Town of Hinesburg
Development Review Board
June 5th, 2012
Approved June 19th

Members Present: Zoë Wainer, Tom McGlenn, Ted Bloomhardt, Dennis Place, Greg Waples, Sarah Murphy (joined after Hannafords application was heard).

Members Absent: Bill Moller, Dick Jordan, Kate Myhre.

Also Present: Peter Erb (Zoning Administrator), Freeda Powers (Recording Secretary), Alex Weinhagen (Director of Planning & Zoning).
Representing Hannaford: David White, Paul O'Leary. Representing other applications: Catherine Seidenberg, Loren Palmer.
Public present included: Catherine Goldsmith, Rob Farley, Gill Coates, David Fenn, Johanna White, Jim & Sam Collins, Laura Wisniewski, Sean Jaunich, Leon Lestage, John Lyman, Dean Grover, Margery Sharp, Bill Moller, Doug Boyce, Jean Carlson Masseau, Vince Masseau, Donna Walker, Rolf Kielman, Maggie Gordon, Kristy McLeod, Carl Bohler, Wendy Patterson, Dorothy Pellett, Rachel Kring, Bryan Busier, Barry Russell, Steve Giroux, Claire & Alex Weis, Julie Pierson, Pattie Drew, Sally Reiss, Michael Sorce, John & Jean Kiedaisch, Ken Brown, Alice & Bob Merritt, George Damerson, Catherine Seidenberg, George Holoch, Sarah Murphy, Natacha Liuzzi, Bonnie Morrissey, Ginny Roberts, Geoff Gevalt.

Tom McGlenn chaired the meeting, which started at 7:30pm.

The meeting began with a brief overview of the Boards' Site Visit observations at Lot 15; including balloons demonstrating the height/size & floor elevation of the proposed building and flags demarking parking lot & paved areas. Board members attending site visit included: Dennis Place, Ted Bloomardt, Zoe Wainer and Tom McGlenn.

Tom M, Dennis P and Ted B viewed the existing swale between the Estey Shopping plaza and the Dark Star property. Zoe W said she observed that along the E/W swale, considered a "first flush" zone, was a very wet property and she could see what appeared to be old wetland demarcations. She also noted the need for a culvert as the area proposed for the Farmers' Market goes through a swale. She noted that the balloons demonstrated the actual footprint of the proposed building, and did not take into account the canopies. She said she got a sense of the size of the proposed "pocket park" and noted the sloping elevation there.

Tom M noted that the proposed floor elevation appeared to be 6" lower than the elevation where they were standing by the National Bank of Middlebury.

Greg W said he drove by the site. Zoe W also said she had driven by the site and observed that the balloons were in fact visible from Rte. 116, especially in the back/SW corner by the "Pocket Park" area, above the tree line.

Tom M said overall, he found the Site Visit very useful and thanked the public who attended as well as the Applicant who assembled the demonstration.

Hannaford (Tax Map #20-50-02.100): Applicant came prepared to continue discussion around Compatibility and Storm Water but was unprepared to discuss Traffic.

Showing revised models via projector, David W explained how the renderings shown at the last meeting had incorrectly depicted the roof as flat, whereas it should have been shown peaked, sloping front-rear. This resulted in revised roof height data. Peter E provided comparisons between the old version and the new version. The building height remains the same; the main difference being the hip roof which is higher with a horizontal band (durable, flat panel) going around the building. Another noticeable difference was on the front façade where the glass is replaced with clapboard in order to address concerns around lighting. David W also noted that skylights are *not* proposed.

Zoe W asked about the pitched roof design, if the purpose was for water run-off. David W said yes.

Paul O'Leary (of O'Leary & Burke) spoke on behalf of the applicant, regarding Storm Water; the state deals with storm water on projects with impervious cover over 1acre. He noted that current regulations require treatment of the first 9/10" rainfall, or "first flush" (via existing grassy swales) and control of 10yr storm events. He says they do not intend to pipe out all runoff; some should go back into the ground.

Slides shown of the existing conditions at Lot 15 demonstrate a slow water flow, collecting/ponding in ditches and swales. The swale running E/W appears straight, well defined with a roughly 8' bottom width. The swale behind the Dark Star property appears shallow with very little slope, and a small amount of water pooling. An existing culvert (15") brings runoff to a detention pond which then flows out to Patrick Brook. It was noted that the existing culvert is not functioning well and the applicant proposes replacing it with a larger (18") culvert.

Paul O talked about the difference between swales considered "wet" or "grassy"; Wet swales often pond water a bit whereas Grassy Swales tend to flow as a channel.

The applicant proposes use of three existing swales to treat runoff for the required 10 minutes; flow time through existing swales is calculated at 13.3 minutes (volume and vegetation in those swales do affect that time).

Paul O said from their plans, the application does meet state requirements for storm water treatment. He said the Hannaford project will not degrade surrounding property's storm water treatment and in fact proposes it will create less volume, slower rates, and longer containment time. He noted the maintenance of existing swales, saying there is no drainage easement on the swale behind the Dark Star property. Citing required authorization from the Dark Star property owner to access this swale, the applicant proposes moving the entire swale onto the Lot 15 property. This would allow them to make necessary changes regarding slope and

address concerns regarding the proposed retaining wall. The rest of the swales in the area are already in easements.

Ted B asked about the proposed 18" culvert, wondering what is its' volume capacity limit. Paul O said the 18" pipe shows overflow rates at the 50yr storm mark.

Zoe W asked if the proposed culvert would change the existing swale function. Paul O said yes, to some degree it will change the dynamic of the swale but he does not foresee problems. Zoe W asked if the flow rate through that culvert would increase. Paul O said it would likely be a faster rate, but noted there is no treatment happening in a culvert.

Ted B asked who is responsible for the maintenance of the swales. Paul O said he believes that is the Commerce Park Associations' responsibility.

Paul O showed slides of StormTech Systems treatment options which store water and discharge it at a slow rate. He said the building elevation won't change if they go with an underground storage system or a standard detention pond. He showed design plans indicating where storm water would be piped off the rooftop in two places, going from there into the storm water system. This detention system consists of two Water Quality Units: a holding tank in which sediments drop and a second chamber in which oils and other floating material collect at the top and water is slowly discharged from the bottom. The next system, called an Isolator Row, traps sediments and floatables in fabric. He noted the project receives *no* credits from the state for these treatment systems, but believes the importance of proper treatment renders the use of such systems essential.

Regarding maintenance of said treatment systems, Paul O said the state requires a yearly inspection & report. In addition, the state requires every three years that an engineer inspect and certify the system. Every 10 years, the Storm Water Permit must get reapplied.

Tom M asked if the public had any comments or questions.

Catherine Goldsmith (representing Responsible Growth Hinesburg) introduced Dean Grover of Grover Engineering who had submitted for review a letter outlining his concerns in regards to proposed storm water treatment designs. He said the idea of a grass channel is to slow flow rate and increase detention time to improve water quality. He suggested that in order to be functional, the grass should be between 2-4" high and should be mowed routinely. He cited existing grasses much taller than that with areas inaccessible for mowing. He also noted the low grade (overall drop of about 1/10'); he asked how the applicant proposes creating a channel with an essentially flat area. He also noted the deep 'V' in some of the swale bottoms, saying in order to function properly, they need to have wide, flat bottoms. He questioned the applicants' use of volume data, saying it appears that after the 25yr storm mark, "all hell breaks loose," with flow rates more than doubling. He sees this as a serious concern and advised the applicant to consider the impact on surrounding lots and Patrick Brook. He noted that the existing swales were not originally built to code and there are noted existing deficiencies there.

Michael Sorce spoke. As the owner of the Dark Star property, he remains seriously concerned about the impact of the proposed project on his property in regards to storm water and runoff. He noted inadequacies in the current swales and culverts, and said in the winter months the freeze up of those swales result in even more runoff/ponding and drainage issues. Filled with mud, he said, the swale behind his property is largely inaccessible for mowing. He also mentioned the existing culvert that runs under Commerce Street, saying the applicant can replace it if they want, but it won't improve the existing failures there as the elevation to the north of that culvert is too high, resulting in a failure of the culvert to drain properly. He said he is *not* against development but admits he never imagined something as large as this project coming so close to his property.

Rolf Kielman spoke from the Village Steering Committee, saying compatibility remains an issue; he still does not feel the size of the building fits on Lot 15 due to constraints in topography, storm water, traffic and other concerns. Size remains a concern for him. He feels the proportion/scale/fit are too big for the site and for the village. He feels the building should face the street with parking behind, and should be two stories in order to allow for multiple uses. Regarding architectural design, he said he applauds the work the applicant has put in, but feels the proposed design remains incompatible.

Laura Wisniewski read a portion of a document citing Supreme Court language and asked the board and applicant to consider looking at the project holistically as well as seeing its individual components.

Carl Bohler spoke, saying he is frustrated that the applicant doesn't appear to look at the length, height, ultimately the *size* of the building as a compatibility issue. Considering adjacent properties, he said the proposed building is not compatible with the area. He also noted a figure he has heard, putting pre-development costs around $1-1.5 million. He worries that if the town commits to this project, it can't "divorce" in the future; the project is too big both as a building and as a commitment. He also took issue with the applicant's comparison to nearby buildings NRG and Saputo, saying that comparison doesn't pass the "straight face test." He feels that *compatibility* is more than just looking at a formula.

Tom M wrapped up discussions on this application, proposing a continuation of public hearing to June 19th. David W requested the board present any remaining & specific questions so they can be addressed. Ted B asked about traffic at the Mechanicsville Rd intersection, saying that a traffic light is warranted there even now. Traffic lights don't usually improve traffic flow, so what would be the impact of putting one in? Zoe W asked about landscaping & screening; along proposed "canal park" the applicant can't say they've adequately buffered etc. when they are also saying it's up to the Town to decide how it wants that area landscaped.
Tom M made a **motion to continue** the public hearing to June 19th. Ted B **Seconded the motion**. All in favor, the board voted **5-0**.

Pearce, Seidenberg, Ellis (Tax Map # 11-01-21.000): Final Plat for a 2-Lot Subdivision. Catherine Seidenberg represented the applicants for this 2-Lot subdivision located in the Agricultural District on the west side of Silver Street, opposite the Lewis Creek Road intersection.

Alex W provided the board with draft language for approval of this minor 2-Lot Subdivision Final Plat. Ted B voiced concerns regarding the existing driveway at this property; saying vehicles have no space to turn around at the end of the driveway and therefore back out onto Silver Street, creating a hazard.

Catherine S said there have been no problems with backing out of the driveway since the family has done it since 1969 and voiced her concerns regarding the expense of major excavation in making a turnaround in the yard/driveway area.

Alex W stated it did not need to be elaborate; just a small "T" should accommodate most vehicles. Zoe W agreed, the applicant need not move the driveway or do major excavation, only make a small "bump out" area in order for vehicles to turn around.

Ted B suggested a mention in Condition #2 regarding the safety hazard of backing onto a street often traveled at 50mph. He also noted that while the applicant's family has not had any trouble backing out since 1969, Silver Street has gotten much busier in recent years and is likely to only get busier.

Tom M agreed, adding it is a good opportunity for the board and the applicant to address a safety concern that might otherwise go unaddressed. He suggested it is prudent also, to consider future land owners and their safety in backing out onto such a busy street. This is a chance to make something better and he recommends a condition to correct the current circumstance. Tom M proposed making a condition that the new owners of the property be responsible for creating the turnaround area in order to avoid putting the expense on the applicant.

Alex W said it is preferable to tie conditions to a time frame if possible. Ted B suggested a time frame of 2yrs from date of approval. The board agreed. Peter E suggested a reference be made in the deed language to make new owners aware of this condition and asked the board to be clear in their expectations.

Ted B moved to **Approve as amended.** Zoe W **Seconded the motion**. The board **voted 4-0**. Greg W recused himself from this vote as he missed the original Site Visit and also views the property from his own. Sarah M abstained from this vote as she was not present at the opening of the application.

Palmer Family Trust: Tax Map#: 03-01-01.000 2-Lot Subdivision Final Plat. Property located at 2693 Shelburne Falls Road. Peter E provided the board with draft language for approval of this minor 2-Lot Subdivision Final Plat. Loren Palmer represented the application.

Tom M asked about the existing drive way at this property, are there known drainage issues there? Loren P noted there is an existing culvert there. Tom M said in his experience driving through that area, the roadway is usually wet and his concern is that there are existing drainage issues going on. He asked the applicant if he has experienced problems with this. Loren P said

he is unsure of the exact problems, but did note that the driveway fill has been washed out quite a bit and suggests new owners would want to address this by bringing in more fill. He is unsure who actually owns the existing culvert and therefore who would be responsible for its maintenance or replacement. Peter E suggested that would be addressed by Mike Anthony, the town Road Foreman.

An editing note was made in Order #2 where *filled* should be *filed*.

Ted B made a **Motion to Approve as amended**. Dennis P **Seconded the Motion.** All approved, the **board voted 6-0**.

Minutes from May 15th, 2012 Meeting:
Zoe W ***MOVED to approve as amended***. Greg W **seconded** the motion. Ted B abstained from this vote as he was not present at the 5/15 meeting. The motion ***PASSED* 5-0**.

Other Business: None.
Ted B made a **motion to adjourn.** Zoe W **seconded** the motion. The meeting **adjourned at 10:32pm**.

Respectfully Submitted,
Freeda Powers--Recording Secretary