

Hardwick Development Review Board  
*Conditional Use – Temporary Special Event*  
*Civic Standard – Applicant*  
*Center for an Agricultural Economy - Landowner*  
*100 Granite Street (Atkins Field), Hardwick*  
*Application #2024-058*  
~~July 24, 2024~~  
Continued to July 31, 2024

*To consider a Temporary Special Event request by Civic Standard to host a music/dance/community party with an expected attendance of over 100 people at 100 Granite Street on September 11, 2024.*

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.2 Village Neighborhood District Table; 3.11 Performance Standards; 4.18C2 (Temporary Structure or Use – Special Events); and 5.2 Conditional Use Review.

**Warnings** were posted on July 10, 2024 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: Christopher Davis and Margaret Davis; Nicholas Vasiliadis; Osprey Holdings LLC; Matthew and Rebecca Larose; Stanley and Mary Ainsworth Life Estate; Steven Collier; Gregory and Sherry Lussier; Granite Street LLC; Dwaine and Sandra Hood; Helen Willey Life Estate; Beverly Phelps Life Estate; Margaret Laggis; Sunne LLC; Lawrence and Sandra Thibault; Bret and Todd Hodgdon; Emily Hershberger; Nichole and Robert Clark; Jonathan and Jocelyn Lussier; Mary and Ronald Metevoir on July 11, 2024. It was also published in News and Citizen on Thursday, July 11, 2024.

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

**Development Review Board members absent:** Ruth Gaillard

**Others present:** Kristen Leahy, Zoning and Floodplain Administrator; Rose Friedman, Applicant

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

1. Email verification from the Police Chief, Michael Henry – no concerns – July 24, 2024

### **Summary of Discussion**

Chair John Mandeville began the hearing at 7:15 pm. He noted the hearing was quasi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing.

Mr. Mandeville invited the applicant to present their proposal. Rose Friedman from the Civic Standard testified that the Civic Standard received a Better Places grant with matched funds to support three concerts in Hardwick. The first concert was in conjunction with Springfest (approximately 150 attendees), the second concert was in July (approximately 120 attendees) and the final show will be on September 11, 2024. As the first two shows were over 100 people in attendance, the final show may have a similar visit tally.

The September 11, 2024 show will be free, with free food and under and near the Atkins Field Gazebo. The music will start at 7 pm and will be done by 9 pm. The music will be amplified but does not feature percussion. Rose described the music as dancing music with an old jazzy feel to it. Tuba Skinny is the band. Performing on a Wednesday night because this is a well-known band and they perform at larger venues on the weekends.

The hearing ended at 7:26 pm. Helm Nottermann made the motion to close the hearing and enter into deliberative session and Kole 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. Temporary Special Event is allowed under conditional use if it does not exceed more than seven days in a year period of time. This will be an one-time event this fall (September 11, 2024).

**3.11 Performance Standards** –No adverse aspects were identified.

**4.18 Temporary Structure or Use** – A special event with an expected attendance of over 100 people shall be subject to conditional use review. Conditional Use Review was conducted.

### **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 proposal is temporary.
- 3. Traffic on roads and highways in the vicinity.** Proposal is temporary. There will be a parking attendant. No concerns were identified by the Police Chief, Mike Henry, in his email to the Zoning Administrator. (See Exhibit #1)
- 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. **Proposal is temporary and a review did not reveal any possible issues. There will be porta-potties on site to handle and solid waste items. No fog machines will be in use. The music will be amplified for approximately 2 hours but the band does not have a drum section. No fire will be incorporated into the show.**
- 3. Access & Circulation Standards.** All conditional uses shall meet applicable access management standards as specified in Section 6.6. **Proposed event is temporary.**
- 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. **Proposed event is temporary.**
- 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. **N/A**

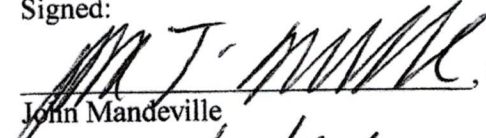
**Decision and Conditions**


Based upon these findings, the Development Review Board voted 4-0 to approve the Civic Standard application as presented with the following conditions:

**Conditions:**

- 1. Any signs used for the event shall be placed and removed on the day of the event.
- 2. Traffic on Granite Street and Wolcott Street shall be monitored.
- 3. No parking for this event will be allowed on Wolcott Street.

Signed:

  
 \_\_\_\_\_, Chair  
 John Mandeville  
 Date 8/3/24

  
 \_\_\_\_\_, acting clerk  
 Kristen Leahy, Zoning Administrator  
 Date 8-5-24

**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;



Kristen Leahy <zoning.administrator@hardwickvt.gov>

## Zoning Question

3 messages

**Kristen Leahy** <zoning.administrator@hardwickvt.gov>  
To: Michael Henry <mhenry@hardwickpolice.com>

Tue, Jul 23, 2024 at 9:00 AM

Hi Mike,  
We have another scheduled "party" at the Atkins Field for the Civic Standard on September 11, 2024. Since their first two parties have averaged well over 100 people, they need a DRB approval. DRB is required to check in with the Police Chief and ask if you have any questions or concerns.  
Any questions or concerns?

Thanks,  
Kristen Leahy  
Hardwick Zoning and Floodplain Administrator  
(she/her)  
(802) 472-1686  
Office Hours:  
**Monday 8:00 am to Noon**  
**Tuesday 9:30 to 1:30 pm**  
**Thursday 8:00 am to Noon**  
**Wednesday & Friday - Open but appointments are recommended**  
**Saturday - by appointment**

*Any decision or act of the Zoning Administrator may be appealed within 15 days of such decision or act as per Section 7.3A of the Hardwick Unified Development Bylaws.*

**Michael Henry** <mhenry@hardwickpolice.com>  
To: Kristen Leahy <zoning.administrator@hardwickvt.gov>

Wed, Jul 24, 2024 at 8:17 AM

All set with us.

**From:** Kristen Leahy <zoning.administrator@hardwickvt.gov>  
**Sent:** Tuesday, July 23, 2024 9:00:18 AM  
**To:** Michael Henry  
**Subject:** Zoning Question

[Quoted text hidden]

**Kristen Leahy** <zoning.administrator@hardwickvt.gov>  
To: Michael Henry <mhenry@hardwickpolice.com>

Wed, Jul 24, 2024 at 8:24 AM

Thanks Mike!  
Kristen Leahy  
Hardwick Zoning and Floodplain Administrator  
(she/her)  
(802) 472-1686  
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