

Hardwick Development Review Board  
Conditional Use Hearing  
*27 Good Place LLC (Bellavance)- Applicant/Landowners*  
*27 Good Place, Hardwick*  
*Application #2016-049*  
November 2, 2016

*To consider a conditional use request by 27 Good Place LLC (Bellavance) to change a use from an existing Two-Family Dwelling to a Multi-Family (3 Units) Dwelling in the Village Neighborhood zoning district at 27 Good Place, Hardwick.*

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.2 Village Neighborhood Table; 3.10 Parking and Loading Requirements, 3.11 Performance Standards; 5.2 Conditional Use Review; and 5.2 G Village Neighborhood District Standards.

**Warnings** were posted on October 17, 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: Robert Chaffee and Terri Renee Vest; Ronnie and Joyce Frederick; Yvonne Smith; Dale Bennett; George Whitney; Laurie and Brent Hodgdon; Mary Chaffee Benway and Aileen Chaffee; Lee and Michael Misuk; Thelma Rodriguez Life Estate; and Joseph Frank Neveu and Helen Neveu , on October 13, 2016. It was also published in The Hardwick Gazette on Wednesday, October 19, 2016.

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

**Development Review Board members absent:** Daniel Bandit, Vice-Chair

**Others present:** John Bellavance, Landowner/Applicant; Kristen Leahy, Zoning Administrator (acting clerk) and Jim Nudd, Interested Party.

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

## **Summary of Discussion**

Chair Cheryl Michaels began the hearing at 7:05 pm. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked board members for any disclosures of conflict of interest. Chair Michaels swore in all those who wished to speak at the hearing and asked if there were any other exhibits or letters for the DRB. Chair Michaels then asked the applicant to explain his proposal.

Mr. Bellavance explained that he was seeking to convert a three bedroom home with an attached 2-car garage and storage above into a 3 unit apartment building. The home has already been converted into a Two-Family home. He is now seeking to add a third apartment (one bedroom) in the garage/storage section of the structure. The structure would have 2 1-bedroom apartments and 1 2-bedroom apartment. The only structural expansion proposed is the addition of stairs to the third apartment. A four foot set of stairs would be added to the Eastern side of the building.

Mr. Bellavance testified that adequate off-street parking will be available. Six spots are provided in the

existing paved driveway and the adjacent space to the East. Each tenant will be allowed to have two spaces. The parking spaces will be in two layers with tenant cars parking behind each other.

Mr. Bellavance has been working with Patrick Larsen to meet all the state and local requirements for increasing the water and septic capacity of the structure. Application has been made to the State of Vermont – ww-7-4608. His intention is to upgrade the size of the water main into the structure after the winter months. The Division of Fire Safety has been contacted and all plumbing and electrical work has been accomplished by a licensed contractor.

Chair Michaels reviewed the Performance Standards with Mr. Bellavance. No concerns were identified.

The hearing ended at 7:20 pm. Edward Keene made the motion to enter into deliberative session and John Page 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 District** – the structure at 27 Good Place is pre-existing. The only addition will be a set of stairs to the third apartment, which will extend four feet beyond the existing footprint on the East side of the structure. Structure is non-conforming (rear/North setback is less than 15') but no alterations to that side of the structure are being requested. The use of a multi-family dwelling is listed under conditional uses.

**3.10 Parking and Loading Requirements** -. The parking configuration presented by the applicant has 6+ proposed spaces. The DRB finds this representation to be accurate and the parking proposal to be adequate for the proposed use of 3 units with 1.5 parking spaces per unit (4.5 or 5 units required).

**3.11 Performance Standards** – review was made of the performance standards by the DRB. No testimony was received which would indicate that these standards will not be met.

## **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 Multi Family Dwelling will not result in an undue adverse effect on the capacity of the existing facilities and services. The Town of Hardwick will need to agree to provide increased water and sewer allocations to the proposed change of use. See Condition #3.
- 2. Character of the area affected.** The proposed Multi Family Dwelling is located in the Village Neighborhood zoning district. No testimony was received to indicate that Multi Family Dwelling would change the character of the proposed location. Furthermore, the pre-existing structure was previously utilized in a similar manner as a Two Family Dwelling.
- 3. Traffic on roads and highways in the vicinity.** No testimony was received to indicate that the

inclusion of a third apartment in the pre-existing structure will significantly impact the current traffic patterns in the Good Place neighborhood.

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. **The performance standards were reviewed. No potential issues were identified.**

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 Multi Family Dwelling. Adequate parking area is proposed.**

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 which would indicate that this change of use will be an unsightly or incompatible use.**

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

**5.2G Village Neighborhood Standards**

A) The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g. street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building or that no other practical alternative exists. **The proposed Multi Family Dwelling will utilize a pre-existing structure.**

B) Buildings should be oriented toward and relate to, both functionally and visually, public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front façade should include a main entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings to achieve a consistent streetscape. **The proposed Multi Family Dwelling will utilize a pre-existing building.**

C) The scale and massing of new buildings, including height, width, street frontage, and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including place of worship, that may be

designed to serve as prominent focal points within the district. **No new structure development (beyond stairs to the third apartment) has been proposed with this request.**

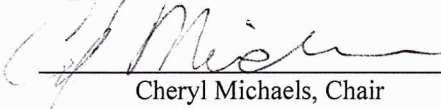
**Decision and Conditions**

Based upon these findings, the Development Review Board voted 6-0 to approve the 27 Good Place LLC application as presented with the following conditions:

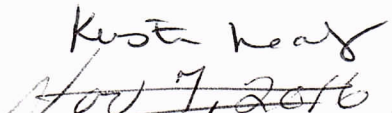
**Conditions:**

1. Any and all necessary state and federal permits must be in place before the structure can be converted to a 3-Unit Multi Family Dwelling.
2. All Performance Standards (Section 3.11) will be adhered to by the applicant. (Copy of the Hardwick Performance Standards is attached).
3. The Hardwick Select Board must agree to provide increased water and sewer allocations to the proposed Change of Use prior to the conversion to a 3-Unit Multi Family Dwelling.

Signed:

 \_\_\_\_\_, Chair  
Cheryl Michaels, Chair

date Nov 7, 2016

 \_\_\_\_\_, acting clerk  
Kristen Leahy, Zoning Administrator

date 11/7/16

**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.

## Hardwick Unified Development Standards

### Section 3.11 Performance Standards

- (A) The following performance standards must be met and maintained for all 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 use, 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;