

Town of Hinesburg
Development Review Board
September 4, 2018
Approved September 18, 2018

Members Present: Dennis Place, John Lyman, Greg Waples, Ted Bloomhardt, Sarah Murphy, Dick Jordan, Jonathan Slason (Alternate)

Members Absent: Rolf Kielman, Andy Greenberg (Alternate)

Applicants: Jeff Glassberg, Leo O. Besaw, Jason Barnard, Scott Jaunich, David G. White, Paul O'Leary and Roger Dickenson

Public Present: E.M. Allen, Mary Beth Bowman, Ken Brown, John Bruno, George Dameron, Jim Dumont, Peter Erb, Barbara Forauer, Jeff French, Geoffrey Gevalt, Steve Giroux, Catherine Goldsmith, Maggie Gordon, Deborah Goudreau, Madeline Hughes, Carol Jenkins, Jean Kiedaisch, John Kiedaisch, Merrily Lovell, Bill Marks, Jerrilyn Miller, Bill Moller, Dena Monahan, Michael Oman, Barry Russell, Anthony Stout, Andres Torizzo, and Johanna White.

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

Dennis P. called the meeting to order at 7:32 PM.

Agenda Changes:

Mitchel C. recommended two changes:

- 1) Moving the Wind NRG renewal request to either before or after the Wind NRG hearing application.
- 2) Should the Hannaford hearing close tonight, the Board may want to have a closed deliberative session to discuss it.

Review minutes of the 8/21/18 meeting:

Dick J. **made a motion to approve the 8/21/18 meeting minutes as written.** John L. **seconded the motion.** The Board voted **4-0**. Ted B., Jon S., and Dennis P. abstained.

Wind NRG Partners, LLC: Subdivision revision to reduce the setback to Route 116 for the Lot 7 building envelope from 100 feet to 50 feet. The property is on the east side of Route 116 in the Village Northeast Zoning District.

Jeff Glassberg introduced himself. The Applicant proposed moving the west setback line from Route 116 from a 100-foot setback to a 50-foot setback. The Applicant worked with Planning & Zoning staff to review the history of the lot; the 100-foot setback was not a town requirement, but a choice of the subdivider. The reduced setback will allow development of the lot in accordance with sketch plan approval. They analyzed if this setback would affect the development of a roundabout at the end of

Riggs Rd. and Route 116, and they understand they would have a no-build area that would be reflected on the plat.

Dick J. asked if the 50-foot setback was from center of 116; it is from the edge of the road. His concern was that the wall of the building could be right on the setback line; would it potentially obscure views coming up Route 116 or out of Riggs Rd. Jeff G. answered that they would address that at site plan approval. They are not currently looking at a wall of buildings along Route 116. They would be sure to allow for adequate views.

Jon S. asked about where the sidewalk falls in relation to the right of way. Jeff G. replied that it is westerly of the building setback line. Mitchel C. added that construction between Commerce St. and Riggs Rd. along the east side of Route 116 will begin soon. The maintaining of the existing distance from the centerline intersection of VT Route 116 and Riggs Road should allow for roundabout or other types of intersection improvements and sidewalk.

Jon S. made a modification to the wording of the draft order (should read the centerlines of the two roads).

Ted B. said he had no problem with changing the setback distance.

Dennis P. opened the discussion to the public. There were no public comments.

Ted B. **made a motion to approve the draft decision as amended.** Greg W. **seconded** the motion. The Board voted **7-0**.

Sketch Plan Approval Extension Request for Wind NRG Partners, LLC: Decision dated 10/20/15.

Mitchel C. mentioned the challenges of getting some water have been rectified; Jeff G. said they received allocation of water and sewer for development of lot 7 (light industrial). They plan to come before the Board again for proposal for implementation of parts of it. They haven't applied for allocation of water and sewer for the residential part of development yet.

Ted B. asked when it was approved and how many extensions had been approved. Jeff G. replied it was approved October 2015, and extended every six months.

Greg W. asked if there are water resources on the property that would help the town with water. Jeff G. replied that no one has looked. Greg W. suggested they look into it.

Dennis P. **made a motion to approve a 6-month extension for Wind NRG Partners, LLC.** Dick J. **seconded** the motion. The Board voted **7-0**.

Greg W. added he would like to see them show more initiative to get the project off the table.

Theresa Giroux Revocable Trust: Final plat subdivision review for a proposed 7-unit Planned Unit Development (PUD) at 429 Richmond Road in the Rural Residential 1 Zoning District.

Jason Barnard and Leo Besaw came forward.

Jon S. asked if the town highway driveway permit has still not been fully accepted. Jason Barnard said they have met with road foreman and they are under review/in discussion with the Selectboard.

Ted B. asked if it is an existing access; Jason B. replied it has been moved, reviewed by Mike Anthony, and verbally approved.

Jason B. said they reduced the building envelopes at the request of board. There was concern before about grading on the back side on the back side of the duplex dwelling, and upper corner of development. They reduced these building envelopes as much as possible.

Mitchel C. said there were two other concerns the Applicant needed to address – the greenspace number (34%, more than required 25%), and submittal of declarations. Jason B. replied they did submit both of these as part of packet.

Jason B. said they'd check on the status of the access permit.

Dick J. asked about the status of Mr. Aube's building and garden encroaching on property. Leo B. said it is just a matter of moving a container; there will be no easements.

Jon S. commented that it is interesting that in the property declaration, the owner of the lot at the end of the gravel portion has no obligation to the access road, but if they cause damage they need to repair it promptly. Jason B. stated that they already had an access before the development was proposed.

Dick J. asked about liquid fuels; he thought it was supposed to be just natural gas, but there is a statement somewhere that allows propane or fuel oil. Jason B. stated there will be vehicle/lawnmower fuels, but the development is intended to be served by natural gas. Mitchel C. stated that in the declarations, there is an option to use fuel oil or propane. Jason B. stated they had an email from water supply division, because they are outside the source protection area zone; Water Supply Division's big concern was with leach fields, but the development is served by town sewer. Mitchel C. asked if they are ok with limitations on the draft decision that put limits on fuel oil for heating. The Applicants answered yes.

Dennis P. opened the discussion to the public. There were no public comments.

Ted B. **made a motion to approve the draft decision as written.** John L. **seconded** the motion. The Board voted **7-0**.

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, 7/3/18 and 8/7/18.

Mitchel C. mentioned that they try to include all submissions in the Dropbox, however, one submittal had a little bias to it though received will not be considered, and in another, a member of the public questioned Sarah M.'s participation on the Board; this matter was resolved in the first hearing. Greg W. commented that he specifically asked the Applicant this question in the first hearing. David White reconfirmed that he had no objection to Sarah M. participating on the DRB in this hearing.

Dennis P. apologized for not being present on Aug. 7, but he did watch the VCAM recording. Jon S. also apologized. He invited the Applicant to come forward.

David White apologized that Tyler Sterling could not be present as his wife is expecting any day. He stated they have submitted additional information as requested in regards to traffic and stormwater. They will take questions.

Greg W. would like an explanation about why they were not present at the last meeting. He stated they discussed stormwater issues at last meeting that the Applicant could have addressed, and was disappointed the Applicant was not present to respond. He would also appreciate an oral response addressing the traffic issues raised in Jon S.'s comments.

David White said they did not intend to offend anyone. Relative to traffic, they did not prepare a presentation, but they did put together a comprehensive new TIA. They have accepted the mitigation from VTrans and the town relative to post-construction monitoring. The road network can accommodate this project.

Greg W. said traffic-wise in Hinesburg we are at a tipping point. This project will undoubtedly increase traffic pressure on the center of town at essential times. If we don't build this project, traffic won't get significantly worse. If we build it and we are wrong, there is no going back, it may change Hinesburg irreversibly in a way the town has never experienced. The more dire projections can't be changed if we accept the Applicant's models. There is no going back here; how much of our future do we want to bet on this one project?

David W. replied that traffic has been discussed at length; the Applicant's perspective is that the TIA is conservative, and they used trip generation rates that are higher than actually occur. It falls to the Board to make this choice.

Ted B. asked why the 185-foot queue (southbound left turn lane on Route 116) acceptability seems to be on the 30th lowest day of traffic; what happens to other 29 days. David W. said it is actually the 30th highest day of traffic. Standard methodology uses the 30th highest hour, because it is otherwise more expensive to build/maintain if you design to the absolute peak. Ted B. asked if it is the 95th percentile. David W. answered that this is correct.

Alex W. entered the meeting.

Ted B. asked the Applicant to address intersections that will see a degraded level of service. Roger D. said those would include the intersection at Commerce St., where the level of service stays at a C. When diverting Mechanicsville Rd. to Commerce St., the Commerce St. level of service drops to a D. They included changes in signal timing to achieve this level of service D. At the only other location, the Silver St. intersection, left turning traffic onto 116 will experience level of service E instead of D in the year 2024 build.

Ted B. asked if the Applicant had concluded that some of the queuing is from people allowing turns from Mechanicsville Rd. onto Route 116. Roger D. said this does increase queuing (from people southbound being courteous, allowing people onto 116). Ted B. asked if by re-routing Mechanicsville, you then

increase queuing at Commerce St. Roger D. said the re-route would reduce conflicts and increase traffic flow southbound on Route 116.

Greg W. asked if changing the interval of the lights at Commerce St. and Route 116 would lessen queuing on Route 116. Greg W. said in his experience, regardless of the timing of the signal, the space available on Route 116 would still only allow a few cars in. Roger D. pointed out they would also change the timing of the light at Charlotte Rd.; Greg W. replied that they didn't address this in this vein.

Dick J. wondered if they were proposing removing the protected left turn at Charlotte Rd. – were they talking about simultaneous left turns (protected)? If it's not a protected left turn, does this blow analysis out of the water? Roger D. said there were no conflicts for left turns turning from Lantman's and Charlotte Rd. Jon S. clarified there is still a conflict from someone exiting Lantman's straight onto Charlotte Rd. and someone turning left from Charlotte Rd. onto Route 116; Dick J. said he sees that the conflict is reduced.

Dick J. asked for clarification in the memo in regards to the queue length and right turn lane length exiting Commerce Street. Roger D. explained that right turn movement has more opportunity to make their turn than left turns (can turn right on red, etc.) Also, the volume is much lower (half or a third once we add Mechanicsville left turns). There will be sufficient time for right turning vehicles to get in their right turn lane. Dick J. stated that is if there is enough space to hold the left turning vehicles; Roger D. replied there will be some blockage, but cars will proceed with each cycle.

Dick J. commented that their proposal only included do not block lines at the gas station. Does their analysis say the queues won't get that long (to Tailhook Towing)? Roger D. said no, queues will get that long, but remaining driveways are not high-volume driveways, amount of time blocking driveways will be significantly less. They are only planning to mark and sign the first two driveways (gas station).

Sarah M. said the vet clinic does a lot of evening business; could be hard for traffic trying to turn left here.

Jon S. appreciated the updated TIA. Has Hannaford decided that closure of Mechanicsville left is the preferred option? David W. stated that town staff gave information that this would be the preferred option. Jon S. said he would be of the opinion of the wait and see approach. We will see queuing near and through that intersection; the impact of forcing everyone down Commerce St. is not worth it. He would request that we escrow the \$25,000 for mitigation of that intersection.

Alex W. replied that the situation is complicated; Act 250 Review was remanded back to lower court from the Vermont Supreme Court. The Supreme Court agreed we should be looking at other options besides a traffic light at the intersection. Because the Act 250 review will be heard again by the lower court, it's our feeling that something needs to be proposed. The lower court landed on the need for a traffic signal because that was the only mitigation proposed. Some parties felt the lower court judges would not accept a wait and see option. When the Selectboard reviewed options with advice from Town Counsel, they felt option 8 was the best option to move forward. The Applicant is accurately portraying options the parties are most interested in at this point. Jon S. asked about the VTrans memo that showed preference for wait and see option; Alex W. replied they had hoped VTrans would provide some testimony for the Board's process, but they have not to this point.

Jon S. said he is not in favor of widening Commerce St. for the length that has been discussed. Most of the right hand turners are Hannaford-related traffic. We will be stuck with a congested network for the years to come. Onus becomes on other improvements to safety and mobility (for those who don't drive during peak hour). He felt we will introduce some conflicts for a small amount of delay reduction for the small number of right hand turners on Commerce St.

Jon S. continued that it is disappointing that we haven't decided how we should improve Silver St. There is a delay issue and safety issue. This project would deteriorate the condition. Would be nice to see some recommendation for mitigation in this area; he would like improvements for mobility for walking and cycling in community, he'd recommend rapid flashers at crosswalks at Silver St. near school. Multimodal improvements proposed by Applicant are par for the course; would be nice to see above and beyond (how can we improve safety and mobility). He'd recommend rapid flasher at canal/Mechanicsville. Drawing 'C6' is still missing, would be appropriate for us to see some drawing. We were discussing a sidewalk at gas station, and a sidewalk north to Riggs Rd. Why don't we put a crosswalk that crosses Commerce St.? Should be shown and maintained. Alex W. said it is there now, but there is no crosswalk across Route 116 north of the intersection. Jon S. said there is room for improvements. David W. replied that the Applicant has an approved letter of intent that has been improved by VTrans for left turn lane southbound. They are planning to renew it; some slight changes (it was approved at 175, now 185).

Ted B. asked about the wording that if certain criteria are not met, they will come back with a proposal. From a Board's perspective, mitigations have to be identified beforehand; leaving it open-ended is not obligatory on the applicant when the time comes. David W. said this language was drafted by VTrans. Alex W. said the Town's attorney was involved with the language here as well; they don't know if it will pass muster of court ruling. They tried to have a clear set of standards that can be triggered, if necessary, after the fact. He suggested the attorney would be happy to meet with the Board in their deliberation to change the wording if they choose to.

Sarah M. asked if widening Commerce St. up to Dark Star will affect stormwater. David W. said the widening hasn't changed; widening has always been proposed, and has been included in their analyses.

Dick J. asked about widening encroaching on existing trees. Sarah M. mentioned the big swale (~25 feet wide) before the street trees, that will have to be filled in when they widen the road. Alex W. asked if Sarah M. got her question answered about how much of Commerce St. would be widened. David W. said the plan actually shows this widening. Alex W. clarified that it is on north side of Commerce St, and it is as far as the Tailhook Towing driveway (map C2).

Dick J. asked if the current traffic study indicates this lane would need to be any longer. David W. said the major concern is the left turn lane (not the right turn lane). The length of the right turn lane just makes it easier for people to get into. That's why they've suggested extending it, at peak periods with a queue at left turn lane.

Sarah M. asked how far across is the widened, shaded area. Roger D. replied it is about 5 or 6 feet.

Mitchel C. asked if this would accommodate 30th busiest hour of the year. David W. said the left turn lane would extend sometimes beyond the widening shown here. Mitchel C. asked and David W. clarified that it would be for the 29 other hours per year.

Dennis P. opened discussion on traffic to the public.

Peter Erb mentioned the hash marks that stop traffic from coming out of the Mobil station from the lane closest to Route 116. He recently observed someone determined to make the left turn, who caused traffic to back up and stopped Route 116 for a full cycle; hash marks just keep space available for people to come in and out. It is a disaster waiting to happen. It doesn't work when you try to have people pull out of there. We tried to have Mobil station use only the entrance; is there any way to force Mobil to close front exit to left hand turns? Ted B. said we reserved the right to make this exit only if problems arose. Peter E. said it would also be helpful to make the right hand turn lane on Commerce St. only for right turns.

Jeff French was present to address Planning Commission's memo on conformance to the Official Map. He agreed to wait for that part of the discussion.

George Dameron was saddened that Hinesburg is now developing a reputation for bad traffic. He has read the reports, and he is very agnostic that no matter what we do, the congestion will get a lot worse if this development goes through. He pleaded with the Board to consider that those who live in the village need maximum walkability and safety; everything should be done to make sure resident needs are served. He feels the intent of this development is to draw people into Hinesburg, not just serve Hinesburg. Flashers, etc. should be integrated.

Carol Jenkins said she lives on Silver St. 0.7 mile south of 116. She won't bike to Lantman's, so drives her car. There is no safe access for pedestrians or bikers. Please think about safety of pedestrians and bikers; she sees nothing in this plan that helps people be safer or not use their cars.

John Bruno and Michael Oman prepared a memo, and would like to respond to Applicant's traffic info. John Bruno said their issues are with trip generation (10 trips per 10,000 sq. ft. from 8th edition of trip generation manual, it's a national average). Hannaford's needs to confirm trip generation rate based on Hannaford with similar demographics (possibly Milton). John B. doesn't understand why this hasn't been done, when ITE manual says local trip generation is better than using the manual, and VTrans also recommends using local data. Although Lantman's trip generation is based on one day counts, it demonstrates that there is sufficient question to develop trip generation rates from similar demographic Hannaford's. All the background traffic data and projected traffic volumes are single day counts that have been factored into the design hourly volume. We are looking at one hour (4-5 PM), but counts at Mechanicsville showed 3 hours that are similarly high. The significant differences between the TIAs causes him to question the confidence of the analysis. The TIA analysis states that queues do not match actual traffic conditions and the LOS analysis states that analysis did not replicate conditions in the field. TIA notes 95th percentile volume exceeds capacity; queue may be longer, and queue is maximum after two cycles. This development will make the queues worse, and the analysis doesn't replicate actual queues. This analysis only reflects do not block driveways for the first two; if they are extended beyond the first two, this will extend queues back to the Hannaford access. Roadway cannot accommodate total demand volume in a one hour period, so the queues continue to a three hour period. High crash locations are in the TIA, but there is no discussion of the effect of permitted left turns, with potential frustrated drivers making left turns with oncoming traffic. No ways to improve safety (increased crashes). Applicant provided no plans for 116/Commerce St. intersection, or the southbound lane on 116. No truck turning analyses using AutoTurn. If truck turning movements aren't adequate, it will cause gridlock. Will cause long queues and frustration, there is no slack in the system to be able to

absorb any errors in judgment, in particular in regards to trip generation (Applicant should have gotten actual trip generation rates from a similar facility).

Michael O. heard it represented earlier that we'd expect traffic to be better than the analysis. The Applicant's worksheets show that we can expect the actual traffic to be worse than the analysis. In several cases, the queue exceeded capacity in several cases. He added that there may have been some confusion about queueing and signal phasing. The signal phasing for Commerce St. has been implemented already (flashing yellow). We are trying to put a regional traffic generator in the middle of a small town with limited traffic capacity that already has traffic problems; the lack of a good fit is causing a lot of the problems we are facing.

John B. added that in the TIA it is stated they are trying to draw traffic from Williston and S. Burlington; this shows that trip generation rates presented in the study are too low.

John L. stated that the it's important the turn radius at each intersection gets looked at to make sure there's ample room for the larger trucks.

David W. stated they did not do new turning radii this time around, because they were addressed and approved before; all northbound deliveries will be coming up Mechanicsville Rd. and Commerce, and all southbound trucks will be restricted during peak hours (3-6 PM?).

Michael O. stated their concern is that Hannaford trucks aren't the only ones accessing this location.

Mitchel C. expressed concerned with how the truck delivery restriction this would be enforced. This may require some language specific language in the decision such as an automatic violation if one is observed.

Catherine Goldsmith said she was in the Bristol Bakery the other day, and saw an Aubuchon truck do a 3-point turn (into the Mobil, across Commerce, and back in to make a delivery), and Commerce St. was blocked (not a Hannaford truck).

Dennis P. closed the discussion on traffic and opened the discussion on stormwater. He asked the Board if they had questions in regards to Paul O'Leary's response about stormwater.

Dick J. asked about soil types; most soils are D. Paul O'Leary stated there are some classified B/D and C/D. Second letter is soil in native condition. If you were to drain soil, provide improvements, it may become the other. Northern portion of property is C. At their site visits, it seems that this is the wettest part of the site (wetlands here). Drainage swale behind Dark Star that doesn't drain needs maintenance. Two borings completed by Hannaford's consultant showed 6-8" of topsoil over gray clay. So, they feel ANR would agree with them that the proper designation for all the soils on the site should be D.

Dick J. asked about the swale between Dark Star and lot 15, and could the Applicant use it? At some point, someone said they could use the pipe down the bank road instead. Only holding pond is what feeds swale. Would this water that drains come straight from holding tanks, or into stormwater pond then draining down into 116?

Paul O'Leary stated that all stormwater currently travels north and gets collected into existing swale, through culvert under road, through another swale, then down into Patrick Brook. Currently there is

flooding problems on other properties, which has been brought up in prior testimony. The Applicant is proposing to alleviate flooding problems or not make the flooding problems worse. They elected to install a new culvert pipe down the road, and to construct a detention pond (previously approved by ANR). This plan has water going into two treatment devices, then to underground storage system; this releases the same volume of water as pre-development amount. A small amount goes down a new swale on the property, then along Dark Star. Applicant agreed to town's request to lower and increase the size of the culvert under Commerce. Most water goes through to the detention pond (previously approved by ANR) they will construct. Dick J. asked if it will hold water. Paul O. replied it will hold some water, and it will help stormwater quality in Patrick Brook. Today there is little detention and treatment that happens. They are proposing to improve not only Hannaford sites but adjacent sites as well.

Dick J. asked if grass swale is no longer considered a water quality device. Paul O. stated the new rules leave the door open for people to propose alternate means of stormwater. They have two devices (ADS water quality device and isolator device) that they chose to install. It is possible ANR could approve these additional devices to meet Water Quality Standard. He pointed out that the opposition said their current design wouldn't get a permit from the state, and it did.

John L. asked if there would be opportunity to increase the detention pond further down to match their detention tanks. Paul O. replied that they proposed some other designs, and ANR replied that they have an approved design and that's what ANR wanted them to model. David W. added that the Commerce Park subdivision includes a 30 foot wide easement for stormwater treatment in that particular area, so there are restrictions on what they can do there.

Ted B. clarified that the current design doesn't meet 2017 standards. Paul O. replied it was designed to 2002 rules.

Jon S. said that he is struggling with idea of them not going to get a new permit to the current regulations. David W. said they have a valid state permit, and they have no intention of applying for a new permit they don't believe they need.

Mitchel C. asked if they may they expand isolator tanks if need be. They've been told by ANR this would require an amended permit. David W. said they will not do this due to constant opposition. Mitchel C. commented that a portion of the stone is below the level of the invert and doesn't drain. He asked if they could extend the length of the underground tanks to make up for it. David W. commented that regulations require a 10-year standard, they have designed to 25-year standard.

Jon S. asked if this was a new soil test; the Applicant replied no, it was done years ago.

Andres Torizzo came forward to state that his position is that the Applicant should never have received a permit to begin with (even with 2002 rules). The soils in northern part are actually C, not C/D; there is no waiver in the rules for recharge. He disagreed that the second letter is the native condition of the soil; the second letter represents condition of soil during times of higher groundwater. He could provide the Board with the NRCS conservation manual which provides a description of soils. The soils are silty sand; there is infiltration capacity on the soil right now. By paving over the entire site, you are losing infiltration capacity, thus the need for groundwater infiltration standard. There is no structure that is being proposed to meet that standard. He works with ADS all the time, it is a good product; many of these proprietary systems are in talks with the agency, but that doesn't mean they will be approved.

The isolator row is a pre-treatment feature; the tank is basically a settling tank for solids, not a filter that would be getting at more harmful pollutants like dissolved phosphorus.

Andres T. saw nothing in applicant's response to address the flooding issue (10 year peak discharge increase, and culvert downstream). The Board made a request for how the project complies with Low Impact Development standards. To comply, the site would have to decrease the overall amount of runoff generated. The only way to do this is to put it back into the ground or maintain and reuse on site, or use a bioretention site with plants. There is no way to control the volume on site, so you will have an increase in stormwater volume. He doesn't feel the site complies with this standard.

Jon S. asked about the off-site peak discharge increase for the 10 year storm event. Andres T. replied that the Applicant's modeling shows there will be an increase of the peak discharge with 10 year storm. If there is an increase in the peak discharge in a 10-year storm event, then certainly there will be an increase at 25 year and 100 year storm event. The Route 116 culvert was studied by Milone McBroom; this study showed that the culvert under 116 is already deficient, as he recalled, it couldn't handle the peak discharge from a 50 year storm event; it certainly couldn't handle 100 year.

Dennis P. closed the discussion on stormwater and opened the discussion on the Official Map. He asked the Board if they had any comments. Hearing none, he opened the discussion to the Public.

Jeff French with Planning Commission. In 2010 and 2012, the Planning Commission recommended finding this plan in conflict with the Official Map for various reasons. Last time, the DRB was looking for more specificity in some of requirements. The reason the requirement is written the way it is, is because the Planning Commission doesn't know what development will be on this site, and they want to give the Board flexibility. Guiding vision statement, town plan, and official map are around a walkable/livable/vibrant village core. When the Planning Commission looked at the proposed site plan, they saw a few issues. The proposed farmer's market with community use was in the back of the building. Although the Applicant says it is 0.32 acres, most is unusable (sloped), and it is not really an accommodation for the community. The location is unsuitable; there is no walkable connection to anything (sidewalks). Dumpsters, loading dock, back of buildings make it not very accessible to community. Another issue is around the easement for this piece of property. If it isn't used as a farmer's market facility in 5 years, we lose it. There is currently no farmer's market, and it is unlikely to be used. The Planning Commission is asking the Board to find it in conflict with the Official Map, and to look at it in the lens of the guiding vision for the Village and help determine what would be a good facility here. The proposed location and size is not enough to accommodate this.

Mary Beth Bowman – Hannaford didn't show up last time, and it was disrespectful. If this is the way they felt about the Board and the community, how would they treat us if we need something from them in the future? It doesn't speak well for them.

Johanna White mentioned that as a former Planning Commission member (2010), the reason they came up with that particular piece of land on the Official Map is because several businesses had attempted to develop it. They had to go 80 feet down to reach a surface they could build a two-story building on. It didn't seem to be buildable (wetland). PC looked at it and felt it was accessible, walkable, in the center of town, and had parking at nearby businesses; this could become a focal point where town could meet in the center of the village. She doesn't feel that any of those things have changed in the minds of those who chose to put it on the Official Map.

Geoffrey Gevalt was involved as a citizen in the process of developing the town plan and map. There was an amazing consensus that wanted the town to retain its rural character, and because the lot was unbuildable, felt it would be a suitable place to center community action and activities. We felt we did not want the big box stores. We limited it to 20,000 sq. ft. It was an oversight that this plot of land was not given this restriction. Hannaford has said this a country of laws not people. Geoff G. would argue that we are a place where laws are created by people, intention, and good will. He urged the Board to take a step back from technical stuff, take a broad view of what citizens and volunteer leaders want (and thank you to the Board for volunteering). He covered a lot of retail developments as a journalist, and there was not a single one where the developer didn't know exactly how much money they would be able to make. They know exactly how many people and trips they need to make a profit. He hoped that someone has asked them for their marketing information. He felt that we have a pretty unpleasant traffic situation, and he hasn't seen it get any better in 8-9 years. You can't tell him that it (traffic, stormwater) will be better because Hannaford is coming to town. He urged the Board to look at the overview and not get lost in the weeds.

Jim Dumont asked if the Board would like a draft decision from the parties. The Board and Staff were unanimous in saying 'no'.

Discussion ensued about closing the deliberation. Dick J. proposed continuing to 2 weeks or 4 weeks. Most felt they should close it. Mitchel C. said Oct. 19 is 45 days from now, which is the date that a final decision would be required should the hearing close this evening. He asked the Board if they believe that they would receive more or different information if they were to wait longer. Greg W. didn't have that feeling. Dick J. and Sarah M. felt they may think of more questions as they deliberate. Mitchel C. said they could deliberate in closed session prior to closing the hearing. Alex W. said it is more typical to close the hearing, then enter deliberative session. He pointed out they have been at this since April and have had many opportunities to ask questions; but in first go-round they had to reopen the hearing. Jim Dumont said that a lawyer may argue that 45 days starts now regardless. David W. stated it is Hannaford's preference to close the hearing tonight. Greg W. asked if we'd have time at next meeting to discuss at next meeting, Mitchel C. answered yes. There was discussion about having Counsel at next meeting. Alex W. suggested discussion next meeting (18th), then bring Counsel in on following meeting (Oct 2nd). Sarah M. asked if we can we start a half hour earlier on the 18th? Most were fine with that. There will be a 7 PM start on Sept. 18th.

Sarah M. **made a motion to close the hearing (both subdivision revision and site plan review) and take it up in deliberative session next meeting.** Dick J. **seconded** the motion. The Board voted **7-0**.

Other Business:

Mitchel C. gave specifics on the hearings for next meeting. Sarah M. asked if we could we push the extensions to the next meeting? Mitchel C. said that he wasn't sure, but would look at the timing.

Decision Deliberation: United Church of Hinesburg: Site plan review for proposed changes to outdoor lighting on a 2.2-acre ± property located at 10580 Route 116 in the Village Zoning District. The applicant is proposing one spot light to illuminate the front of the church and four building-mounted lighting fixtures. Hearing closed on 8/21/18.

Sarah M. asked if the light on the path would go off at 10 PM. Mitchel C. replied it would be both a motion sensor and off at 10 PM. Sarah M. requested they take out the 10 PM time on the decision.

Greg W. **made a motion to approve as amended.** John L. **seconded the motion.** The Board voted **4-0.** Jon S., Dennis P., and Ted B. abstained.

News/Announcements/Correspondence: None.

Greg W. **made a motion to adjourn.** Ted B. **seconded** the motion. The Board voted **7-0.**

The meeting adjourned at 10:03 PM.

Respectfully submitted,

Kate Kelly, Recording Secretary