a big box store. Best Buy is a big box store. Super Walmarts are big box stores. This is a very nice grocery store, with wide aisles, some of the lowest prices of all grocery stores and customer connection. The threat of big box stores coming to Hinesburg is not only ludicrous, it is impossible due to our zoning regulations. I shop Lantman's a lot but I end up in South Burlington at Hannafords or Price Chopper in order to try and stay within my grocery budget. With 110 plus families being serviced by our local food shelf, it is evident that many people are experiencing hard times.

Unfortunately, at the first DRB meeting, the tone was set by the Zoning Administrator, acknowledging that the if the zoning regulations were met by an applicant, they would be able to obtain a permit and added "but if you want to ruin the town. . .". I do not believe the Zoning Administrator, Town Planner or any other staff or board member has the liberty to voice their personal opinions. This was a blatant invite for division even before any presentation was made. The community quickly became divided over Hannafords v. Lantmans when that wasn't even the subject matter at all. No wonder Hinesburg has a reputation for being unkind to businesses. Mr. Busier, the owner of Lantman's, is an intelligent, hard working and industrious man. He would never make an agreement to sell if it wasn't beneficial to him or to the town. The decision he has made to sell is totally his and not anyone else's. Likewise, we taxpayers should be allowed to voice our feelings and concerns without prejudice or repercussions.

Personally, I know that the Hannaford stores hire elderly and mentally challenged workers which gives them a sense of worth and accomplishment. That is straight up caring in action folks! Nutrition classes are offered at their neighborhood stores (See the Hannaford monthly newsletter online). They also frequently donate to local causes and fund raising projects. This is no exception to the way Brian Busier has done business. We are proud and very thankful for all he has done.

As far as the "official map" is concerned it was ill conceived and should have no bearing on this application. The town plan is a wish list. The Giroux family was not notified or consulted with on any of the town's intentions or desires. Devaluation of a landowner's property should not be an option.

I hope that you will grant the application of Hannafords. We have heard the word "sustainable" quite frequently. Let's do it and make this town the most sustainable, comfortable and united town in Vermont.

Sincerely,

Barbara O. Lyman

From: Charlene Van Sleet [mailto:cvansleet@hotmail.com]
Sent: Tuesday, September 20, 2011 11:54 AM
To: hinesburgzoning@gmavt.net
Subject: In Favor of Hannaford's in Hinesburg

I am in favor of allowing Hannafords to build in Hinesburg. I am a life long resident of Hinesburg and I don't feel that Hannafords will have a negative impact on the quality of life in Hinesburg. Having Hannaford's in Hinesburg will cut down on many resident's trips to So. Burlington and Williston, and will cut down on the number of cars traveling through Hinesburg to reach other Hannafords, Shaws, etc. These people are likely to support other Hinesburg businesses while they are here shopping at Hannafords. It would be beneficial for many people to be able to stay in Hinesburg to do their grocery shopping at a larger store with lower prices. I would like to see a Hannaford's with a drive-thru for Pharmacy pick-up here in Hinesburg, making it easier for the elderly and for people with disabilities.

Hannafords is very generous in donating to local non-profits here in Hinesburg, as well as elsewhere. As they get closer to retirement, it is very possible that the Busiers could decide to sell Lantman's in the near future to someone else, who might not be as committed to local causes.

With the influx of new residents, Hinesburg has already changed dramatically. Unfortunately, we cannot go back to being a rural, agriculture community, so we might as well have the convenience of a Hannaford Supermarket here in Hinesburg to go along with the increased population.

Sincerely,

Charlene Van Sleet

“Not In My Back Yard” FACTSUB

A Response to Responsible Growth Hinesburg and other parties opposed to Hannaford.

We at Hinesburg Village Vision disagree with Responsible Growth Hinesburg’s opinion against a Hannaford in Hinesburg. Instead, we favor reasonable town growth and the benefits from a new grocery store on lot 15. Responsible Growth Hinesburg offers the following reasons for opposing a Hannaford in Hinesburg:

- "The proposed 36,000 square foot Hannaford store is 221’ w x 161’ deep, dwarfing all nearby buildings. This building does not match the scale of the surrounding neighborhood. Other large buildings in town are sited in such a way that their bulk is minimized (NRG against a hillside, former cheese factory is below road level)."
- "Hannaford would be 3 times as large as the Kinney Drugs presently under construction on Rt. 116."
- "Studies show that “big-box” stores cost towns more in municipal services, including police calls and road maintenance, than they produce in tax revenue."
- "Lantman’s Best Yet Market provides more full-time jobs than would the proposed Hannaford store."
- "If Hannaford is built, Lantman’s will close, reducing access to many local food products."
- "Hinesburg’s traffic consultant reports: “traffic operations in the study area will worsen measurably,” with long delays and/or queues noted for many intersections."
(<http://www.responsiblegrowthhinesburg.org/the-case-against-a-hinesburg-hannaford>)

Regarding their first two points:

- *"The proposed 36,000 square foot Hannaford store is 221’ w x 161’ deep, dwarfing all nearby buildings.* This building does not match the scale of the surrounding neighborhood. Other large buildings in town are sited in such a way that their bulk is minimized (NRG against a hillside, former cheese factory is below road level)."
- *"Hannaford would be 3 times as large as the Kinney Drugs presently under construction on Rt. 116."*

Adjacency to a hillside or building elevation are not exemptions for considering a building's size. With respect to size, the population of Hinesburg is 4,340 on a land area of 40.1 square miles (<http://www.vermont.gov/portal/government/towns.php?town=97>).

The population of Bristol is 3,788 on a land area is 42.2 square miles (<http://www.vermont.gov/portal/government/towns.php?town=31>). That said however, Bristol, has an Aubuchons Hardware Store, a Rite Aid, and a Shaw’s. Hinesburg is a larger town by population and population density. Additionally, as of the date of the Hannaford application, there was no building size cap on Lot 15.

With respect to aesthetics, the newly proposed Hannaford includes changes such as, "A covered walkway has been added along the entire façade. The walkway’s canopy has a sloped roof and has been given added dimension through use of differing canopy heights, setbacks and inclusion of several gables. It has a standing seam metal roof for added visual texture.

Windows have been added to the east facade as well. Windows – many with awnings – have been added to the north and south (right and left) facades. Other detail changes have been

made to enhance the appearance, such as a continuous horizontal band about 2/3rds of the way up the building with different siding material above the band. Also the masonry base band around the bottom of the building is now continuous whereas previously it was mostly along the east façade." (White + Burke Memorandum Re: Hannaford Hinesburg - Plan Revision, July 26, 2011).

- *"Studies show that "big-box" stores cost towns more in municipal services, including police calls and road maintenance, than they produce in tax revenue."*

Responsible Growth Hinesburg has never defined "big-box". We disagree that this Hannaford is a "big-box" store. This is a grocery store.

Regardless, Frank Koss, Deputy Chief, Hinesburg Community Police expects fewer calls of a Hannaford grocery store in Hinesburg stating "We had fewer calls at Hannaford in Williston than we have at Lantman's in Hinesburg because Hannaford's handled their own bad check cases." For the year 2010, police were dispatched to Lantman's a total of 11 times. Two (18%) of those cases were for Bad Checks. (Hinesburg Community Police Study - Hannaford Law Cases 2010). Police involvement at Lantman's was less than 1% of the 1,614 total cases for the year (Hinesburg Community Police Study - Hannaford Law Cases 2010). Road maintenance is not an issue as no new roads are required.

Hannaford Police Cases vs. Totals for Select Vermont Towns with Hannaford Grocery Stores 2010

Town Hannaford Police Cases Total Police Cases

Bennington 7/ 9,426	Bradford 4 /468	Brandon 2 /2,657	Enosburg Village 3/
Essex 13 /10,063	Morrisville 6/	Rutland 17/	South Barre 19/2,963
Swanton 7 /1,439	Williston 10 /2,872		

(Hinesburg Community Police Study - Hannaford Law Cases 2010)

The last time the Hinesburg Fire Department responded to a medical call at Lantman's was in 2008 (Hinesburg Police Department Law Incident Table).

- *"Lantman's Best Yet Market provides more full-time jobs than would the proposed Hannaford store."*

A grocery store nearly 2.5 times the size of Lantman's (Lantman's 14,755 sf, LAMOUREUX & DICKINSON, "Traffic Impact Assessment for a Hannaford Supermarket Lot 15 - Commerce Park Hinesburg, Vermont" of July 20, 2011) would provide more full-time jobs than Lantman's, contrary to Responsible Growth Hinesburg's assertion that a larger Hannaford would provide fewer jobs than its smaller Lantman's counterpart.

- *"If Hannaford is built, Lantman's will close, reducing access to many local food products."* This is simply false. Hannaford's does carry local certified produce and has also proposed to host the Hinesburg Lions Farmers Market.

- *"Hinesburg's traffic consultant reports: "traffic operations in the study area will worsen measurably," with long delays and/or queues noted for many intersections."* Overall, this Project will result in less vehicle miles traveled together with associated environmental benefits (e.g. less emissions and energy consumption)."

Which brings us to additional reasons why Hannaford is good for Hinesburg.

A significant number of Hinesburg residents travel outside of Hinesburg to shop for groceries. The installation of a local grocery store such as Hannaford would reduce pollution generated from residents travelling out of Hinesburg to shop for groceries. Along with this, Hinesburg's

proximity to other grocery stores, and the cost of gasoline, residents who currently travel out of Hinesburg to shop for groceries but choose to shop at a new Hannaford in Hinesburg would spend less money consuming less of a limited resource.

The Lot 15 committee has indicated that there would be a positive tax benefit to the town with the installation of a new Hannaford (Lot 15 Committee, "Progress Report on our investigations," Thursday, June 16, 2011).

Not only would there be a tax benefit with Hannaford, but there would be a tax detriment without it. This is mandated by the Town's requirement to begin the process to purchase Lot 15 within 120 days of rejecting a development application if that rejection is due solely or in part to the Official Map. This will raise taxes.

Another financial argument is that Hannaford would offer lower prices than Lantman's. Rolf Kielman, chairman of the Village Steering Committee (which is opposed to Hannaford, with impact on local business being an object of concern) agrees by saying, "We're of course worried that when Hannaford comes into town, we're worried they'll put Lantman's out of business. *In terms of just affordability, the lure of a grocery store that has lower prices is attractive.*" (Burlington Free Press, "Supermarket plan prompts debate of Hinesburg's future" on or around April 18, 2011).

Regarding the Hinesburg Official Map. The official map makes mention of community use of Lot 15 only in a footnote, and even then, does not limit it's public use. Within 6 months of the final map of May 25, 2009, the words "but are not limited to" were added to Draft 3 of December 15, 2008, seeming to relax use restrictions for future community facilities. In any case, this is no longer an issue since Hannaford's has proposed to host the Hinesburg Lions Farmers Market and build a pocket park, both uses explicitly mentioned on the final map.

Lot 15 is zoned commercially and commercial land should be used for commercial purposes. Surely the businesses and residents around it know this. Regarding lighting, noise and other proximity based negative aspects; residence of Thistle Hill, Mechanicsville road, and other surrounding areas, many of whom purchased their houses prior to the "official map" of 2009; should already be aware that they live near a commercial district.

If lot 15 were used as a park or other community area, one would need to consider parking. All parking surrounding lot 15 is privately owned and a parking lot on lot 1, requiring park visitors who arrive by car to cross the street, could be considered dangerous.

We at Hinesburg Village Vision collectively feel that Hinesburg's opposition to growth and progress is disheartening, detrimental to our community and not within the spirit of the town and are in favor of a Hannaford grocery store in Hinesburg on Lot 15.

Hinesburg Village Vision - September 18, 2011

Steve Stewart
9/20/11

From: steve stewart [mailto:stevestewart@gmavt.net]
Sent: Tuesday, September 20, 2011 1:06 PM

To: hinesburgplanning@gmavt.net

Subject: opinion on Hannaford

I apologize if this is the wrong address.

I want to make known my opposition to Hannaford moving into Hinesburg.

- It's too big, completely out of scale with the rest of the village
- It doesn't fill a void like the new drug store will. It will merely replace a local business with a multi-national.
- The opening of a big box grocery raises the spectre of a large vacant building where Lantman's is located, a definite step backward for a village that's already handicapped by a lack of a traditional commercial center such as found in Bristol or Richmond.
- Hinesburg has a terrible traffic problem and it's hard to imagine ever getting the infrastructure investment to ease that problem. More traffic is the last thing we need and whatever the studies might say, there will be more traffic.

Thank you for your consideration

Steve Stewart
1557 Silver St

Leonard Duffy
Residents of Hinesburg

I too am a strong supporter of Lantman's store and its owners, the Busier family. I have nothing but respect for their long hours of hard work and for their friendly and competitive spirit. And I know that that spirit will continue to bring them great success no matter what changes the future may hold.

I also have a nostalgic longing for this little town the way it was when I arrived thirty-nine years ago. But I recognize that just by being here I am also part of what has caused the place to change significantly, more than doubling in population and creating a need for ever increasing services. Unlike many of those who came after me and are now saying "stop the bus", I admit to having helped to shape the community we now have, perhaps both negatively and positively. Until I learned too late that life is too short, I was for years a personally involved on both sides of many of Hinesburg's changes, every one of which was contentious at the time: village zoning, sidewalks, a better water system, elderly housing, a hardware store and laundromat, the Giroux commercial park, Firehouse Plaza, etc. And, just because I chose to live here, I too am responsible for the potential coming of a supermarket.

Though we may all long for the past, or rush to save the vanishing present, there is a fundamental issue of fairness and integrity that should be overriding. In this country, even in Vermont, individuals still have a right to buy and sell and develop their own property if their plans conform with the rules that exist at the time they begin.

The presently controversial Lot 15 is in the midst of a fully permitted town and state approved commercial development, designated Hinesburg's "Growth Center". The Giroux family's visionary project has been an unqualified success for the town of Hinesburg providing a logical

central core for a wide range of commercial and public activities, significantly expanding the tax base, and effectively defining Hinesburg as the diverse and vibrant community which didn't exist here a mere two decades ago.

The lot in question has been designated and zoned commercial since its conception. It is completely surrounded by established commercial uses and is isolated by distance and natural barriers from any significant residential population. Screened from the main roads, it is an ideal site for exactly the type and size of use being proposed. By any standard of common sense, it is contradictory to suggest that it should suddenly become an 'absolutely essential' public park (Didn't we just take another much larger parcel of land off the tax rolls for that purpose?). Any development proposal must be evaluated on its merits within the applicable laws, not on the basis of someone's once suggested "nice idea" or wishful thinking.

Change happens! Like it or not folks, Hinesburg continues to evolve. Let's at least be fair and honest about how we deal with it.

--

Leonard Duffy
Chittenden Research and Development, LLC
PO Box 99 Hinesburg, VT 05461-0099 USA
802 482 3040 lduffy@LYNXfast.com

Elly Coates
9/19/11

September 19, 2011

I respectfully ask the DRB not to let peoples' emotional reactions to a chain store decide the outcome of Lot 15. I keep hearing how the zoning regulations are the rulebook. Therefore, the Hannaford's application needs to, and does in my opinion, comply with those regulations. Hannaford's revised application truly shows that the company is willing to work with the town (i.e., a farmers' market, park, and sidewalks) and consider peoples' concerns (no drive thru, less parking, lower lighting levels).

Some say a Hannaford would not fit in Hinesburg. But this is a grocery store, not Toys R Us. Hannaford knows it will better serve this community. Just ask yourself as well as your friends and neighbors, "Where do you go to do the bulk of your grocery shopping?" The answer, most likely, would be another town. The responsible thing to do is keep residents in town to fulfill this most basic need.

I love my town and I am committed to staying here for the rest of my life. I would not feel this strongly about something that would "ruin the town" as some have said. A larger more affordable grocery store run by a company committed to local farmers (the "close to home" program) and the communities they serve (through donations to food shelves and local nonprofits) would be beneficial to Hinesburg and its future. Can we have a chain grocery store and keep our small town feel? Yes we can just like Stowe, Brandon, and Bristol.

Sincerely,
Elly Coates

Jim Collins
9/19/11

From: Jim Collins [mailto:BPMJEC@GMAVT.NET]
Sent: Monday, September 19, 2011 2:02 PM
To: hinesburgzoning@gmavt.net
Cc: Sam/Mom Collins
Subject: Hannaford DRB review

My wife and I are in favor of a Hannaford grocery store located on Lot 15 in the commercial district.

This store will help us reduce our carbon footprint by dramatically reducing our trips out of town for groceries. Not having to go into Burlington or Williston for groceries will mean we will be more incline to buy other items locally.

Jim and 'Sam' Collins
373 Hayden Hill Rd W
Hinesburg

Chris Runcie
9/20/11

500 Parsonage Rd
Starksboro, VT 05487
Sept. 20, 2011

Dear Hinesburg Zoning Board and Selectboard Members,
I consider Lantmans to be the best grocery store in this part of the state, and I am distressed at the possibility of losing it. Here are some of the many reasons why I shop at Lantmans instead of shopping in Bristol, which is the same distance from my house, or at stores in Burlington, though I may go past them on my way home from work.

I like that fact that Lantmans is small and personable, and that I know many of the staff by name.

I like that it always carries a selection of local foods like breads from Stewart's Bakery, poultry from Misty Knoll, beef from LaPlatte, vegetables from Lewis Creek, milk from Monument Farms, beer from Otter Creek, and many other local producers.

I like that it has a good but limited selection of foods so that it is always easy to find what I need in a hurry, as most of us are who work and have families. In this case, less is definitely more.

I like that Lantmans has a diverse set of employees – high school and college students, people with handicaps, old and young – showing that they are accepting and open-minded. Lantmans employees are cheerful and efficient, helpful and courteous. Many young people have learned an excellent work ethic from their first job experiences at Lantmans.

I like that there are organic and/or “green” choices in nearly every category.

I like that I can call in an order for a case of cereal, and pick it up 2 days later, getting a 10% discount on the cost.

I like the way the building is a beautiful old house, restored to serve its function as a store, but very much in keeping with the historic character of the town. It enhances rather than detracting from the appearance of the Hinesburg village center.

As a Starksboro resident, I have no vote in your town, but I wanted you to know that many of us who use Lantmans from outside Hinesburg, do so because we vastly prefer it to big chain stores that we could go to in Bristol, Vergennes, Burlington, Williston or Shelburne if we chose to.

Here is a chance to show that Hinesburg cares about the fabric of its community. Allowing a large box store will undermine the special quality of Hinesburg. Keeping things small and local is a far better model for maintaining the integrity, uniqueness, sense of community, and quality of life in our small Vermont towns. Keep Hinesburg small – it'll pay off in spades.

Thank you for listening to my views.

Chris Runcie, Starksboro resident

Responsible Growth Hinesburg

Dean Grover testimony on stormwater system (presented at 9/20/11 meeting)

9/20/11

**See associated 12-page PDF file – Gover_stormwater_submittal.pdf
Distributed at 9/20/11 meeting**

DATE: September 20, 2011

TO: Hinesburg Development Review Board

FROM: Michael Wisniewski
397 Drinkwater Rd.
Hinesburg, VT 05461

RE: **Hannaford Proposal on Lot 15 Commerce Park**

GENERAL

The primary zoning guideline is Section 4.3(3) which requires the exterior design to achieve maximum compatibility with adjacent property and the character of the neighborhood which includes both Commerce Park and Mechanicsville Rd.

Remember that Commerce Park was not a high point in village design. We have all learned since then and new proposals, especially large ones, should strive to elevate the sense of village. Section 3.8 proposes that the Commercial district should connect and integrate with adjacent growth districts, especially the Village district.

A key plot point in the film, Casino Royale, has James Bond trying to figure out the 'tell' of his card playing opponent to know when he actually doesn't have a good hand and is bluffing. The revised plans from Hannaford are an improvement but there are still multiple 'tells' which reveal its weak hand.

SITE

Drawing C2 shows the site plan with some, but not all, context. One is immediately struck by how large and unarticulated the building footprint is compared to the neighbors and how the building and parking seem to struggle to fit on the site without even the minimal breathing room and open space exhibited by other structures. And then one realizes that this drawing only shows Commerce Park; the uncomfortable difference in scale is exacerbated if you look at neighbors on Mechanicsville Rd.

The revised application makes much of providing a pocket park. I struggled to find it on the drawings and presume it is the small semicircle only shown on L1 which is more like the little change pocket on my jeans rather than an actual pocket park. Small can be beautiful but this by no means is a significant shaping of village space.

Likewise, much is made of providing a farmer's market by closing off a section of the parking lot on L4. While it appears of sufficient size to function as a market there is nothing that crates attractive public space. It is a mass of asphalt off to the side of an unattractive, large, blank facade with a loading dock and ventilation equipment.

BUILDING

The drawing labeled 'Back' tells the true story of the nature of this building. It is a large, tall box with no inherent character, scale or articulation. The other drawings are the same box disguised with arbitrary add ons that pretend to be a real building shaped by site, function and aspiration to beauty.

The right side of 'Front' has two smaller gables. Why not three, or four or one? They do not grow out of the building form or function; they are just there to trick us into thinking this is a Hinesburg, VT building instead of a template pulled out of a corporate drawer.

'Left' is what we see from Mechanicsville Rd. Mostly blank with a most curious detail: On each end a gable sticks out and is supported on one side by a column but on the other appears to float on air. And why is this gable similar in angle but not quite the same as the one behind it? Are there underlying forces that led to this shape or is it more arbitrary frosting on an unappetizing cake? It reeks of not having a soul.

'Right' is the backdrop for the Farmer's Market. The same gable with one column; the same nothingness. It would depress me to buy food here.

CONCLUSION

The site plan is overinflated; the building and parking so fill it up that gestures such as a Park or Farmer's Market are relegated to the left over margins of the site; they are afterthoughts added to gain zoning approval when they should be a central part of the strategy shaping the site design. In a design that took the idea of Hinesburg and linking to the village seriously, the park and the market would be integrated into a space that was central to the site design and, per 3.8, connected and integrated with the village.

The building design is out of scale with its Commerce Park neighbors and even more so with Mechanicsville structures. The applicant tries to convince us that because they accept the definition of Mechanicsville Rd. as the front yard it does not need to be the front of the building. While this may be true, it is incumbent upon them to create a facade that relates to the character of Mechanicsville since it has such an impact on that neighborhood.

The building is just a big box with arbitrary and fake architectural add ons which try to convince us it is otherwise. I am not against large structures if they are articulated in response to the site, place and some expression of function and aesthetic aspiration. While the new Kinney Drug store is by no means a high point in world architecture they started out with a box covered with a huge roof. The final result is slightly more nuanced, broken down in scale and with architectural elements that have some basis in the buildings layout. It may not inspire, but its offensive qualities are muted.

Hannaford's uses the entire site to meet base functions with no room left to shape a worthy public place integrated with the village. The building is too large, unarticulated and completely fake. Bluffing in cards is fun; in our village it is offensive.

Michael Wisniewski
9/20/11

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John Lyman

To: Hinesburg Selectboard
Hinesburg Development Review Board
The Hinesburg Record
Front Porch Forum

Beyond Hannaford's

As we talk about keeping Hinesburg local, sustainable, desirable and affordable, we must ask ourselves some basic questions in regard to all businesses in the town of Hinesburg. Could each business afford to stay in business if it were only Hinesburg residents that were the patrons that do business in Hinesburg? Do you think Saputo was supported by only Hinesburg farms? The answer is no on both counts. Isolating ourselves is impossible due to our geographical location. In today's world, this is simply not an option. Staying in town to fulfill our basic needs provides important environmental elements, saves on fuel, keeps more money in our pockets and gives us precious time.

Do you think all the products used or consumed in Hinesburg are manufactured or produced locally in Hinesburg, Vermont or even in the USA? The answer is no. That being said, our grocery stores must reach out to other geographical areas to be able to provide the variety of food we all like to eat. As of now Lantman's offers Hannaford's products. I firmly support the opportunity to buy food at Hannaford's, have prescriptions filled at Kinneys, and frequent other Hinesburg businesses and restaurants.

As a whole, our entire commerce and livelihood cannot stay in a bubble. We must think of our needs economically and intelligently. If we want Hinesburg to be a desirable place in which to live, we must think of the present and future, not live in the past. It is time that our decisions are based on facts, current rules and current regulations. And it is time the Boards and committees must be held responsible and accountable for making those decisions.

John Lyman
Lifetime Hinesburg Resident

Joseph French
9/22/11

From: Jeff French [mailto:jeff.f.french@gmail.com] FACTSUB
Sent: Thursday, September 22, 2011 7:03 PM
To: hinesburgzoning@gmavt.net
Subject: Comments for Hannaford proposal

Hi Peter,

I didn't get a chance to voice my opinion at the Sept 20th DRB meeting regarding Hannaford's application, so I decided to send my comments to you via email. I hope it is not too late! I would like to point out two sections of concern specific to the Hinesburg Zoning Regulations as follows:

Section 4.3.4 (3) *Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.:*

At the Sept 20 meeting the representatives from Hannaford made the argument that a 36,000 square foot building was as "small as they could go" in order to maintain a profitable business model. I counter this argument by referring you to the Business Model of a larger, nationwide supermarket chain called Trader Joe's. Their average retail store is only 12,000 square feet.

The proposed 36,000 square foot building, no matter how much you modify the exterior, will stand out and overpower the area with its sheer bulk. As the Trader Joe's model shows us, it's not that Hannaford can't meet our town's character with a smaller building size; it's that they choose not to.

These zoning regulations are to ensure Hannaford conforms its "Business Model" to fit in with Hinesburg's surrounding neighborhood. Not for the town of Hinesburg to fit into Hannaford's business model. Please remember this when coming to your decision.

Section 4.3.4 (1) - *Safety of vehicular and pedestrian circulation on site and on the adjacent street network:*

At the Sept 20 meeting I heard repeated mention of how this project will reduce traffic on Route 116 (A state highway) by diverting (and therefore increasing) some of that traffic to Commerce Street and Mechanicsville Road (Town roads). While I agree this site is in a zoned Commercial area, the adjacent lots opposite of Mechanicsville road are all zoned Residential. Where my family and I live, Mulberry Lane, is about one block north of Commerce Street just off Mechanicsville Road. On our street, literally every house has young kids under the age of 10. It is already difficult today, with the lack of sidewalks and poor pedestrian crossing lanes, to walk along Mechanicsville road. It will become more unsafe if the Hannaford plan is built.

My concern arises per the **Traffic Impact Study Review** documents on the Town of Hinesburg website; the following are of note:

- *"The proposed supermarket is expected to generate up to 386 PM peak hour vehicle trips and 64 percent of these trips are expected to be new trips on the roadway network."*
- *"Left-turns from Mechanicsville Road to Route 116 operate with long delays (Level of Service F) under existing peak hour conditions (today). ... Traffic impacts from the proposed project will measurably impact delays and queues on the Mechanicsville intersection approach."*

As the representatives from Hannaford pointed out (I am paraphrasing) "it is not Hannaford's responsibility to fix existing traffic issues". While I agree with them on this point, I do feel it is the DRB's responsibility to ensure the Hannaford project does not make it **worse**. Based on the findings in the traffic review, there will be increased traffic on a town road already lacking pedestrian safety infrastructure. With a residential section of town right next to this project, the DRB must take into consideration the safety of the residents and their children that walk along these roads.

Therefore I hope based on the two referenced sections above the DRB comes to the correct conclusion and denies Hannaford's application.

Respectfully,
Joseph French
90 Mulberry Lane

Barbara Hicken
9/27/11

From: Barbara Hicken [mailto:babco_fitness@yahoo.com]
Sent: Tuesday, September 27, 2011 11:47 AM
To: Joe Colangelo
Subject: RE: Hannafords

I have not lived in Hinesburg for 1000 years, but I do think that it is time that the town moves forward. I can not even tell you how many times when my son was young I wished there was a pharmacy so that i would not have to drive a distance to get my sick child medication. I do not do my weekly shopping at Lantmans, the prices are too high and the selection is small. I get in my car and drive outside of Hinesburg to shop, using up gas and many times making into a lunch date with my friends or to pick things up at store or bakeries outside of Hinesburg, because I am there. If I did not have to drive outside of town I probably would spend more time in our local stores. Bringing a "big" store to hinesburg is not the end of our town...it is called progress.

Barbara Hicken
Hidden Pasture Rd.
Hinesburg

Hinesburg Village Vision's Citing of 2005 Town Plan in regard to Hannaford Application

FACTSUB

1.1 Purpose of The Plan

"It also seeks to achieve a long range planning horizon by looking into the future twenty years or more."

- > Hannaford is consistent with zoning regulations within the growth area for higher density.
- > With the current and potential for new growth within the village, a larger and more accessible grocery store is necessary.

1.4 Vision Statement

"It will strive to offer the highest quality social, educational, recreational and economic opportunities and a variety of housing options."