

Hardwick Development Review Board
Conditional Use Review Request
Landowners: Steve & Taylor Meyer
Applicant: Vermont Natural Coatings
190 Junction Road, Hardwick
Application #2023-027
August 2, 2023

To consider a Conditional Use Review request by Vermont Natural Coatings for the expansion of an existing structure that is an Accessory Use to a Light Industrial (storage) and would occur at 190 Junction Road 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 Wednesday, July 19, 2023 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; Vermont Maple Holdings, LLC; Manosh Properties, LLC; Lawrence and Karen Willey; Earl Coolbeth Life Estate; James and Jennifer Laundry; Angela and Robert Geoffroy; Harold Patten; and Jason Billings on Wednesday, July 19, 2023. It was also published in News & Citizen on Thursday, July 20, 2023.

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

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Andrew Meyer, Applicant (via Zoom).

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

1. None

Summary of Discussion

Chair John Mandeville began the hearing at 7:31 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. Mr. Meyer testified that he is seeking to extend his current building with an addition that is 16 feet by 34 feet. The addition would serve as office/conference area space. The structure will have a similar aesthetic. The roof line will have a similar pitch.

The expansion will not impact the water or sewer allocations and will not impact the storm water permitting.

The hearing ended at 7:40 pm. Kole 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:

3.5 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 expand the existing Accessory Use 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.” **No additional employees will be retained as a result of the expansion. The parcel has 19 acres and will be adequate for the existing and proposed parking.**

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 expansion will not affect either capacity.
- 2. Character of the area affected.** The Accessory Use to a 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.** No impact.
- 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. **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 5-0 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 8/9/23

Date 8/9/23

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;