

Hardwick Development Review Board
Conditional Use Review Request
Todd and Lisa Manchester
130 Center Road, Hardwick
Application #2019-040
August 21, 2019

To consider a Conditional Use Review request by Todd and Lisa Manchester for the addition of a Home Industry (Seasonal Food Truck) to a pre-existing Single Family Dwelling in the Compact Residential zoning district. Development would occur at 130 Center Road, Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.4 Compact Residential Zoning District; 3.11 Performance Standards; 3.13 Parking and Loading Requirements; 4.9 Home Businesses (Home Occupation, Home Industry); 5.2 Conditional Use Review; and 5.2 G4 Rural Residential and Compact Residential District Standards.

Warnings were posted on Wednesday, July 31, 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: Rosaire Renaud; Kenneth Davis; Ruby Whitney; Lynn and Cary Bessette; Deborah and Michael Bellavance; Annette Gann; Stephen Holcomb and Judith Piper; Sally Bellavance-Holdman and John Bellavance; Lynette and Gilles Fontaine; Kristina Michelsen; and Maureen Miller and Theodore Bourgault on Wednesday, July 31, 2019. It was also published in The Hardwick Gazette on Wednesday, July 31, 2019.

Development Review Board members present: Kate Brooke, Ruth Gaillard, John Mandeville, Helm Nottermann, and Ed Keene.

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Todd and Lisa Manchester, applicants; and Ken Davis, neighbor.

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

1. Facebook letter of support from neighbor Lynette Fontaine.

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, Todd and Lisa Manchester, explained that they would like to create/start a seasonal food trailer business next spring (2020). This food trailer would specialize in fish and chips. The Manchesters created a detailed description of their business which is attached to this decision. They would be parking the food trailer on a former R.V. site on their property. The trailer would be mobile because they wish to be able to attend other events. The existing RV pad has utilities in place as well as a link with their wastewater/water systems.

There will be off-street parking for customers and staff. The only lighting will be on the food trailer, facing the rear of the property, and adjacent to the parking (a minor light pole). There is an existing vegetative screen (trees) between Center Road and the RV pad. The vegetative screen will remain as it exists and will not be removed.

Power already exists at the proposed location so no generator will be necessary.

There will be outdoor seating for customers. The Manchesters do not intend to sell alcohol at this location.

They are requesting a 4 square feet sign (with 2 sides). Most advertising will be done on-line in social media and by “word of mouth.”

Neighbor Ken Davis wished to go on the record as supporting the proposed business.

The hearing ended at 7:30 pm. Helm Nottermann 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:

2.4 Compact Residential – all setbacks and dimensional standards are met for this district. The food trailer will be at least 40 feet from the centerline of Center Road and more than 10 feet from the side and rear boundaries. A Home Industry is a Conditional Use for this district.

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

3.13 Parking and Loading Requirements – The requested use is a seasonal Home Industry. Parking would be on site – circular driveway. “Non-Residential parking areas shall be located to the side or rear of buildings unless otherwise approved under site plan or conditional use review and shall be screened from adjoining residential properties.” **The DRB found that adequate parking exists on site.** The proposal is to the side of the existing building and a row of trees exists between the area and Center Road. There are approximately 6-7 parking spots on the existing lawn and additional space is available on an adjacent field.

4.9 Home Businesses - Home industry, as distinguished from “home occupation” under Subsection (A), may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.2, and the following provisions:

- (1) The home industry shall be conducted by residents of the dwelling, and up to three full-time nonresident employees (or full-time equivalent part-time nonresident employees). **Initially, the business will have only family members but in the future, there may be up to 3 full-time nonresident employees.**
- (2) The home industry shall be carried out within the principal dwelling or an accessory structure. **The parked food trailer is an accessory structure to the principal dwelling.**
- (3) Exterior storage areas for materials and equipment associated with the home industry may be approved by the Development Review Board provided that such areas are clearly designated and are adequately screened from public view and neighboring properties. Designated storage areas shall meet the setbacks for the district in which the use is located, although the Board may require greater setbacks to avoid impacts on neighboring properties. The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (e.g., heating oil). **The initial plan does not request external storage due to the limited volume of supplies. If exterior storage becomes a necessary, a shed will be installed (with proper permitting).**

- (4) The home industry shall not have an undue adverse effect upon the character of the neighborhood, or result in a change in the outward appearance of the dwelling or the accessory structure. **No adverse effects were identified. Neighbor Ken Davis testified that this request will not have an effect on the character of their neighborhood.**
- (5) The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located. **No additional traffic in excess of the volumes produced in other allowable uses is anticipated.**
- (6) Off-street parking shall be provided for resident, employee, customer and delivery vehicles, as well as all commercial vehicles or equipment associated with the home industry. **Ample off street parking will be provided.**
- (7) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations. **A porta-potty will be provided for customers. The food trailer will be added to the existing wastewater system.**
- (8) Home industries shall meet all performance standards set forth in Section 3.11. **No adverse aspects were identified.**
- (9) The home industry shall be permitted one unlit wall-mounted or freestanding sign not to exceed 4 square feet in area. **A 4 square feet (in area) sign is being requested. An open flag will also be utilized. The sign must be located at least 10 feet from the traveled portion of the road.**
- (10) On-site wholesale or retail sales shall be limited to products produced or services provided on the premises. **The food trailer will limits sales to food created 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 Accessory Use is compatible with the area.
3. **Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns. The proposal is located on a Class II road which connects the towns of Greensboro and Hardwick.
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. The access area will be kept well maintained and clear of impediments to sight-line visibility.**

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. The existing buffer of trees will remain in place.**

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. **No additional requirements were identified in the public hearing.**

5.2G Compact Residential Standards

- a. Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in Town. **Not Applicable – no new development.**
- b. Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts. **Not applicable – no new driveways or roads to be created.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the Manchester 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).
3. The placement of the requested sign and the open flag shall not block vehicular line of sight in either direction.

Signed:

 , Chair
John Mandeville, DRB Chair

Date 8/26/19

 , acting clerk
Kristen Leahy, Zoning Administrator

Date 8/26/19

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.

Manchester 2019-040
Home Industry Description
From the Manchester family

We've always loved to make fish & chips as a family. We find many people are big fans of the dish. Over the years we've tried different recipes, including a store bought batter, but decided it was healthier and tastier to just make our own batter. Over the years we've tweaked not only our recipe, but the entire method of cooking up a tasty batch of fried fish and fresh cut fries. It soon became kind of a joke that we should open up a fish & chip restaurant. Nothing we ever thought we would consider, until recently. Constant recommendations from friends and loved ones to seriously think about it sparked a more serious attention to the idea. So, we have come up with what we think is a great plan. Our family would like to have a seasonal fish & chips mobile food truck home industry. Though we haven't purchased anything as of yet, we are hoping to purchase a mobile concession trailer approximately 8.5' x 16'.

Our plan is to park it where an RV pad already exists on our property. There is potable water, electric (so we will not have to use a loud generator), and septic hook up. A portable toilet will be provided for employees and customers. Adequate parking areas will also be available and will not be near the road. We have plenty of room for vehicles to drive in and out safely, including a circular drive way that will help prevent congestion with some small simple directional signs.

We would only be open seasonally, from mid-May through mid-October (approximately 6 months), and our hours of operation might look something like 5 days a week from 11am to 8 pm. We have also thought about leaving open the possibility to move the food truck to an occasional event or festival when the opportunity arises.

Signage would be a fixed free-standing two sided sign, no larger than the allowable 4 sq. ft., which will be at the opening of our drive way. Perhaps an "open" flag will be hung near it on the days we're open.

For advertising, we plan to create social media pages to announce hours of operation, specials, etc. Maybe take out a few ads in the newspaper now and then, word of mouth, and potentially handing out flyers.

The food truck, picnic tables, and parking should not be easily visible from the road by passersby or neighbors. Trash and recycle receptacles will be available to customers and will be within close proximity to the food truck and eating area. We do not plan on playing loud obnoxious music.

Our fish & chips will be made from scratch and our menu will be small to start with. Environmentally friendly take out boxes will be available for those who want their food to go.

This business will be a family run business, but if by chance we need extra employees, we are open to hiring 1-3 people outside of our family.

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;

Lynette M. Fontaine
Active 31m ago

belonged to. Just glad someone could use the wood. Winter will be coming soon

Ok, thanks for the outdoor furniture



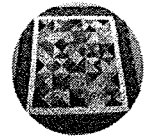
Thank you so much

AUG 9, 2019, 10:50 AM

Hi there I have been going to write to wish u good luck on your new adventure. Can't wait to see it up and running!!

AUG 9, 2019, 2:15 PM

It sounds like you received your letter from the town. 😊 Thanks! Not sure how it will all work out, but we're excited about it and all the possibilities! I'll keep you posted!



Lynette M. Fontaine
Active 31m ago

OPTIONS

- Search in Conversation
- Edit Nicknames
- Change Color
- Change Emoji

PRIVACY & SUPPORT

- Notifications
- Ignore Messages
- Block Messages

Something's Wrong
Give feedback and report conversation

SHARED PHOTOS

