

**Town of Hinesburg
Development Review Board
June 5, 2018**

Approved June 19, 2018

Members Present: Greg Waples, John Lyman, Ted Bloomhardt, Dennis Place, Dick Jordan, Sarah Murphy

Members Absent: Jonathan Slason (Alternate), Andy Greenberg (Alternate), Rolf Kielman

Applicants: Scott Jaunich, Tyler Sterling, David White

Public Present: Jim Dumont, Ryan Conkin, Tony Stout, EM Allen, Carl Bohlen, Bryce Busier, Gill Coates, Mary Crane, Peter Erb, Barbara Forauer, Catherine Goldsmith, Maggie Gordon, Meg Handler, Traci Jensen, Jean Kiedaisch, John Kiedaisch, Rachel Kring, Bill Marks, Dena Monahan, Andrea Morgante, Keith Roberts, Barry Russell, Kate Schubart, Stephanie Spencer, Johanna White, Patty Whitney

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

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

Agenda Changes:

Mitchel C. introduced Kate Kelly, new recording secretary. He requested to add a discussion on the meeting times at the beginning of the meeting, after the Hannaford hearing that the Board discuss what is required for the Applicant's application to be considered complete and in other business to discuss a possible start time change, a small site plan amendment and new Zoning and Subdivision Regulations. The Board discussed the upcoming meeting dates and decided to keep the June 19th, July 3rd and July 17th meeting dates.

Review minutes of the 5/15/18 meeting: Ted B. made a motion to approve the 5/15/18 meeting minutes as amended. Dick J. seconded the motion. The Board voted 6-0.

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 and 5/15/18.

Dennis P. opened the hearing and said that we will do a review of the remaining site plan criteria.

David White mentioned that they reviewed staff comments from May 10 staff report, and provided a memo to respond to the concerns that were raised, and that he did not have a prepared presentation.

After a discussion on where to begin the review, the Board decided to start with site plan standard #3 of exterior building design, which has been a concern in the past.

David W. reviewed the renderings, and showed many pictures of the building dropped into site photos. Mitchel C. noted that the originally submitted leaf-off renderings were removed, when David W. told us these were out of date.

Dick J. asked if this technology has been used before, and if David W. had any examples of both renderings and photos of a final product, so they could see the accuracy of the technology. David W. replied they have used the technology before, but didn't know of any examples off the top of his head.

Ted B. noted that without leaves on, the building would be much more visible in the winter. David W. replied this is the nature of being in a four-season area.

Dick J. asked if these are the same as prior review. David W. replied they are identical.

Ted B. asked if the proposal still includes an option for a farmer's market for 5 years. David W. replied that their position is that the official map doesn't meet requirements of statute ("no zoning permit may be issued for any land development within the lines of any street, drainageway, public park, school, or other public facility shown on the official map.") Applicant feels official map isn't enforceable because it doesn't have lines. Ted B. asked if this has been litigated – David W. answered it has not. Despite this, applicant will make two offers: one on the 0.32 acre grassy area directly off northern parking lot to be a farmer's market with access to bathrooms inside, hose bib, electric, shed etc. The other is for an easement of about an acre along canal for a pocket park with a ~20 ft. wide width located along sidewalk.

Greg W. asked if Applicant's new position is that official map doesn't apply. David W. replied that it has been their position all along, they don't believe it's enforceable, but they will make these offers anyways. He confirmed that their position has not been litigated at environmental court. Greg W. asks if we had town counsel in the past confirm that official map was enforceable. Alex W. says town received two different legal opinions stating that the official map was enforceable and should apply to this application.

Alex W. pointed out that although the Applicant says this is the same application as 2012, we don't have all the same submittals. Without getting easement submitted again, he asked David W. if it is your client's desire to have us capture same language, etc.? David W. replied that they are looking for what information the Board would like to see to come to a decision. Alex W. stated that some of the old materials included potential farmer's market renderings, and the Board may want to review those. It may also be worth reviewing easement language from past decision, and details discussed at Sept./Oct. meeting from last decision.

Mitchel C. and Dick J. reminded David W. that this is a new application and should include everything the Applicant wants the Board to consider. David W. replied that his cover letter pointed to previous application materials, so he feels that everything is available. Mitchel C. reminded David W. of how Staff responded to their request to include the old leaf-off renderings, which was later found to be out of date. It is up to the Applicant to accurately determine what should be included in this application. Further discussion found that the Applicant and the Board did not remember the specifics of the proposed farmer's market.

Alex W. recommended the Board look through 2012 decision.

Ted B. asked about circulation and traffic – how do tractor trailers back up to loading dock, etc. (site plan standard #2). David W. replied that tractor trailers will enter along building by north parking lot, pull forward into area near farmer’s market, then back into the north loading docks. Dennis P. asked about limits on timing for deliveries – David W. replied yes, there are limits. Alex W. stated that Roger Dickinson materials from last meeting gave limits at peak times.

Alex W. wondered what Applicant will be submitting in the future. David W. replied that they will be looking providing additional traffic information including a 2019 and a 5 year in the future traffic review, hopefully at July 3 meeting.

Mitchel C. reviewed with David W. the other site plan review criteria. Several criteria were mentioned as either been previously discussed or that there is clearly no concerns raised. David W. confirmed and clarified the following:

- Regarding Pedestrian circulation, David W. pointed to the proposed additional sidewalks on Commerce St. that will extend to the sidewalk by Bank of Middlebury into site, and for connections from sidewalk along canal into site.
- Regarding parking, David W. stated there is 128 proposed parking spaces, with some taken out seasonally for snow storage. They believe based on Hanaford’s experience elsewhere that the proposed parking is appropriate.
- Regarding snow removal, David W. stated there are storage areas designated on the north parking lot on grass, and on east parking lot on pavement. They will also truck snow off site if needed.
- Regarding hours of operation, David W. stated that they were granted conditional use approval for extended hours.
- Regarding the compatibility with surrounding properties and character of the neighborhood, David W. stated that the building height of 27’ is within the 35’ maximum height allowed by zoning and the building square footage is smaller than both old Cheesefactory and NRG. The proposed Hannaford grades are below that of Mechanicsville Rd. and the canal sidewalk and will be similar to the Post Office and the bank). A local architectural firm designed the proposed store. David W. said the area has many types of architecture, not a single type that needs to be copied.
- David W. confirmed that they received a State permit for erosion control

Ted B. would like to understand elevation differences, what retaining wall will look like in height both by Dark Star and by Giroux’s. David W. recommended going to memo of May 29, response #3. Site grade is 346’ to 337’ above sea level. Applicant proposes bringing site up to 344 – 345’. David W. pointed out that there are two retaining walls 337’-341’ on west (4’ height) and one that is 338’-343’ (5’ height).

Greg W. asks what will happen with fill being brought through the center of town. Traffic issues, etc. David W. - Quantities will be relatively small compared to traffic in town; don’t have specifics yet. Dick J. asked, and David W. confirmed they would try to avoid peak times.

Sarah M. – Are there pedestrian crosswalks in front of building? David W. – showed on the plan that there is one across corner from main entrance, and from the extension of sidewalks from canals. Sarah M. wondered why there are no crosswalks across this area where most people would be crossing. David W. said people take most direct route. Mitchel C. asked, and David W. clarified that a symbol on the

plans were handicap access ramps would be shown on the Engineering Plan. Sarah requested that there be cross-hatching in front of the main entrance.

Sarah M. wondered if number of parking spaces had been generated using traffic/trips, or is this specific to the number of people expected at the store? David W. said the numbers come from Institute for Traffic Engineers traffic/trip generation manual and from experience with Hannaford's stores.

Dennis P. opened the discussion to the public.

Jim Dumont introduced Mr. Tony Stout (Lakeside Environmental Group) so he could respond to information given last meeting with the following:

- 1) He described the Canal walkway as gathering place, which he believes zoning is supposed to protect such public places. This area includes the historic truss bridge, within 75' setback from canal. Canal walk averages 10-15' off the water. Currently the mowed area extends 30-40' from edge of water in canal.
- 2) He found all buildings in area met 75' setback. Mitchel C. asked about NesTech building, Tony S. stated that the setback line was incorrectly drawn on the original subdivision plat and is within 75' of canal.
- 3) Master planning is required on such development and hasn't been taken into account – because it was this way on previous review, doesn't mean it is compatible with current standards. He was requesting that all the Giroux owned properties be required to have a master plan review. For example, would it be better to have farmer's market near canal to enhance canal and combination of uses (instead of market in back near loading dock)?
- 4) Renderings do not easily show size/scale of building, proximity, or where sidewalk comes into southeast corner of building, which can be misleading.
- 5) It appears that lot 15 is identified on map as future community facility – where should these things (canal walk, farmers market) go? Don't need to accept as designed now.
- 6) In goal 3.1 of town plan Section 3.1.1 says the Town should consider a larger size cap for grocery stores in the Village and Village Northwest zoning districts. Commerce park/commercial zoning district is not mentioned and is not where we want large grocery stores.
- 7) He stated that the canal setback on applicant's new subdivision map is shown from existing southern property line, and not from the north edge of the Canal.

Jim Dumont in response to Sarah's question about using ITE data vs. Hannaford's data, which Mr. Oman and Mr. Bruno advocated to use this data, and in their professional opinion, that is the right data that should be used.

Peter Erb stated he doesn't know ramifications of accepting donation of land next to canal, pocket park. He urged the Board to consider the ramifications of accepting the responsibility of landscaping, piping, erosion in this area. Town gains nothing from the Canal easement. Make it clear that all vegetation is the responsibility of Hannaford's. Pedestrian access through the NW corner near farmer's market would be great, but should connect all local businesses internally.

Jean Kiedaisch on behalf of 49 citizens who submitted petitions to board, she gave a reminder of what subdivision and zoning regulations say.

- Subdivision regulations:

6.10.6 – preservation of natural and significant features: historic sites and similar irreplaceable assets shall be preserved. She believes that the Truss bridge and canal walk remind us of our industrial past. Also, protect natural features by considering the effects of building height and sizes on these features. She also stress here concerns that wetland would be destroyed by project, which provide clean water to the Patrick Brook and Lake Champlain and is clearly an irreplaceable asset.

6.11.1 – appropriate street and pedestrian network, connection between parcels, reinforce the existing village pattern of buildings lining public street. She stated her belief that most people would come to the store by car. The store would be an island, not linked to a public street, other activities, or other businesses by pedestrian access.

- Zoning regulations:

4.3.4 (3) – maximum compatibility with adjacent properties & with character of neighborhood and

4.3.4 (7) – preservation of significant natural and cultural resources: Jean K. stated that the businesses on Commerce Street are connected by a sidewalk and have their parking on the side or the back of the business, which the proposed Hannaford would not match.

Regarding the proposed use on the Official Map, Jean K. stated her opinion that the proposal is a for summer-only, once a week, Hannaford's-controlled farmer's market, which no one has offered to run – this would be enclosed, out of the way, and difficult to access, inadequate. She stated that the space was too confined and how other Towns have farmers markets in larger spaces where people have time to interact. She believes the Town should deny the application.

Catherine Goldsmith – She brought a model in H.O. scale. The model is to show how big the building will be compared to people and nearby buildings. She would urge Board to request Army Corps fill permit, which allows for 206 truckloads/day for 15 days to place fill at the site.

Mary Crane said that she is fascinated that this could be a master plan and a great opportunity because they are coming back to us. We could determine where would the perfect place for a farmer's market be? Hannaford could work with the community to determine how we want a store to function there. She expressed her opinion that this is not a store for Hinesburg, but rather is a store for all towns south of us. She raised the concern that we would have to live with the traffic and space, which is not for us.

Carl Bohlen requested that the Dropbox stay current, complete and valid. Please put it all in one place so we can see what the basis is for the Board's decision, with accurate up-to-date information.

Meg Handler submitted a letter, which she would like to withdraw. She was confused by the process, thought this might be the last day for this process and had questions about the process.

Mitchel C. stated that everything that should be considered is in the Dropbox. Letters received within past couple of days include one from Peter Erb regarding stormwater, and two from Jean Kiedaisch, and one from Robert Thiefels on various topics. These letters, which were submitted after the Staff report was provided are not in the staff report for tonight's hearing, but will be included in a future report and are in the Dropbox.

Jim Dumont urged the Board to ask for cross sections with data as opposed to renderings, as suggested in his May 10 letter. This would help answer some of your questions.

Ted B. stated that we need instruction from Hannaford on what to bring forward from prior application. He requested that in addition to the updated traffic data, that the Applicant provide for specific actions to be taken should the traffic impact be greater than predicted. He would like to see a stormwater design analysis with respect to the current regulations. He would like to see the easement language for the farmer's market especially since previously there were issues with how restrictive the easement language was

Peter Erb stressed that the Applicant should provide a complete application, which should be placed on the Dropbox.

Dick J. wanted to understand why the traffic modeling shows 1000 ft of queuing, but his observations of traffic is that it stacks all the way over the hill. People say the model must be wrong because it doesn't show the current situation.

Dennis P. asked David W. 'do you know what we need, and do you have time to get it before next meeting?'

Greg W. stated he would like to see updated stormwater information.

Alex W. lead a discussion as to when to continue the hearing with the Applicant and the Board.

Dennis P. made a motion to continue the application to the July 3rd, 2018 meeting. Ted B. seconded the motion. The Board voted 6-0. It should be noted that the Applicant has subsequently requested that the hearing be continued to August 7, 2018.

Other Business

Mitchel C. said he was asked about moving the start time to 7 PM. Discussion ensued, and Dennis P. decided to table the discussion until next meeting. Dennis P. decided that the June 19th meeting will start at 7:30 PM.

News/Announcements/Correspondence

Mitchel C. stated that the new Zoning & Subdivision Regulations have been warned. These regulations are in effect now. The Selectboard will vote on (will hold public hearing June 21). Alex W. told the Board that we will alert you if anything will be different until they are adopted, then will hold a training. Discussion followed about using old vs. new regulations.

Mitchel C. alerted the Board that there has been a minor site plan amendment regarding outdoor seating for Bristol Bakery, per the instructions in the past DRB approval.

Dennis P. **made a motion to adjourn.** Greg W. **seconded the motion.** The Board voted **6-0.**

The meeting adjourned at 9:35 pm.

Respectfully submitted,
Kate Kelly, Recording Secretary