

Hardwick Development Review Board
Amendment to 2020-033 Conditional Use Decision
Bair LLC
39 North Main Street, Hardwick
Application #2021-011
April 7, 2021

To consider an amendment to Conditional Use Decision 2020-033. Bair, LLC received a Conditional Use Decision to convert 39 North Main Street into a Multi-Family Dwelling in the Central Business zoning district. This amendment requests to exceed the Central Business district standard of height due to roof repair and replacement.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.1 Central Business District; Section 3.7 Height Requirements.

Warnings were posted on Monday, March 22, 2021 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: Glenn Mink; American Legion Post #7; and Shawn Allen on Monday, March 22, 2021. It was also published in The Hardwick Gazette on Wednesday, March 24, 2021.

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

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk); and Isaac Jacobs of Bair, LLC, applicant. Also present for the following hearing: John Svagzdys, Gail and David O'Brien.

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 7:05 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.

Mr. Mandeville invited the applicant to present his proposal. Isaac Jacobs of Bair LLC explained that the Multi-Family Dwelling at 39 North Main Street currently has a flat roof with a membrane that is at the end of its life and is allowing moisture to leak into the building.

Mr. Jacobs is purposing to raise the roof to install a hip roof with 3 ½ pitch sides in four directions. The increased space will allow for insulation with an air barrier and 18" to 20" of cellulose insulation. The current flat roof does not have any space for the additional insulation. The old structure is also compromised due to the leakage of the flat roof. The hip roof was chosen to match the existing roofing pattern of the downtown area.

Asphalt shingle will be used to minimize sliding snow. The side which faces the sidewalk of North Main Street will have gutters and snow guards to catch falling ice and snow. The added insulation of the roof will create a "cold roof" approach with no escaping heat to accelerate the snow melt. Engineered trusses will be utilized.

The hearing ended at 7:20. 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:

2.1 Central Business Use – the subject property is above the district standard for the maximum height of a structure. Maximum Height is 35 feet. Existing structure is 41 feet in height. Applicant proposes to add approximately 6 feet to the existing 41 feet (47 feet average).

3.7 Height Requirements - The DRB may permit structures in excess of the district standard (35 feet) upon finding that:

1. The structure does not constitute a hazard to public safety, or to adjoining properties; **The Fire Chief provided verification that the Fire Department would be able to handle the additional height. The Road Foreman (same individual) expressed concern that any falling debris (such as ice or snow) must be addressed by the applicant. See Condition #1.**
2. That portion of the structure above the district maximum height shall remain unoccupied except for normal maintenance; **Only the roof would extend beyond 35 feet. No living spaces will be created in this portion of the structure.**
3. The structure is not to be used for advertising purposes; **The roof will not be used for advertising.**
4. Lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation; and **No lighting will be installed.**
5. The proposed building height and scale are consistent with the character of the immediate surroundings. **The proposed expansion remains in character with the immediate surroundings.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the amendment to Conditional Use decision #2020-033 as presented and amended with the following condition:

Condition:

1. The owner of 39 North Main Street is responsible for any debris falling from the roof of the structure.

Signed:

 _____, Chair
John Mandeville, DRB Chair

 _____, acting clerk
Kristen Leahy, Zoning Administrator

Date 4/14/21

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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.