

HANNAFORD SUPPLEMENTAL STAFF REPORT 1

Applicant: Martin’s Foods of South Burlington LLC c/o Tyler Sterling and David White P.O. Box 1000 Hinesburg, VT 05461	Land Owners: Trusts of Bernard Giroux, June Giroux, Victor Giroux and Ramona Giroux 9318 VT Route 116 Hinesburg, VT 05461
Property Location, Tax Map # & Area: 138 Commerce Street 20-50-02.100 4.86 Acres	Surveyor/Engineer: O’Leary Burke Civil Associates PLC 1 Corporate Drive Suite #1 Essex Junction, VT 05452

BACKGROUND

The proposed 36,000 square foot Hannaford supermarket (retail establishment) is to be located on the south side of Commerce Street in the Commercial (C) Zoning District on lot #15 of the 1986 Commerce Park subdivision. The Applicant has submitted two applications related to the project – 1) subdivision revision to adjust the building setback limits for lot 15 as depicted on the 1986 subdivision plat; 2) site plan for the proposed supermarket use. The Development Review Board (DRB) began the review of these applications at its April 17, 2018 meeting. See the April 4, 2018 staff report for the history of the project and a review of the stormwater and traffic issues. In a March 2, 2018 opinion, the Town’s legal counsel advised that the site plan review should be limited to issues left open by the 2017 VT Supreme Court decision. Since that time, the Town’s legal counsel provided an updated legal opinion (dated April 10, 2018) advising that all of the site plan standards should be considered.

As a result, the scope of the review is larger, and more information is needed from the Applicant as noted in this report. The April 4 staff report includes the list of submittals. Additional materials submitted since that report are listed below.

PROCEDURAL GUIDANCE BY DRB

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.

ADDITIONAL SUBMITTALS

1. Revised legal opinion from David Rugh of Stitzel Page & Fletcher dated April 10, 2018.
2. Email and additional stormwater modeling from Paul O’Leary P.E. dated April 4, 2018.
3. Letter from Christopher Roy, of Down Rachlin & Martin PLLC dated April 17, 2018.
4. Memo with updates on traffic-related issues from Roger Dickinson, dated May 4, 2018, received May 9, 2018.
5. Letter from James Dumont Esq., dated April 18, 2018, but received April 17, 2018.
6. Written testimony from three expert witnesses for Attorney Dumont, received April 17, 2018:
 - a. Anthony Stout, Planner at Lakeside Environmental Group.
 - b. Stephen Revell, Hydrogeologist.
 - c. Andres Torrizo, Hydrologist at Watershed Consulting Associates.
7. Letter from Joanna White dated May 8, 2018.
8. Letter from Jean Kiedaisch dated May 8, 2018.

GENERAL SITE PLAN REVIEW (section 4.3.4)

1) Safety of vehicular and pedestrian circulation on site and on the adjacent street network. –

Access to the property is from an access strip that is a 50-foot right-of-way. The access allows for two-way traffic and includes a sidewalk for pedestrian access on to Commerce Street. The sidewalks extend to the front of the proposed store. ADA access is provided. The parking areas have isles that allow two-way traffic. No changes to the internal traffic pattern from the prior DRB approval are noted.

See the April 4 staff report for a more comprehensive discussion of the Applicant’s traffic impact assessment (TIA) and proposed improvements, particularly changes at two Route 116 intersections (at Commerce Street and at Mechanicsville Road). The Applicant also received approval from the VT Superior Court, Environmental Division to modify the Aubuchon site plan (aka Firehouse Plaza) to relocate the entrance to east.

The May 4, 2018 memo from the applicant’s traffic engineer (Roger Dickinson) addresses conditions that have changed since the 2013 traffic impact assessment (TIA) and the 2015 addendum to the TIA. For example: 1) traffic count updates (deemed not significant enough to change the TIA recommendations); 2) a change to a more permissive flashing yellow arrow for Route 116 southbound traffic turning left on to Commerce Street. It also gives the Applicant’s perspective on improvement options for the Route 116, Mechanicsville Road intersection – as originally outlined in the January 19, 2018 memo from the VT Agency of Transportation (VTrans). We recommend the Applicant’s traffic engineer address two additional items:

1. VTrans improvement plans for the Route 116, Shelburne Falls Road, CVU Road intersection. This project is currently scheduled for 2019. This project is mentioned in the TIA, but its impacts don’t appear to be modeled in the assessment of future conditions. This intersection improvement will likely increase delay and queuing for southbound Route 116 traffic at the Commerce Street intersection during the pm peak. Less southbound traffic will be held up at

the Route 116, CVU Rd intersection, so more will pile up southbound at the Route 116, Commerce Street intersection.

2. Response to the claim made in Attorney Dumont’s April 18, 2018 letter (see page 2-3) that the Applicant’s traffic engineer made an error regarding the calculation of vehicle storage capacity for Route 116 southbound traffic turning left at Commerce Street. Mr. Dumont’s letter says that, “Hannaford’s expert has confirmed” the error.

2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be addressed where applicable.

- A. Circulation – See comments in standard #1 and information on traffic from the first staff report.
- B. Parking Facilities – The prior DRB approval and the current application propose 128 on-site parking spaces, six of which are ADA accessible. Table 2 in Section 5.5 of the HZR recommends one parking space for every 400sf of floor area. This would equate to 90 parking spaces. During the original DRB review, the Applicant indicated that their supermarkets typically require more than one parking space per 400sf, hence the proposed 128 spaces. Even with the seasonal elimination of 15 parking spaces for snow storage, this Applicant felt this parking would be adequate.
- C. Loading Facilities – are provided on the northwest corner of the proposed building. No changes to the facility from the prior DRB approval have been proposed. The location and size of the loading facility appears to be adequate.
- D. Refuse storage and disposal is proposed to be provided on the west side or back side of the Hannaford building near the northwest corner. This includes a storage box, a compactor and a container that would have access to trucks removing the items. This is in an area that appears to be properly screened. No concerns are noted.
- E. Snow Removal – Areas for snow storage is provided in the open lawn area in the 0.32 acres to be acquired from the Giroux property at 10365 Route 116, and on the east end of the site on 15 proposed parking spaces. Conclusion #8 and Order #10 of the 2012 DRB approval required that snow not be stored on the 0.32 acre area because this area is designated as a community facility. Although proposed as a farmers market venue, the Applicant’s previously proposed easement to the Town allows this area to be used at other times when a farmers market is not in operation. Furthermore, the landscaping plan calls for three sugar maple trees to be planted in the middle of this area, which will make snow storage impossible. The Applicant should update the plan accordingly and designate another store storage area.
- F. Emergency Access – The prior DRB approval found “Fire Chief Al Barber has stated that access is not necessary to all sides of the structure and has indicated that additional Town fire vehicles will be not necessary to protect this structure” and “a dry hydrant leading to the canal has been included in the plans for this project.” No concerns are noted.

3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.

- A. Landscaping & Screening – The Applicant has submitted a landscaping plan, which is the same plan that was submitted for the November 7, 2012 DRB approval. Some of the

landscaping is located on adjacent properties. The Applicant per Order #4 of the November 7, 2012 decision, was required to get easements to place and maintain the off-property landscaping. The Applicant should comment on this.

- B. Setbacks – The proposed structures have the required setback distances per Section 2.4 of the HZR. The parking areas have the required setback distance per Section 5.6.3 of the HZR. The 1986 subdivision showed building setback limits, which matched the required setback distances at the time of approval. See the April 4 staff report for discussion of this, relative to the subdivision revision application.
- C. Hours of Operation – The Applicant has received approval for extended hours of operation. No concerns noted.
- D. Exterior Building Design – The Applicant has submitted building elevations for this application. It seems from the descriptions used in the November 7, 2012 DRB approval that more information was provided at the last hearing, which included descriptions of comparative wall heights and overall size dimensions with other structures in Commerce Park. Concerns have been raised from the public that the height of the building raised by being placed on fill will be significantly higher than other buildings in the area and will dwarf the canal walk. The Applicant should address this issue.

4) Adequacy of exterior lighting for safe circulation on the site without creating off-site glare and excess illumination - A lighting plan was submitted for review. It appears to be a similar plan that was reviewed for the November 7, 2012 DRB approval, which was updated per the requirements of Order #6 of the approval. Order #6 required that two ‘C’ lights shown be eliminated and the other two lights be adjusted to be downcasting. The previous decision required all lights to be downcasting. No concerns are noted.

5) Adequacy of sewer and water. – This project is in the municipal water and sewer district. The Applicant has provided plans showing water and sewer infrastructure for the site and connections to the municipal systems. The findings in the November 7, 2012 decision stated that the Utilities Department staff raised no concerns.

6) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas.

- A. Grading Plan & Steep Slopes –The overall site is relatively flat and the ground relatively wet. The applicant is proposing to place up to six feet of fill to raise the proposed development above the existing wet ground and to create room for underground stormwater storage and treatment. Concerns were raised about steep banks adjacent to some wetlands and the view of the proposed development as seen from the Canal walkway.
- B. Drainage Plan & Control of Stormwater Runoff – This criteria was discussed in the April 4, 2018 Staff report, discussed at the April 17, 2018 DRB meeting and is discussed further later in this report.
- C. There are poorly drained soils in this area. There is a high water-table, which limits infiltration. Considering the proposed drainage system and fill to be placed, this in itself should not be a concern.

- D. Erosion Control – An erosion control detail plan was provided. This detail references other plans, which were not included in this application that show the location of proposed erosion control measures. Such a plan apparently was part of the November 7, 2012 application. The Applicant should discuss this at a hearing.

7) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities.

- A. The proposed high-density development is in and will service the village core/growth area and would be in walking distance of many residences and other businesses.
- B. The existing property is an empty field. It is not used for agricultural purposes. Significant wetland area exists on the property, much of which will be impacted by the project. The historic canal is along the southeast side of the property. Whether the canal is being affected by this proposed development is in dispute. This matter has been discussed at the hearing.
- C. The Hinesburg Official Map proposes a future community facility on this property. Rather than a specific type of facility for this location, note #3 on the Official Map provides a non-exhaustive list of possible community facilities, including: Town Green, Community Center, Fire/Police Station expansion, Farmers Market venue, Parks & Recreation areas, and Library relocation. The Applicant has not specifically addressed this issue in the current application. However, in the original review, the Applicant proposed to host a Farmers Market venue in the northwest corner of the site. Easement language for the Town's use was previously submitted, including various restrictions and provisions for the Town and Hannaford to address in the future.

As explained in Conclusions 1-3 of the 2012 DRB decision, this was a significant and complicated issue. Since that decision, the Hinesburg farmers market has ceased to operate on a regular basis, and the organizing group (Hinesburg Lion's Club) has disbanded. The original easement allowed other community uses of the space (with Hannaford's consent), but allowed Hannaford to terminate the easement if a farmers market does not operate in the easement area for five consecutive years. Hannaford's accommodation of the Official Map was questioned by many parties during the original review (including the Planning Commission and the Village Steering Committee), but it was approved in the original decision. That accommodation is even more problematic given the easement termination provision and the absence of an active farmers market. The Applicant should address this.

8) Proper planning and design in regard to hazardous wastes and avoidance of runoff. – The November 7, 2012 decision found that this project will not generate any hazardous wastes. As is typical in a supermarket, relatively small quantities of batteries, cleaning fluids, fuel, pesticides, and similar typical hazardous household products will be stored and sold on site. Each product has instructions for clean-up and store employees are trained for their proper removal and containment in case of leaks or spills. This description seems logical, however the Applicant has not provided this information for this application. The Applicant should discuss this at a hearing.

9) Conformance with design standards as stated in Sections 5.6 and 5.22 (of the HZR), where they apply. – Section 5.22 of the HZR does not apply to development in the Commercial Zoning District. Section 5.6.9 is not applicable. Section 5.6.10 is advisable.

Section 5.6.1 (New Streets) – The new access road and parking area is proposed to be paved and have an adjacent sidewalk.

Section 5.6.2 (Road Cuts) – No new road cuts are required.

Section 5.6.3 (Parking and Loading Areas) – The property frontage on Commerce Street only includes the access strip. The parking is to the side and rear of the proposed Hannaford, when considering the Mechanicsville Road frontage. The required 5-foot minimum setback for the parking areas has been met.

Section 5.6.4 (Exterior Lighting) – Proposed exterior lighting is required to be shielded and downcasting. See site plan standard 4.

Section 5.6.5 (Landscaping) – Landscaping is required per Section 4.3.8 of the HZR. See landscaping plan and site plan standard 3A.

Section 5.6.6 (Screening) – This design standard has changed since the 2012 DRB decision. Please review it in the current regulations. Visual screening of parking areas, unbroken building facades, and dumpsters is required – not to hide the development, but to ensure it blends with the surroundings. Furthermore, as a developed commercial area, less screening is necessary as compared to a comparable use in a more rural part of town. With that said standard 5.6.6 #2 does require that screening, “shall break up the visual impact of the development (particularly at the perimeter of the project), such that development is visually absorbed into the surroundings.” The Applicant proposes a robust landscaping plan. However, it’s not clear that this development will be visually absorbed into the surroundings given that substantial fill will be used to elevate the site, and given the height and large massing of the building. The Applicant should address this. Some of the visualization submittals from the earlier review may be helpful in this regard.

Section 5.6.7 (Storage of Materials and Equipment) – The Applicant is aware of this standard, it is address elsewhere and would be a condition of approval, if approved.

Section 5.6.8 (Sidewalks and Trails) – Sidewalks have been provided. The canal walk shall be maintained.

RECOMMENDATIONS – The DRB seems to have sufficient information from the Applicant on the subdivision revision application. The Applicant needs to modify the proposed stormwater treatment system to address all the issues noted in the April 4 staff report. Additional information is required to show conformance to the remaining site plan review standards and the Official Map as noted above. It is understandable that due to the modification of the original Town Attorney’s opinion that this additional information was not provided initially. A resubmission of certain submittals from the prior approval may help address many of these concerns.

Respectfully submitted,

Mitchel Cypes, P.E., Hinesburg Development Review Coordinator
Alex Weinlagen, Hinesburg Director of Planning and Zoning
Cc: Applicants