
PUBLIC NOTICE



**US Army Corps
of Engineers**®
New England District

Vermont Project Office
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452

Comment Period Begins: November 26, 2013

Comment Period Ends: December 27, 2013

File Number: NAE-2010-0717

In Reply Refer To: Marty Abair

Phone: (802) 872-2893

E-mail: Martha.a.abair@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT: Martin's Foods of South Burlington, Inc., ATTN: Mr. William E. McKenney, P.O. Box 1000, Portland, Maine 04104

ACTIVITY: Place fill in a total of 72,880 sq. ft. (1.67 acres) of wetlands adjacent to Patrick Brook in conjunction with the construction of a 36,000 sq. ft. Hannafords Supermarket and Pharmacy, parking and appurtenant facilities. Secondary impacts may occur to an additional 17,450 sq. ft. (0.40 acre) of wetland. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in wetlands adjacent to Patrick Brook off Mechanicsville Road and Commerce Street in Hinesburg, Vermont (Latitude 44° 20' 01.4" N; Longitude 73° 06' 33.1" W).

AUTHORITY

Permits are required pursuant to:

Section 10 of the Rivers and Harbors Act of 1899

Section 404 of the Clean Water Act

Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National

Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Marty Abair at (978) 318-8484 or (802) 872-2893.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. DelGiudice
Chief, Permits and Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2010-0717

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at tina.chaisson@army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____

PROPOSED WORK AND PURPOSE

The work includes the discharge of fill material fill in a total of 72,880 sq. ft. (1.67 acres) of wetlands adjacent to Patrick Brook in conjunction with the construction of a 36,000 sq. ft. Hannaford Supermarket and Pharmacy, associated parking, access roads, landscaping, product delivery areas, and stormwater treatment facilities. Secondary impacts may occur to an additional 17,450 sq. ft. (0.40 acre) of wetland.

The purpose of the project is to construct a new supermarket within the Town of Hinesburg.

The work is described on the enclosed plans entitled "Proposed Hannaford Supermarket and Pharmacy" (dated "May 14, 2013") and "PROPOSED HANNAFORD SUPERMARKET AND PHARMACY" (dated "NOV. 6, 2013 (REV)").

The applicant selected Hinesburg for the proposed store because it identified a gap in the marketplace: there are no major supermarkets between South Burlington-Burlington- Williston in the north and Bristol-Vergennes-Middlebury to the south. These communities set the north and south boundaries of the area under consideration. The east and west boundaries were limited by two key physical barriers: the Green Mountains to the east, and Lake Champlain to the west.

This area contains a few smaller independent stores, but no major supermarkets. This region is served by several major north-south highways: US Route 7, VT Route 116 and VT Route 2A. There are no major east-west roads in this region. To be considered, a site needed to be located on or in close proximity to one of these north-south corridors. In addition, the applicants indicated that the proposed site needed to be closer than 5 miles from existing chain supermarkets. The intent is to fill a gap, not go head-to-head with existing supermarkets in towns that are already well served by them. This initial screening narrowed the alternatives site analysis to the communities of Charlotte, Hinesburg, Shelburne, St. George, Ferrisburgh, Monkton, Huntington and Starksboro.

The following criteria were used in taking a more detailed look at potential alternate sites in these eight communities: a) Site located on or in close proximity to a major transportation route; b) Site located within a downtown or village setting; c) Site located within a reasonable population density to supply a core base of potential customers; d) Availability and proximity of municipal water and wastewater services to the site; e) Site could accommodate a 36,000 square foot building and associated parking; and f) Site located in a zoning district where a supermarket is an allowed use.

No sites meeting these criteria were located in the Towns of St. George, Monkton, Starksboro, Huntington, Shelburne and Ferrisburgh.

This left two remaining communities for consideration: Charlotte and Hinesburg. Using the criteria outlined above, four potential alternate sites, including the proposed site, were identified. These sites were identified using the available data identified above in these towns based on the following criteria: a) Undeveloped sites within the project area; and b) Sites located in areas zoned for commercial/industrial development capable of supporting the design footprint.

The four alternative sites, including the proposed site, were evaluated with respect to zoning regulations, physical location considerations and environmental constraints. Environmental factors considered were wetlands, rivers or streams, floodplain or floodway, prime or statewide agricultural soils, rare, threatened or endangered species, and significant natural communities/ habitat blocks/uncommon species or features. (These constraints were evaluated using available data; no field reconnaissance was conducted.) Physical location factors considered were proximity to a downtown or village setting, proximity to and/or on a major

CENAE-R
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highway, and availability of municipal water and sewer. Zoning factors were lot coverage limits, building size limits, and proposed use category.

The Proposed Project Site (Hinesburg - 5.18 acres) is located on Commerce Street within the existing Commerce Park. Commerce Street intersects with VT Route 116 and is located within the locally designated growth center in the Town of Hinesburg. There are no zoning district restrictions for a supermarket use. There are wetlands present on the site and an existing manmade canal along the southern property line parallel to Mechanicsville Road. Both municipal water and wastewater are available at the site. There is a Department of Agriculture sign-off on prime agricultural soils that was obtained when the subdivision was created in 1987.

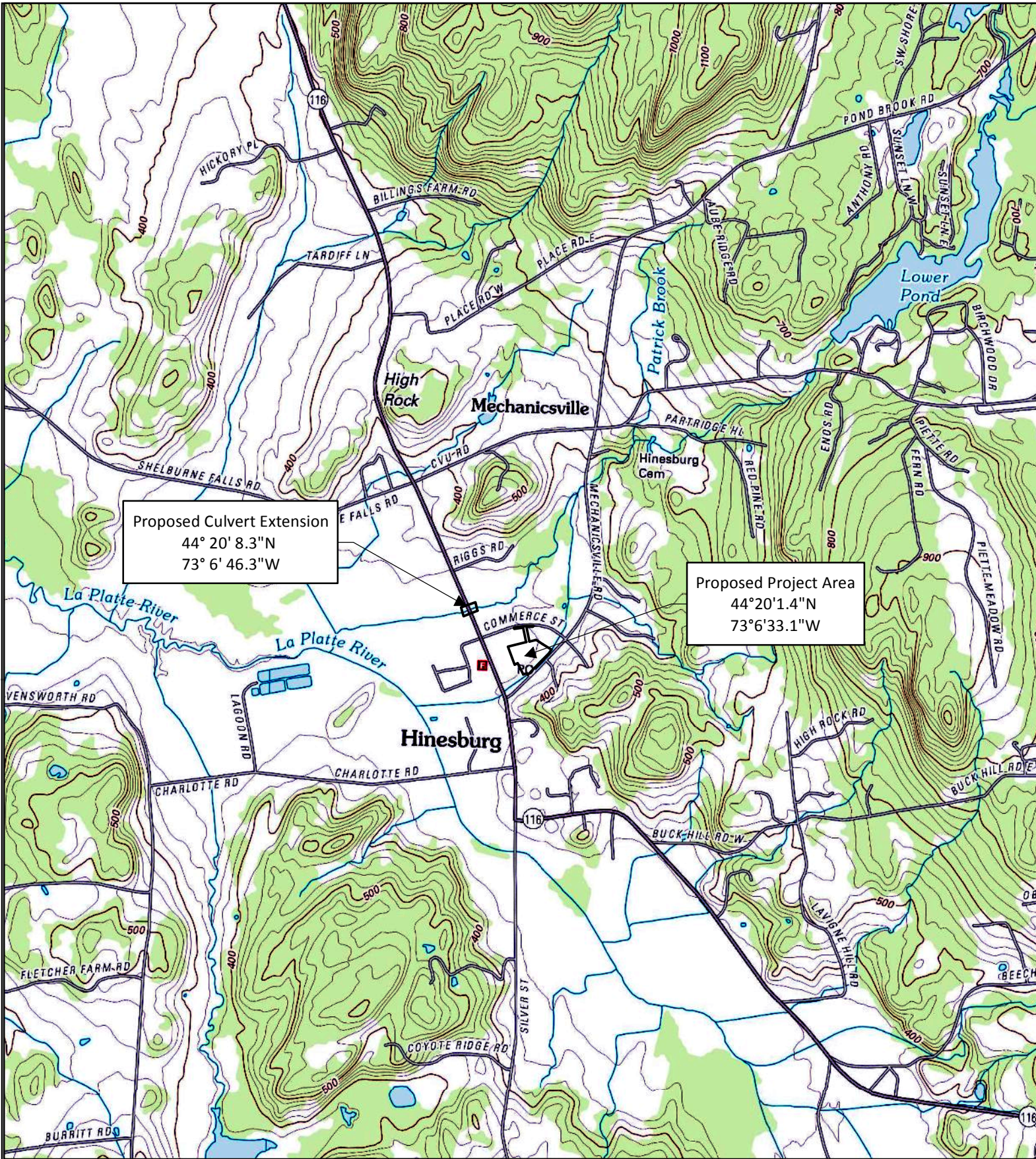
Alternate Site #1 (Hinesburg - Approximately 90 acres) is located on VT Route 116 just north of the proposed site. The most restrictive criterion for a supermarket development on this site is the zoning restriction of a maximum 20,000 sq. ft. building size. The applicants indicate that it is highly unlikely that the town will change this requirement now or in the foreseeable future. Prime agricultural soils cover the entire lot. Wetlands are mapped on the site, and a tributary of the LaPlatte River crosses from north to south near the center of the site. Most of the west side of the site is within a Special Flood Hazard Area. In addition, the site has been recently subdivided. One of these lots is under development now and the two other lots along Shelburne Falls Road are too small to accommodate the supermarket. One of the other lots is planned to be donated to the Town for recreation fields (the western portion of the site).

Alternate Site #2 (Charlotte - Approximately 54 acres) is located directly on Route 7. Wetlands, Thorpe Brook and two ponds limit the potential usable acreage on the site. A significant natural community with uncommon plant species is located on the southern half of the site, furthering limiting the buildable area. Statewide agricultural soils cover about fifty percent of the lot. There is no municipal water or sewer available. Zoning Regulations limit building size to 10,000 sq. ft., a supermarket is considered a conditional use, and the lot coverage maximum is low.

Alternate Site #3 (Charlotte - Approximately 37 acres) is located on a Town road but not visible or close to VT Route 7. There is no municipal water or sewer available and it is not located in or adjacent to a village setting. Zoning Regulations restrict the building size to a maximum of 20,000 sq. ft., supermarkets are considered a conditional use, and lot coverage is capped. Hydric and statewide agricultural soils are present on the entire site, Pringle Brook crosses the western side of the site, and there are wetlands present.

Based upon this alternatives analysis, the applicant concluded that, although the proposed project would result in a total of 1.67 acres of permanent wetland loss, none of the alternative sites would have a lesser overall impact on the aquatic environment. Wetland impacts have not been quantified at the other three sites, but hydric soils are present throughout the majority of each site. It is reasonable to conclude that construction at either of the alternative sites would have a comparable wetland impact. Each of the alternative sites has streams situated within them, and Site #1 is within a Special Flood Hazard Area. Municipal water and sewer is not available at any of the alternative sites. Alternative sites #1, #2 and #3 are restricted by the Town Zoning Regulations, which limits their use and makes them impracticable for a 36,000 sq. ft. supermarket. We agree with the applicant's conclusions and concur that the proposed site is the least environmentally damaging practicable site upon which to construct the project.

To compensate for unavoidable impacts to waters of the U.S. of the proposed project, the applicant proposes to make a payment of \$194,204.88 to the Ducks Unlimited – Vermont In-Lieu Fee Program.



Proposed Culvert Extension
 44° 20' 8.3"N
 73° 6' 46.3"W

Proposed Project Area
 44° 20' 1.4"N
 73° 6' 33.1"W

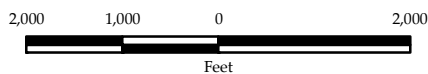
Legend

— Project Area



**Proposed Hannaford Supermarket and Pharmacy
 Hinesburg, Vermont
 Site Location Map**

May 24, 2013




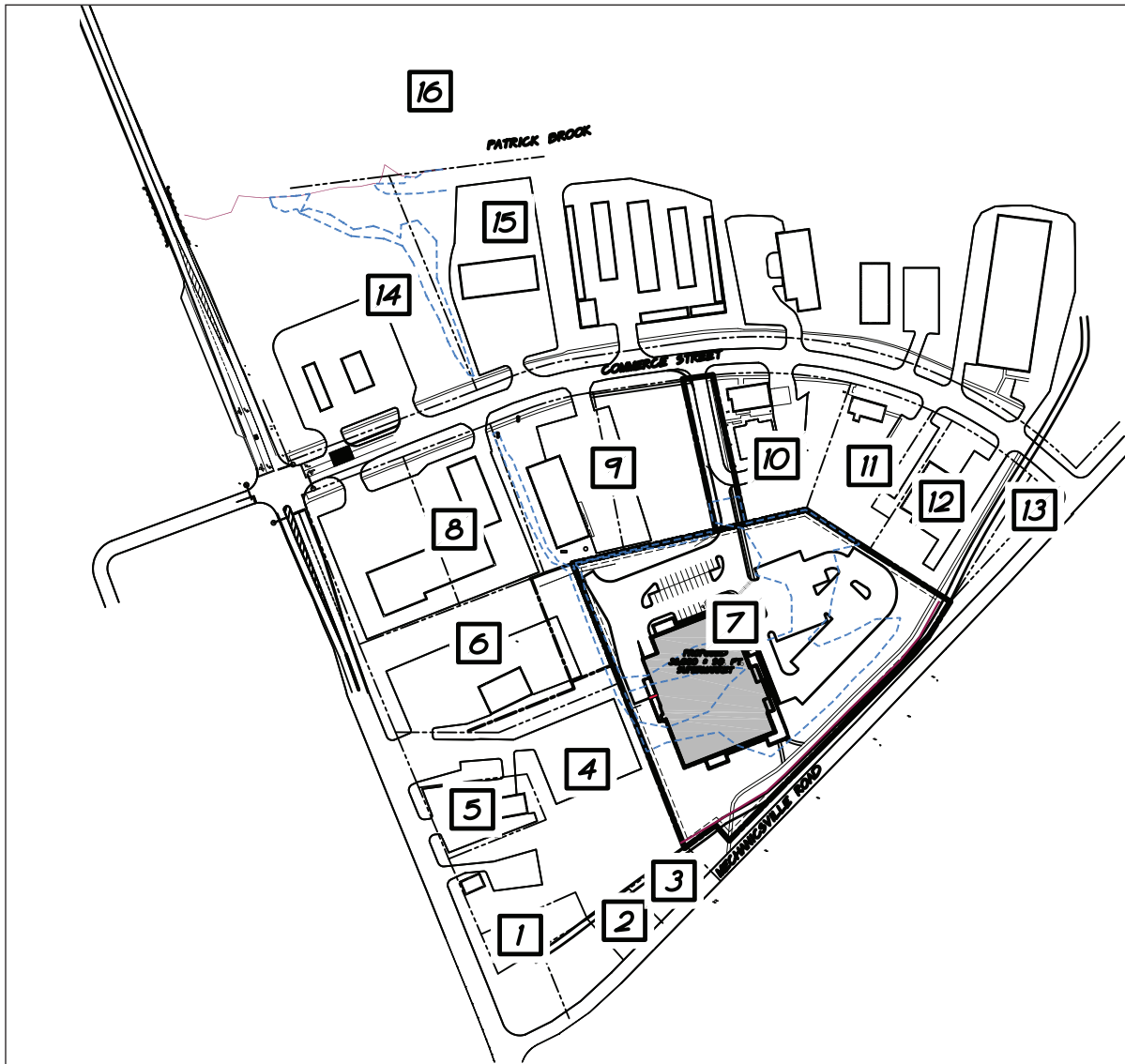
Sources: USGS Topo; Mount Philo and Hinesburg Quads (2012) from VCGI (2013); Road data from VCGI (2012); Investigation Area by VHB and uses some data from Oleary Burke Survey (2010-2012).



Prepared by: PBW




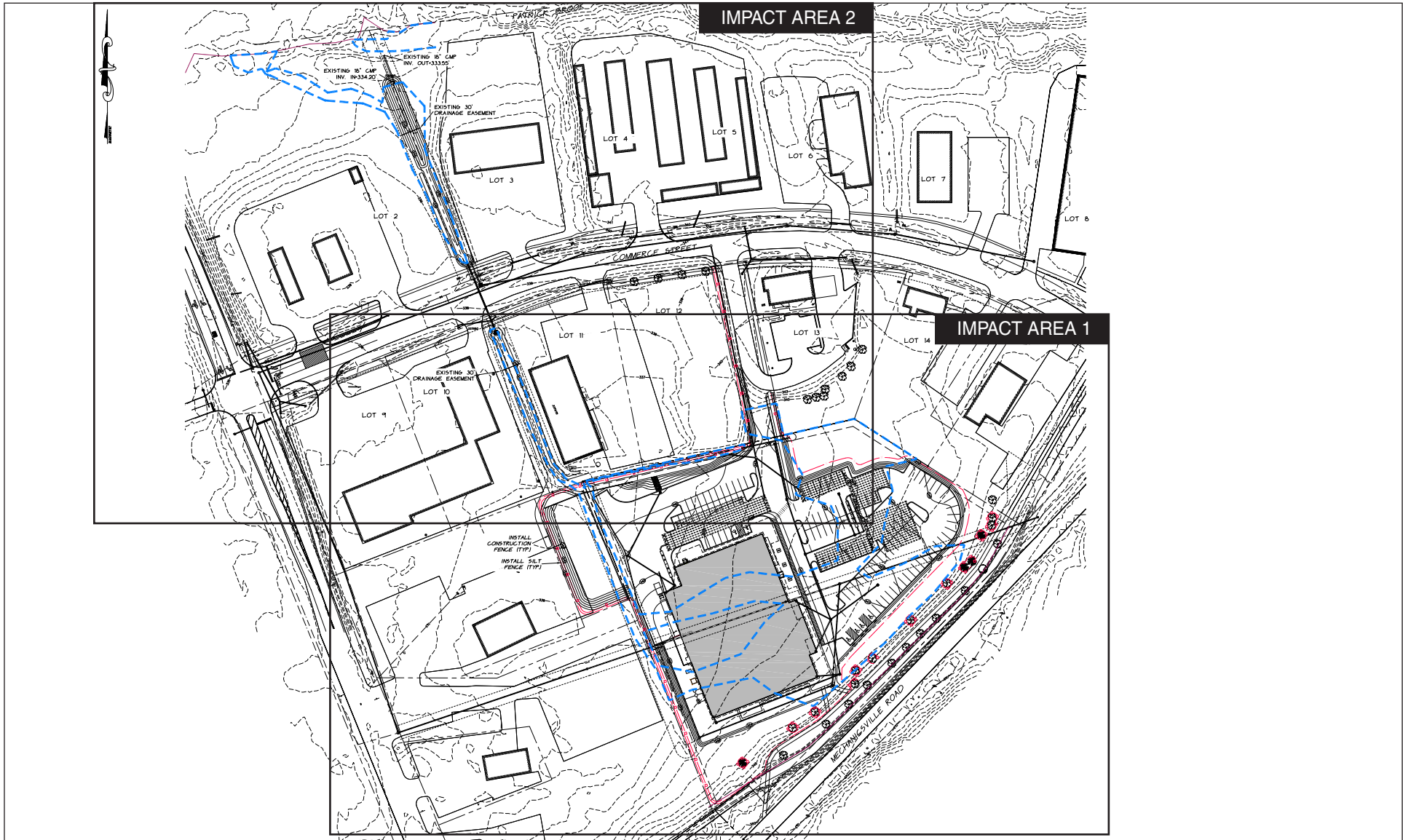
	SCALE (FT): 	PROPOSED HANNAFORD SUPERMARKET AND PHARMACY EXISTING CONDITIONS		APPLICATION BY: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
	DATUM: NAVD 88	LOCATION: SOUTHEAST OF THE INTERSECTION VT-116 OF AND COMMERCE STREET IN HINESBURG, VT.	PURPOSE: CONSTRUCT SUPERMARKET/PHARMACY, PARKING LOT, STORMWATER FACILITIES.	DATE: NOV. 6, 2013 (REV) SHEET: 1 OF 8



Map #	Abutters Name	Abutters Address
1	Patrick J. and Kathy J. Downs	10437 Route 116 Hinesburg, VT 05461
2	Jeffrey I. Jr. & Jennifer L. Paronto	59 Mechanicsville Road Hinesburg, VT 05461
3	M. Laurie Barnett, SR.	79 Mechanicsville Road Hinesburg, VT 05461
4	Bernard A. & June T. Giroux Estate, Victor J. & Ramona M. Giroux, Trustees	9318 Route 116 Hinesburg, VT 05461
5	Giroux Properties	10370 Route 116 Hinesburg, VT 05461
6, 7	Bernard A. & June T. Giroux Estate, Victor J. & Ramona M. Giroux, Trustees	9318 Route 116 Hinesburg, VT 05461
8	E.W. Enterprises	415 Leavensworth Road Hinesburg, VT 05461
9	Dark Star Properties LLC	2718 Mountain Road Bristol, VT 05443
10	National Bank of Middlebury	PO Box 189 Middlebury, VT 05753
11	Kohala Properties LLC	206 Conway Road Starksboro, VT 05487
12	Barry & Jacqueline Washburn, Trustees	2549 Huntington Road Richmond, VT 05477
13	Town of Hinesburg	10632 Route 116 Hinesburg, VT 05461
14	Jolley Associates	PO Box 671 St. Albans, VT 05478
15	Thirty Sixty Associates	702 Ridgfield Road, Shelburne, VT, 05482
16	Wind NRG Partners LLC	110 Riggs Road Hinesburg, VT 05461



	SCALE (FT): N/A	PROPOSED HANNAFORD SUPERMARKET AND PHARMACY PROJECT ABUTTERS		APPLICATION BY: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
	DATUM: N/A	LOCATION: SOUTHEAST OF THE INTERSECTION VT-116 OF AND COMMERCE STREET IN HINESBURG, VT.	PURPOSE: CONSTRUCT SUPERMARKET/PHARMACY, PARKING LOT, STORMWATER FACILITIES.	DATE: NOV. 6, 2013 (REV) SHEET: 2 OF 8



VHB Vanasse Hangen Brustlin, Inc.

SCALE (FT):



DATUM: NAVD 88

**PROPOSED HANNAFORD SUPERMARKET AND PHARMACY
INDEX MAP**


























LOCATION:
SOUTHEAST OF THE INTERSECTION VT-116 OF
AND COMMERCE STREET IN HINESBURG, VT.

PURPOSE:
CONSTRUCTION OF 36,000 SF SUPERMARKET AND
PHARMACY, PAVED PARKING LOT, STORMWATER BMPs.

APPLICATION BY:
MARTIN'S FOODS OF SOUTH
BURLINGTON, INC.

DATE: NOV. 6, 2013 (REV)

SHEET: 4 OF 8

-  PROJECT BOUNDARY
-  OTHER PROPERTY LINE
-  SIDELINE OF EASEMENT
-  CONTOUR LINE (U.S.G.S. DATUM)
-  PROPOSED FINISH GRADE CONTOUR
-  EDGE OF WOODED AREA
-  EXISTING IRON PIPE
-  EXISTING CONCRETE MONUMENT
-  IRON PIPE (TO BE SET)
-  CONCRETE MONUMENT (TO BE SET)
-  RESIDENTIAL USE
-  COMMERCIAL USE
-  UNDEVELOPED
-  EXISTING ELECTRIC/TV/TELEPHONE LINE
-  EXISTING SEWERLINE
-  EXISTING STORMLINE
-  EXISTING WATERLINE
-  EXISTING/PROPOSED HYDRANT
-  CONSTRUCTION PHASE LIMIT
-  CONSTRUCTION FENCE
-  SILT FENCE
-  NEW EDGE OF WOODS
-  INLET PROTECTION
-  STABILIZED CONSTRUCTION ENTRANCE
-  LIMITS OF WETLANDS

(NOTE : PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE)

-  Permanent Wetland Impacts
-  Permanent Wetland Impacts (Ditch)
-  Secondary Wetland Impacts

PROPOSED HANNAFORD SUPERMARKET AND PHARMACY LEGEND

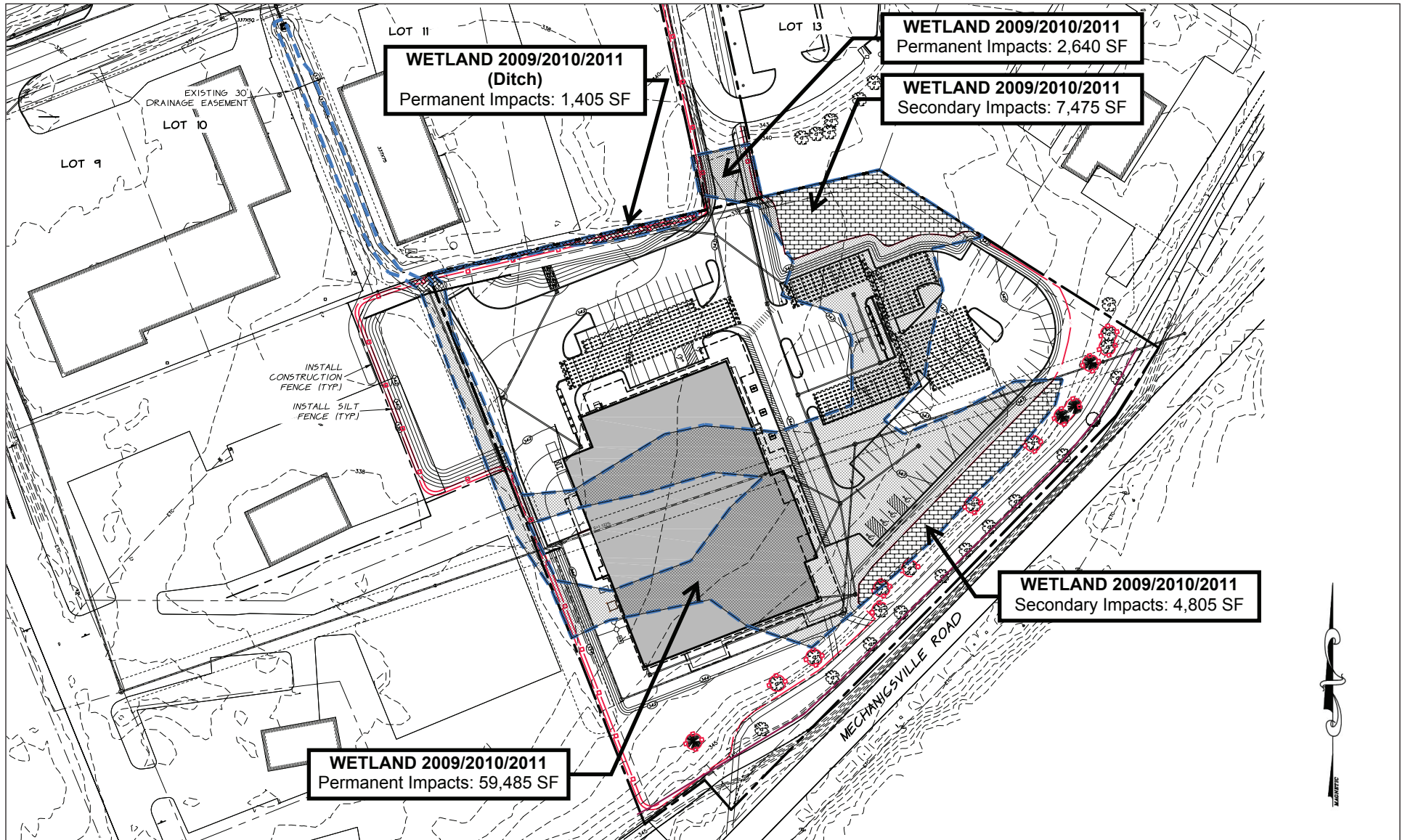
LOCATION:
SOUTHEAST OF THE INTERSECTION VT-116 OF
AND COMMERCE STREET IN HINESBURG, VT.

PURPOSE:
CONSTRUCTION OF 36,000 SF SUPERMARKET AND
PHARMACY, PAVED PARKING LOT, STORMWATER BMPs.

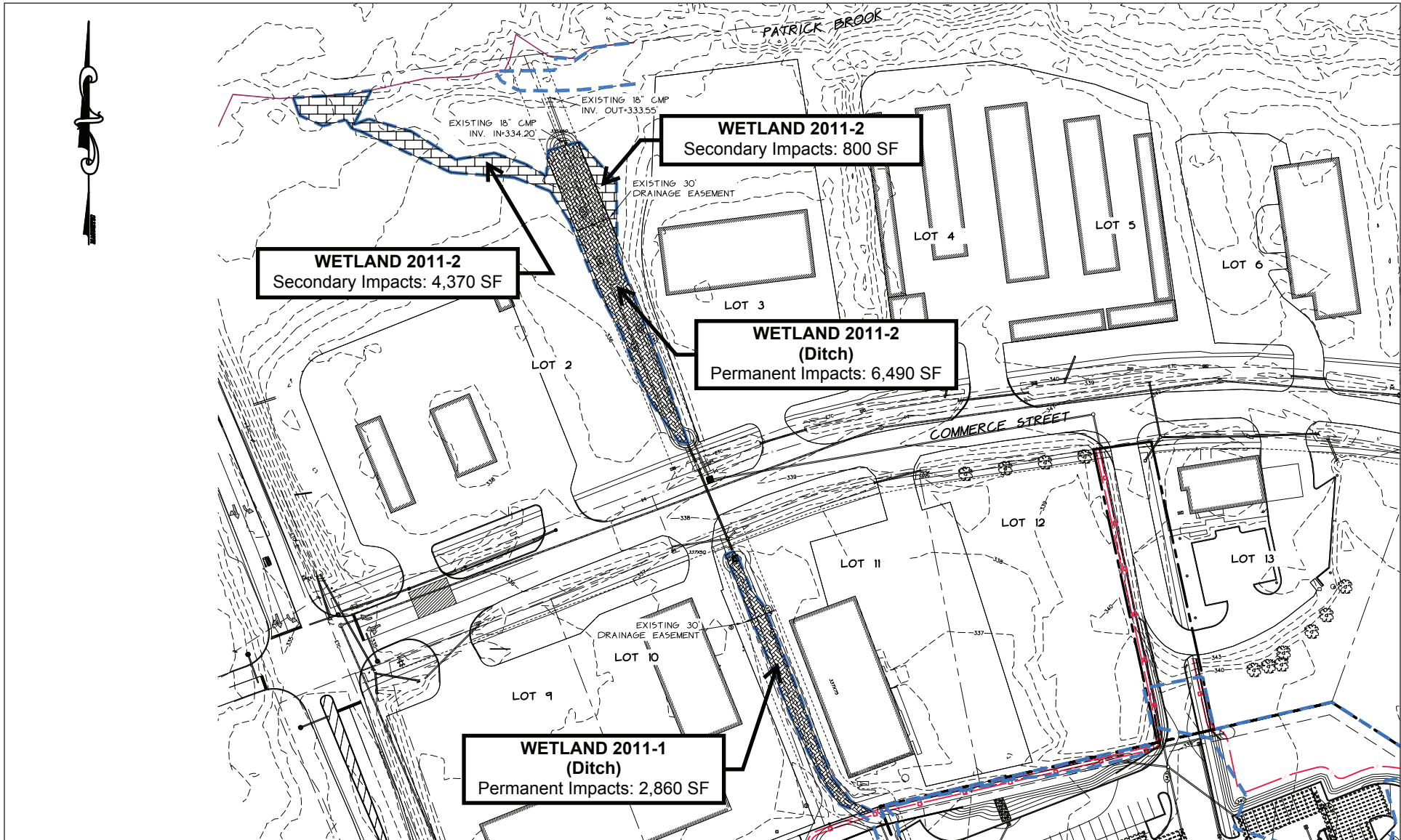
APPLICATION BY:
MARTIN'S FOODS OF SOUTH
BURLINGTON, INC.

DATE: NOV. 6, 2013 (REV.)


SHEET: 5 OF 8



	SCALE (FT): 	PROPOSED HANNAFORD SUPERMARKET AND PHARMACY IMPACT AREA 1: SUPERMARKET, PHARMACY, PARKING LOT		APPLICATION BY: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
	DATUM: NAVD 88	LOCATION: SOUTHEAST OF THE INTERSECTION VT-116 OF AND COMMERCE STREET IN HINESBURG, VT.	PURPOSE: CONSTRUCT SUPERMARKET/PHARMACY, PARKING LOT, STORMWATER FACILITIES.	DATE: NOV. 6, 2013 (REV) SHEET: 6 OF 8



VHB Vanasse Hangen Brustlin, Inc.

SCALE (FT):

 0 75 150
 DATUM: NAVD 88

PROPOSED HANNAFORD SUPERMARKET AND PHARMACY
 IMPACT AREA 2: STORMWATER IMPROVEMENTS

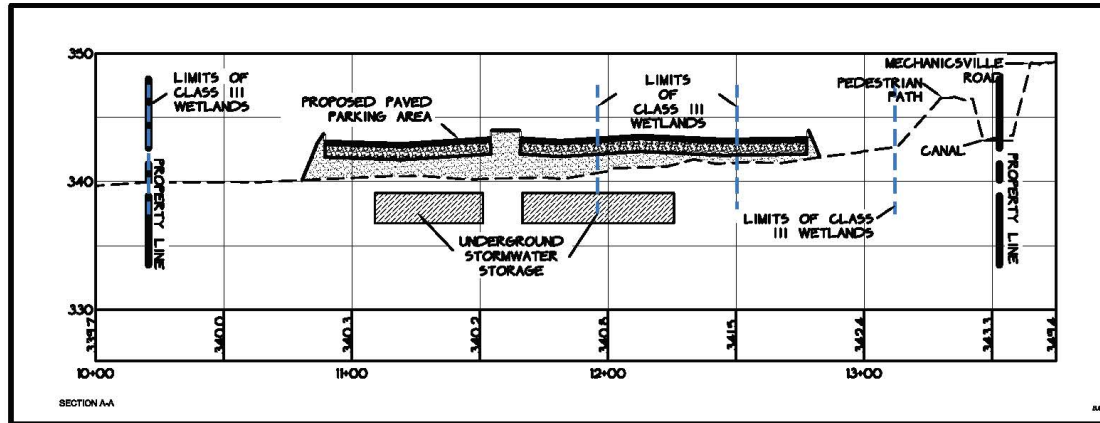
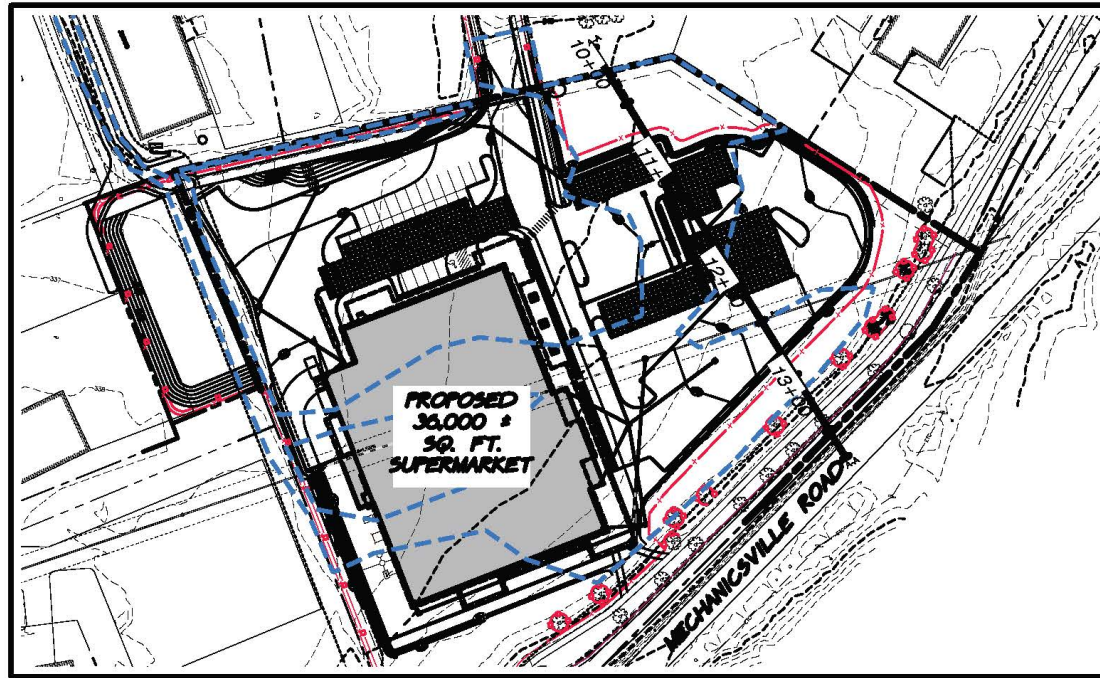
LOCATION:
 SOUTHEAST OF THE INTERSECTION VT-116 OF
 AND COMMERCE STREET IN HINESBURG, VT.

PURPOSE:
 PERFORM DITCH MAINTENANCE AND ENHANCEMENT,
 RECONSTRUCT STORMWATER BASIN.

APPLICATION BY:
 MARTIN'S FOODS OF SOUTH
 BURLINGTON, INC.

DATE: NOV. 6, 2013 (REV)

SHEET: 7 OF 8



VHB Vanasse Hangen Brustlin, Inc.

SCALE (FT):
SEE SECTION

DATUM: NAVD 88

**PROPOSED HANNAFORD SUPERMARKET AND PHARMACY
WETLAND CROSS SECTION**

LOCATION:
SOUTHEAST OF THE INTERSECTION VT-116 OF
AND COMMERCE STREET IN HINESBURG, VT.

PURPOSE:
CONSTRUCT SUPERMARKET/PHARMACY, PARKING
LOT, STORMWATER FACILITIES.

APPLICATION BY:
MARTIN'S FOODS OF SOUTH
BURLINGTON, INC.

DATE: NOV. 6, 2013 (REV)

SHEET: 8 OF 8