

Hardwick Development Review Board  
Conditional Use Review & Variance Request  
*Tracy LaFrance*  
*52 Riverside Terrace, Hardwick*  
*Application #2019-002*  
February 20, 2019

*To consider a Conditional Use Review request by Tracy LaFrance for a Change of Use (reduction of unit totals) to a Conditional Use (Multi-Family Dwelling) in the Village Neighborhood zoning district. Development would occur at 52 Riverside Terrace, Hardwick, VT.*

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.2 Village Neighborhood Zoning District ; 3.11 Performance Standards; 3.13 Parking and Loading Requirements; 5.2 Conditional Use Review; and 5.2 G4 #2 Village Neighborhood District Standards.

**Warnings** were posted on Tuesday, February 5, 2019 at the Hardwick Memorial Building, the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Jeudevine Housing Limited Partnership; Ivan and Brenda Menard; Eliza Anti; David Adler and Mary Westervelt; Diane Cornish; Norma Spaulding; Elizabeth Dow; Steven Ray and Kathleen Sampson; and Duane Wells, LLC. on Tuesday, February 5, 2019. It was also published in The Hardwick Gazette on Wednesday, February 6, 2019.

**Development Review Board members present:** Helm Nottermann; Edward Keene; John Mandeville, Chair; Kate Brooke; and John Page

**Development Review Board members absent:** Cheryl Michaels and Ruth Gaillard;

**Others present:** Kristen Leahy, Zoning Administrator (acting clerk); Ted Hoadley and Tracy LaFrance, applicants.

**During the course of the hearing and prior to the hearing the following exhibits were submitted:**

N/A

### **Summary of Discussion**

Chair John Mandeville began the hearing at 7:00 pm. He noted that the hearing was quasi-judicial, explained the hearing procedure, asked board members for any disclosures of conflict of interest, and swore in all those who wished to speak at the hearing.

The applicants, Tracy LaFrance and Ted Hoadley, explained that they have a multi-family dwelling which currently has 5 units. Only 4 units are being utilized. The 5<sup>th</sup> unit would need to be renovated to be ready for occupancy. Ms. LaFrance would like to remove the 5<sup>th</sup> unit from the structure and utilize that unit as an office/storage section of the building. No external changes would be necessary to reduce the unit number.

The hearing ended at 7:15 pm. John Page made the motion to enter into deliberative session after the following hearing and Ed Keene seconded. All members were in favor.

### **Findings of Fact:**

Based on the application and testimony, the Development Review Board makes the following findings:

**2.2 Village Neighborhood** – all setbacks and dimensional standards are met for this district. Conditional use of a Multi-Family Dwelling is allowed. Applicant is requesting a reduction of the number of units in the Multi-Family (5 units reduced to 4 units).

**3.11 Performance Standards** – review was made of the performance standards by the DRB. **No adverse aspects were identified.**

**3.14 Parking and Loading Requirements** – The requested use (Multi-Family) is already in existence. The required parking is 1.5 parking spaces per unit. The existing structure has five units and the applicant is requesting a reduction to 4 units. **The DRB found that adequate parking exists on site.**

## **5.2 Conditional Use Review**

### ***E) General Review Standards***

*The proposed conditional use will/ will not result in an undue adverse effect on any of the following:*

1. **The capacity of existing or planned community facilities and services.** The proposed use will not affect either capacity.
2. **Character of the area affected.** Proposed Change of Use is compatible with the area.
3. **Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns. There will ultimately be a reduction in traffic as the 5<sup>th</sup> unit will not be rented to additional tenants.
4. **Bylaws in effect.** N/A
5. **The utilization of renewable energy resources.** N/A

### **F) Specific Review Standards shall include:**

1. **Siting & Dimensional Standards.** All conditional uses shall meet minimum applicable dimensional and density standards as specified for the district in which the use is located (Article 2), the particular use (Article 4), and for the protection of surface waters (Section 3.12). **All standards are met by the proposal.**
2. **Performance Standards.** All conditional uses shall meet performance standards as specified in Section 3.11. **The performance standards were reviewed. See Condition #2.**
3. **Access & Circulation Standards.** All conditional uses shall meet applicable access management standards as specified in Section 6.6. **Standards will be met by the proposed changes.**
4. **Landscaping & Screening Standards.** The Board may require landscaping, fencing, screening or site grading as necessary to maintain the character of the area, or to screen unsightly or incompatible uses from town highways, other public rights-of-way, or adjoining properties. **Landscaping was not indicated as necessary.**

5. **Stormwater Management & Erosion Control Standards.** All conditional uses shall incorporate accepted stormwater management and erosion control practices as appropriate for the setting, scale and intensity of the existing and planned development.

## 5.2G Village Neighborhood Standards

A) The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g. street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building or that no other practical alternative exists. **The property is a pre-existing building.**

B) Buildings should be oriented toward and relate to, both functionally and visually, public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front façade should include a main entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings to achieve a consistent streetscape. **A pre-existing building is being utilized.**

C) The scale and massing of new buildings, including height, width, street frontage, and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including place of worship, that may be designed to serve as prominent focal points within the district. **No new structure development proposed for the Multi-Family Dwelling.**

### Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the LaFrance conditional use application as presented and amended with the following conditions:

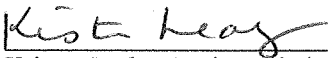
#### Conditions:

1. Any and all necessary state and federal permits must be in place before development can commence.
2. The Applicant will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).

Signed:

  
\_\_\_\_\_, Chair  
John Mandeville, DRB Chair

Date 2/22/19

  
\_\_\_\_\_, acting clerk  
Kristen Leahy, Zoning Administrator

Date 2/22/19

#### NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

## Hardwick Unified Development Standards

### Section 3.11 Performance Standards

- (A) The following performance standards must be met and maintained for all Conditional Uses and Home Occupation uses in all districts, except for agriculture and forestry, as measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns; in the case of appeals to the Zoning Administrator alleging a violation of one or more of the following standards, the burden of proof shall rest with the appellant. No Conditional Uses or Home Occupation uses, under normal conditions, shall cause, create or result in:
- (1) **regularly occurring noise**, which:
    - i. represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or
    - ii. in excess of 65 decibels, or 70 decibels within the Industrial District.
  - (2) **releases of heat, cold, moisture, mist, fog** or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
  - (3) **any electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from telecommunications facilities which are specifically licensed and regulated through the Federal Communications Commission);
  - (4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;
  - (5) **liquid or solid waste or refuse** in excess of available capacities for proper disposal which cannot be disposed of by available existing methods without undue burden to municipal or public disposal facilities; which pollute surface or ground waters; or which is otherwise detrimental to public health, safety and welfare;
  - (6) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties; or which results in a significantly increased burden on municipal facilities and services.
  - (7) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments; or
  - (8) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;