



Town of Hinesburg
Planning & Zoning Department
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MEMORANDUM

TO: Selectboard
CC: Town Administrator
FROM: Alex Weinhagen, Director of Planning & Zoning
DATE: May 1, 2013
RE: Hannaford Act 250 Review – recommendation for comments

With regard to the upcoming Hannaford supermarket Act 250 Review, I recommend the Selectboard comment on the issues noted below. Proposed comments are fleshed out on pages 2-4 of this memo. Please review in advance of the May 6 Selectboard meeting.

1. Intersection Improvements, Traffic Monitoring, and Future Obligations
2. Route 116, Commerce Street Turn Radii
3. Patrick Brook Culvert Modifications
4. Stormwater Treatment Plan

The Act 250 site visit and pre-hearing conference are on May 15. I will attend that meeting, and enter an appearance on behalf of the Selectboard, so that the Act 250 District Commission knows that the Town will avail itself of our automatic party status in order to submit testimony. That's all we need to do for the May 15 pre-hearing conference. This conference is mostly an opportunity for other interested parties to make themselves known, and to make their case for party status. It's also an opportunity for the District Commission to schedule the formal Act 250 hearing once all the parties have been identified.

Even though our formal testimony/comments can come later, I'd like to submit them as soon as possible to get them on the record in the hopes that the issues we raise will be thoroughly reviewed by the Act 250 District Coordinator, State permitting agencies, Chittenden County Regional Planning Commission, and Hannaford. I've already provided the bulk of these comments to VTrans staff as part of their access permit process, and to VT ANR Streams Section regarding the potential need for a State stream alteration permit.

I also recommend the Selectboard authorize the expenditure of up to \$2,000 for independent consulting expertise on the Patrick Brook culvert modification issue. As noted below, there are several issues to consider on this front, and the Town has a real and direct interest in fleshing these out to: a) ensure there won't be adverse impacts on sensitive community resources (e.g., Patrick Brook) and planned community facilities (e.g., sidewalk connections); b) see if a more comprehensive solution would be in everyone's best interest (e.g., Town, Hannaford, etc.).

Please be advised that three other quasi-municipal entities will also be commenting on this Act 250 review. The Chittenden County Regional Planning Commission (CCRPC) is reviewing the project in order to make comments. I believe their focus will be traffic impacts. The Chittenden County Transit

Authority (CCTA) also plans to comment (possibly via the CCRPC) regarding the need for Hannaford to install a bus stop on the east side of Route 116. Joe Colangelo, Karla Munson, and I met with CCTA staff on April 30 to discuss possible locations. The bus currently stops southbound in front of Kinney Drugs, and a northbound bus stop across from this (just north of the intersection) seems to make the most sense pending review by CCTA Operations staff and VTrans. Joe, Karla, and I responded favorably to this idea. Finally, at their April 24 meeting, the Hinesburg Planning Commission decided to utilize their automatic Act 250 party status to submit testimony regarding the Official Map. Throughout the DRB review, the Planning Commission testified that the project was inconsistent with the Official Map, and should be denied on those grounds. The Planning Commission intends to submit this same testimony to the Act 250 District Commission – likely under criteria #9 and #10.

PROPOSED Selectboard Testimony/Comments on Hannaford Act 250 Application:

1. Intersection Improvements, Monitoring, Obligations (Act 250 Criterion #5)

Hannaford proposes modifications to several Route 116 intersections to mitigate projected traffic impact. The Hinesburg Development Review Board (DRB) site plan approval (dated 11/6/2012, see application attachment #17) contains specific conditions regarding necessary intersection improvements, as well as post construction monitoring and obligations for future improvements pending the results of that monitoring. It would be helpful for all parties (VTrans, Hannaford, Town of Hinesburg) if any VTrans and Act 250 permits contained conditions that were consistent with the DRB's conditions. Post construction monitoring with obligations for related future improvements are critical to ensure that the project will not cause unreasonably dangerous or congested conditions on the State and Town highways. It is particularly important to assess the traffic projections given that the applicant's own traffic impact analysis indicates that the models used had difficulty in accurately reflecting current traffic queuing, let alone future conditions. Additionally, we all want the proper improvements and monitoring, and we don't want Hannaford to be caught in a "Catch 22" between contradictory requirements by the Town and State.

Hannaford's traffic study indicated that the Route 116, Mechanicsville Road intersection is failing with regard to delays for traffic exiting Mechanicsville Road on to Route 116 during the peak times. Their study also indicated that their project will increase this delay. They noted that this intersection already meets the warrants for a new signal, and they agreed to put money in escrow for what they calculated as their share of potential future improvements to this intersection. Pursuant to the DRB approval, the Town feels that signalization of this intersection may not be the best solution, and that other improvement options should also be considered. We feel that conformance with Criterion #5 requires that the applicant complete a post construction traffic study of this intersection within two years of store opening, and that the applicant be responsible for any necessary improvements to be approved by the Town and VTrans. As noted in the applicant's traffic impact analysis, the Mechanicsville approach to this intersection currently functions reasonably well due to the "politeness factor" related to queued traffic on Route 116. Post construction monitoring is essential to determine whether any improvements to this intersection are in fact needed as a result of the project.

2. Route 116, Commerce Street Turning Radii (Act 250 Criterion #5)

Getting the necessary improvements right at this intersection is critical, especially with regard to vehicle turning movements. The intersection needs to have adequate turning radii and stop bars to accommodate the large trucks associated with the Hannaford use. The applicant has proposed to shift the stop bar to the north for the Route 116 southbound, left turn lane. This appears to be well warranted, and will be implemented by VTrans when Route 116 is repaved this summer. We respectfully request that the applicant and VTrans engineers check ALL the relevant turning radii and stop bars (116 north, 116 south, Commerce Street) to ensure that Hannaford's largest delivery

trucks will be able to enter and exit Route 116 safely and without tying up traffic. Without proper turn radii and stop bar placement, the project will undoubtedly cause unreasonably dangerous and congested conditions on the Town and State highways. Furthermore, if this analysis shows that other stop bars must be relocated, the applicant should be required to demonstrate that the necessary turn lane capacity will still be met.

3. Patrick Brook Culvert Modifications (Act 250 Criteria #1D, 1E, 4, 7, 10)

Hannaford is proposing to widen Route 116 as far north as the Patrick Brook box culvert to mitigate its traffic impact. Such a contingency was mentioned as a possibility in the DRB approval; however, it was not reviewed as part of that process. Additional Town approvals will be necessary pursuant to Hinesburg's Zoning Regulations – e.g., work in a stream buffer (section 2.5.2) and development in a mapped flood hazard area (section 6.4). It's important to make sure that this is done properly. Rather than simply lengthen the culvert and widen the road on the east side, the Town recommends that the applicant be required to replace and enlarge what is currently a functionally deficient culvert for the reasons noted below. Preferably, this should be done with a comprehensive solution in mind that addresses pedestrian access/safety, culvert flow capacity, aquatic organism passage, and vehicular flow/safety.

- a. A 2012 study by the Chittenden County Regional Planning Commission (with cooperation from VTrans, the Towns of Hinesburg and Starksboro, and local watershed groups) assessed all the culverts along Route 116 through Hinesburg and Starksboro in advance of this year's VTrans repaving project. This particular box culvert (Hinesburg structure #6) was not replaced by VTrans because of budget issues; however, it was deemed functionally deficient with regard to flow capacity, aquatic organism passage, and geomorphic compatibility. The report recommends a much larger box culvert (14'x7') to remedy these deficiencies. The relevant pages from the study are attached, and highlighted with the data and recommendations regarding this culvert. You can find the full study on the CCRPC website at <http://www.ccrpcvt.org/studies>.
- b. VTrans awarded the Town a bike/pedestrian grant in October 2012 to construct a new sidewalk along the east side of Route 116 connecting Commerce Street to Riggs Road. See attached grant award and project map. It's very important that Hannaford's proposed culver modifications do not adversely impact this VTrans-funded sidewalk project, as this would place an unreasonable burden on the municipality in providing governmental services (Criterion #7). A comprehensive solution to this stream crossing is also necessary given that future development on the west side of Route 116 will require additional pedestrian infrastructure – i.e., possibly additional culvert lengthening on the west side. The landowner and developer of the Kinney Drugs project (Hinesburg Center LLC, Act 250 permit #4C1140-2) has a direct interest, and may want to be part of any conversation about a more comprehensive solution. Future pedestrian infrastructure on both sides of Route 116 is shown on the Town's Official Map, which was adopted in 2009 and is included in the 2011 Town Plan (Criteria #10).
- c. More data from the applicant is needed in order to judge conformance with Act 250 criteria #1D, 1E, 4. The application contains no detailed plans on how erosion control will be handled while modifications to the culvert are being made. Furthermore, there is no engineering assessment of the impact this culvert work will have on the surrounding flood hazard area and fluvial erosion hazard area – including the roads, upstream and downstream properties and infrastructure, water quality and stream biological integrity. As noted above, recent studies indicate that a larger culvert is warranted. Although the upfront cost would be substantial, it makes little sense for the applicant to make a bad situation worse, only to see the entire investment washed away when the next Irene-level storm strikes Hinesburg.

4. Stormwater Treatment Receiving Area (Act 250 Criterion #1B)

Although an innovative and high tech stormwater treatment system is proposed for the development site, this system still discharges to a stormwater detention area of questionable capacity and maintenance history. The project discharges stormwater to one of the central stormwater receiving areas for the entire Commerce Park subdivision. As evidenced by the applicant's own observations of various culverts and drainage swales, there are problems with the existing stormwater collection and treatment system. The system was installed decades ago with apparently very little maintenance since installation. Neither the original Act 250 approval for Commerce Park (#4C0654) nor the VT ANR stormwater permit (#3034-9010) anticipated the large amount of impervious surface or stormwater runoff that this project proposes. The Town believes that more information and assessment is needed from the applicant's stormwater engineer and VT ANR stormwater staff in order to ensure that the stormwater receiving area can adequately handle the predicted volumes without undue adverse impacts to Patrick Brook, surrounding properties, and the adjacent Town and State highways.