

Hardwick Development Review Board  
Conditional Use Hearing  
*Michael and Denise Stuart – applicant*  
*Larry Rossi – landowner*  
*Application # 2016-004*  
March 9, 2016

*To consider a conditional use request by Michael and Denise Stuart to build an office structure in the Central Business District.*

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.1 Central Business District Table; 3.7 Height Requirements; 3.10 Parking and Loading Requirements, 3.11 Performance Standards; 5.2 Conditional Use Review; and 5.2 G Central Business District Standards.

**Warnings** were posted on February 22, 2016 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: Cherry Street Housing Limited Partnership; Village Builders, Inc.; Cheryl Gates; United Church of Hardwick and St. Norbert's Parish Charitable Trust, on February 22, 2016. It was also published in the Hardwick Gazette on Wednesday, February 24, 2016.

**Development Review Board members present:** Daniel Bandit (Vice Chair), Ruth Gaillard, John Mandeville, Cheryl Michaels (Chair), and Helm Notterman

**Development Review Board members absent:** Edward Keene

**Others present:** Michael Stuart, applicant; Larry Rossi, landowner; Michael Bielawski, Gazette Reporter; and Kristen Leahy, Zoning Administrator (acting clerk).

**During the course of the hearing the following exhibits were submitted:**

#1 Schematics of the proposed office structure and parking area from landowner and builder Larry Rossi.

**Summary of Discussion**

Cheryl Michaels, chair, began the hearing at 7:30pm. She noted the hearing was quasi-judicial, explained the procedure for the hearing, asked if there were any conflicts of interest, and swore in all those who wished to speak at the hearing. Mrs. Michaels then asked Michael Stuart and Larry Rossi to explain what they want to do at 206 South Main Street in Hardwick

Mr. Rossi explained that they intended to remove the burned-out building and the accessory structure (garage) and build a small one-story (18' in height), office structure which is intended to house M. Stuart and Associates – a local accountant firm. The proposed driveway will be on the left side of the building (neighboring the United Church of Hardwick) and the parking will be in the rear of the lot.

The exterior of the structure will be clapboard and wood trim. There will be shingled posts on the front façade of the structure. There will be asphalt shingles on the roof and double-hung windows throughout the building. A concrete walkway will connect the building to the sidewalk.

The application notes that the Stuarts will have both a free-standing and a wall-mounted sign. John Mandeville pointed out that the Hardwick Unified Development Bylaws require the applicant to have either/or but not both types of signs. The landowner and the applicant agreed to this stipulation and the appropriate zoning permit will be sought for the sign.

The footprint of the proposed office structure will be slightly larger than the existing building but will still remain outside the required zoning setbacks.

Currently, M. Stuart and Associates employs 3 full-time employees and 1 part-time employee. Parking is being

proposed for 4+ vehicles/spaces.

Lighting will only be for security reasons, will be on a motion detector system and will be down-lit.

Demolition will be with an excavator and three dumpsters. Mr. Rossi will alert the police department and the Town road foreman. Casella Waste disposal has been contracted to remove the debris.

The rear of the lot will accommodate the placement of snow accumulation.

The hearing ended at 8:00pm. The Board went into deliberative session at 8:01 pm.

### **Findings of Fact:**

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

**2.1 Central Business District** - the proposed office structure is allowed by conditional use in this zoning district. All setback requirements are met as per the zoning application.

**3.7 Height Requirements** – the proposed office structure will be one-story and, at 18’ in height, is well within the required zoning height limit (35’)

**3.10 Parking and Loading Requirements** – parking requirements in the Central Business District require off-street parking for employees on the basis of one space per 2 employees per shift. With 3-4 employees and 4+ spaces, the proposed structure meets the requirements.

**3.11 Performance Standards** – the proposed project intends to meet all performance standards and no testimony was offered to question this intention.

**3.12 Protection of Water Resources** – no water resources, wetlands or source protection areas are located on the site.

**3.14 Steep Slopes & Erosion Control** – site does not have a slope gradient of 25% or greater.

## **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.** Proposed office structure will not impact existing or planned community facilities/services.
- 2. Character of the area affected.** Proposed office structure is an improvement over the currently present distressed property. Location on the site, scale of structure, and exterior appearance will match the area and the zoning district.
- 3. Traffic on roads and highways in the vicinity.** Proposed office structure will have low impact on the traffic of South Main Street. Applicant testified that during tax season daily client counts will increase but typically 4-6 clients will visit the office on a daily basis.
- 4. Bylaws in effect.** The applicant and the landowner have already spoken to the Town Manager about the Town Water and Sewer connections. No other bylaws will be impacted.



5. **The utilization of renewable energy resources.** N/A

**F) Specific Review Standards:**

1. **Siting & Dimensional Standards.** The proposed office structure’s use meets minimum applicable dimensional and density standards as specified for the Central Business district, the particular use is not defined in Article 4 and the site does not impact surface waters.

2. **Performance Standards.** The proposed office structure/use intends to meet the performance standards as specified in Section 3.11.

3. **Access & Circulation Standards.** The proposed office structure/use meets applicable access management standards as specified in Section 6.6.

4. **Landscaping & Screening Standards.** The landscaping will be ornamental gardens and lawn space in the front of the proposed structure. Paved (stay-mat) driveway and parking area. No screening or fencing will be necessary.

5. **Stormwater Management & Erosion Control Standards.** N/A

**5.2G Central Business District Standards**

1. **Central Business District.** The development has been designed with use of the front yard limited to landscaping, pedestrian paths and associated pedestrian amenities. The proposed office structure will be oriented toward South Main Street. This new building will be designed to be compatible with, and not stand in contrast to, historic structures located within the district with regard to building scale, massing, materials, orientation and rhythm of openings.

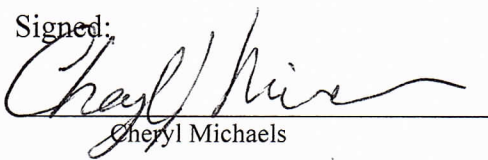
**Decision and Conditions**

Based upon these findings, the Development Review Board voted unanimously (5 – 0) to approve the project as presented with the following condition.

**Conditions:**

- 1. Any and all necessary state and federal permits must be in place before construction can begin.

Signed:

 , chair  
Cheryl Michaels

date 3/14/2016

 , acting clerk  
Kristen Leahy, Zoning Administrator

date 3/14/16

**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.