

Hardwick Development Review Board
Conditional Use Review Request
Landowners: Steve & Taylor Meyer
Applicant: Vermont Natural Coatings
190 Junction Street, Hardwick
Application #2022-002
February 23, 2022
Continued to March 9, 2022
Via Zoom

To consider a Conditional Use Review request by Vermont Natural Coatings for the construction of a Light Industrial structure in the Industrial zoning district. Development would convert an existing structure to Accessory Use to a Light Industrial (storage) and would occur at 190 Junction Street in Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.5 Industrial District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; and Section 5.2 Conditional Use Review.

Warnings were posted on Monday, February 1, 2022 at the Hardwick Memorial Building, at the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Kenneth Davis; Chris & Margaret Davis; Lawrence and Karen Willey; Earl Coolbeth Life Estate; James and Jennifer Laundry; Angela and Robert Geoffroy; and Jason Billings on Tuesday, February 1, 2022. It was also published in News & Citizen on Thursday, February 3, 2022.

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

Development Review Board members absent: Ed Keene

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Andrew Meyer, applicant (on both February 23 and March 9, 2022)

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

1. None

Summary of Discussion

The hearing was opened on February 23, 2022. The following persons were in attendance: Andrew Meyer, the applicant; Kristen Leahy, Zoning Administrator; Kate Brooke, Vice Chair; and Ruth Gaillard. Due to the lack of a quorum of members, the hearing was opened and continued to March 9, 2022 at 7pm by Vice Chair Kate Brooke.

Chair John Mandeville began the March 9, 2022 hearing at 7:18 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 Andrew Meyer to present his proposal for Vermont Natural Coatings at 190 Junction Street.

The proposal adjoins the parcel at 180 Junction Street (Hardwick Enterprise Group, LLC – 2022-001). The development would be a new Light Industrial structure. The building would be 130 feet by 80 feet stick built

with 20 feet in height. The visual would be similar to the other buildings on this property and on the adjoining property.

The structure would house a production line for Vermont Natural Coatings and associated storage space. There would be an open format on the interior. A lab, a small kitchen, and office space would also be included. The loading docks would be to the left of the structure for deliveries and “pick-ups.” The product is shipped via truck – the traffic would include freight trucks. Visually, similar siding and metal roofing will be utilized.

The proposal includes a small drain which is currently in the permit process with the State of Vermont. The discharge may be pumped from a capture basin/tank or may be recaptured and dried at the facility. The intent is to not impact the town wastewater capacity.

The lot has an existing building which will be an accessory use to the proposed structure. There is electricity on site. The proposal envisions utilizing the existing power infrastructure, as it exceeds the capacity necessary for the current structure.

The hearing ended at 7:32 pm. Helm Nottermann made the motion to enter into deliberative session after the hearing and Ruth Gaillard seconded. All members were in favor.

Findings of Fact:

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

2.5 Industrial District – all setbacks and dimensional standards are met for this district. An Accessory Use (to a conditional use) and Light Industrial are listed as Conditional Uses in the district. Applicant is requesting to a new Light Industrial structure. **The location is 120 feet from the centerline of Junction Road and more than 20 feet from the side and rear setbacks.**

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 Industrial District requires parking of 1 space per 2 employees on the largest shift. Furthermore, “off-street loading areas shall be provided for commercial uses which will receive shipments in vehicles too large for a standard parking space.” “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 largest shift has 5 employees and the parcel has 19 acres. Both structures will have 10-12 employees. Parking is located on both 180 and 190 Junction Street and will be adequate for the proposal.**

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.** The Light Industrial building is compatible with the Industrial District and with the character of the surrounding area.
- 3. Traffic on roads and highways in the vicinity.** The proposal will not affect the current traffic patterns on Junction Road.

4. **Bylaws in effect.** The town water and sewer use allocation have been verified by the Town Manager. State water and sewer permits are in process. There will probably be a 4" water line installed to allow for a sprinkler system. The only addition to the wastewater will be a solitary toilet.

5. **The utilization of renewable energy resources.** The applicant is in conversation with Efficiency Vermont and is working with Coe & Coe to examine energy efficiency and renewable energy options.

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. **Extensive plans have been submitted to the State of Vermont. No additional plans were indicated as necessary.**

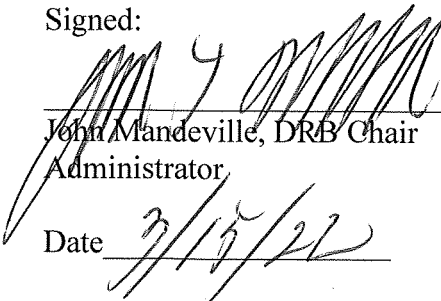
Decision and Conditions

Based upon these findings, the Development Review Board voted 4-0 to approve the Vermont Natural Coatings 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
Administrator

 _____, acting clerk
Kristen Leahy, Zoning

Date 3/15/22

Date 3/15/22

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:

represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or

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;