

Hardwick Development Review Board
Conditional Use Review
Town of Hardwick
155 Creamery Road, Hardwick
Application #2017-028
September 20, 2017

To consider a Conditional Use Review request by the Town of Hardwick to construct an Accessory Structure (Garage/Storage) at an existing Public Facility (Town Garage) site in the Village Neighborhood zoning district at 155 Creamery Road, Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.2 Village Neighborhood Table; 3.11 Performance Standards; 3.13 Parking and Loading Requirements; 4.15 Protected Public Uses; 5.2 Conditional Use Review; and 5.2 G Village Neighborhood District Standards.

Warnings were posted on September 5, 2017 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: Gregory Parkhurst; Copley Hospital Inc.; Elaine Gendron and Earl Mercier Jr.; Hardwick Emergency Rescue Squad, Inc.; David Gendron and Elaine Gendron; William Bourne; Patricia Bessette Est. Trust; Richard Barnes and Lorraine Barnes; Eleanor Michaud; Rhea Allen and Joshua Allen; Mary Piper; George Whitney; Roger Heilig Jr. Trust; Stephen Greaves and Kim Greaves; Michael Carr and Melissa Carr; John and Rosalie Desgroseilliers Life Estates; Coco Browne-Holton and Richard Holton; Caspian Lake Masonic; and Margaret Mcguire Revocable Trust on September 5, 2017. It was also published in The Hardwick Gazette on Wednesday, September 6, 2017.

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

Development Review Board members absent: Daniel Bandit and Cheryl Michaels

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Select Board Chair Eric Remick, applicant representative.

During the course of the hearing and prior to the hearing the following exhibits were submitted:
Exhibit 1: Tax Map with correct site location.

Summary of Discussion

Chair John Mandeville began the hearing at 7:02 pm. He noted 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. Chair Mandeville asked if there were any exhibits or letters for the DRB. None were provided at this time.

Select Board Chair Eric Remick described the proposed development for the Town of Hardwick. Last winter, a Town storage shed in the Highway Department complex was destroyed by arson. The structure was a complete loss and engineers have subsequently recommended a complete rebuild. The Highway Department is seeking to build the same size storage shed but in a different location on the Town parcel. The structure will be moved to be in alignment with the currently existing Highway Department buildings. The proposed location is notated correctly on the Tax Map Version in the application packet (Exhibit #1).

Select Board Chair Remick stated that the new accessory structure will be built to current Public Building standards and will have electricity but not water or sewer. He verified that this structure will be a community-owned accessory structure to a public facility (Town Highway Garage).

The hearing ended at 7:14 pm. John Page made the motion to enter into deliberative session and Ed Keene 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 – all setbacks and dimensional standards are met for this district. Conditional use of Public Facility previously existed. The proposed building would be an accessory structure to this conditional use. Due to the structure’s proposed size (over 500 square feet), the conditional use review was necessitated.

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 – Non-residential parking areas typically require screening from the adjoining residential properties. In this request, however, the DRB finds that no testimony from neighbors was received which would indicate a need for screening. Furthermore, natural vegetative screening already exists on the perimeter of the parcel.

4.15 Protected Public Uses – the proposed Accessory Structure would be located in the Village Neighborhood District. This District is specified as a designated district for “State or community owned and operated institutions and facilities [see Public Facility].” Testimony was received that the Garage/Storage Shed is a community owned, accessory structure to a public facility as defined by this section. The proposal can be “regulated only with respect to size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements and only to the extent that regulations do not have the effect of interfering with the intended functional use.”

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 proposed use will not affect either capacity.
- 2. Character of the area affected.** Proposed Accessory Structure would replace a fire-damaged structure and will be associated with a pre-existing use. Character of area should be improved by the removal of the damaged structure and the installation of a new shed.
- 3. Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns.

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. 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 to be 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 requirements were made by the Development Review Board.**

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.

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 accessory structure will be oriented toward Creamery Road**

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. **Proposed accessory structure is within the height limitation and in keeping with the surrounding Town Garage complex.**

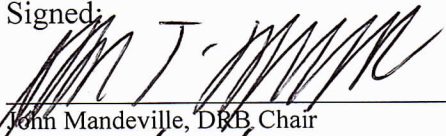
Decision and Conditions

Based upon these findings, the Development Review Board voted 5 to 0 to approve the Town of Hardwick's 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 Town of Hardwick will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).

Signed:


_____, Chair
John Mandeville, DRB Chair

Date 9/25/17


_____, acting clerk
Kristen Leahy, Zoning Administrator

Date 9/25/17

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;

