

TOWN OF HARDWICK
Office of the Zoning Administrator
P.O. Box 523
Hardwick, Vermont 05843
(802) 472-1686

Zoning Permit

Your application No. **2024-090** a zoning permit for the following use(s) was approved by the Zoning Administrator of the Town of Hardwick, Vermont. This permit does not constitute a Certificate of Occupancy. This permit is valid for two (2) years from the effective date found below. No action may commence before the effective date has been reached (see below).

For Town Use Only:	
Application No.:	2024-090
Parcel No.:	09056-00000
Tax Map No.:	9
Lot No.:	56
Zone:	HMU
Rec'd By (<i>initials</i>):	kll
Date Rec'd:	09/25/24

1. NAME/ADDRESS OF APPLICANT:

JP & Sons Properties, LLC
 585 Hopkins Hill Road
 Hardwick, VT 05843

2. NAME/ADDRESS OF LANDOWNER (*if different from applicant*):

Town of Hardwick
 Attn: David Upson, Jr.
 PO Box 523
 Hardwick, VT 05843

3. LOCATION OF PROPERTY (*if different from applicant*):

40 Carey Road, Hardwick

4. PROPOSED USE/DEVELOPMENT (*please select from the following choices*):

- New Construction - Office & Storage
- Accessory Use
- Conversion to Mixed Use (Office and Storage)
- Other (*please describe*): Demolition of Distressed SFD

5. EXISTING/PROPOSED FACILITIES (*please select all that apply*):

- Municipal Water
- Municipal Sewer
- On-Lot Water
- On-Lot Sewer
- Other (*please describe*): In process - needed prior to new construction or installation

Permit No.: 2024-090

Name: JP & Sons Properties LLC/ Hardwick

6. PROPOSED DEVELOPMENT (as provided by applicant & verified by Zoning Administrator):

- A. Lot Area (acres): 7.8 acres
- B. Structure Dimensions (feet):

	<u>Structure (type)</u>	<u>Length</u>	<u>Width</u>	<u>Height,</u>
1.	Accessory Structure (Storage)	80'	30'	35'
2.	Office	26'	28'	1 story

Property Setbacks (feet):

	<u>Structure</u>	<u>Road Frontage</u>	<u>Front</u>	<u>Left</u>	<u>Right</u>	<u>Rear</u>
1.	Storage & Office	300'	200'	20'	20'	50'

ZONING REQUIREMENTS (as provided by Zoning Administrator)

- 1. Zoning District: Highway Mixed-Use (HMU)
- 2. Minimum Lot Size (acres): 5000 sf
- 3. Minimum Property Requirements:

<u>Road Frontage</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Accessory side/rear</u>
65'	20' (+ 25' ROW)	20'	20'	20'

Additional Comments:

This permit is contingent upon the adherence to the attached Conditional Use review decision dated October 28, 2024. The issuance of this permit is based on the DRB decision. In particular, #3. The applicant must have all water and wastewater permits in place prior to any new construction on the site, #4. All outdoor lighting will be down-lit and operated by motion detection. #5 The existing four-season trail may be moved but must remain accessible to the public for four-season use, and #6. A minimum of 6-7 parking spaces must be available on site.

Please Note: This permit covers local permits only. You may be required to obtain other permits from the State of Vermont. To determine what other permits may be required for your development, please contact the State Permit Specialist at 802-505-5367.

Please contact the Vermont Division of Fire Safety for any applicable permits - Shawn Goodell at 802-760-8827 (cell).

SIGNED: 
Administrative Officer

October 28, 2024
Date of Approval

EFFECTIVE DATE: November 27, 2024**

***The effective date is the date which your approved permit takes effect. It provides for a statutory appeal period of 30 days. You shall not commence any activity related to this permit until the effective date has been reached.*

Hardwick Development Review Board
Conditional Use Review Request
Town of Hardwick - landowner
JP& Sons Properties, LLC - applicant
40 Carey Road, Hardwick
Application #2024-090
October 23, 2024

To consider a Conditional Use Review request by JP & Sons Properties, LLC on the Town of Hardwick property at 40 Carey Road. Request to change the use from a Single Family Dwelling to Mixed Use. The distressed Single Family Dwelling would be demolished and two structures would be installed (Office and Storage). The property is in the Highway Mixed Use zoning district.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.3 Highway Mixed Use District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; Section 4.12 Mixed Use; Section 5.2 Conditional Use Review; and Section 5.2 G(3) Highway Mixed Use District Standards.

Warnings were posted on Tuesday, October 1, 2024 in 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: Hardwick Electric; Lance Rothmyer; Heidi Bigelow; Glenn Smith; Kirsten Smith & Caleb Holbrook; DG Strategic II LLC; Sheri & Alfred Willey; 2 Peas in a Pod, LLC; Kim and Thomas Thompson; Florence and Roy LaRow; Grace Letow; Jeannie Judkins; Caleb Heath & Kayla Boyer; Claire and Christopher Berry; M&M Realty, LLC; Geneva Hall Life Estate; Christina Bellavance and Wilfred Salls; Merrill Chapin, Jr.; Stephen Chapin; and Barbara Perreault on Tuesday, October 1, 2024. It was also published in The News and Citizen on Thursday, October 3, 2024.

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

Development Review Board members absent: N/A

Others present: Kristen Leahy, Zoning Administrator (acting clerk); David Upson Jr., Town Manager; Grace Lettow, Neighbor; Tiffany and Jeff Perry, Applicants.

During the course of the hearing and prior to the hearing the following exhibits were submitted:
None

Summary of Discussion

Chair John Mandeville began the hearing at 7 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 applicants to present their proposal. Jeff Perry testified that they would be demolishing the existing structure on site and cleaning the property of the abandoned debris and trash (tires, etc). The site would serve as the location of their business – both office and storage elements. There would be dumpsters on site, a storage building for vehicles, and an office building.

All structures will be placed to adhere with the town requirements – all structures will be 20 feet from the side and rear property lines and at least 45 feet from the centerline of Carey Road and the centerline of Vermont Route 14 South.

Water and sewer permits are in process. The site will need to be connected to town water and sewer due to its location within the Hardwick Urban Compact.

There will be a fence to reduce the visual impact and to reduce external visitors. Jeff stated that he believes that the property will have better visuals after their change of use has been implemented. Neighbor, Grace Lettow, agreed with that assessment. There will be flood lights around the office but they will be down-lit and activated by motion detection.

During a typical day, each truck will enter and depart up to ten times. There will be approximately 6 people on staff at this location.

The Woodbury Rail Trail passes through the property. The applicant testified that the trail would remain open to the public but might be moved to allow for plowing into the property.

The hearing ended at 7:30 pm. Kole made the motion to enter into deliberative session after the following hearing and Helm Nottermann seconded. All members were in favor.

Findings of Fact:

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

2.3 Highway Mixed Use – all setbacks and dimensional standards are met for this district. Office, Storage, and Mixed Use are listed as Conditional Uses in the district. Applicant is requesting to convert a Single Family Dwelling site to a Mixed Use (Office and Storage). Existing Single Family Dwelling will be demolished. **Location is 45 feet from the centerline of Carey Road and VT Route 14 South and 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 Highway Mixed Use District lists Mixed Use parking as “Other.” The Development Review Board determines the appropriate number. Additionally, “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.” **There will be 6 employees on staff. DRB found that adequate parking exists on site. A minimum of 6-7 parking spaces must be available. See Condition #6. No testimony was received to indicate that screening from adjoining properties would be necessary.**

4.12 Mixed Use – more than one principal use may be allowed within a single building subject to provisions: 1) each of proposed uses is allowed as a permitted or conditional use within the zoning district, 2) the uses in combination meet all applicable standards for the district, and 3) the mixed use shall meet all applicable general regulations under Article 3. **The requested uses are conditional uses in the Highway Mixed Use district.**

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.** Per testimony from the Town Manager, the proposed use will not affect either capacity.
2. **Character of the area affected.** Location within the Highway Mixed Use district matches the purpose of this district and the character of the surrounding area. Grace Lettow, a neighbor, provided verbal verification.
3. **Traffic on roads and highways in the vicinity.** The Highway Mixed Use circulation and traffic pattern on Vermont Route 14 South is directed by the existing use in the area. No adverse effect was identified.
4. **Bylaws in effect.** Any structures on site will need to be connected to Town Water and Sewer per Hardwick water and sewer ordinances. The Town Manager testified that the Town has sufficient capacity to be able to provide services. The necessary wastewater/potable water permits must be in place prior to construction of the office. See Condition #3.
5. **The utilization of renewable energy resources.** Not applicable.

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. **No additional plans were indicated as necessary.**

5.2G3 Highway Mixed Use District Standards

- a. Within and contiguous to parking areas, landscaping shall emphasize the use of shade trees to provide a tree canopy, provide separation between parking spaces to avoid large expanses of parking and minimize the visibility of parking areas from off-site. Suitable locations for shade trees include along walkways, in center islands, in between parking spaces and clustered in appropriate locations. **N/A**
- b. A landscaped strip of at least twenty (20) feet shall be provided parallel to the road, which may be crossed by driveways and sidewalks. Form, location, and composition of the landscaped strip shall be shown on the site plan and approved by the Development Review Board. **N/A**

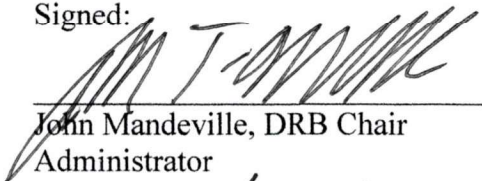
Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the JP & Sons Properties, LLC./Town of Hardwick 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 Applicant must have all water and wastewater permits in place prior to any new construction on the site.
4. All outdoor lighting will be down-lit and operated by motion detection.
5. The existing four-season trail may be moved but must remain accessible to the public for four-season use.
6. A minimum of 6-7 parking spaces must be available on site.

Signed:


_____, Chair
John Mandeville, DRB Chair
Administrator


_____, acting clerk
Kristen Leahy, Zoning

Date 10/28/24

Date 10/28/24

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:

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;