

Town of Hinesburg
Development Review Board
May 15, 2018
Approved June 5, 2018

Members Present: Greg Waples, John Lyman, Ted Bloomhardt, Dennis Place, Jonathan Slason (Alternate), Dick Jordan, Sarah Murphy

Members Absent: Rolf Kielman, Andy Greenberg (Alternate)

Applicants: Scott Jaunich, Michael Oman, John Bruno, Jim Dumont, Tony Stout, Tyler Sterling, David White, Roger Dickinson

Public Present: Barbara Forauer, Johanna White, Bryce Busier, Barry Russell, Carl Bohlen, Gill Coates, Bob Hyams, Anne Donegan, Jean Kiedaisch, John Kiedaisch, Bill Lippert, Mary Beth Bowman, Deborah Gondree, Bill Marks, Peter Erb, Maggie Gordon, Bob Thiefels, George Dameron, Merrily Lovell, Wade Snyder

Also Present: Alex Weinhagen (Director of Planning & Zoning), Mitchel Cypes (Development Review Coordinator), Dawn Morgan (Recording Secretary)

Dennis P. called the meeting to order at 7:35 pm.

Agenda Changes: Mitchel C. announced that this would be the Recording Secretary's last meeting and thanked her for her work.

Review minutes of the 5/1/18 meeting: Ted. made a motion to approve the 5/1/18 meeting minutes as amended. Dick J. seconded the motion. The Board voted 7-0.

Martin's Foods of South Burlington, Inc. (Hannaford): Revision of the Commerce Park subdivision approval to modify the building envelope, and site plan review for a proposed 36,000 square foot grocery store on a 4.8-acre undeveloped parcel (lot#15) located on the south side of Commerce Street in the Commercial Zoning District. Hearing continued from 4/17/18.

Sarah M. addressed her decision to sit on the Board for the current Hannaford application. She said that she had recused herself from the previous application but was new to the Board at the time and did not fully understand the Town's conflict of interest policy. She said that she feels she can make an impartial decision on this application using what the Board has ruled to be the appropriate zoning regulations.

Jonathan S. said that he is employed by Resource Systems Group, Inc. (RSG) who was retained by the Town to perform a peer review of the Applicant's traffic study. He said that he was not employed with RSG at the time so he did not feel that a conflict of interest exists and that he believes he is able to impartially carry out the rules of this Board.

Greg W. said that under the Town's rules, Board members can participate in the hearing unless the Board determines by majority vote that they should not. He asked if there were any objections or concerns from the Applicant or anyone else as to why a member of the Board should not participate in

the hearing. The Applicant said that they had no objections. No objections or concerns were raised by the Applicant or the Public.

Dennis P. read the Procedural Guidance from the staff report as follows:

On May 1, 2018, the DRB held a closed deliberative session with the Town's legal counsel and staff to discuss procedural issues regarding the review. No formal actions were taken and no motions passed; however, the Board did instruct staff to communicate that it is planning to follow the procedural recommendations as generally outlined in the April 10, 2018 updated opinion from the Town's legal counsel. Specifically:

- 1. Both applications will be reviewed using the current land use regulations – Subdivision Regulations effective July 28, 2015; Zoning Regulations effective October 3, 2016; Official Map effective May 25, 2009.*
- 2. All of the applicable review standards will be used for the site plan review – i.e., not limited to just stormwater and traffic.*
- 3. Both applications will be reviewed concurrently. The subdivision revision application will be reviewed via one hearing (conducted over multiple meetings) consistent with section 7.7.1 of the Subdivision Regulations. The subdivision application will not go through a sketch plan review or a preliminary plat review – i.e., a final decision on the subdivision revision will be issued after the conclusion of this hearing.*

Dennis P. said that the hearing would begin with the general site plan review on traffic. He said that they plan to conclude the hearing at 9:15 pm and since the Board already has written expert testimony each speaker will have 5 to 10 minutes to speak.

David White (White and Burk Real Estate Investment Advisors, representing the Applicant) introduced Roger Dickinson (Lamoureux & Dickinson Consulting Engineers, Inc.) to speak about traffic. Roger D. said that throughout the application process, the Applicant's traffic impact studies have utilized conservative projections for background traffic volumes, which he said have declined from 2008 to 2012. He said that they also continue to use a 3% growth rate, even though rates have dropped to zero during the 2010-2019 time period. He said that they have always included Lantman's level of trip generation in the analysis even though their land use is likely to change after the project, and that they continue to use 386 trips for Hannaford trip generation. He said that number was generated using the 8th edition of the trip generation manual, and they continue to use that higher number even though there are more current manuals that would have produced lower trip generation rates.

Roger D. listed several traffic improvements proposed as part of this new application including:

- Modifying the traffic signal at Charlotte Road.
- Increasing the storage length on Commerce Street.
- Increasing the storage length of the southbound left turn lane on VT Rte 116 approaching Commerce Street.
- Relocating Aubuchon Plaza's curb cut to be further from VT Rte 116.
- Marking the Jolly Mobile's curb cuts on Commerce Street with "Do Not Block" signs and pavement markings.

- Installing new sidewalk connections on Commerce Street, Commerce Street Extension and Mechanicsville Road.
- Contributing \$25,000 as an impact fee toward the installation of a future traffic signal at Mechanicsville Road.

Roger D. said that the most recent traffic impact study (TIA) was prepared in 2013, however an addendum in 2015 examined more recent traffic data. He said that the 2015 data was comparable to the 2013 data and would not create any substantial changes in the results of the 2013 TIA.

Roger D. said that the future year 2019 background traffic volumes that are projected in the 2013 TIA were estimated using the 2008 annual average daily traffic volumes (AADT) of 9,200 vehicles per day (vpd) at the automatic traffic recorder point (ATR) located on VT Rte 116 north of CVU Road.

Roger D. presented tables from his technical memorandum dated May 8, 2018 which compared the build Design Hourly Volume (DHV) with diverted left-turns at Mechanicsville Road and without. He said that on staff's request they had added a column to provide a comparison of what the conditions will be with and without Hannaford. He then presented a table from the 2013 TIA reiterating that the analysis is directly comparable to the 2019 build/no-build tables.

Roger D. said that one major difference between the sets of data is that since the completion of the 2013 TIA, VTrans has installed left-turn phasing modifications at the VT 116/Commerce St traffic signal. He said that prior to the update the left-turn used protected phasing in the northbound and southbound left-turn lanes (i.e., a left turn can only be made when all other traffic is stopped). However, after the update the signal now includes a flashing yellow arrow which permits left turning motorists to also turn when there are gaps in oncoming traffic. He said that change improves the level of service and queue length for that turn.

Roger D. said that the analysis they performed used a 60-minute time period and noted that there are shorter peaks that occur within that 1-hour period where traffic may be delayed at the Shelburne Falls/CVU Road intersection. However, he went on to say that over the course of the 1 hour they would expect that the queues at the beginning of that hour to be roughly the same as at the end of that hour. He said that traffic going through the Shelburne Falls/CVU intersection does indeed reach Commerce Street and the analysis is reflective of the fact that they are not assuming any delay in traffic going through the Shelburne Falls/CVU intersection. He said that the improvements there, while they certainly will improve traffic flow, will not materially change the results provided in the analysis.

Roger D. then responded to Jim D.'s letter claiming that there is an error in the calculation of the vehicle storage capacity. He said that they have thoroughly examined the taper lengths that were designed for that left turn lane and have confirmed that they meet the required standards. He said they were reviewed and accepted by VTrans but added that because the lane is off-center some of the taper lengths could be shorter than what they were designed to be. He said that if an error was made, it was that the taper length is actually longer than it really needs to be. He added that the storage lengths have been reduced as a result of changes in the signal phasing and their analysis is conservative.

Jonathan S. said that under the diverted Mechanicsville Road Left-Turn scenario Roger D.'s memo stated that the signal cycle length would be changed from 100 seconds to 130 seconds. He said that since it is a VTrans signal, he would like to see it with the existing phasing and then have a conversation with VTrans

to see if they would be willing to increase the cycle length. He also noted that the signal is coordinated with the VT Rte 116/Charlotte Road intersection.

Jonathan S. said that after reading the level of service policy he believes that Hinesburg falls into the position of having extreme circumstances where existing levels of service are less than desired, that necessary geometric improvements may not be feasible and that lower levels of service may be acceptable. He went on to say that a lower level of service may be acceptable as long as safety and mobility for the traveling public is improved. He said he would like to see the Applicant demonstrate compliance with the level of service policy by recommending other methods of improving mobility and safety within the town of Hinesburg.

Jonathan S. then asked Roger D. for his thoughts on the matter, and Roger D. said that Hannaford is supportive of facilitating safe travel to and from the supermarket by installing sidewalks and offering other improvements. He agreed that Hinesburg does have extreme circumstances that could justify a lower level of service and he believes they could do that in a safe manner and provide safety for all users.

Jonathan S. said that in his professional opinion a new TIA is not required because the underlying standards and regulations that a TIA needs to comply with have not changed since the original submission and the level of service policy remains the same. He went on to say that Hinesburg, as a town that operates on a State highway, relies on the level of service policy, that he believes there are other amendments and improvements that could be communicated, and would like to see some acknowledgement that the Commerce Street intersection lies within a high-crash location.

Jonathan S. went on to say that the southbound left-hand turn lane is a critical movement, and safety and mobility issues cause by the project will most likely occur at that location if the turn begins to exceed its storage pocket and impede southbound flow. He recommended a monitoring study be performed post 1-year to determine that the southbound lane is designed in a way to ensure safe and efficient travel through the town and asked whether the Applicant would be amenable to that.

David W. said that they would be fine with post 1-year monitoring as long as the studies were designed is a way isolated the results to determine what portion related specifically to Hannaford (as opposed to other upcoming nearby projects).

Roger D. said that there have been two high-crash locations identified, the first beginning just south of Silver Street and extending north through Charlotte Road (but not quite as far as Mechanicsville Road). He said that if intersection crashes are removed from the equation then that particular section is a "false positive". He went on to say that the majority of crashes in the second location (which begins south of Commerce Street and extends north about 3/10 of 1 mile) are caused by distracted driving or following too close. He said that is the direct result of the daily queuing which will be reduced by improvements to the Charlotte Road signal. He went on to say that the left turns are not the issue with regards to safety, rather it is the rear-end collisions caused by stop-and-go traffic.

Dick J. asked if there would be enough room to start a southbound left-turn taper across the bridge if it was needed in the future. Roger D. confirmed that there would not be enough room to taper across the bridge but noted that they are currently proposing to end the taper approximately 50 feet south of the culvert.

Dick J. asked if there was any theory as to why traffic counts have dropped and Roger D. said that one theory is higher gas prices and another is a result of economic impacts. Dick J. asked if they could expect higher traffic counts if gas prices lowered or the economy improved and Roger D. said that they are beginning to see that on a very small scale.

Dick J. asked if it was typical to remove intersection crashes due to inattention from high-crash data and Roger D. acknowledged that it was not.

Jonathan S. said that he is not fully comfortable with widening Commerce Street and asked if it was necessary to widen the street for the right-hand turn lane. He added that he would prefer additional queuing on Commerce Street over introducing a new safety risk (such as a turn lane). Roger D. said that the proposed markings and "Do Not Block" signage would help mitigate the increase in accident risk. He added that over time he believed that people will tend to enter at the further curb cut and exit closer to VT Rte 116. Jonathan S. reiterated his hesitation with the proposed improvement. Additional discussion about the Commerce Street right-hand turn land queue followed.

Dennis P. opened the discussion to the public. He reminded experts to please keep their comments to 5-10 minutes.

Jim Dumont (Law Offices of James A. Dumont) representing private citizens and Responsible Growth Hinesburg (RGH), responded to Jonathan S.'s inquiry about adding a requirement for post 1-year monitoring. Jim D. said that the Supreme Court had addressed the issue with the previous application, saying that the Board must develop pre-determined specific actions at this hearing in the event of a failure to meet performance standards.

Jim D. then introduced John Bruno (licensed professional engineer) Michael Oman (transportation planning consultant).

Greg W. said that there had been a few levels of traffic review during the prior application and asked John B. if he had been involved with the any of those processes. John B. said that he had testified before the Environmental Court.

John B. went on to say that he feels strongly that an updated traffic study should be required. He said that typically the Vermont Agency of Transportation (VTRANS) requires a study for both the year the project is completed and another five years beyond that, but that requirement had not been performed for this application. He said that this is a difficult project to evaluate because he believes the data is outdated and disjointed.

John B. said he believes that the trip generation rates are underestimated in the application. He said he had examined the trip generation data for the Hannaford application and believes that the calculation would result in roughly 83 more trips than were analyzed in the 2013 and subsequent analyses presented at this meeting. He noted that the 2013 TIA analyzed data for neither the year of project completion nor the 5 years beyond.

John B. said that in his opinion the actual level of service analysis in the simulation did not adequately predict the queue lengths. He added that the Applicant's analysis relies on the design hourly volume (a 60-minute period) but said that the existing congestion actually occurs during the period from 3:00 pm to 6:00 pm.

John B. went on to list several items of concern with the application:

- No updated turning movement traffic counts for the impacted intersections.
- No level of service worksheets.
- No plans and analysis for proposed improvements to include left-turn lanes and all roadway improvements, etc.
- No proposed mitigation for areas with unacceptable levels of service and safety issues.
- No analysis of existing and future safety impacts.
- VT-116 from Commerce Street to Charlotte Road contain 2 high crash locations. Although the Mechanicsville intersection is not a high crash location it is in the middle of 2 high crash sections.

Greg W. expressed that John B.'s technical testimony might be difficult for non-engineer Board members to process and be able to arrive at a conclusion. He noted that there have been several traffic studies performed and asked if John B. had identified any flaws in the way the Applicant's study had been modeled. Michael O. explained that any model must be able to reproduce the traffic conditions as they currently exist. He said that if there is no model of what current conditions are then there is no way to model future conditions. He said that is why he and John B. are recommending the requirement for a new study.

Ted B. said that he agreed that they do not have predictions for the 5-year point, which would be roughly 2025.

Dennis P. opened the discussion for comments from other members of the public.

George Dameron said that he lives in the yellow house across from the Town Hall and that it takes him as long to drive home from his work at Saint Michael's College to the outskirts of Hinesburg as it does for him to drive from the outskirts of Hinesburg to his house. He said that he understands the process needs to work within the regulations, but urged the Board, to the best of their judgement, to collect the best data they can, project traffic flow into the next few years and require in the conditions of approval that mitigations be made.

Mary Beth Bowman said that the Supreme Court concluded traffic in Hinesburg was an "F" and could not get much worse in the future because it is already at its worst. She asked the Applicant if they still feel that way and hoped that they have changed their opinion that it cannot get any worse. There was general discussion about the grades assigned to different points and intersections and Greg W. said that he does not believe anything has really changed.

Wade Snyder said that he lives in the Thistle Hill development near the Mechanicsville Road/Commerce Street intersection. He said that his son uses the crosswalk at that intersection and is concerned that it is not included. He encouraged the Board to read John B.'s memo and agreed with the assessment that more studies should be completed.

Bob Thiefels said that he is concerned about the additional 83 vpd and said that the model must be able to produce conditions as they exist today or it is not a very good model. He said that it did not seem that the Applicant had modeled what is in existence today and added additional traffic from neighboring towns also needs to be included in the model.

Bill Marks said that he shared concerns about the long-term traffic impact and said that during the previous hearing the Applicant's expert said that there would be minimal impact in the first years. However, the expert then said that after about 5 years there would be a surge in traffic volume. Bill M. said that he asked the expert twice during the hearing what that meant and followed up with another representative of the Applicant after the hearing as well but did not receive an answer to the question. He said that raised concerns for him at the time, and those concerns remain since this is basically the same application.

Catherine Goldsmith said that she has followed this application closely and said that it seems inappropriate for the Board to consider anything referring to the previous hearing, particularly since two (actually three) of the members were not on the Board at the time and don't have all of the same information that members present at the previous hearing have. She also noted that the Supreme Court decision said that there was no debate that the traffic situation would be exacerbated.

Andrea Morgante said that mitigation of the traffic impact will require additional lanes which will require the installation of additional impervious surface and the need for the resulting stormwater to be treated. She said that so far, she has only heard discussion about stormwater directly on the site but said pointed out that additional lanes will become part of the Town's impervious surface.

Johanna White said that she is concerned that should the concerns raised by many people come to fruition, it will be the Town that will have to clean it up. She expressed concern that the project would end in a bad situation.

Carl Bohlen offered his respect to those who support Hannaford but said that felt he needed to speak because it will change the community in a dramatic way. He said that if the store is meant for the Hinesburg community, then additional traffic should not be a problem. However, if this is a regional store then there will be a lot more traffic and it will have to be dealt with. He went on to say that he feels that experts are not really needed in this hearing because he noted that the experts who testified for development in Williston underestimated the new traffic, which required the Town of Williston to pay for expensive road improvements. He urged the Board to obtain Hannaford's marketing plan that shows who will be served by the store and who will be drawn to Hinesburg from other communities. He suggested that the Board require Hannaford to put funds in escrow that will cover the cost of correcting any deficiencies that aren't corrected by the improvements.

Peter Erb noted that the no-standing spot in the left-hand turn lane near Jolly is frequently blocked, resulting in traffic congestion and said that is an area that can quickly cause problems. He noted the potential for the queue length to negatively impact the businesses on Mechanicsville Road and added that the supermarket business model is changing to allow more grocery pick-ups. He said that any new study should include that new variable. He said that if for some reason a future traffic study should find there will be less traffic, then that should not serve as justification for Hannaford to do things that could cause more problems. He then reiterated his concern regarding the queues at the VT Route 116/ Commerce Street intersections.

Barbara Forauer said that as a resident of Hinesburg she knows that there are certain hours of the day that she just does not go into the village. She said that the other night she walked from the village to the post office and was appalled at the traffic backed up past NRG and over the hill. She added that she is also concerned about the additional impervious surface for turn lanes and is concerned about the impact on Lake Champlain.

Dennis P. said that it was nearly 9:15 pm, which was the predetermined end time for the meeting, and suggested continuing the hearing. Mitchel C. recommended that the application continuance be scheduled for the next meeting, which is on June 5th, 2018.

Dennis P. made a motion to continue the application to the June 5th, 2018 meeting. Greg W. seconded the motion. The Board voted 7-0.

Carl B. asked if all parties were now in agreement as to what set of regulations would be applied to the hearing. Greg W. said that the Board had a closed discussion with the Town's attorney at the last meeting but will not discuss it here. Alex W. said that the Town's and Applicant's opinions are different and the DRB has decided to proceed based on the Town's attorney's guidance, although that does not preclude an appeal on the part of one or more parties. Mitchel C. said there is a description in the staff report which is available on the Dropbox site.

Peter E. asked if the Town could end up with no testimony on record if the Courts agreed with the Applicant about which regulations should be applied to the hearing. Greg W. said that would be up to the Environmental and Supreme courts to determine, but that the DRB will make a complete record under the current regulations.

Ted B. requested that staff work with the Applicant to fill in any gaps in the traffic study. Dick J. agreed, requesting that staff work with the Applicant to submit complete site plan information even if it is the same as submitted for the previous application. Mitchel C. said that the Applicant was currently present and has heard the Board's request so they will be able to respond accordingly. Jonathan S. added that the Applicant should take into account John B.'s comments about the southbound left-hand turn lane and Ted B. agreed.

Decision Deliberation:

Town of Hinesburg: Conditional Use review for construction of a sidewalk in a stream buffer and flood hazard area on the east side of Route 116 between Commerce Street and Riggs Road. Hearing closed on 5/1/18.

Greg W. **made a motion to approve the decision as written.** Ted B. **seconded the motion.** The Board voted **7-0.**

News/Announcements/Correspondence

There was discussion about the location of digital information on Dropbox and the most convenient file locations for quick access by the Board. From this discussion the Board requested that all information pertinent to the current Hannaford application be placed in a single place for the Board that can be accessed by the good reader on your I-Pads. A discussion followed as to how best to do this. Per the Board's request, Staff will discuss with the Applicant to formally submit any information they wish to have considered in this application. Staff was clear that the Applicant is required to determine which information is relevant. There was a general discussion regarding the relevance of the independent

study done at the last meeting and should the Board want to have an updated independent study. There was a discussion of what additional information the Application should provide.

Jonathan S. said that he felt it was adequate enough for the Applicant to say that traffic volumes have not changed substantially. He said that it is therefore incumbent upon the Applicant to determine how much information they submit for the Board's consideration. He went on to say that there are differences in opinion on several issues (e.g., 5-year post traffic volumes, trip generation, signal design and phasing at Commerce Street, etc.), but he believes the most important issue is the VT Route 116 southbound turn lane on to Commerce Street. He is concerned about the potential for the creation of an unsafe condition at the Commerce Street intersection. He said the other elements are of interest, but nothing is going to change. There will be congestion. The Applicant may create an unsafe condition if they do not provide adequate storage for the southbound turn movement on to Commerce Street. This is where the Applicant should focus their energy. He went on to say that the Applicant should get concurrence from their opponents or from V-Trans, who owns the traffic signal, for the storage length. Should such concurrence does not occur, and in the absence of a detailed traffic study, then the Board should set a distance that has their confidence. He noted that since the margin of error at the culvert on VT Route 116 was small, at only 50 feet, the Applicant has the burden to either provide an escrow or have other evidence that they have the mechanism in place to replace the culvert if needed in the future.

Dick Jordan noted that there appears to be a discrepancy between the traffic model and what we observe with queuing, would like it if applicants could expand on that.

Dennis P. **made a motion to adjourn.** Greg W. **seconded the motion.** The Board voted **7-0.**

The meeting adjourned at 9:33 pm

Respectfully submitted,
Dawn Morgan, Recording Secretary