



**Town of Hinesburg
Planning & Zoning Department
10632 Route 116, Hinesburg, VT 05461
802-482-2281 (ph) 802-482-5404 (fax)
www.hinesburg.org**

May 14, 2013

Peter Keibel
District #4 Coordinator
Natural Resources Board
111 West Street
Essex Junction, VT 05452

Mr. Keibel:

Please enter the appearance of the Town of Hinesburg Planning Commission (HPC) in the matter of the Hannaford supermarket Act 250 application (project #4C0654-14) – technically the application of Bernard A. Giroux Trust; June T. Giroux Trust; Victor T. Giroux Trust; Ramona Giroux Trust, and Martin's Foods of South Burlington. The HPC discussed the application at its April 24 and May 8, 2013 meetings to articulate a position with respect to the project's impacts under Act 250 criteria #10 (see below). At the May 8 meeting, the HPC approved a motion designating Joe Iadanza and Tim Clancy to speak for the Commission during the Act 250 review.

Hinesburg Official Map – Act 250 Criteria #10

The project does not comply with criteria #10 because the project is not in conformance with the Hinesburg Town Plan. Specifically, the project does not accommodate future community facilities planned for the subject property as delineated on the Hinesburg Official Map. The Official Map (see attached) was adopted in May 2009 to help implement recommendations in the 2005 Town Plan. The current Town Plan was adopted in May 2011, and includes the Official Map as part of the Plan.

The HPC respectfully disagrees with the ruling of the Hinesburg Development Review Board (HDRB) on this matter. The HPC provided feedback during the DRB review, and continues to believe that the project is not in conformance with the Official Map and the Town Plan. Please see the attached 12/22/2010 HPC memo and minutes from the HPC 12/14/2011 meeting for a full explanation of the Commission's reasoning.

Sincerely,

Joe Iadanza
Hinesburg Planning Commission, Chairperson

Attachments: A – HPC 12/22/2010 Memo
B – HPC 12/14/2011 Meeting Minutes
C – Hinesburg Official Map
D – Certificate of Service, May 14, 2013

MEMORANDUM

TO: Selectboard & Development Review Board
FROM: Planning Commission
DATE: December 22, 2010
RE: Official Map, Lot 15 Commerce Park & Hannaford Application

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

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

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

Section 3.2 of the Town Plan speaks to the need to plan for community facilities in the village area, and specifically notes that a community focal point like a town green would, “... be a valuable addition to the Village by creating a public gathering space accessible and welcoming to all.” Section 5.4 of the Town Plan reiterates the need to plan for spaces (e.g., town green or common) that can, “...serve as a visual and social center for the community.”

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

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

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

**Town of Hinesburg
Planning Commission
December 14, 2011
Approved January 11, 2012**

Members Present: Jean Isham, Joe Iadanza, Carrie Fenn, Johanna White, Ray Mainer, Tim Clancy, Tom Ayer

Members Absent: Bob Linck, Kyle Bostwick

Also Present: Alex Weinhagen (Planning/Zoning Director), Bill Marks, John Kiedaisch, Jean Kiedaisch, Maggie Gordon, Sarah Murphy, Mary Beth Bowman, Mary Crane, Paul Wieczoreck, John Roos, Barbara Walling, David White, Chuck Reiss, Elly Coates.

Jean Isham chaired the meeting, which started at 7:35pm.

Hannaford Project – Reconsideration of 12/22/2010 feedback to DRB:

Alex explained that on December 22, 2010, the Planning Commission voted to give feedback to the Development Review Board on the Hannaford supermarket application proposed for lot 15 on Commerce Street. Specifically, the Commission's letter addressed the intent of the Official Map, why lot 15 was identified as a location for future community facilities, and why the Commission felt the DRB should find the application in conflict with the Official Map. Alex explained that Hannaford has made substantial revisions to their proposal since that time, including new site features to address the Official Map that were presented at the December 6, 2011 DRB meeting. He explained that David White (representing Hannaford) was here and was interested in bringing the Commission up to speed on the current Hannaford proposal with regard to the Official Map.

Mary Beth Bowman wondered why David White was here to speak at the meeting. She expressed concern that Hannaford's representative was making a presentation and that this presentation wasn't indicated on the meeting agenda. Jean said that the Commission wants to hear from everyone, and that there would be ample time after David's remarks for others to speak. Carrie noted that the Commission can't always know ahead of time who will want to speak on a given agenda item.

David White introduced himself and went through a PowerPoint presentation to explain the current Hannaford proposal, with emphasis on two specific elements. First, Hannaford is offering to provide a location for the Hinesburg Farmers Market, including the use of their northern parking lot area as well as adjacent green space to the west that measures approximately 75'x185'. He reviewed the farmers market needs expressed by the Hinesburg Lions Club (e.g., vendor truck space, parking, on-site storage, restrooms, water, electricity, etc.), and explained how their proposal could accommodate these needs. Second, Hannaford is offering control of the area along the Canal to the Town. Hannaford would grant the Town an easement over the area between the Canal and their proposed parking lot (referred to as "Canal Park"), such that the Town would have control over the uses, landscaping, etc., within

this linear strip along the recreation path. Hannaford has created a landscaping plan for this area, but they would allow the Town to decide how to use and plant this area, and provide the Town with funds to improve the area equivalent to the cost of the landscaping Hannaford originally proposed. Hannaford would want some input and the ability to veto proposed uses by the Town that would negatively impact their abutting use.

Barbara Walling asked if there would be any long term commitment to these community facilities. David White said Hannaford is committed to the long term. It was noted that stormwater runoff and drainage were issues of concern raised at the DRB meetings. David White said that their proposal is adequately addressing these issues.

Mary Crane said the most recent Hannaford proposals regarding Official Map compliance were not a suitable compromise. She noted that the narrow Canal park area is along a parking lot, and is not big enough to accommodate community uses. She said the farmers market area will not be used by the community when the market is not in use.

Chuck Reiss said he is struggling with how this meeting evolved and why other groups were not invited. He wondered why we are letting Hannaford tell us what the Official Map means when the community has spent a lot of time discussing this. He noted that Hannaford has proposed no easement to the Town for the farmers market area shown on their plan. As a result, he feels the Town will have nothing if the farmers market doesn't work out in this location. He felt the Planning Commission's original memo from December 2010 was good, and he encouraged the Planning Commission to stand by it.

Ray M asked to see an aerial photo of the area in question. Alex W projected this on screen using Google Maps. Jean Kiedaisch asked for the location of the proposed retaining walls on the western side of the project. David White indicated where these walls would be, and noted that with the new green space proposed for the northwest corner, less retaining wall would be used. Joe I asked where the stormwater runoff from the farmers market green space area would go. David White said the majority would drain toward the parking lot and be treated in the site's overall stormwater system. A small amount on the western slope of the green space area would drain to the northwest.

Mary Beth Bowman expressed her concern about Hannaford's involvement in the redevelopment (or lack thereof) of the K-mart site in South Burlington. David White explained that Hannaford did not own the site previously, and that they have been pushing very hard to see it redeveloped.

John Roos said that the proposal does not meet the intent or the letter of the Official Map. He said that Hannaford would end up controlling the farmers market hours. He felt holding the farmers market in a paved parking lot was a bad idea, and was not consistent with most area farmers markets. He said the new/proposed green space for the farmers market is in the Village District, and is not indicated on the Official Map. He feels that leaf-off images should be reviewed to properly judge the proposed Canal park area. He feels that Hannaford should locate on a different parcel, on the west side of Route 116 due to traffic patterns – e.g., right turn in and right turn out for commuters during the afternoon peak time for customers.

Gill Coates said that the Official Map seems like a mechanism to ease things into eminent domain simply at the wish of the Selectboard and Planning Commission. He feels the Official Map changes the value of property, and is different from the Town simply identifying and purchasing parcels to address a community need. He feels the Town should be putting its money where its mouth is.

David White said that Hannaford is willing to be very flexible on the hours for the farmers market. He said they have proposed both green space and asphalt for the farmers market because this is what the Lions Club asked for – i.e., parking, area for vendors to sell directly out of their trucks, etc. Elly Coates said that the Hinesburg Lions Club runs the farmers market, not the Town; therefore, the Planning Commission should talk to the Lions Club.

Paul Wiczorek said he thought the original Planning Commission statement/memo got it right when it said that the Hannaford project precludes a large community green space.

Jean I asked Alex W to explain the input received from the Town Attorney. Alex W explained that the Town Attorney was consulted soon after the Hannaford application was submitted, specifically regarding Hannaford's claim that the Official Map was not enforceable for this property. Alex W said that the Town Attorney disagreed, and indicated that the Official Map was specific enough when it delineated this parcel as a location for future community facilities – with several possible examples given.

Joe I said that he serves on the Lot 15 committee, which was created and charged by the Selectboard early in 2011 to assess the potential for community uses of the property. Joe I thanked David and Hannaford for their efforts to try to address this issue as part of their development proposal. He noted that one of the reasons the PC originally placed lot 15 on the Official Map, had to do with the overall village growth plan. He said that the village growth area zoning adopted in 2009 envisions substantial development density on the northeast side, and that the community needed more green space east of Route 116 with that in mind. He noted that Hinesburg needs a substantial amount of space in this area to satisfy the intent of having a central community facility and gathering space. He felt the proposed linear Canal park is attractive, but doesn't really serve the purpose of the Official Map. He noted that while there could be some development on lot 15, potential community uses (town green, civic building, park and recreation space, etc.) will require a substantial area.

Ray M asked if the Selectboard is planning to do anything with regard to lot 15. Joe I said that given the Selectboard's current budget work, they are unlikely to take any action right now. He also felt that the Selectboard will likely wait for the conclusion of the DRB review before taking any action on lot 15. Jean I concurred with what Joe I said. She feels the revised Hannaford proposal still does not accommodate the Official Map. She said the future of the farmers market is not certain, and if it was discontinued in the future, the only community facility remaining would be the narrow park area along the Canal. Tim C said that the sentence on page 2 of the PC's original memo (that begins with "However...") is not valid anymore since the revised application has made some accommodations. Jean I proposed reaffirming the PC's previous feedback with the proviso that while some accommodations have been made, they

are not enough. Tom A disagreed. He feels the Official Map is not specific, and that Hannaford is making some accommodations to address it. He agrees with Gill and Elly Coates that the Official Map constitutes more of a taking of property. Tim C reiterated that some accommodations have been made even if they are minor or inadequate.

Carrie F MOVED that although Hannaford has proposed some accommodations for community facilities to address the Official Map, the Planning Commission reaffirms the intent of the original memo submitted to the DRB on December 22, 2010. Johanna W SECONDED the motion. Tom A asked for clarity on the intent of the original memo. Alex W read the underlined sections of the memo on page 2. Joe I said he doesn't want the Planning Commission to get in the habit of commenting on DRB applications. The motion PASSED 5-2 with Ray M and Tom A voting against.

Rural Area Zoning (cont'd from 11/30 meeting):

Alex indicated that he is still working on consolidating regulatory language based on discussions to date, and based on continued research. He hopes to have more material ready for review at the next meeting.

Minutes from November 30, 2011 Meetings:

Johanna W MOVED to approve the November 30, 2011 meeting as drafted. Ray M SECONDED the motion. The motion PASSED 7-0.

Other Business:

Alex W noted that the DRB review of the Hannaford project will continue on December 20, with the focus of that meeting being on traffic issues. He said he will be presenting the Planning budget to the Selectboard on December 19.

Joe I updated the Commission on a Selectboard meeting he attended on December 5. The purpose was to update the Selectboard on the work of the Planning Commission, and discuss any needs, issues, etc. Joe I said the Selectboard was happy with all the work the Planning Commission did in the last year, and that they really want to see the rural area zoning revisions addressed. Joe I said he told the Selectboard that the Planning Commission would deliver these revisions in the first half of 2012. The Selectboard asked if the Planning Commission needed additional resources. Joe I told them that the PC will need to do a substantive revision of the Town Plan in the coming years, and in the near term will need outside consulting to help with community surveying and outreach efforts. Alex W noted that it has been 9-10 years since the Commission did a comprehensive survey of Town residents.

Johanna W said she is interested in a comment made at the 12/6 DRB meeting on Hannaford, regarding the original approvals for Commerce Park, which included language that this development was intended for local and small businesses. Ray M MOVED to adjourn. Tom SECONDED the motion. The motion PASSED 7-0. The meeting adjourned at 9:15pm.

Respectfully Submitted,
Alex Weinhagen
Director of Planning & Zoning

Hinesburg Official Map

Adopted by Selectboard May 4, 2009
Effective May 25, 2009

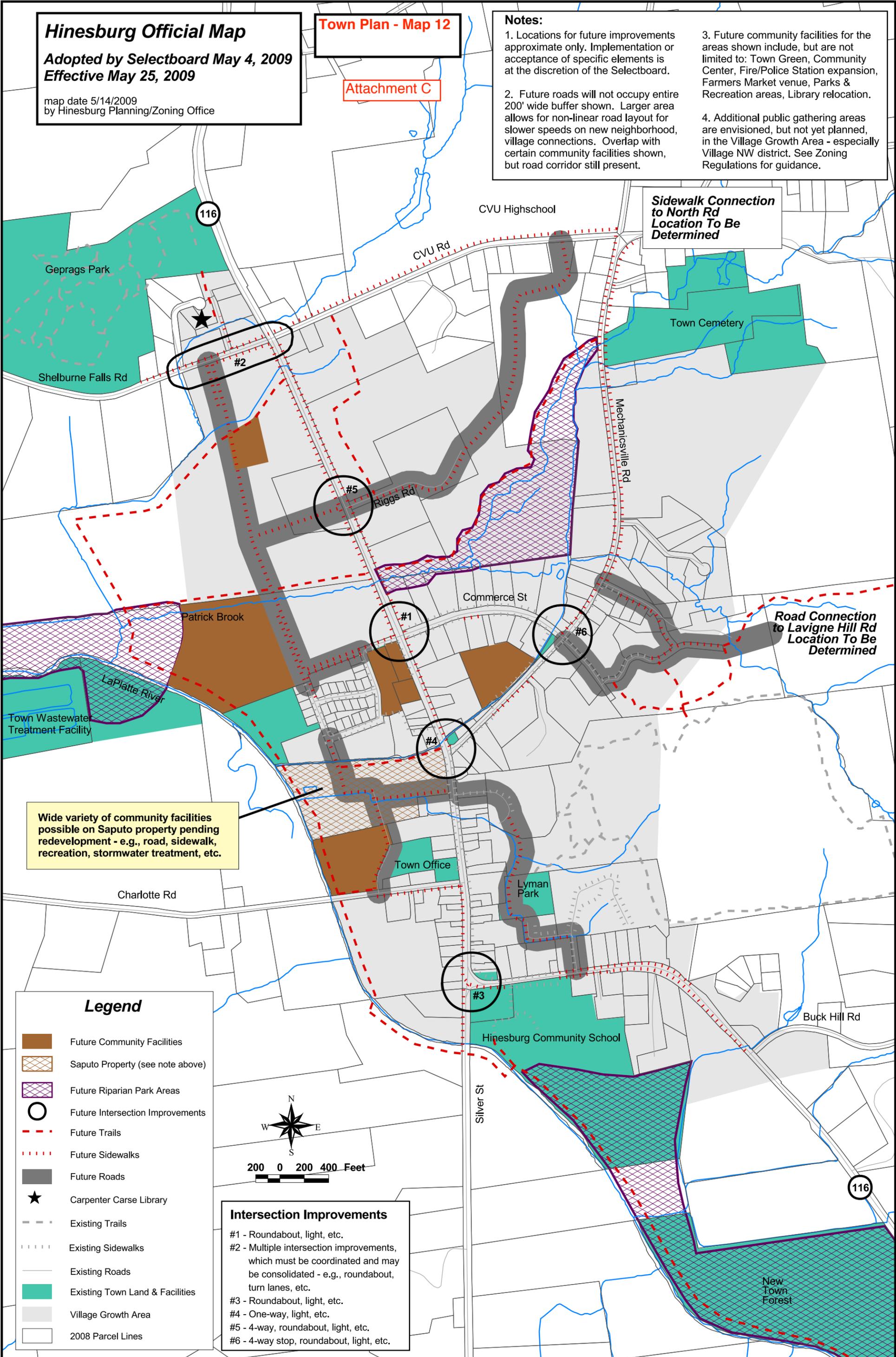
map date 5/14/2009
by Hinesburg Planning/Zoning Office

Town Plan - Map 12

Attachment C

Notes:

1. Locations for future improvements approximate only. Implementation or acceptance of specific elements is at the discretion of the Selectboard.
2. Future roads will not occupy entire 200' wide buffer shown. Larger area allows for non-linear road layout for slower speeds on new neighborhood, village connections. Overlap with certain community facilities shown, but road corridor still present.
3. Future community facilities for the areas shown include, but are not limited to: Town Green, Community Center, Fire/Police Station expansion, Farmers Market venue, Parks & Recreation areas, Library relocation.
4. Additional public gathering areas are envisioned, but not yet planned, in the Village Growth Area - especially Village NW district. See Zoning Regulations for guidance.



Sidewalk Connection to North Rd
Location To Be Determined

Road Connection to Lavigne Hill Rd
Location To Be Determined

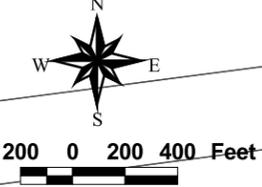
Wide variety of community facilities possible on Saputo property pending redevelopment - e.g., road, sidewalk, recreation, stormwater treatment, etc.

Legend

- Future Community Facilities
- Saputo Property (see note above)
- Future Riparian Park Areas
- Future Intersection Improvements
- Future Trails
- Future Sidewalks
- Future Roads
- Carpenter Carse Library
- Existing Trails
- Existing Sidewalks
- Existing Roads
- Existing Town Land & Facilities
- Village Growth Area
- 2008 Parcel Lines

Intersection Improvements

#1 - Roundabout, light, etc.
 #2 - Multiple intersection improvements, which must be coordinated and may be consolidated - e.g., roundabout, turn lanes, etc.
 #3 - Roundabout, light, etc.
 #4 - One-way, light, etc.
 #5 - 4-way, roundabout, light, etc.
 #6 - 4-way stop, roundabout, light, etc.





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Attachment D

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2013, a copy of the Hinesburg Planning Commission's entry of appearance and substantive comments concerning Act 250 project #4C0654-14 (Hannaford supermarket; Applicant listed as Martin's Foods of South Burlington, Inc.), was sent by US Mail to the following individuals without email addresses, and by email to the individuals with email addresses listed. This same material was also sent to Peter Keibel, District #4 Coordinator, via email and via US Mail (four hard copies).

Martin's Foods of South Burlington, Inc.
Tyler Sterling
PO Box 1000
Portland, ME 04104
Tyler.sterling@delhaize.com
tsterling@hannaford.com

Bernard Giroux Trust, June Giroux Trust, Victor
Giroux Trust, Ramona Giroux Trust
9318 Route 116
Hinesburg, VT 05461

White & Burke Real Estate Investment Advisors,
Inc.
Gail Henderson-King
PO Box 1007
Burlington, VT 05402-1007
ghendersonking@whiteandburke.com

Bernard Giroux Trust, June Giroux Trust, Victor
Giroux Trust, Ramona Giroux Trust
9318 Route 116
Hinesburg, VT 05461

Town of Hinesburg, Planning Commission
10632 Route 116
Hinesburg, VT 05461
hinesburgplanning@gmavt.net

Chittenden County Regional Planning
Commission
Regina Mahony
110 West Canal Street, Suite 202
Winooski, VT 05404
rmahony@ccrpcvt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
103 South Main Street, Center Bldg, 3rd floor
Waterbury, VT 05671-0301
anr.act250@state.vt.us

Beth McTear
VT Agency of Transportation
Traffic Research and Utilities and Permits Unit
One National Life Drive
Montpelier, VT 05633-0001
beth.mctear@state.vt.us

Mailing and certificate prepared by:

Alex Weinhagen
Town of Hinesburg
Director of Planning & Zoning
hinesburgplanning@gmavt.net
482-2281 x225