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M E M O R A N D U M

To: Peter Erb, Planning & Zoning, and the
Town of Hinesburg Development Review Board

From: David G. White

Date: July 26, 2011

Re: Hannaford Hinesburg - Plan Revisions

Enclosed you will find a complete set of revised plans and other materials for the proposed Hannaford Supermarket & Pharmacy. While we believe the original submittal fully complied with Hinesburg's zoning regulations, in the spirit of cooperation we are proposing substantial alterations. The changes respond to comments contained in staff reports and heard during the hearings held earlier this year. Nearly every aspect of the design is touched by these changes, including significant revisions to:

- Architectural design
- Landscaping
- Lighting
- Proposed hours of operation for customers and deliveries
- Circulation and parking

Furthermore:

- Official Map -- We are now proposing to host the weekly farmer's market on the Hannaford site and a pocket park along the existing southern sidewalk.
- Traffic – A revised traffic impact assessment has been prepared taking into account comments from the Town's independent reviewers, plus enhanced traffic mitigation.
- Front Yard – We have accepted Peter Erb's interpretation of the location of the front yard.
- Drive-through Pharmacy – This feature has been eliminated.

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- Loading area – The loading has been moved from the south side of the building to the north side, away from Mechanicsville Road and the existing southern sidewalk.

Many elements of the original application have not changed; this project still includes:

- Approximately 36,000 square foot supermarket and pharmacy
- Features designed to achieve LEED certification
- Sidewalk connectivity provided to Mechanicsville Road and Commerce Street
- Road improvements on Route 116 and Commerce Street
- State-of-the-art stormwater management system

I) <u>Site Plan</u>

a. **Front Yard** – In most zoning ordinances, including Hinesburg's ordinance, "front yard" is *not* defined as the yard in front of the front of the building, rather it is the yard that is in the front portion of the *lot* regardless of which way the building is oriented. The concept is that the front yard is the front of the lot as it would be perceived from a public road. Throughout the discussion of this topic, Peter and I have agreed on this point. Our only area of disagreement was whether the relevant front of the lot was on the Mechanicsville Road side or on the Commerce Street side. In a memo of January 12, 2011 Peter argues that the sole front yard on the property is on the Mechanicsville Road side of the lot, located between the road and the line of the building. His memo further states that the building line is determined by drawing a line parallel to the property line to the side lines of the lot through the point of the building that is closest to the property line along the roadway. For the purposes of the revised plans we have accepted this interpretation of the zoning. Plan sheet C2 shows this front yard line.
b. **Drive-through pharmacy** – We heard concerns about the proposed drive-through pharmacy and have removed it from the proposal. This also eliminates paving and circulation between the building and Mechanicsville Road.
c. **Loading** – The loading and service area has been relocated from the southwest corner of the building to the northwest corner. A sound barrier fence is also proposed around the south and west sides of the loading and service area. Together these changes respond to concerns about visual and noise impacts along Mechanicsville Road and the existing southern sidewalk.
d. **Parking** – Parking has been reduced from 144 to 125 spaces. No parking is located in the front yard. Furthermore, previously the parking came within about 10 feet of the existing southern sidewalk. In the revised plans it has been moved so that it is about 48 feet at its closest point.
e. **Circulation** – With the elimination of the pharmacy drive-through and relocation of the loading/service area, there is no longer a need for

circulation around the south side of the building so this has been entirely removed.

f. **Sidewalks** – For pedestrians coming along the existing southern sidewalk from the east, the connection to the site is no longer through the parking lot. It has been moved west and now comes directly to the walk in front of the building.

II) <u>Landscaping</u>

a. **Landscape Budget** – Previously the estimated project construction cost was approximately $5,000,000, with a minimum landscaping budget of $57,500. With the revisions being proposed the estimated construction budget has increased substantially to approximately $7,250,000, with a minimum landscaping budget of $80,000. Our estimated actual budget for the proposed landscaping plan is $84,940. See enclosed landscape estimate prepared by SE Group.
b. **Parking Lot Interior** – Landscaping has been significantly increased within the main parking lot.
c. **Southern Side** – Much denser landscaping is now proposed along the south side of the building. Denser landscaping is also proposed along the southern edge of the parking lot to buffer the view of the lot from the existing sidewalk and from Mechanicsville Road. Trees are proposed to be added along the existing southern sidewalk to infill where there are gaps in the existing trees.
d. **Pocket Park** – A pocket park is proposed next to the existing southern sidewalk near the pedestrian bridge. It nestles within a surround of dense trees and includes flowers, shrubs and several benches facing the canal.
e. **Western Boundary** – Landscaping has been increased along the western property line to screen views.
f. **Existing Trees** – Previously six existing trees along the existing southern sidewalk were proposed to be removed. Now they will all be retained.

III) <u>Lighting</u>

a. **Luminaire** – We originally proposed High Pressure Sodium luminaires. During earlier proceedings we offered to change these to Metal Halide to match the predominant existing fixtures in the vicinity. We heard strong preference for LED lighting. Based on that we are now proposing to use LED luminaires. The only exception will be two egress lights that will be CFLs, used only in the case of emergencies.
b. **Wattage** – Previous plans proposed 250 watt bulbs in the parking lots and driveways. The new LED bulbs are proposed to be 95 watts in those areas.
c. **Height** – We originally proposed 24 foot heights in the parking lots and driveways. These have been decreased to 20 feet which is the same as the recently constructed abutting Bank of Middlebury.

d. **Lighting Levels** – We previously proposed average lighting levels of 2.45 foot candles in the paved areas of the parking lot and driveways. This is consistent with the recommendations of the Outdoor Lighting Manual for Vermont Municipalities cited in Peter's memo on lighting dated December 29, 2010. Nonetheless there were lingering concerns that lighting levels were too high. In response the revised plan has lighting levels that average about half as much, 1.23 foot candles. This is close to the lighting levels at Kinney Drug's new store, about the same as the CVU lighting levels, and less than the Bank of Middlebury levels.
e. **Night Lighting** -- Site Lighting is turned on by photocell control and remains on until one hour after the store closes for customer business at 10 pm. After that time, lighting is provided only for security purposes and for those employees who remain working in the building. Night lighting is indicated with circles on sheet L2 - Lighting Plan. It includes the two parking lot lights closest to the front of the store and two building mounted fixtures in the rear service area.

IV) Architecture

a. **Overview** – The exterior design of the building has been completely revised to respond to concerns we heard. Please see the elevation drawing, sheet A201, dated July 25, 2011, and the two façade renderings by Peperchrome (showing "Front" and "Left", "Back" and "Right"), dated July 2011. The landscaping shown in the Pepperchrome renderings is a portion of the actual proposed landscaping.
b. **Front Façade** – The east-facing, front façade has been completely redesigned. The entry area has been moved to the south. 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.
c. **Side Facades** – Windows – many with awnings – have been added to the north and south (right and left) facades.
d. **Other** – 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.

V) Signs

a. **Wall Mounted** -- A minor modification to the wall-mounted sign is being proposed, as seen on the enclosed exhibit, dated 7/18/11. The logo has been reduced in size and the words "Supermarket & Pharmacy" added. Total square footage of the facade sign (both the logo and the channel letters) is 99.84 square feet.

b. **Sign Illumination** – Previously the wall mounted sign was proposed to be internally illuminated. It is now proposed to be externally illuminated.
c. **Free standing sign** – Minor refinements to the freestanding sign are proposed (See Thomas plan, dated 1/14/11, revised 7/18/11), including using a masonry base to match the masonry along the bottom of the building and the addition of the words "Supermarket & Pharmacy". Otherwise it is substantially the same as before.

VI) <u>Traffic</u>

a. **Traffic Impact Assessment** – A revised Traffic Impact Assessment, dated July 20, 2011 has been prepared by our traffic engineer, Roger Dickinson of Lamoureux & Dickinson. It incorporates many detail changes to respond to comments from the Town's two independent reviewers, Jason Charest of the Chittenden Country Metropolitan Planning Organization (CCMPO) and Rick Bryant of Llewellyn-Howley.
b. **Comment Response Memo** – Dickinson has also prepared a memo, dated July 21, 2011, that responds in summary to the specific comments from the town's two reviewers.
c. **Additional Traffic Mitigation** – Hannaford is proposing two additional elements of traffic mitigation:
    i. Lantman's store is a significant contributor to the existing congestion at the intersection of Route 116 and Charlotte Road. As has been announced, Hannaford has an agreement to purchase Lantman's and close it once the new Hannaford opens. The current Lantman's property will have a restriction preventing it from being used as a supermarket in the future. Potential feasible replacement uses for the property will have substantially lower trip generation and will materially reduce congestion at that intersection. See the revised Traffic Impact Assessment for more details.
    ii. The existing curb cuts for Firehouse Plaza and the Mobil station are closer to Route 116 than ideal. Llewelyn-Howley pointed out that at times this causes conflicts and suggested that Hannaford look into the possibility of resolving this in some manner. Following discussions with both property owners, Hannaford has agreed to relocate the main curb cut of Firehouse Plaza, at Hannaford's cost, to a location further east as shown on the revised plans. Furthermore, Hannaford proposes hatch marks on the pavement in front of Mobil's western curb cut and signage to discourage vehicles blocking the curb cut. Together these measures will materially decrease conflicts close to Route 116.

VII) <u>Conditional Use Application</u>

Section 4.3.6 of Hinesburg's zoning ordinance states, in part, "No commercial or industrial use shall operate outside the hours of 6:00 a.m to 10:00 p.m.

without conditional use approval of the Development Review Board". Hannaford's original application included a request for Conditional Use Approval for three activities that would have extended beyond these hours: 1) we requested approval to be open to customers for one extra hour, between 10:00 p.m. and 11:00 p.m., 2) we sought approval to have deliveries occur outside these hours and, 3) we sought approval to have employees inside the store overnight doing internal operations such as cleaning, stocking shelves and similar activities after the store is closed to the public. We heard objections to the late customer hours and overnight truck deliveries, so we hereby withdraw those requests. We are uncertain as to whether the third element requires conditional use approval. That is, does having employees in the store to stock shelves, do cleaning and the like constitute "operating" as intended by Section 4.3.6? We hereby ask the DRB to determine whether these functions constitute "operating" as intended by Section 4.3.6 and if the DRB determines that they do, we request Conditional Use approval for these functions. I am providing a separate memo, dated July 26, 2011, that responds to the Conditional Use criteria as they apply to these functions.

VIII) Official Map

The adoption of an official map is authorized by a State law called the "Vermont Planning and Development Act." Under that statute, a town has authority to adopt a municipal plan, and then to adopt regulatory tools that implement the municipal plan, including zoning, site plan and subdivision bylaws. The purpose of the municipal plan is to set objectives and policies to guide future growth and land development in the municipality, including the development of public facilities. The purpose of regulatory tools is to define and regulate land development in the municipality. The municipal plan establishes goals and aspirations, and the regulatory tools establish rules and standards.

An official map is a regulatory tool, not a planning document. An official map regulates land development by identifying existing and future municipal improvements that must be accommodated by development proposals. An official map must meet the same general requirements as other regulatory tools, such as zoning and subdivision bylaws. The most basic requirement for regulatory tools is that they must establish clear rules and standards as to what is required. We believe that, at least with respect to the Hannaford site, the Hinesburg Official Map fails to meet this requirement.

The Hinesburg Official Map labels the Hannaford site and four other areas in the Village as "Future Community Facilities." Note 3 on the Official Map states that "future community facilities for the areas shown include, but are not limited to, a Town Green, Community Center, Fire/Police Station expansion, Farmer's Market venue, Parks and Recreation areas, Library relocation." The Official Map provides an open-ended list of public and quasi-public facilities that might be developed on the Hannaford site. Nothing in the Official Map or in any other Town regulatory document identifies a specific

public improvement planned for the Hannaford site. That leaves the site unregulated, at least from an official map perspective, because there are no clear rules and standards for what can be built on the site.

This is not to criticize the Town's adoption of the Official Map, or to imply that the Official Map can be ignored in all cases. All we are suggesting is that the Town has not yet decided to locate a specific public improvement on the Hannaford site. In fact, the Planning Commission, an ad-hoc "Lot #15 Committee," and Selectboard have held public meetings since Hannaford filed its application to consider conceptual ideas for the site, but as of this date there is still no definition of what the Town wants to build. Until the Town decides what it wants to build and amends the Official Map to show it, an applicant need not demonstrate that its proposed development will accommodate the mapped public facility.

Nonetheless, in the spirit of cooperation, but not because we are legally bound to do so, we are proposing to accommodate two of the possible "future community facilities" listed on the Town's Official Map: the farmers market and a park.

We have provided sheet L4 – Farmers Market Plan that shows how the farmer's market could be accommodated on the property. The plan shows using the north side parking area for the farmers market. The area would be closed to traffic during the market's evening hours. No deliveries to Hannaford would be allowed during that time period. We understand that many vendors would prefer to sell out of the backs of their trucks rather than from tents as is currently done. The plan shows 15 tents and 13 trucks. There is space for more if the market ever grew to need more. To further meet the needs of the farmers market Hannaford proposes to provide a location for a storage shed, as shown on the plan, along with an electrical outlet and water spigot on the side of the building. Public restrooms are available inside the store.

Sheet L-1 Landscape Plan shows a proposed pocket park located along the existing southern sidewalk near the pedestrian bridge over the canal. The park is shown with three benches for seating, along with dense plantings of spirea and daylilies, backed by crabapple trees and nestled in a grove of mixed deciduous and coniferous trees. Furthermore, we are proposing to enhance the existing plantings along the existing southern sidewalk by infilling red maples where there are existing gaps.

IX) Other

There are numerous other detail changes that largely result from the foregoing revisions. These can be seen on the plans. I am happy to provide any additional information that may be useful in your review.