

**HANNAFORD SUPPLEMENTAL STAFF REPORT 4**

<b>Applicant:</b> Martin’s Foods of South Burlington LLC c/o Tyler Sterling and David White P.O. Box 1000 Hinesburg, VT 05461	<b>Land Owners:</b> Trusts of Bernard Giroux, June Giroux, Victor Giroux and Ramona Giroux 9318 VT Route 116 Hinesburg, VT 05461
<b>Property Location, Tax Map # &amp; Area:</b> 138 Commerce Street (Lot 15) 20-50-02.100 4.86 Acres	<b>Surveyor/Engineer:</b> O’Leary Burke Civil Associates PLC 1 Corporate Drive Suite #1 Essex Junction, VT 05452

**BACKGROUND** - The Development Review Board (DRB) met to review this application on April 17, 2018, on May 15, 2018, on June 5, 2018 and August 7, 2018. The meeting was also continued, but not heard on July 3, 2018 at the request of the Applicant. Staff provided an initial review in a staff report dated April 4, 2018. Supplemental Staff reports, in this format, have been provided on May 10, 2018, May 31, 2018 and July 30, 2018. Additional background information, prior submittals and reviews are available for review on the following dropbox link: <https://www.dropbox.com/sh/vak23u3g8bgg0a5/AACQrzcecfKZbbMhK6cmeXbwa?dl=0> or via a link on the Town website. The Public should contact the Planning & Zoning Department if assistance is needed to review any of these submissions. Past meetings can also be viewed online on the Vermont Community Access Media website: <https://www.vermontcam.org/series/hinesburg-development-review-board>.

At the August 7, 2018 meeting, the DRB requested more information on traffic and stormwater. The Applicant responded by providing the following submittals on traffic, stormwater and conformance to the Town Official Map.

**ADDITIONAL APPLICANT SUBMITTALS**

1. Letter dated August 22, 2018 from Paul O’Leary (project engineer) addressing compliance with stormwater regulations in section 5.27.2 of the Zoning Regulations.
2. A memorandum from David White dated August 21, 2018 describing how Hannaford proposes to conform to the Hinesburg Official Map.
3. A memorandum, an updated traffic impact assessment and corresponding appendices from Roger Dickenson dated August 21, 2018.

**NEW PUBLIC SUBMITTALS**

1. Letter from Andres Torizzo dated August 1, 2018 providing a review of the proposed stormwater system per the 2017 State standards.
2. A memorandum from John Bruno and Michael Oman dated August 2, 2018 providing a review of the Applicant’s traffic impact review.
3. Letters of concern from Bob Thiefels received on August 1, 2018 and August 7, 2018, regarding traffic and size of the store.
4. Letter from Nancy Dunlop received on August 1, 2018, in support of this application.
5. Letter from Matthew Lapierre received on August 1, 2018 stating his objection to this application.

6. Letter from Meg Handler received on August 6, 2018 stating her concerns for this application.
7. Letter from Carl Bohlen received on August 7, 2018 stating his concerns about the application regarding conformance to the official map, the completeness of the application, the size of store, traffic and stormwater.
8. Letter from Susan Schulman received on August 7, 2018 stating her concerns regarding traffic, stormwater, building size & character, noise, light and public use of land.
9. Letter from Bill Moller received on August 19, 2018 questioning Sarah Murphy's decision not to recuse herself.

*We ask all interested parties to let us know if there are any other submittals not listed in the various staff reports.*

**STAFF COMMENTS** – In an attempt to help reach closure on this review, we provide the following summary of the issues discussed to date. No significant concerns regarding internal vehicular circulation, sufficient parking and loading facilities, refuse storage and disposal, snow storage and removal, emergency access, hours of operation, the landscaping plan, exterior lighting, sewer and water, grading, erosion control and generation of hazardous wastes have been made. The subdivision revision to change of property line setback distances from 30 feet to 10 feet is not being contested.

The Applicant and Opposition disagree on the following, but do not appear to be providing any additional information. See prior reports for more information.

- Subdivision revision changing the canal setback from 75-feet to 25-feet.
- Building size in regard to achieving maximum compatibility with adjacent properties and with the neighborhood.
- Preservation of significant natural resources.
- Master Plan requirement.

Major issues raised by various parties are summarized below. As noted, we feel some of these remain potential compliance issues, while others have been adequately addressed by the Applicant.

- Adequacy of stormwater control and treatment.
- Compliance with the Official Map.
- Traffic control.

Adequacy of stormwater control and treatment (section 4.3.4 #6; section 5.27 Zoning) – The Applicant's Engineer provided a letter which states the following:

- The depth below existing grade of the bottom of the proposed underground stormwater storage system is between 1' and 5', which is not contested.
- Soil sampling by a Burlington licensed geotechnical company "indicate that the subsoil conditions in the storage areas are predominately clay." Because of this they anticipate that additional flow of groundwater will be "negligible" and can be drained by the building footing drains.
- That they have a State approved stormwater system, which approved the ADS units for water quality treatment, looked at the point of discharge as being on the Hannaford site

that did not have to consider upgrades to the Dark Star property and that accepted the submission that the soils are HSG ‘D’ rated thus exempt from recharge requirements.

- Soil sampling shows that the soils on the site are clays, which are unable to recharge. The soil sampling shows that the Federal soil maps are inaccurate.
- This project conforms to the low impact design (LID) standard by making efficient use of space by storing stormwater underground under impervious surfaces. Underground storage is considered an accepted LID practice in Section 7 of the LID Guidance Manual referred to in Section 5.27.2(5) of the Hinesburg Zoning Regulations (HZR)

The Applicant’s State stormwater permit, which is being appealed, was approved under the 2002 State regulations. Section 5.27.2(1) of the HZR states that “a State stormwater permit approved under an earlier version of the manual shall not constitute compliance with the five standards.” The Applicant’s Engineer states that the proposed system would conform to the standards in the current 2017 State stormwater manual. The proposed design does not mimic the existing drainage pattern, but instead seeks to improve upon existing conditions by re-routing some stormwater away from the Dark Star drainage area that currently has flooding issues.

Mr. Torizzo, an Engineer, on behalf of RGH testified his opinion that the water quality standard cannot be satisfied by the proposed ADS units and that the overall discharge is greater when considering a discharge point at Patrick Brook. He also stated that the recharge standard was not met. The Applicant states that the soil samples supersede and are more accurate than the soil mapping. Mr. Ravel, a Hydrologist, on behalf of RGH testified that groundwater freely flows below the surface, in contradiction to soil sampling that Mr. O’Leary’s discussed in his recent submission. Staff has pointed out that the storage system utilized voids in stone that are below the invert that do not drain, which reduced the effective storage area by about 5.5% and 8.8% respectively for the two retention systems.

Unlike other standards, where the Board could condition a larger improvement, like an 18-foot-wide instead of a 14-foot-wide shared access, stormwater system’s capacities are not linear, but rather need to be calculated and designed. It is difficult to propose a change in a system, which is not been designed and proposed, as an alternative. The Board will have to decide whether or not this standard is met by the design that has been proposed.

Compliance with the Official Map – Mr. White’s recent submission addressing this subject explains the reasoning behind the selection of the farmer’s market and canal park, how it would be implemented, and how the requirement for this property is unclear. Opposition to this proposal claims that this proposal is insufficient, and that the details submitted are too restrictive and would expire. Opposition would like to see a smaller store and more land for community use.

The easement language limits the market to a 3½-hour period, one day a week, between Monday and Thursday, limited to the four months between June and September. The easement limits the vendors to 25 and requires the vendors to register with the manager of the Hannaford store. Limitations of the number of vendors selling certain products are also detailed. In addition to these restrictions, the easement could easily be revoked by the Grantor at their own discretion.

Concerns have been raised by the Planning Commission as detailed in a memo dated June 13, 2018 that the Applicant has located the proposed farmer's market venue in a corner of the site that is ill-suited for a community facility. The Official Map highlights the entire parcel for the future community facility. This can provide the Applicant flexibility to accommodate a facility in a variety of locations. However, just as the site must work for a properly functioning supermarket, it must also work for a properly functioning community space.

In addition the Planning Commission feels that the Canal Park proposal does not address or accommodate the community facilities identified on the Official Map, for the same reasons outlined in the 2012 DRB decision (Conclusion #4). "The proposed Canal Park area between that path and the supermarket and parking lot is small and linear, making the creation of future community facilities difficult. Portions of this area are also extremely limited by wetlands which would limit or prevent the uses envisioned on the Official Map. Furthermore, the Applicant has proposed substantial landscaping in the Canal Park area in order to comply with the landscaping and screening provisions outlined in section 4.3 (Zoning). In particular, the landscaping near the south face of the building serves an important function given the building's close proximity to adjacent residential uses, the canal path, and Mechanicsville Road. Of the entire Canal Park area, this portion contains the most usable land; however, its use for future community facilities identified on the Official Map is minimal due to the proposed and necessary landscaping."

The Board needs to consider if the Applicant has addressed the requirements of the Official Map and the concerns raised by the Planning Commission and Opposition.

Traffic (section 4.3.4 #1, Zoning) – The Applicant, through their traffic Engineer, Roger Dickinson, has provided three new submittals. One is a response to the emailed traffic questions asked of the applicant after the last meeting. The second submittal is an updated traffic impact assessment (TIA) that responds to more of the questions raised at the hearing, by Jon Slason's letter and from Mr. Oman. The third submittal is 192 pages of calculations and background information. The response in part included the following:

- They experimented with several types of modeling and believe that conventional modeling better simulates the existing conditions.
- They claim that the Bruno/Oman comments misquoted the guideline regarding local trip generation rates versus ITE trip generation rates. Mr. Dickinson highlights that there needs to be sufficient data. He states that the data used by Bruno/Oman is based upon one day's traffic counts and that the latest version of the ITE includes data from Vermont.
- They explain how the left-turn lane storage at the Route 116/Commerce Street intersection has more than the required length in the 2024 build analyses.
- Mr. Dickenson addresses the geometric design and traffic design factors for Commerce Street.
- The later editions. 9<sup>th</sup> and 10<sup>th</sup>, have more studies available for review and more that are of the size of the proposed Hannaford. Mr. Dickinson contends that the vehicle trip numbers utilized in their analysis are conservative and the request to use numbers from a very old edition of the ITE is not realistic.
- The traffic analysis does not reduce the number of vehicle trips for Lantman's, even though it is likely that the traffic generated from a future use of the Lantman's property would be significantly less than what it is today.

The DRB should review these documents, the comments by Mr. Slason and Bruno/Oman, and the prior Staff reports to determine if sufficient information has been provided.

Respectfully submitted,

Mitchel Cypes, P.E., Hinesburg Development Review Coordinator  
Alex Weinhagen, Hinesburg Director of Planning and Zoning