

**Town of Hinesburg  
Development Review Board  
August 7, 2018**

Approved August 21, 2018

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

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

Applicants: None.

Public Present: Ken Brown, John Bruno, Bryce Busier, Gill Coates, Bryce Busier, George Dameron, Jim Dumont, Peter Erb, Barbara Forauer, Andrew Frost, Catherine Goldsmith, Maggie Gordon, Deborah Goudreau, Meg Handler, Madeline Hughes, Minton Jeffrey, Carol Jenkins, Jean Kiedaisch, John Kiedaisch, Merrily Lovell, Andrea Morgante, Bill Marks, Michael Oman, Will Patten, Barry Russell, Sue Schulman, Bob Thiefels, and Stevie Spenser.

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

Dick J. called the meeting to order at 7:33 pm.

**Agenda Changes:**

Mitchel C. informed us that the applicant requested a continuance to September 4, which was sent to staff a few hours ago. Jim Dumont did not receive the request for a continuance, and was frustrated that their experts were present. Greg W. was inclined to allow them to make their testimony. Dick J. stated that our intent was likely to continue beyond today anyways. Jim D. recommended that the continuation be granted on condition of the applicant re-paying them for their experts' time.

**Review minutes of the 7/17/18 meeting:**

A few minor amendments were made.

Greg W. **made a motion to approve the 7/17/18 meeting minutes as amended.** Ted B. **seconded the motion.** The Board voted **5-0.**

**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, 5/15/18, 6/5/18, and 7/3/18.**

Alex W. explained what happened in the last 24 hours. This meeting was continued from the June 5 meeting. Hannaford submitted some additional materials in July, and others (traffic) not until July 26. The other interested parties submitted additional materials after that. Jon Slason sent comments to Mitchel C. and Alex W. as he knew he wouldn't be in attendance tonight. Staff shared those comments with the Applicant yesterday. Greg W. asked when traffic materials were submitted; Alex W. replied

they were not submitted until July 26. A Hannaford representative called Staff today about addressing all the material in those comments. Alex W. encouraged them to come tonight anyways, but they said they would rather not; they requested a continuance to September 4, which would give them enough time to address the comments Jon S. brought up with enough time for other interested parties to respond in time for the Sept. 4 meeting. Dick J. suggested we strongly encourage them to review the VCAM video to respond to any questions that come up. Alex W. stated he and Mitchel C. would work with them to forward any further requests or questions to them, and encourage them to watch the VCAM video. Greg W. stated that the applicant's non-appearance and late request for continuance are issues the Board can deal with going forward, but he didn't feel it should interfere with anything they do tonight.

Dick J. invited experts to testify.

Jim D. introduced their stormwater expert, Andres Torizzo.

Andres Torizzo, watershed consultant, was asked to review a letter that was prepared by the Applicant on June 13, with regards to stormwater permitting and design, and if it is in compliance with the 2017 stormwater manual.

Greg W. requested that Andres T. review the high points of his written document. Andres T. stated that a grass channel is no longer an acceptable practice to meet the water quality requirements. The project does rely on a grass channel to meet the water quality standard and the groundwater recharge standard. Applicant proposed using proprietary ADS structures; those are not specifically listed in the manual. They are pre-treatment devices that remove sediments. Pollutants in the dissolved form are not addressed by these devices. Applicant said they expected to be granted a waiver for the groundwater recharge standard; Andres T. felt they would not be approved for this because it is only for soils in hydrologic group D. Half the site is mapped as type C; the rest is type B/D, so it is likely that the waiver would not be granted.

The overbank flood protection standard is specific to the 10 year storm. Applicants, by their own modeling, are increasing the peak discharge associated with the 10 year storm at the discharge point where the water flow would enter Patrick Brook. The new manual tightens up this standard (only allowed 0.31% increase in discharge). By his calculation, the Applicant's proposal would have about a 4% increase. There is not enough control being provided by the system, and more storage is required to meet this standard.

In regards to the extreme flood protection standard, the current manual speaks to when there is a known flooding condition (usually only on larger projects, but also language that says it should be applied if there is a known flooding condition). He feels that this standard should be applied here (culvert under Rte. 116 can not pass a 50 year storm event). By increasing flows during 100-year storm, this will exacerbate the problem, this is a situation when the 100-year-control standard should be applied.

Ted B. asked if grass swale he is discussing is near gas station; Alex W. replied it is on the property, and is an east-west swale near Dark Star property.

Sarah M. asked why it is important that they measure at the discharge end point, not at the end of lot 15. Andres T. replied that the guidance in the manual states that they should include the changes at the

site, including hydrology and water flow (not just impervious surface). They should carry the analysis down to the discharge point.

Ted B. asked if the swale would be treating much of the water at the site. Andres T. answered it was proposed to treat the water quality; there is now no acceptable water quality or recharge treatments proposed on the site.

Mitchel C. said they have not proposed anything water quality treatment to replace the swale, which was an acceptable treatment under the 2002 regulations.

Dick J. had a question for the applicant: there was some question in the past about the channel near Dark Star being used (vs. pipe down the road by the Bank). If the swale isn't used, then where is water discharging and what is the treatment plan?

Alex W. replied that they do and must rely on the swale near Dark Star; this is not for treatment (east-west swale is for treatment, then proceeds into north-south swale). They have to have access to it.

Sarah M. asked about existing alternative systems. Andres T. replied that in chambers around parking lot, they have a tank, and some of those chamber rows are wrapped in plastic. Water runs off into tank, particles settle out, and an oil-water separator traps hydrocarbons. Then water passes into chambers that are wrapped in fabric. This pre-treatment gets the solids out, then you can infiltrate the water into the ground, or filter through some other media. The phosphorus dissolved in stormwater will just pass through those systems.

Dick J. asked if the tanks are just open bottoms. Andres T. understood that the tanks are closed, and the chambers are open bottom. They are not being relied on for any type of infiltration. Grass swale was the only thing relied on for infiltration.

Sarah M. asked about if, when the Applicant talks about the alternative, are they referring to having the tanks do the work of the swale. Andres T. replied this is his understanding.

Dick J. had another question for the applicant: with high water table, why wouldn't tanks be full with water all the time. Mitchel C. replied that part of the storage volume is below the elevation of the invert discharging the stormwater in those tanks. Also since there is a groundwater situation, as Steve Ravel testified, that there will be a lot of groundwater that is coming through that system. Because of this, the underground storage area does not have the capacity represented in the design. The proposed modified orifice further reduced the capacity of the underground storage systems.

Alex W. asked if Andres T. has experience with state stormwater permitting, helping and representing Applicants. Andres T. answered yes, he has done hundreds of them. Alex W. stated that there is concern about adding additional impervious surface (Commerce St. & 116). Do applicants generally consider those changes into stormwater planning? Andres T. said there is no simple answer; it is a site-specific answer. If they are building access to the site, there may be permitting required. Alex W. asked if we are missing something by the analysis not taking into account the additional impervious surface of the roadways. Andres T. has not reviewed it enough to address this. Alex W. stated that changes here on Commerce St. are part of the stormwater permit within larger Commerce Park. Andres T. replied there are issues with water quality and the capacity of the culvert under 116; incremental changes need to be managed, because they will worsen this issue.

Ted B. asked about the adequacy of the discharge point. Andres T. could not address current situation, hasn't been there recently.

Dick J. asked if there were any public questions for Andres T. There were none.

Greg W. stated the Applicant was on notice that stormwater issues would be addressed tonight. Applicant chose not to attend. Greg W. said he would not be willing to entertain any more submittals regarding stormwater from the Applicant. He wondered if the traffic experts would still like to speak tonight, in light of further traffic questions.

Michael Oman (Oman Analytics) introduced himself, and stated he had concern about what further traffic information would be coming in.

Dick J. felt going through their memo would be helpful.

John Bruno introduced himself, and stated that Roger Dickinson prepared a technical memorandum, and they submitted a detailed response to the board. Important points follow:

- 1) Congestion and extensive queues along Route 116 during peak hours (not only in 1 hour period, but also during 3 hour period). System is already close to failure, and may be in failure already if analyzed correctly.
- 2) It is unclear if technical memorandum was meant to be a traffic impact analysis. The memo is missing several components that would make it a full TIA (no traffic diagrams showing volume, for build and no build analysis, no hue analysis, updated TIA doesn't address safety issues of high-crash areas, no truck turning analysis). Other design changes were not addressed, such as the turn lane on Route 116. The number of trips generated continues to be underestimated. Refer to more detailed information in Aug. 2, 2018 memorandum.
- 3) Mr. Dickinson's memorandum underestimated traffic and no build condition; level of service cannot be expected to be correct. No detailed plans have been submitted with application. There were design and calculation errors as part of south-bound left turn lane, no consideration for additional vehicle length for trucks. The memo ignores safety issues in high crash areas. To improve levels of service, protected left turns have been proposed – this will lead to more safety issues/crashes. Hannaford's analysis shows the system is already close to failure. Mr. Bruno stated it would be imprudent not to conduct a sensitivity analysis using different trip generation rates. John B. stated many of Jon S.'s comments have been included in John B.'s memo.

Sarah M. asked if do not block driveways have been taken out of analysis. Michael O. stated they took out the first two driveways, but it was unclear if they took out anything other than these.

Sarah M. asked if they gave us the length of the turn lane. John B. stated we have some information, but detailed design plan not provided. He stated another issue was that the analysis doesn't include vehicles turning onto Commerce St. due to the flashing congestion sign.

Sarah M. pointed out that she lives in the Thistle Hill neighborhood; major pedestrian corridor here. She is concerned about pedestrian safety, with a lengthy turn lane (non-calming). John B. stated we need to see the plans. John B. commented that we are at the limits of Route 116 to carry the existing traffic. There is no room for a misjudgment in calculations or trip generation. We have records to prove that Lantman's trip generation rate is higher than what is being proposed in this application. Using the

equation, there are approximately 85 more trips. Hannaford's has a big draw (marketing, etc.); John B. felt there will be even more traffic than there is currently at Lantman's.

Michael O. replied about the turn lane on Commerce St. The applicant proposed changing right turn lane from 75 ft. to 270 ft. (and taper associated with that).

Mitchel C. displayed the plan, and showed approximately where the turn lane would begin (from about Tailhook driveway on). John B. stated these are large scale plans, not detailed enough to address actual impacts.

Sarah M. asked about traffic analysis (should it be done) at Mechanicsville Rd. and Commerce St. Could traffic back up onto Mechanicsville Rd.? John B. replied that adding additional traffic from Mechanicsville would extend the queues, so you would need additional do not block driveways further up. In the Applicant's analysis, calculations showed a reduction in queue lengths in the future – he is unsure how valid these are. They don't reflect actual queue lengths in the field. He has a concern that applying this to future queue lengths would not be valid.

Michael O. brought up the left through lane on Commerce St. – for 2019, 507 ft. total queue length. For 2024, 427 feet queue length (even though delay is increased and there is supposed to be more traffic). There is some issue here with the Applicant's calculation.

Ted B. asked if the variable was changing the intersection at Lantman's. What is their opinion of the change at this light (simultaneous left turns from Lantman's and Charlotte Rd.)? Michael O. replied that this would not be reflected in the queue on Commerce St. They did not provide worksheets and background data, so it is hard to figure out. John B. replied that changing from protected to permitted left turn creates potential for more crashes.

Dick J. asked if it was still a protected left turn. John B. said it would be changed to permitted. Discussion ensued about protected vs. permitted left turn.

Sarah M. asked if as a Board they would ever request them to re-do the study with numbers that reflect the current situation. Greg W. suggested talking to applicant about this. Mitchel C. suggested telling them this is the last meeting we will discuss this topic at.

Alex W. asked if we should convey to Applicant that the Board felt Jon S.'s comments were the feeling of the full Board, and that the Applicant should address those comments. Dick J. and Greg W. said they would like to hear a response to Jon S.'s comments.

Dick J. asked if there are questions from the public.

Peter Erb had some comments. The supermarket model is changing rapidly; important to have the description you are approving it for very clear. Make them come back if there are changes in their supermarket model. By paving on Commerce St., you taking away root growth area for Commerce St. trees. Make sure snow plowing isn't having to go close to trees. Cross hatches are for Hannaford, and hopefully Hannaford would be responsible for these. Mobil gas station – the furthest east is the only access point, make sure they mark and maintain the access point. Currently, the Silver St. access to 116 works as a zipper feed. His understanding is once you go to rolling queue, if traffic is moving northbound then they won't let you in.

George Dameron said quality of traffic has deteriorated over 30 years. In the last two years, he has been in S. Burlington/Shelburne quite a bit. His best way to come home was through Charlotte Rd. One major impact may be longer queues down Charlotte Rd, with no way to widen the road. Have they thought about unintended consequences, long lines of cars down Charlotte Rd.? Michael O. replied that Regional Planning has models that can look at this; one concern they have is that we only using traffic counts on the intersection we are trying to serve. When you get significant congestion, this begins to back up, and you're not looking at the right number because you're not serving everyone with the long queues (more are trying to access the system than are being analyzed). John B. added that this is why we look at a 3-hour peak period, because demand is large enough that queues are building up.

Dick J. stated his understanding was that queue lengths are the cars that are not rolling. So, in the case you can't serve the cars that are trying to get through, aren't there more cars that aren't rolling, and shouldn't this be reflected in the overall queue length? Is this why there is confusion in the traffic study? These questions are to be provided to the Applicant.

Ken Brown underlined what Peter E. and George D. were saying, that this would make a local problem a regional problem. The queue on Silver St. is sometimes 0.4-0.5 mile long in the morning, and it works like a roundabout now because people are letting you in (because the line is moving slowly). If you speed up the line on 116, no one will let you in, and you'll have to build the roundabout on Silver St. within 10 years.

Bob Theifels commented that if there was a no-left-turn sign posted during peak hours on Mechanicsville Rd. down to 116, then traffic would have to be diverted onto Commerce St. He thought the Selectboard ok'd a no-left-turn sign at peak hours sign. He didn't think that this had been factored into the traffic study at this point. Michael O. said there is a column in the Applicant's most recent analysis that reflects that, but they have some serious questions about the results represented there.

Bob T. commented that if he were running a business on Commerce St., he would welcome more traffic. But, it could be counterproductive in the long run, because he would think twice about turning left onto Commerce St. (into Aubuchon, etc.) during peak hours because he may never get out of there. This may be a problem for Hannaford too, and they may close their store.

Carol Jenkins asked how many chances Hannaford is going to get. At one point do we say "this is it." How much longer will this process go on? Dick J. replied the Board will discuss it.

Greg W. stepped out.

Barbara Forauer commented that she was recently heading north on 116, and waiting to turn left into the police station. Someone coming out of police station zoomed out in front of her creating a potential hazard. Chief Koss said at some point that intersection will be entry only. This is adding to the mess going on at this intersection as well. It needs to be considered as well.

Gill Coates asked if the experts have any information about people seeking alternatives (creating traffic bottlings in adjacent areas). Michael O. replied that it becomes a network distribution problem. The approach is generally just to look at traffic at the intersection in question. This study did not look at other areas. John B. added that you project the traffic distribution out into the future 5 years; usually this is ok. It is not acceptable when you are at or near failure.

Bob T. stated he didn't want to lose sight of local economy. He read a quotation by Wendell Barry submitted to the Board in regards to the local economy. He didn't feel that the large Hannaford's corporation will be as concerned with our local economy.

Mitchel C. stated that there were several public comments received and added to Dropbox today, including those from Carl Bohlen, N. Dunlap, S. Schulman, M. Handler. Alex W. said there were earlier submittals from Matthew Lapierre, Bob Thiefels, and a memo from the Planning Commission.

Peter E. said the fact that the Applicant didn't come tonight is a slap in the face. It is expensive to those opposed to have experts come. The Board has given the Applicant plenty of time to make a complete application; he feels it is time for the Board to tell the Applicant they've had enough time, and need to reapply.

Catherine Goldsmith brought her model with the back piece for the park/farmer's market. If Hannaford's says we have everything, then the public can say that you've received over 100 letters, and they could be pulled forward and read (they have specific concerns about sidewalks, safety, lighting, dark skies, etc.) – these comments are still appropriate, as most of their plans haven't changed.

Jim D. asked if there would be a vote on what information they wanted to ask Applicant.

Greg W. returned.

Dick J. replied that the Board could enter Deliberative session and come out of the session without making any action. Jim D. stated he would like to be here for a vote/direction to staff, and that it should be in open meeting. Alex W. suggested that the Board could discuss what additional information the Applicant should provide in open session as it had done before and asked if the Board had further instruction to Staff.

Greg W. would not accept any further submittal from the Applicant on stormwater issues. Alex W. asked if the rest of Board was on the same page. Dick J. was not on same page; these issues still need to be discussed.

Ted B. commented that on staff report, his understanding was that they wouldn't meet 2017 stormwater standards. Alex W. and Mitchel C. clarified that staff felt they wouldn't meet 2017 standards, but Applicant's point of view was that it would meet 2017 standard.

Dick J. wants the Applicant to provide a more complete traffic design, showing engineering drawings with detailed turn arrows, etc.

Mitchel C. suggested responding to Bruno's report and Jon S.'s comment, and Sarah M. request to explain why the stormwater modeling isn't matching up. Dick J. wondered how the Board could vote on an incomplete application. Mitchel C. clarified that an application can be a complete, but may not be approvable.

Ted B. would like to hear why the Staff report says they meet the 2017 standards. Mitchel C. clarified that part of the report reflects the Applicants belief that they meet the applicable standards. He said they haven't addressed low impact design standards in the Town regulations, and there is question as to

whether they meet the 2002 stormwater standards. Mitchel C. explained that the goal of the latest Staff report was to summarize the applicable testimony to try to bring closure to this hearing. He encouraged those in attendance to let Staff know if they disagree with either the completeness of the testimony or the conclusions provided in the report. There was no Public comment.

Sarah M. requested that the Applicant provide more details on how they could meet the 2017 stormwater standards, if they could get the waiver, could they use filtration to meet standards. She felt the Applicant's testimony was fairly vague, especially on the part of the underground tanks being able to filter water.

John L. said he would like to have both parties address (label) certain sections (e.g., 3.2.4) in response to each other.

Dick J. **made a motion to continue the hearing to Sept. 4, 2018.** Greg W. **seconded the motion.** The Board **voted 5-0.**

#### **Other Business:**

**Decision Deliberation: Frost Beer Works – Conditional use review for the addition of restaurant/food truck use to the business located at 171 Commerce Street. Hearing closed on 7/17/18.**

Mitchel C. stated he did get responses from Dennis P., Rolf K., and Greg W. stating they would approve as written.

Ted B. and Sarah M. made a few changes.

Sarah M. asked if we would approve seating. Discussion ensued, and we would still approve seating.

Dick J. asked if the parking lot should be a storage area. He suggested adding a conclusion that the parking area not be used for storage. Discussion ensued about what equipment is there. Alex W. suggested some wording about parking being only for parking, not for storage of vehicles or equipment. He also mentioned that the Zoning Administrator has the ability to enforce this now, and we could ask her to. Dick J. said this would be fine.

Ted B. **made a motion to approve as amended.** Sarah M. **seconded.** The Board voted **5-0.**

#### **News/Announcements/Correspondence**

Mitchel C. stated the next meeting, Aug. 21, would cover church lighting and the new regulations training. Ted B. will not be in attendance.

Greg W. **made a motion to adjourn.** Ted B. **seconded the motion.** The Board voted **5-0.**

The meeting adjourned at 9:25 PM.

Respectfully submitted,  
Kate Kelly, Recording Secretary