

Hardwick Development Review Board
Conditional Use Hearing
Four Season Leasing, Inc.
1868 VT Route 16, East Hardwick
Application #2016-029
July 6, 2016

To consider a conditional use request by Four Season Leasing to change the use of a previously existing structure from Personal Service to Mixed Use with Motor Vehicle Service and an Office in the Highway Mixed Use District. Property address is 1868 VT Route 16, East Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.3 Highway Mixed Use Table; 3.4 Conversions and Changes of Use; 3.7 Height Requirements; 3.8 Lot & Yard Requirements; 3.10 Parking and Loading Requirements, 3.11 Performance Standards; 4.10 Mixed Use; 4.12 Motor Vehicle Service & Gas Stations; and 5.2 Conditional Use Review – G3 (Highway Mixed-Use District Standards).

Warnings were posted on June 20, 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: BCP LLC, East Hardwick Fire District #1, Todd Dunn, Merilee and Donald Perrine, Leslie and Jeremy Michaud, Maurice Richardson Life Estate, and Irene and Warren Hill on June 20, 2016. It was also published in the Hardwick Gazette on Wednesday, June 22, 2016.

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

Development Review Board members absent: Dan Bandit, Vice-Chair

Others present: Ryan Molleur, applicant; Kristen Leahy, Zoning Administrator; Irene Hill, neighbor; Maurice Richardson, neighbor; Michael Richardson, neighbor; and Michael Bielawski, Hardwick Gazette reporter.

During the course of the hearing the following exhibits were submitted:
None

Summary of Discussion

Chair Cheryl Michaels began the hearing at 7:10 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. Molleur to present the Four Season Leasing proposal.

Mr. Molleur explained that 1868 VT Route 16 would serve as repair facility for Four Season Leasing and New England Tree Experts. New England Tree Experts performs utility tree work and storm restorations throughout New England. Equipment for the operation will be parked on site and will be repaired on site in the existing structure. They are currently at capacity on the site – some equipment is parked for use as spare and repair parts.

There is an approximately 10 feet wide green strip next to Route 16. The Office space in the structure serves as the corporate office. There are 5 employees who work on site – 2 will be in the office section. The current parking configuration has more than 5 parking spaces on site. Overall there are 90

employees in the companies but they are dispersed between two locations (an additional location is in Clarendon, VT).

Chair Michaels opened the discussion to the neighbors in the audience. Irene Hill requested the DRB to ask the State of Vermont to lower the speed limit in that location. The Board suggested that Mrs. Hill speak to Jon Jewett, the Hardwick Town Manager. The Board concurred that this was not their jurisdiction. Maurice Richardson asked if there will be any painting of vehicles on site. Mr. Molleur replied that they may occasionally affect minor repairs to the paint of their work vehicles but larger body work jobs will be sent off site to another company.

The questions returned to DRB members. In response to a question about traffic patterns, Mr. Molleur testified that there are two time frames which are busier than normal – 5 to 5:30 am and 4 to 4:30 pm. These time frames will have a steady stream of 4-5 vehicles being delivered and picked up for the daily work. Otherwise the traffic is standard for a repair/office situation.

The green space near the road was discussed for possible screening potential. Mr. Molleur testified that he is looking to expand the parking area to the rear of the building on the second tier of the property. This will be next to the current VAST trail but his intention is not to block the VAST trail.

The performance standards (Section 3.11) were reviewed individually. Mr. Molleur will receive a copy of these standards with his decision. Regarding electromagnetic disturbances, he testified that dispatch for the vehicles is handled by cell-phones/iPhones. The lights which are currently on site are down-lit and if the truck lights become a concern for the residential properties nearby, Mr. Molleur will have the vehicles back into the parking spots adjacent to Route 16. There will be oil, etc on site but this will be stored according to state regulations. There is currently an issue with dust (due to the weather at this particular time of year) – crushed stone will be placed in the parking area to mitigate this issue.

When asked about idle times for the trucks in the morning, Mr. Molleur responded that they typically are idling for 10-15 minutes or 20 minutes in the winter. The vehicles in use are both diesel and gas. The newer models do shut off after 10 minutes of idling. Mr. Molleur was reminded that he will need to comply with Vermont State Idling Regulations for his trucks. He felt that the presence of the hedgerows on both side property lines of the site will serve as a buffer to the idling noise. Route 16 delivers standard traffic noises in the area. However, he will further address this issue if concerns are raised by adjoining properties.

The hearing ended at 7:49 pm. John Mandeville made the motion to enter deliberative session. Ed Keene seconded the motion. The Board went into deliberative session at 7:49 pm.

Findings of Fact:

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

2.3 Highway Mixed Use District – This zoning district has the stated purpose of allowing automobile-oriented businesses along major travel corridors. The proposed change of use to a Mixed Use (Motor Vehicle Service and Office) is allowed by conditional use and aligns with the stated purpose of Highway Mixed Use district.

3.4 Conversions and Changes of Use (Subsection 4) – the structure was originally permitted for mixed use with motor vehicle service and an office. A conditional use permit was issued for a

Personal Service venture. This application reverts from Personal Service to the previous conditional use of Mixed Use.

3.7 Height Requirements – Existing building is under the maximum height of 35'. No new construction.

3.8 Lot & Yard Requirements – primary and secondary uses may be permitted as a mixed use in this neighborhood. Mixed use permit is being sought by the applicant.

3.10 Parking and Loading Requirements – the current parking configuration is adequate for the existing structure. 1 space for each of the 5 employees is necessary and available.

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 Highway Mixed Use District. The lighting in place is down lit. The applicant will be storing potentially hazardous materials on site but all oil, etc will be stored in accordance with State regulations. Idling times will be monitored with regards to neighboring residential properties and will be adjusted if concerns arise. Overall, the proposed use is not anticipated to create or result in violations of the performance standards.

4.10 Mixed Use – Office and Motor Vehicle Service are allowed in this district as conditional uses.

4.12 Motor Vehicle Service and Gas Stations – the repairs will only be performed on company-owned vehicles. No service to be provided to external customers.

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 Highway Mixed Use District matches the purpose of this district and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The Highway Mixed Use circulation and traffic pattern is directed by an overall framework which is already in place. No adverse effect was identified.
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). **Proposed use meets all standards for the Highway Mixed Use 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 uses meet all standards for the Highway Mixed Use 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 change of use has historically been in place and is compatible with other uses in the zoning district. Board discussed mandating a natural barrier, such as evergreen trees, between the parking area and Route 16 but ultimately decided that this could present a visibility barrier for traffic circulation with Route 16 and could possibly create a safety issue.**

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.

5.2G Highway Mixed Use Standards - No new structures being constructed, standards relate to actual development. 10 feet wide landscaped strip is pre-existing on site.

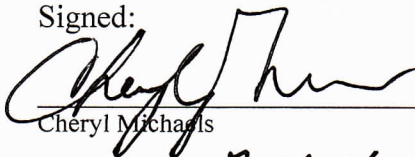
Decision and Conditions

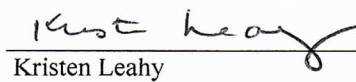
Based upon these findings, the Development Review Board voted unanimously 6-0 to approve the application as presented with the following conditions.

Conditions:

1. Any and all necessary state and federal permits must be in place.
2. All occupants of the structure will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11.
3. Applicant will explore feasibility of expanding the parking area to the rear of the property.
4. Applicant will minimize the glare of vehicle headlights in consideration of the abutting residential neighbors.

Signed:

 _____, chair
Cheryl Michaels

 _____, acting clerk
Kristen Leahy

date 7-11-16

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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.