

Town of Hinesburg
Development Review Board
May 15th, 2012
Approved

Members Present: Zoë Wainer, Tom McGlenn, Kate Myhre, Dennis Place, Dick Jordan, Greg Waples, Bill Moller.

Members Absent: Ted Bloomhardt.

Also Present: Peter Erb (Zoning Administrator), Freeda Powers (Recording Secretary), Alex Weinhagen (Director of Planning & Zoning).

Representing Hannaford: David White, Doug Boyce, Tyler Sterling, Rob Bast, Mac Rood.

Public present included: Catherine Goldsmith, Dona Walker, John & Jean Keidaisch, Mary Beth Bowman, Greg Glade, Sarah Murphy, Bob & Ali Merritt, Mary Crane, Paul Wieczorack, Nancy Baker, Susan Schulman, Gay Regan, Bob Thiefels, Michael Sorce, John Roos, Patricia Whitney, Sally Reiss, George Holoch, Rolf Keilman, Jim & Sam Collins, Natacha Liuzzi, Elizabeth Lee, George Dameron, Maggie Gordon, Rebecca Fuller, Mary Quinn.

Tom McGlenn chaired the meeting, which started at 7:35pm.

Minutes from May 1st, 2012 Meeting:

Zoe W **MOVED to approve as submitted**. Greg W **seconded** the motion. Tom M and Kate M abstained from this vote. The motion **PASSED 5-0**.

Hinesburg Center, LLC (Tax Map # 08-01-06.322): Lot #43 & Lots 47/48 off Farmall Drive and Kailey's Way. Subdivision Revision, Conditional Use & Site Plan Review.

Alex W provided the board with draft language for approval of both Conditional Use/Site Plan and Subdivision Revision. He also addressed concerns regarding existing and failing storm water basin #5 at the corner of Farmall Dr/Kailey's Way. Alex W said recent rains have recreated the storm water back up seen over the winter months, indicating the problem is not ice as was suggested back in February.

Alex W noted that the applicant is currently investigating this issue with the help of Rocky Martin, the town Facilities Director, and said that there is a corresponding condition in the Subdivision Revision draft approval language. He also mentioned that the applicant technically has 180 days from the approval date to address concerns before submitting a final Mylar.

Greg W said he is concerned that an existing development has issues due to new development and says the impression being left is not a good one, and in his opinion, the 180 day period only worsens that impression. Alex W reminded the board that technically, the storm water infrastructure is no longer Brett G's legal responsibility but rather the home owners at Creekside. Peter E also noted that there is an added incentive for the developer to fix the

storm water issues in a timely fashion as he can not issue a zoning permit for the new development until these issues are addressed.

Alex W noted that Bill M's name should be removed from the draft approval to be clear he was not part of the process as he is a member of the Creekside Association. Greg W made a **motion to approve** the draft language as amended for the Subdivision Revision. Dennis P **seconded**. The motion **passed 5-0**. Kate M and Bill M both abstained from this vote.

Zoe W asked about parking and language on Pg.4, "*significant and appropriate*" and Greg W suggested adding *are* to complete the intent of the sentence. The board agreed. Dick J asked if there is adequate parking for the site. Brett G said yes, in fact the true requirements for the site in regards to parking will be less than the proposed 87 spots.

Tom M made a **motion to close the public hearing and approve** the draft approval language as amended for the Conditional Use/Site Plan. Greg W **seconded** the motion. All approved. The motion **passed 5-0**. Kate M and Bill M both abstained from this vote.

HANNAFORD Tax Map #: 20-50-02.100 Revised Application Materials. The applicant came prepared to discuss Compatibility, Conditional Use & Official Map concerns. Mac Rood & Rob Bast (architects) spoke first to the compatibility issue. They mentioned the Design Charette that took place in March, in which approximately 27 community members participated. They said that from the Charette, they felt confident that there are many areas of agreement between the applicant and the community: The building should be attractive from all sides, Efforts should be made to break down the scale of the building with canopies on three sides (S, E, N), to create the appearance of a 2 story building, to incorporate natural lighting, to pitch the roof and incorporate energy conservation measures.

The applicant used power point slides to demonstrate the use of windows on the South elevation (facing Mechanicsville Rd) to create a 2 story effect. The North elevation would face the proposed Farmer's Market venue. The West elevation faces the back of the proposed building, where the pitched roof design has the capability of solar collection. Noting the high-bay loading area, the applicant showed how more windows allow for increased natural light. The applicant also brought siding samples in red and green to show how use of two tones can support the 2 story effect as well. The East elevation will be the "front" view.

Greg W asked if there will be any entrances on the South elevation. Rob B said customers will only use the front door (East), but that there will be an emergency exit on the South elevation. The applicant showed renderings with trees and windows in the North elevation. Dick J asked about the trees shown, wondering if they were fully matured and in what growth state they would be at time of planting. The applicant was unsure of the implied maturity of the trees in the renderings, but offered they were probably a few years old. Young trees would be planted at the proposed site.

The applicant said that from Rte 116, the proposed building would be mostly obscured by the existing Giroux property (Quonset Hut) and used car business. Rob B said in regards to Compatibility, he does not see any architectural "theme" in the Commerce Park area. He

explained how the proposed building would relate to the neighboring area through use of a network of paths/sidewalks. The proposed project encourages walking, minimizes road crossings, and will provide benches and bike racks. In addition, a covered promenade and South facing outdoor space will enhance the pedestrian experience. In reference to scale, Rob B said the proposed building will be set back approximately 400' from Commerce Street; therefore it will not dwarf neighboring buildings. Overall, the architects said, they feel they have designed the proposed building to minimize the scale and appearance and generally feel pleased with their efforts and ability to create the best building they can with the help of input from the public.

Dick J asked about the solar potential mentioned. Mac R said the potential capacity would be approximately 4X the energy produced from the solar panels currently existing on Charlotte Rd (which produce 32KW). Greg W asked if the LEED Certification Application Process addresses this concern. David W (Hannaford) reminded the board that with the recent acquisition of an additional small piece of land, they are no longer required to get LEED certification. Greg W said he (and the board) were of the assumption that LEED Certification would apply to this project. David W assured the board that it is still their intention to go through with the LEED Certification, but wanted to make it clear that they were no longer required to do so. He also reminded the board that the project can not get LEED Certification until after the project is completed, and said as that date may be over a year away; it would be impossible to guarantee what the future rules of LEED requirements might be. He said that currently, the project does meet LEED standards.

Greg W asked the applicant if they are striving for a particular level of LEED Certification. David W said no. Peter E spoke, saying the proposed project meets subdivision requirements but that if it does not meet LEED then it can not get a Certificate of Occupancy. Alex W clarified, saying that Zoning Regulations address this concern as well; non-residential projects need to submit LEED Score Cards, the project must either generate 10% of their overall power via renewable resources or meet Core Environmental Standards.

Tom M asked if there were any questions regarding design. Chuck Reiss asked the applicant if the footprint or square footage has or will change at all on the proposed building. The applicant said no, the footprint has not changed, but that with the addition of the canopies the space might be considered bigger. Chuck R asked what the highest point of the roof is. The applicant said 27'.6". There was some discussion as to whether this elevation data is taking into account the elevation of proposed fill. The applicant said the fill elevation varies over the site and said yes, the estimated elevation of 27'.6" does take fill elevation into account, but that even with the fill the project still fits within the 35' limits.

Michael Corse spoke, representing his business Dark Star Lighting, also located in Commerce Park and abutting the proposed development site. He wanted to know why there was no Southern elevation data. He also strongly encouraged the board to do a balloon exhibit in which people can visualize the estimated height of the proposed building.

Nancy Baker spoke from the audience, saying in her opinion, the size of the building remains the point of strongest contention, and she feels that the applicant has not been *hearing* what the towns' people have been saying.

Rob B responded, saying he agrees the building is large, but that there are existing buildings in the area that are as large, even larger (i.e., Saputo 86,000 sf and NRG at 70,000 sf). Catherine Goldsmith spoke from the audience, pointing out that it appears the new roof is about 5' higher than previously proposed. The applicant said that due to the newly designed pitched roof, yes that is correct. The applicant reiterated his opinion that the redesigned building has been visually diminished via the pitched roof and canopies.

Rick Palieri asked the applicant how they thought the proposed building would be "hidden" behind the Quonset Hut as was suggested in the Power Point presentation. Rob B said that from that particular spot, at that time of year, the rendition was an accurate depiction of what one would see of the building. He admits that view would change with just a different viewing location point. Mac Rood added that the choice of colors for the building also help in screening/concealing it.

John Lyman asked for a comparison to the South elevation. The applicant gave the example of the Hinesburg Village Center, an existing shopping center located on Mechanicsville Rd. That site is 240' long, compared to the proposed Hannaford building which would be 180'.

John Keidaisch asked if it is the DRB's intention to do a site visit and to do the balloon exhibit as has been suggested previously. Tom M replied saying the board had not discussed this yet, but would be willing to do both. John highly encouraged them to do so.

Patty Whitney pointed out that the height of the proposed building can not be compared to the existing Hinesburg Village Center. She also noted that all the digital photos offered by the applicant have been taken in Summer months, with full vegetation and in daylight hours, suggesting that the site would look very different in evening/darkness and visibility would be greatly increased in months where vegetation is not yet grown. She also asked about the applicant's description of "solar potential" wondering if this was a commitment from the applicant. David W said yes, the desire is to use solar energy.

Rebecca Fuller spoke from the audience, saying she understands that the responsibility lies with the applicant to do this due diligence and she is sorry for their incurred expenses.

David W read the standards for compatibility with surrounding neighborhoods. It is his contention that a project need be found "compatible" not simply with adjacent properties but with the neighboring *area*. He said that the neighboring area is clearly set as a commercial district, encompassing the Commerce Park area. He said this area *is* the distinct Commercial Core of the Town. He again cited two nearby properties which are both larger in size than the proposed Hannaford (Saputo & NRG) both of which are within a lot or two of the Lot 15 site.

In regards to fill height at the proposed project, the applicant cited the existing slope at the site, noting that both the Post Office and Bank of Middlebury both had to bring in fill to level their

sites. The proposed fill would be about 3-5' high along the Dark Star property, over approximately a 40-50' span. All fill at the site would be accommodated with both retaining walls as well as grassed slopes. The applicant also noted that current Zoning regulations allow for max height of 35' and that the proposed building is coming in under that even with fill. In combination with the diverse architecture styles nearby, the set back from the roads, and the parking facing away from main roads, the applicant feels the project is clearly permitted in the district.

Rob B said the proposal is a direct result of a community process; time spent listening to and working hard to accommodate the community.

George Holoch asked the DRB to consider the cause of the Primary Purpose. Bob Thiefler also spoke from the audience, saying the main issue remains the size of the building. In his view, this project comes down to what the applicant wants vs. what so many in the community do *not* want. He feels that "compatibility" is subjective. He noted a recent viewing of a film called "Livable Landscapes" and said in his opinion, the Hannaford project would hinder the town of some of the possibilities it currently holds in esteem.

Barbara Lyman spoke from the audience saying she appreciates and likes the new design. In her opinion, the bottom line is that the project meets all the regulations.

Michael Sorce spoke again, saying with all due respect to the applicant, he does not feel the comparison to nearby NRG and Saputo are fair or adequate as those two businesses do not have traffic all day. In addition, he suggested the DRB go to the site of his business, Dark Star, and see for themselves the water that is currently about 7" away from his building. He wants the applicant to address his concerns around potential flooding. He also disputed the applicants' claim that the proposed retaining walls would be 40' from his lot, saying in fact it is more like 15'. To him, these are all very serious considerations.

Mary Crane spoke from the audience, saying in her opinion, comparing or asking the proposed building to be "compatible" to neighboring properties is a bad idea, as the existing properties are not that attractive. She said that she wants a more beautiful Hinesburg. She agrees there are some improvements in the proposed look of the project, but they do not change the remaining issues of the Official Map, the large parking area, the lighting, etc.

In regards to the Official Map; David W said there are 5 designated areas within the Village Growth Area, with *no* mention or guidance for specific designations for Lot 15 in either the Town Plan or the Capital Budget.

George Dameron said the Official Map *is* referenced in the Town Plan. David W said that it is referenced in the 2011 (newly revised) Town Plan, which does not apply to this project. He said the Town Plan *does* mention it, but does not give a designation.

The applicant reminded the board that the offer of the Farmers' Market is unique to the Hannaford company and that the restrictions they are suggesting are appropriate for an outdoor market and mainly relate to health and safety issues. The public park area being

offered in the proposed project equals about 1 acre of land and offers the Town the opportunity to design/landscape as they wish using funds provided by Hannaford. David W reminded the board that the Official Map does not require the applicant to *provide* a public space, but rather to *accommodate* it.

Greg W asked David W to please email the DRB the power point presentation being presented. David W agreed.

Tom M said if the Farmers' Market decide they do not want to relocate to the proposed Hannaford site, then the applicant would no longer be meeting that requirement would they? David W said no, that the applicant is only required to *accommodate* it, which they are.

Dick J asked what recourse the Town has if Hannaford descents from their proposal for a public park. He also noted that the Farmers' Market will only occupy the site for roughly 40hrs/yr. and in his opinion it feels like Hannaford's holds all the cards in regards to these two offers.

Tyler Sterling spoke on behalf of Hannaford, saying their intent is to move forward, that they expect the Town to engage their attorneys to work around these terms if and when the project gets approval. He said they are subjected to safety laws due to food sales at the proposed site. He said while they are unable to give "blanket" approval, they are working in Good Faith.

Sarah Murphy commented on the proposed "public park" area, saying due to the steep grade at that site (along the canal), she sees the land as unusable for the entire stretch along that canal. David W assured the board that would be easy to change using fill. Sarah M agreed with previous suggestions that the DRB do a site visit.

George Dameron said that State Statute Accommodations must be in accordance with Bylaws, and that accommodation will largely be determined by the DRB.

Mary Crane asked what do the Farmers who will be using the market actually want/need?

Tim Collins spoke from the audience representing the Lions Farmers' Market. He said most vendors for the Farmers' Market agree that it would be beneficial to increase their traffic by way of the Hannaford site. He also said that the Farmers' Market has a list of desirable conditions and that in his opinion, Hannaford's proposal is providing all of them.

Mary C said it is going to be hot out on the pavement of a parking area for Farmers' Market vendors and added that 40hrs/yr. does not cover "Public Use" in her opinion. She suggested that the applicant should have used the money spent on the small additional land purchase to allow the Market to move to Lot 1.

Chuck R asked if the Farmers' Market is in negotiations with the Applicant. Tim C said no, ultimately it will be the Town's decision whether or not the Farmers' Market moves.

Catherine Goldsmith asked what the current easement around the Canal is vs. what is proposed? The applicant said the current easement is 20' and follows the existing pathway along the canal. The proposed easement (totaling roughly 1 acre) is approximately 50'.

John Roos commented that the Farmers' Market takes up about 10% of the proposed space and only about 1% of daylight time. In his view, this offer amounts to very little and does not meet the word nor the intent of the Official Map.

Bob T pointed out that the proposal offers nearly 1 acre of land=45,000 square feet; approximately 9,000 square feet more than the proposed store itself.

Bill Lippert spoke from the audience, asking the applicant directly if they acknowledge the Official Map or not. David W said they are accommodating as they are required, so he feels the question is a moot point. Bill L asked the Board if Hannaford representatives had spoken with town officials prior to their application in regards to the Official Map. Alex W said no. Bill L questioned the applicants' assertion that they had "sought guidance" regarding the Official Map. He also encouraged the DRB to do a site visit and also wants the balloon exhibit done.

David W said the sole request for overnight actions is to have a maximum of 10 employees there to restock and clean. He referred to Sheet L2 regarding the Lighting Plan. He said there will be 4 lights on at night for security (all LED 35 & 95 Watts). He assured the board there will be no glare or light spillage onto other properties. He said nighttime employees will not generate a lot of traffic.

Greg W asked about shift lengths. David W said he is uncertain but said he will know for sure at the next meeting.

Dick J asked about interior lights for night shift workers. Tyler S said there will be reduced lighting for those employees.

Nancy B spoke from the audience, saying employees leaving their shifts late in the night may pose a problem for nearby residence (i.e., Thistle Hill neighborhood).

Bill Lippert asked about nighttime deliveries. Tom M said the applicant had taken that proposition off the table but that they are allowed to revisit that should they choose to.

Patty Whitney asked if any current businesses have overnight workers which require some degree of noise/light/traffic. Tom M said yes, and gave examples which included Dark Star Lighting, Hinesburg Emergency Vets, Nat'l Bank of Middlebury (ATMs), and Tailhook Towing.

The board ended the meeting with a decision to do a site visit and balloon demonstration (to visualize project height) on June 5th at 6pm. Public are invited.

Other Business: None.

Tom M made a **motion to continue the public hearing to June 5th**. Dick J **seconded** the motion. All approved, the motion **passed 6-0**. Tom M made a **motion to adjourn**. Dick J **seconded** the motion. The meeting **adjourned at 10:32pm**.

Respectfully Submitted,
Freedra Powers--Recording Secretary