

Hardwick Development Review Board
Conditional Use Hearing
Manosh Properties
85 Industrial Park Road
Application #2016-010
April 20, 2016

To consider a conditional use request by Manosh Properties to build an addition to an existing Industrial building (for warehouse space) in the Industrial District. Property address is 85 Industrial Park Road, Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.5 Industrial District Table; 3.7 Height Requirements; 3.10 Parking and Loading Requirements, 3.11 Performance Standards; 3.12 Protection of Water Resources; and 5.2 Conditional Use Review.

Warnings were posted on April 5, 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: Anthony and Janet Sedutto; Town of Hardwick; Taylor and Stephen Meyer; Hardwick Enterprise Group LLC; and Andrew Meyer; on April 6, 2016. It was also published in the Hardwick Gazette on Wednesday, April 6, 2016.

Development Review Board members present: Cheryl Michaels, Chair; Edward Keene; John Mandeville, Helm Nottermann; and John Page.

Development Review Board members absent: Ruth Gaillard and Dan Bandit

Others present: Kevin Amyot, applicant and Kristen Leahy, Zoning Administrator.

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

#1 March 30, 2016 letter from Town Manager, Jon Jewett regarding the Source Protection Area Overlay District.

Summary of Discussion

Chair Cheryl Michaels began the hearing at 7:15 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing. Mrs. Michaels then asked Mr. Amyot to present the Manosh Properties proposal.

Mr. Amyot testified that Manosh Properties is proposing to add 8,000 square feet of single story warehouse space to an existing industrial structure. The additional space would be utilized by Grass Roots Distributors which works solely with Vermont products. Currently, the building houses Deano's Jalapenos, DNS Distributors and Vermont Natural Coatings.

The proposed space would have a 30'x40' walk-in cooler (to assist in the market feasibility and value of the additional space) and 3 additional truck bays (1 to the cooler and 2 to the warehouse space). Currently the structure has 3 truck bays.

The current configuration has not resulted in any issues with parking and the addition of the warehouse space is not anticipated to negatively impact on the parking situation.

Manosh Properties proposes to build and maintain a shallow storm water pond to absorb roof runoff from the additional impermeable surface. The soil on site is mostly gravel and does drain well. There is currently an issue with erosion on the abutting Meyer's property but this will be addressed and remediated as part of the expansion plans.

The hearing ended at 7:28 pm. John Mandeville made the motion to enter deliberative session. Helm Nottermann seconded the motion. The Board went into deliberative session at 7:28 pm.

Findings of Fact:

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

2.5 Industrial District – the proposed expansion meets the purpose of this district. The expansion will serve as warehouse space at an already established Industrial location.

3.7 Height Requirements – Proposed Height will be 22' (35' is the maximum height allowed).

3.10 Parking and Loading Requirements – the current parking configuration is adequate for the existing space. Three additional truck bays will be added to the delivery flow. The 2.68 acre site has ample parking space to accommodate the additional warehouse.

3.11 Performance Standards – The DRB reviewed each performance standard in relationship to the proposal. The noise level generated by truck traffic is within the standards set forth for the Industrial District. The lighting plan calls for down lit lights. The prospective tenant will not be storing hazardous materials on site. The projected expansion is not anticipated to create or result in violations of the performance standards.

3.12 Protection of Water Resources – Property location is in the Source Protection Area overlay district. Town Manager rendered the written opinion that the Town accepted the location within the Source Protection Area (see conditions #2 & #3).

5.2 Conditional Use Review - E) General Review Standards

The proposed conditional use will not result in an undue adverse effect on any of the following:

1. **The capacity of existing or planned community facilities and services.** No adverse effects identified.
2. **Character of the area affected.** Location within the Industrial District matches the purpose of this district and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The Industrial District circulation and traffic pattern is directed by an overall framework which is already in place. No adverse effect was identified.
4. **Bylaws in effect.** Source Protection Area concerns were addressed in the conditions.
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). **Proposed expansion meets all standards for the Industrial District.**

2. Performance Standards. All conditional uses shall meet performance standards as specified in Section 3.11. **Each Performance Standard reviewed – see above. No adverse effects identified.**

3. Access & Circulation Standards. All conditional uses shall meet applicable access management standards as specified in Section 6.6. **Proposed expansion meets all standards for the Industrial District.**

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. **No testimony was received to indicate the need for screening. Proposed expansion is compatible with other uses in the zoning district and is not visible from outside the Industrial Park.**

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. See condition #5.**

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously to approve the application as presented with the following conditions.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Manosh Properties must follow all applicable hazardous materials and waste handling procedures to ensure there is no soil contamination from activities occurring during construction or from the on-going operation of the building.
3. Manosh Properties must provide the Town of Hardwick with an annual inventory of all hazardous materials stored and/or used in the building. The inventory must be provided to the Town Manager's office by the first of July of each year.
4. All occupants of the proposed addition will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11.
5. Storm water remediation will occur as designed.

Signed:


_____, chair
Cheryl Michaels

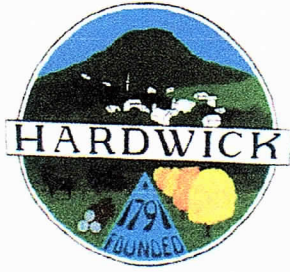
date 4-25-2016


_____, acting clerk
Kristen Leahy

date 4/25/16

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.



Town of Hardwick
Office of the Town Manager
P.O. Box 523
Hardwick, Vermont 05843

- Phone: (802) 472-8282 Fax: (802) 472-3793 jon.jewett@hardwickvt.org

Howard A. Manosh
Manosh Properties LLC
120 Northgate Plaza
Morrisville, VT 05661

March 30, 2016

Dear Mr. Manosh:

Your request to enlarge the Manosh building is approved in accord with the following understandings and conditions:

As described, the project will occur in the industrial park at Manosh Properties LLC located at 85 Industrial Park Road, in Hardwick, Vermont. There will be an 8,000 square foot expansion of the building. Excavation for the project will only be 5 feet in depth necessary to establish a foundation including footings and a frost wall. The intent of the expansion is to add warehouse space and it won't involve additional sewage discharges or water use. Additionally, Manosh Properties will not excavate into the aquifer or in any way impact the operation of the Town water wells located in the industrial park.

To ensure that you are aware, the Manosh building described above is located in the Town's water well "Source Protection Area" and as such is closely monitored by the Town and by the Vermont Department of Environmental Conservation. Manosh Properties must follow all applicable hazardous materials and waste handling procedures to ensure there is no soil contamination from activities occurring during construction or from the on-going operation of the building.

Your request for approval of this construction within the Source Protection Area is conditioned on Manosh Properties providing the Town with an annual inventory of all hazardous materials stored and/or used in the building. The inventory must be provided to the Town Manager's Office by the first of July of each year.

I have included a copy of the Town's Source Protection Plan with this letter. We will be updating the plan with information that relates to businesses included in your building. If you have questions or comments on anything included herein, please feel free to contact me and we can discuss them.

Respectfully,

Jon Jewett
Town Manager

CC: Hardwick Select Board

Hardwick Town Manager Office
Hardwick Town Clerk
Hardwick Public Works Director

Jon Jewett
Alberta Miller
Tom Fadden

(802) 472-6120
(802) 472-5971
(802) 472-6029