

OFFICIAL MAP REPORTMay 11, 2012

In an attempt to keep a decision about compliance with the requirements of the Official Map reasonably clear, I am suggesting that several important background issues remain there for now. They should, however, be mentioned in the beginning to insure that you feel comfortable discussing this issue without them being on the table.

In order to add the parcel of land which will house part of the farmers market from the Giroux Quonset lot to the Hannaford lot, two subdivisions must be revised along with at least one site plan approval that Giroux received.

The construction of the elevated ground level required to match the elevated Hannaford site will involve covering approximately 1500 sq. feet. of mapped Class III wetland and eliminating 150 of approved stormwater treatment drainage swale.

The future addition of the Giroux parcel has resulted in a revised site plan, and it is my memory that you previously found that this would not be an issue, i.e. you would not require it to start from scratch.

Assuming that you are comfortable that any hurdles these issues may raise don't have to be resolved before you reach a decision about compliance with the official map, then the question is whether the location, area, and easements that will be granted to the Town from Hannaford are sufficient.

RELEVANT REGULATION:

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

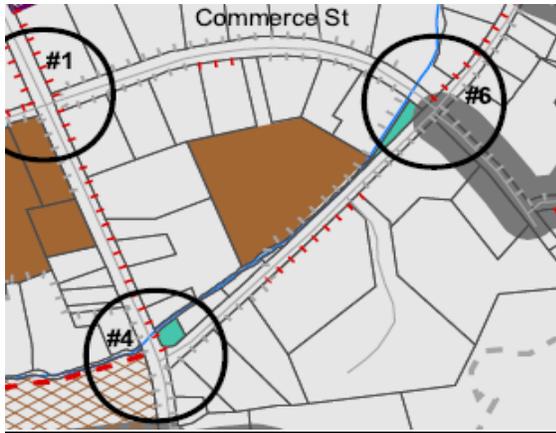
A municipality may adopt an official map that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements, in order to provide the opportunity for the community to acquire land identified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

(5) Development review for properties with mapped public facilities. Any application for subdivision or other development review that involves property on which the official map shows a public facility shall demonstrate that the mapped public facility will be accommodated by the proposed subdivision or development in accordance with the municipality's bylaws. Failure to accommodate the mapped public facility or obtain a minor change in the official map shall result in the denial of the development or subdivision. The legislative body shall have 120 days from the date of the denial of the permit to institute proceedings to acquire that land or interest in land, and if these proceedings are not started within that time, the appropriate municipal panel shall

review the application without regard to the proposed public facilities. (Added 2003, No. 115 (Adj. Sess.), § 95.)

HINESBURG OFFICIAL MAP – Statement of possible uses and location

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



BACKGROUND

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

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

A “facility” under the control of the town should provide the security and flexibility that the organizers of the market will require in the future. It should be possible to change the days and timing of the market, construct a more year round structure, and insure that it will remain convenient and accessible without being tied to the needs of a private enterprise. A venue for a flexible and viable farmers market would allow the market to operate according to their needs, have green space for families with children with seating and/or tables for eating, Wi-Fi, accommodation for farmer’s market music and allow Llamas. There should be handicapped accessible parking close by and it should be accessible by public sidewalks with future possibility for a more permanent structure, with more year round use.

The easement deeds were included in the previous packet. **PLEASE READ THROUGH THEM AS THEY ARE VERY SPECIFIC REGARDING WHAT IS ALLOWED.**

The Canal Park, a defacto open area because of the wetland that exists there now and the applicants need to screen the corner of the structure closest to Mechanicsville Rd., may or may not create a community facility. The real facility that dominates this area is the existing Canal path, already in control of the Town. It is up to you do decide if the addition of this small pocket park area, under the strict conditions offered in the Easement truly constitutes a facility that is actually under the control of the community.

Peter Erb

Zoning Administrator and Staff for this project for the DRB