

May 31, 2012

Once again there have been numerous submissions with little time to review them, hence this less formal omnibus staff report. I would suggest that the site visit be "recorded" and if you so choose the compatibility issue be, hopefully, concluded.

The proposed changes to the stormwater plan are significant and further submissions are necessary before they can be appropriately reviewed. Dean Grover, representing Responsible Growth Hinesburg will be at the meeting as well and this item should definitely be on the addenda.

The Hannaford portion of the meeting has to end at 8:50 to leave room for two more applications that have to be reviewed, so there may not be time for much else. If there is time I suggest that it be used to come up with a schedule for the remaining items that need review so that the applicant and the public can prepare.

BUILDING DESIGN.

The exterior design of the structure has been modified, and I created a document (in your packet) comparing the applicants current submission and the one that was presented at your last meeting. The differences are noted at the top.

STORMWATER.

In an effort to simplify the review of the very complicated issue of the treatment and disposal of stormwater I offer the following.

Stormwater treatment should happen on property clearly in control of the applicant i.e. on site or in approved treatment areas that are legally under the control of the applicant.

In this application the project consumed so much of the area available on the property the only choice for stormwater treatment and control was to raise the whole project as high as it now is proposed, and install the stormwater treatment under a portion of it. There simply wasn't enough room left on the property as a result of the building size, the related parking etc. and the remaining wetland areas to do traditional detention and open air treatment. This was presented as a "state of the art" treatment facility.

Late in the application process it was determined that certain aspects of required treatment could not take place in this underground treatment system. The applicant has submitted a revised stormwater plan, conforming to 2002 stormwater standards, questionable state of the art.

The issue that I am raising is not related to volume of discharge, but rather examining the proposed treatment of the most polluted stormwater, and as well, asking for evidence that the existing treatment that occurs in the same swales will not be diminished.

The new plan proposes to utilize two existing swales in the area, one running in a 30' wide NS easement and a second, running EW between Darkstar and Lot # 15, primarily on lot #15. A grassed treatment swale is not a natural happening, but is a graded and engineered landscape feature with a specific geometry vegetated with flood tolerant, erosion resistant plants. Neither of those swales has been specifically designed for treatment. The issue here is that the current Hannaford site plan has very steep banks, extending right up to the edge of the swale, making it difficult for them to construct the appropriate treatment swale entirely on their own property. If this is the case it must be established that they have the right to utilize Darkstar property as well. Specific designs for the construction and maintenance of the necessary swales and evidence that the necessary area for the construction of the swale should be submitted.

This stormwater issue is similar to the traffic analysis, in that there is a need to establish that the existing users of the system will not have their "use" diminished by unanticipated or increased contributions from a new user.

Currently seven other properties are utilizing these same swales to treat stormwater from a total of 1.7 acres of impervious surface. The applicant has stated that the treatment happening for the developed properties (1.7 acres of impervious surface) is not up to current standards. Whatever treatment is happening for these existing properties occurs in the same swales that Hannaford now proposes to use for the treatment of their stormwater. Evidence should be submitted that confirms that the existing swales can continue to provide whatever treatment they currently do for the surrounding lots with the addition of the Hannaford first flush.

Those swales also contain mapped Class III wetland – there is no evidence that the Army corps would allow modifications or maintenance of the swales where the wetlands are located, and if this the case it must be resolved.

The existing approved swale running NS and possibly the one EW as well is periodically cleaned out to keep the Darkstar property from flooding. How will this maintenance be monitored to insure that the necessary treatment characteristics remain in the swale and who will pay for this maintenance.

It appears that the culvert under Commerce Street is not installed at the design height, and in any case appears to be lifting the sidewalk over it. It should be confirmed that this doesn't need to be addressed, and if it does, at what elevation will the culvert be placed?

Commerce Park has a long history of noncompliance with the requirements of its stormwater permits. Applicant compliance with the more stringent 2002 standards necessitates a clearer mechanism for insuring that their proposed, more technical system will continue to be properly maintained.

EASEMENTS FOR COMPLIANCE WITH OFFICIAL MAP

There have been minor changes to the easement language, redlined in the document in the packet. My reading of the language on the official map is that "community facilities" have to be created, one of which may be a "farmers market venue". If I am correct then to comply with the official map the first test is whether it is a "community facility" and the second is that if it is, would it be a good farmer's

market venue. A community facility, to me, would have to be clearly in the control of the community, and permanently created.

SIGNAGE

The two sign submissions comply with the sign standards of the ordinances. I don't have a good understanding of the actual brightness of the lights and have asked the applicant if there are similar signs in the vicinity that might be visited before a final approval for the signs.

ENERGY STANDARD REQUIREMENTS FOR THE HANNAFORD APPLICATION

The other day, upon careful reading of the zoning ordinance, it dawned on me that the site plan review process DOES NOT require compliance with any Energy standards other than a requirement that a LEED checklist be submitted, and this has been done by the applicant. Section 5.24.2 (3) was assumed by me to be part of the review, however I was mistaken. It is part of the zoning application process, not subject to site plan review. The requirement remains the same, however the timing happens later.

The applicant has been informed and I apologize for the unnecessary work, however this part of the site plan review has been completed with the submission of the LEED checklist.