

Hardwick Development Review Board
Conditional Use Review
George Bond; Landowner
124 South Main Street, Hardwick
Application #2017-043
November 29, 2017

To consider a Conditional Use Review request by Kerin's Sign Svc to install O'Reilly Auto Parts signs at the existing Bond store structure in the Central Business zoning district at 124 South Main Street, Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 3.14 Sign Regulations; 5.2 Conditional Use Review; and 5.1 G Central Business District Standards.

Warnings were posted on November 7, 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: Roderick and Linda Mae Clow; Cornerstone Restoration CP, LLC; Julie Holcomb-Gravel; Claudia Gohl; MG Properties, LLC; Town of Hardwick; Hardwick 87 LLC; and the Hardwick Town School District #26 on November 7, 2017. It was also published in The Hardwick Gazette on Wednesday, November 8, 2017.

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

Development Review Board members absent: Ruth Gaillard, Daniel Bandit

Others present: Kristen Leahy, Zoning Administrator (acting clerk); John Kerin, applicant representative.

During the course of the hearing and prior to the hearing the following exhibits were submitted:
Exhibit 1: N/A

Summary of Discussion

Chair John Mandeville began the hearing at 7:15 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.

Mr. Kerin was asked to describe the proposal to the DRB. Bond Auto Parts was recently transferred to O'Reilly Auto Parts. O'Reilly would like to change the existing signs to reflect the change in ownership. The existing Bond signs are significantly larger than what is currently allowed in the Central Business district. O'Reilly is requesting 24 square feet signs on two building faces. The proposed signs would be internally lit with LED letters. The proposed lights would be white rather than the existing red illumination.

It was noted that the sign on Wolcott Street is not currently illuminated due to traffic safety concerns.

O'Reilly understands that the stated size of the signs for this zoning district is 16 square feet. They are seeking 24 square feet as can be allowed by consent of the Development Review Board.

The hearing ended at 7:35 pm. John Page made the motion to enter into deliberative session and Helm Nottermann seconded. All members were in favor.

Findings of Fact:

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

3.14 Sign Regulations –

(2) One free-standing sign is allowed. **No free-standing sign was requested.**

(3) In addition, a principal business shall be allowed one hanging wall mounted sign per building face.

O'Reilly has requested two wall mounted signs. One sign would be placed on the South Main Street building face and one sign would be placed on the Wolcott Street building face.

(5) No sign located within the Central Business District and Village Neighborhood District shall have a sign area that exceeds 16 square feet. The Development Review Board may, however, approve a sign of up to 25 square feet as a conditional use in accordance with Section 5.2. **O'Reilly may have signs which do not exceed 16 square feet in sign area as permitted.**

(11) Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant, shielded light source may be used for indirect lighting, provided that the light fixture is mounted on the top or side of the sign, is directed onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads. **The sign on the Wolcott Street building face may not be internally lit as it will adversely affect vehicular traffic. (See Condition #2)**

(14) No nonconforming signs may be replaced, expanded or the message altered to advertise a different owner, management or brand, unless such altered sign is brought into conformance with these standards. **The current Bond signs are non-conforming in size. The new O'Reilly signs must conform to current standards.**

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 signs will not affect either capacity.

2. **Character of the area affected.** Proposed signs are reduced in size from the previous non-conforming signs. However, no compelling evidence or reasons were provided to grant a conditional use size of more than 16 square feet.

3. **Traffic on roads and highways in the vicinity.** The proposed signs will not affect the current traffic patterns. The sign on Wolcott Street shall not be lit due to traffic safety concerns.

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. **In order to be certain that the vision of motor vehicle operators will not be impaired, the Wolcott Street sign shall not be lit.**

3. Access & Circulation Standards. All conditional uses shall meet applicable access management standards as specified in Section 6.6. **Proposed signs will not affect the traffic patterns.**

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.**

5.1G Central Business District. Within the Central Business District, development shall be designed in accordance with the following 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 structure is pre-existing.**

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. Buildings located on corner lots shall either be oriented toward the major street or include a corner entrance. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape. **N/A**

C) New buildings and additions to existing buildings shall 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. **N/A**


Decision and Conditions

Based upon these findings, the Development Review Board voted 4-0 with 1 abstention to allow Bond/O'Reilly (Kerin's Sign Svc) to have signs on two building faces up to the permitted amount of 16 square feet with the following conditions:

Conditions:

1. The Applicants will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
2. The sign on Wolcott Street will be unlit due to vehicular safety concerns.

Signed:

 _____, Chair
John Mandeville, DRB Chair

 _____, acting clerk
Kristen Leahy, Zoning Administrator

Date 12/4/17

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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.

Hardwick Unified Development Standards

Section 3.11 Performance Standards

- (A) The following performance standards must be met and maintained for all Conditional Uses and Home Occupation 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 Conditional Uses or Home Occupation uses, 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;