

September 26, 2011

David,

Below is an attempt to give you feedback, concerns, questions on all regulatory issues. I can't promise that there won't be other things that may arise, and we know full well that the audience will certainly have other questions and inputs, but this as up to date as I can make it. When I state that "I can't see any issues" please realize that there will probably be detail questions or issues that may come up in the drafting of any approval that I am not aware of now, however they will be technical in nature, and not show stoppers as far as I can tell. If changes are made to submissions, I suggest, if you agree, that they don't need to be hard copy while we work on things. I recognize that some of my comments may be the result of misunderstanding the plans, and whatever you can clarify, modify, correct before the next meetings will really be helpful.

I will get a traffic report out at the end of this week. It is my understanding that the DRB decided to try and wrap up the structure compatibility and then address traffic. As far as I know that will be the extent of the meeting. Is that your understanding?

My comments are in *italics*. I have tried to lay out these comments as the regulations appear in the ordinances.

Regards,

Peter.

Conditional Use

Other conditional use reviews, i.e. Darkstar and the bank, established clarity about what would be done and ground rules to be followed. The only issue that I can see that might be of concern would be if the light spillage to the outside from the interior. Given the new front design this may well not be an issue. I do think that we should take a small portion of one of the meetings and formally approve your request for work within the store after hours.

4.3.4 Site Plan Review Standards:

1) **Safety of:**

- a) Vehicular circulation on site and on the adjacent street network –
 - i) *Much improved on site. Any adjacent street network issues should be addressed when we review "traffic" in general. I'm probably missing them but where are the bike racks?*
 - ii) *You noted that there was an opportunity to connect with Route 116 properties in the future by continuing the drive that heads west. For this to be considered as an attribute to this application:
(1) *A binding commitment from Hannaford that they would allow it would be necessary,*
(2) *The traffic through the farmers market would have to be addressed.**
- b) Pedestrian circulation on site and on the adjacent street network - *much improved with the elimination of the drive through pharmacy.*

i) *The area where Commerce Street Extension and the parking lot meet, where the crosswalk is, has traffic coming from many directions with the cross walk in the middle. Additional stop signs, or possibly stop for pedestrian signs, should be considered. As well an embossed surface should be considered since this is actually not an internal sidewalk, but for “through” traffic as well.*

2) **Adequacy of, with particular attention to safety:**

- a) *circulation – I can’t see any safety issues other than the comment above about pedestrian circulation*
- b) *parking - No safety issues that I can see*
- c) *Loading facilities – much better on the interior of the area – the change to daytime deliveries eliminated many concerns and I can’t see any issues.*

Provisions for:

- a) Refuse storage and disposal - *How will the grease trap etc. be accessed – it appears that there is a curb in the way and no travel surface. Will there need to be a hardened surface for access or is it pumped out via a hose like septic tanks?*
- b) snow removal -
 - i) Northern area:
 - (a) *Trees will need protection from damage from plow contact, plowed snow damage and possibly rodents. I am not sure about the rodents however several years ago many trees lining streets suffered severe damage because the snow banks were huge and lasted into the spring harboring the gnawing pests and this may be the case with this piled snow.*
 - (b) *Snow it indicated to be stored where the farmers marked shed is located.*
 - (c) *There will have to be something in place to insure that the snow doesn’t go down the bank and block the stormwater ditch that protects Darkstar.*
 - (d) *I’m not sure if melting snow is required to have stormwater treatment, i.e. removal of grit and pollutants, but this may have to be addressed since it will not be going into on site stormwater system*
 - (2) Eastern Area:
 - (a) *Will the snow remain until the area is filled or will it regularly be removed? The concerns are the waste of energy to haul it and the possibility that it will be deposited in an area that could be contaminated by the parking lot pollution collected with it.*
- c) Emergency access – *Al Barber (fire chief) said that you were willing to put in a dry hydrant in the canal and at some point this should be included in the plans especially if it will impact other items i.e. parking or a lot coverage access to it or whatever.*

3) **Adequacy of in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood:**

- a) Landscaping – *Reviewed separately*
- b) Screening – *I think that the comments at the last hearing about the pictures all being with full foliage, which is in place for slightly less than half the year were relevant. In order to address the screening issues adequately we will need renderings of leaf off situations.*
- c) Setbacks – *Complies with the district requirements and the North, East and South setbacks are compatible with the neighborhood. The rear setback (to the west) similar to that of Firehouse Plaza and Darkstar. All the other structures in Commerce Park*

have much larger setbacks, probably because of the wetland constraints. Hannaford has a landscaping easement of 25 feet on the Giroux property to the west, and this, in combination with the proposed setback of about 35 feet on their property is sufficient and I think it is also compatible.

- d) Hours of operation – *In line with other approvals for the neighborhood.*
 - e) Exterior building design - *I am including the comments from Michael Wisniewski, a Burlington architect and very direct, honest and clear thinking professional. I may be wrong about this but don't think he has an axe to grind except for the design of the structure and its relationship to the lot and neighborhood about which he is obviously passionate. I doubt whether Hannaford will ever deviate from a starting point of the basic Mall box design for the basic layout of a structure, but that is the issue. Who will prevail will not be resolved for quite a while, but some movement on your part to, as Michael puts it, give the structure some "inherent character, scale or articulation" would probably go a long way.*
- 4) **Exterior lighting for safe circulation on the site without creating off-site glare and excess illumination.** *We are in the process of getting this reviewed however based on your changes and submissions I don't anticipate any large issues.*
- 5) **Sewer and water.** – *We rely entirely on the town and state permitting procedures and I assume that you are working with them as needed.*
- 6) **Adequacy of drainage and grading plan, ensuring treatment and control of:**
- a) stormwater runoff
 - i) *If I understand the elevations for the Hannaford structure, it appears that the delivery area for the semis will be depressed, and if so the catch basin elevation may need correcting, since it appears to be the same as the neighboring ones and that doesn't seem to make sense. Please check this out.*
 - ii) *In the first stormwater plan the water from the "Mechanicsville" wetland went into the stormwater treatment system. I can't see where it is flowing on the new plan. If it is going to mix with the stormwater from the impervious surfaces it appears that it will become "contaminated" by them and end up with a compromised water quality compared to what would currently run off from these wetlands. Please address*
 - iii) *In the area of CB #14 it appears that there are several large pipes leading into it and then the outlet leads to an existing culvert that may be undersized because of the increased flows.*
 - iv) *Are the unpaved areas next to the structure pervious, or is there a compacted travel surface for maintenance and access?*
 - v) *The original stormwater plan allocated one acre of impervious cover and this project covers three times this much. It appears that the proposed stormwater design addresses this for smaller events however it is unclear what will happen to the existing commerce park stormwater system and surrounding properties in more extreme events. Will the runoff from increased lot coverage that will bypass over the stormwater system weir cause impacts that now would not occur during extreme events? For example if increased stormwater is being shunted downstream via the 15" outlet pipe to Catch Basin # 14 will that cause the ditch that now drains Darkstar to back up and not improve their situation at all?*

- vi) *The stormwater control storage chambers are below the existing grade – are there provisions that will keep from filling with ground water?*
- vii) *There is a 30 foot wide stormwater facility on the western side of the project contained in the state stormwater approval for Commerce Park. The site plan indicates that approximately 10 feet of its existing width of will be filled in and retained by a wall.*
 - (1) *It should be established that this will not alter the functioning of this treatment area*
 - (2) *Is the area to be filled in necessary for stormwater storage if down stream areas back up.*
 - (3) *Can these modifications be made without a change to the permit?*
- viii) *What stormwater event can the 15 inch pipe handle before water will back up on lot # 15.*
- ix) *If the pipe cannot carry the water from extreme events because of capacity or possible clogging issues, will the development on Lot # 15 cause flooding on neighboring properties that would not currently happen?*
- x) *The water may flow more quickly through the pipe than the grass lined wider swale. Will the replacement of the swales for stormwater discharge and treatment by a piped discharge system alter the velocity and timing of the entry of the stormwater into Patrick Brook in extreme events and impact the flow of stormwater from other areas of commerce that share the detention area on the Jolley property..*
- xi) *In the existing conditions plan all the wetlands on the NBM Bank, the old and new post office properties and lot #15 drain together down the center of lot # 15. The new stormwater plan has the northern remnant of wetland on this property as well as those on the other properties draining through a culvert to the East west ditch directly behind dark star. Will this change in the outlet location of these wetlands to directly behind Darkstar impact Darkstar differently than now happens, especially in extreme events.?*

- b) Control of soil erosion during and after construction – *I assume that you will in compliance with the state erosion control guidelines and permits and there are no issues.*
- c) proper design solutions for:
 - i) *steep slopes – see landscaping comments*
 - ii) *Poorly drained areas. – The poorly drained areas in this case are the wetlands. The wetlands that exist on neighboring properties and what ever remains on Lot # 15 should be able to retain their current characteristics and functions as wetlands. The flows across and through them should not be impeded by development – ponding should not increase beyond what occurs now and it should be substantiated that this will not happen during any sized event.*

7) Consistency with the Town Plan in regards to:

- a) The pattern of development – *the official map issue aside, the location of a supermarket in the center of the village growth area is appropriate. The Town plan also addressed the rural nature of the town and the difficulties maintaining it. The proposed size of this business would appear to anticipate servicing a town with a large population. We have not received any demographic projections about the*

service area, and without them it is impossible to determine if this size supermarket is consistent with development patterns anticipated in the town plan.

- b) Preservation of significant natural and cultural resources , *the wetland mapping submitted should be verified by another wetland professional to confirm that the former wetlands no longer exist.*
- c) the location and nature of existing and planned roadways *Consistent with the Town Plan*
- d) Public facilities. *From the Town Plan: Concurrent with the 2009 Village Growth Area regulation changes, the Selectboard also adopted Hinesburg's first Official Map (see Map 12), which is a powerful tool available to Vermont municipalities to identify the possible locations of future public facilities. The map, which shows future streets, planned trails and sidewalks, areas reserved for public buildings and facilities, provides a clear picture to property owners, developers, and the public of the Town's intentions with regard to its future physical form and design. Consistency will depend on whether the farmers market and pocket park are deemed acceptable for conformance with the Official map.*

8) **Proper planning and design in regard to hazardous wastes and avoidance of runoff.** *I am assuming that this is not intended to address stormwater and if that is the case I can not see any issues concerning this.*

9) **Conformance with design standards as stated in:**

- a) Sections 3.4.5 – *Not applicable*
- b) Section 5.23 - *Not applicable*
- c) Section 5.6 Design Standards For Commercial And Industrial Uses
 - i) New Streets: Section 5.6.1
 - (1) All newly constructed streets will be paved and be constructed according to Town Road Standards, which are in effect at the time that the street is constructed. *No issues as far as I know*
 - (2) All newly constructed streets in the Village and Commercial districts shall have sidewalks at least 5 ft. wide and street trees as specified in the Subdivision Regulations which are in effect at the time the street is constructed. *(2005 for the bank, 2011 for the proposed street however the requirements are the same).*

From subdivision Section 6.2

- (a) 6.2.2 Sidewalks: All developments in the Village and Commercial Districts, and in other districts where required by the Development Review Board, shall provide sidewalks at least 5' wide. *My interpretation of "sidewalks" is that it isn't requiring a sidewalk on each side of the street, which could be required as needed under sections of the regulations. With some detail improvements it appears that the application complies with this section. This requirement is basically redundant to the requirement of zoning section 5.6.1*
- (3) From subdivision Section 6.4
 - (a) Shade Trees:Street trees shall be planted no more than forty (40) feet apart, except in locations where such street trees exist. *A street tree or two on the east side of extension is needed beyond where the Banks trees stop (at the end of the road they constructed) and the Hannaford parking lot. The trees on the west appear to be closer than the 40 feet*

required so maybe they could be spaced out and one planted across the street

- ii) Road Cuts: Any parcel of land in commercial and industrial districts in single ownership on November 7, 1972, shall be served by no more than one (1) road-cut. (The present access to the former Giroux Building Supply, Inc. property shall not be included in the foregoing calculation.) Additional curb cuts may be allowed by the Development Review Board for a lot in single ownership that obtains site plan approval for the entire parcel of land. *This is a single use property and if emergency vehicles obstruct the site it will not impact any other property owners The single access was deemed adequate by the fire and police, and in fact, the default in the regulations.*
- iii) Parking and loading areas: Parking and loading areas for any new structures shall be located in the side or rear yards of the structure. Where sufficient screening is provided, and with Development Review Board approval, up to 20% of the total number of parking spaces may be located in the front yard of the structure. If more than one structure is served by the parking area, the parking area may be located in the front yard of half of the structures.
 - (a) *I don't understand the DRB confusion about the front yard parking – as far as I can tell you addressed the issue that I raised regarding Mechanicsville Rd.. As well I can't find any issue about there being a front yard (for parking review) at the end of Commerce Street Extension– there is no front yard that can be defined in relation to parking and no issue.*
 - (b) *It would be helpful to have an explanation about why the farmers market can eliminate so many spaces – if they are not necessary why not have a larger combined farmers market and park?*
- (1) Parking and loading areas shall be set back a minimum of five (5) feet from any property line to allow sufficient space for screening, grading and or control of storm water. No such setback shall be required from property lines crossed by shared parking facilities. *No issues*
- (2) Shared parking facilities including those crossing property lines are encouraged where such arrangements reduce curb-cuts, improve circulation and provide for maximum efficiency in the use of parking spaces. *Not applicable*
- iv) Exterior lighting: All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the perimeter of the area to be illuminated. *See sit plan comment #4 No apparent issues*
- v) Landscaping: *In a separate document specifically for landscaping*
- vi) Storage of Materials and Equipment: To reduce impacts on adjoining uses, all materials and equipment in Industrial Districts 2, 3, 4 shall be screened from adjoining properties and roads and all uses shall conform to the performance standards in Section 5.12 of this Regulation. *There doesn't appear to be any issues with section 5.12 performance standards.*
- vii) Sidewalks and Trails: At the discretion of the Development Review Board, sidewalks a minimum of five (5) feet wide, bike lanes or trails may be required for projects in the Commercial, Industrial and Village Districts where, in the judgment of the Development Review Board, these facilities are necessary to improve public safety, reduce vehicular traffic, provide access to services or otherwise promote continuity within the zoning district.

- (1) *The connection between the sidewalk – trail along the canal and the sidewalk along the “Extension” should be a through sidewalk to serve the town as well as providing access to Hannaford*
- (2) *I can’t tell from the plans, however there should be a clear “sidewalk” passage in front of the store without going into it so that connectivity between the Mechanicsville road and Commerce street through the property is assured. The area across the front of the store, which I assume under the canopy should be kept clear the same five foot width as the sidewalk and there may be planters constricting passage in the proposed plans*
- (3) *It seems to me that the Town should have some legal deeded connection across this lot in perpetuity. Hannaford may change or sell or abandon and a floating easement, located in this approval per any approved plans, but with the ability to relocate if necessary, if for some reason Hannaford was abandoned. This is especially necessary since the farmers market will have to be a permanent public facility offered to the town, regardless of ownership of the lot. The same is true for the pocket park.*
- (4) *The Hannaford sign and the elm street trees, as planned, preclude the construction of a sidewalk within the ROW on the western side of the Extension. I am not sure if Dark Star has an easement over the Extension that gives them this right, however in terms of the DRB review it appears that the eastern sidewalk is sufficient.*

- viii) Gas Station Separation Distance: *Not applicable*
- ix) Roof Materials: *Not applicable*

4.3.8 Landscaping Plan & Standards: *To be addressed in a separate document*

Official Map : *to be addressed in a separate document*

Other Zoning regulation issues

Outside displays: The Commercial District only permits (a) Retail establishments where all sales and storage of goods is indoors. *There is no conditional use approval available for the outdoor use of them. I would consider the vending machines as outdoor sales and they are not permitted.*

Leeds *To be addressed in a separate document*

Signs *To be addressed in a separate document*

Misc. Questions:

It appears that the transformers will be behind the building and not pole mounted – is this the case.

What is a water bottle return bin?