

**HANNAFORD SUPPLEMENTAL STAFF REPORT 2**

<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 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 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. 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. The results of this review were described in the May 10, 2018 supplemental staff report 1. This report reviewed all of the site plan criteria. The DRB at its May 15, 2018 meeting reviewed traffic, which is the first criteria. The DRB also had a short open deliberative session that clarified that information that was submitted for the 2012 application, but was not submitted in this application, will NOT be considered. In addition the DRB discussed application completeness. These discussions are available to be reviewed on VCAM from this link: <https://www.vermontcam.org/series/hinesburg-development-review-board>.

The goal for the upcoming June 5, 2018 meeting is to review the remaining site plan review criteria and to have a deliberative session on the completeness of the application. Continuation of this review to the June 19, 2018 meeting is anticipated. In response to the May 10, 2018 report and the discussion at the end of the May 15, 2018 hearing the Applicant has submitted additional items. The additional submittal list below also includes letters from concerned Public that were received after the May 10, 2018 staff report. For a full list of the submittals see the April 4, 2018 and May 10, 2018 staff reports.

**ADDITIONAL SUBMITTALS**

1. Letter from David White dated May 29, 2018, which included the following:

- a. Copy of Construction General Permit (CGP) 3034-9020.A for erosion control dated October 24, 2016.
  - b. A plan, titled ‘EPSC Stabilization Plan’, by O’Leary-Burke Civil Associates, PLC, with plan sheet number E8, Job# 9066, dated 08-21-12 and with a revision date of 07-02-15.
2. Building elevation and ‘leaf on’ renderings provided by the Applicant in the May 15, 2018 meeting.
  3. Leaf off renderings provided by the Applicant in the 2012 hearing, which are to be included in this hearing at the request of the Applicant.
  4. Letter from George Dameron received on May 15, 2018 expressing traffic and pollution concerns.
  5. Letter from Heidi Simkins received on May 15, 2018 expressing traffic concerns.

### **STAFF COMMENTS**

General site plan – A full review of the site plan criteria was provided in the May 10, 2018 supplemental staff report. The May 29, 2018 letter from David White addressed the following in detail:

- Snow storage – Stating that there is sufficient snow storage area without use of the 0.32acre transferred land and that an errant note stating otherwise will be removed from the plan.
- Landscaping - Agreeing that easements to maintain landscaping will be required.
- Building Height - Contesting Staff and Public concerns regarding building height. Examples are provided. We anticipate that this criteria will be discussed in detail at the hearing.
- Erosion Control - Stating the application conforms to erosion control requirements by having a State CGP, which Staff agrees.
- Wetlands - Stating that the wetland areas have been deemed as not significant.
- Canal - Stating their belief that the water level of the canal will not be affected by their project.
- Official Map - Stating the Applicant’s belief that the ‘Official Map’ standard is not enforceable, and offering to provide accommodation for a farmer’s market and to dedicate land to the canal park. This has been a matter of contention with some opponents raising concerns that the proposed use is not sufficient and some concerned at the past meeting with a condition by the Applicant that the easement for a farmer’s market would be revoked if not used for a period of five years. The ability to provide a Public use should not have a time limit. We anticipate the issue of whether this is sufficient will be discussed in detail at the hearing.
- Hazardous Wastes – The Applicant is stating that no hazardous wastes of significance will be created by this project. No concerns noted from Staff.
- Lighting – The Applicant is agreeing to the requirement that all lighting be shielded and downcasting.
- Screening – The Applicant has provided renderings to demonstrate that there is sufficient screening, especially in the area of the canal. We anticipate that this will be discussed in detail at the hearing.

The following energy and green building standards were addressed in the 2012 application, but have not been addressed in this application:

- Section 5.23.2(2) of the Hinesburg Zoning Regulations (HZR) requires submittal of a LEED scorecard as part of site plan review, even if LEED certification is not being sought. Hannaford submitted this during the original 2011-2012 review.
- Section 5.23.2(3) of the HZR requires that building meet the Core Performance requirements for the building envelope, mechanical system (i.e., heating, ventilation, air conditioning), and interior lighting. The Core Performance requirements exceed the minimum standards outlined in the VT Commercial Building Energy Standards (CBES). Demonstration of compliance is not necessary during site plan review. It is simply a requirement that the Zoning Administrator must enforce. With that said, Hannaford submitted an outline during the original 2011-2012 review of how they would meet the Core Performance requirements,

The Applicant could offer to submit the information provided in 2012, which appeared to be sufficient.

**RECOMMENDATIONS** – The DRB seems to have sufficient information to review the subdivision revision application and stormwater. The DRB at the end of the June 5<sup>th</sup> hearing should evaluate if sufficient information for a decision has been provided and inform the Applicant, the Opposition and other Public, of the intent of when they wish close the hearing.

Respectfully submitted,

Mitchel Cypes, P.E., Hinesburg Development Review Coordinator  
Alex Weinhagen, Hinesburg Director of Planning and Zoning  
Cc: Applicants, Represented Opposition, Public