

Hardwick Development Review Board
Conditional Use Review
Ruth and Scott Foster
589 South Main Street, Hardwick
Application #2017-042
November 29, 2017

To consider a Conditional Use Review request by Ruth and Scott Foster to change the use (Mixed Use – Retail/Personal Service/Office) of an existing structure in the Highway Mixed Use zoning district at 589 South Main Street, Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.3 Highway Mixed Use Table; 3.11 Performance Standards; 3.13 Parking and Loading Requirements; 3.14 Sign Regulations; 4.12 Mixed Use; 5.2 Conditional Use Review; and 5.3 G Highway Mixed Use 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: Betty Benway; Wendell and Ann Ainsworth; Dale Manning; Robin Lumsden; Robert Young Life Estate; Jean Dutton and Harry Miller; Sandra Gendron; Raymond and Sharyn Salls; and Marie and Robert Dunbar-Cloutier on November 7, 2017. It was also published in The Hardwick Gazette on Wednesday, November 8, 2017.

Development Review Board members present: Daniel Bandit; Ruth Gaillard; 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); Ruth Foster, applicant.

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 7:00 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.

Mrs. Foster was asked to describe her proposal to the DRB. She testified that she wishes to open an office for photocopying and faxing, with UPS customer service (including drop-off and pick-up). There will be a space for retail of office supplies and a larger section for package drop-off. The larger section may be utilized for office furniture retail if demand seems to be present.

Cheryl Michaels asked if there would be any truck deliveries. Mrs. Foster responded that the UPS van/delivery trucks would be utilized and the W.B. Mason delivery truck. No tractor trailer deliveries are anticipated at this time.

The entire structure is 1200 square feet.

The proposed hours of operation will be Monday to Thursday, 1-7pm; Friday, 8-6 pm; and Saturday, 8-noon.

The hearing ended at 7:15 pm. Helm Nottermann made the motion to enter into deliberative session after the following hearing and Cheryl Michaels seconded. All members were in favor.

Findings of Fact:

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

2.3 Highway Mixed Use – all setbacks and dimensional standards are met for this district. Conditional use of Light Industry previously existed. Applicant is requesting a Change of Use to Mixed Use (Retail/Personal Service/Office).

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 – The requested uses (Retail/Personal Service/Office) require 1 parking spot per 300 sq. feet of gross floor area. Approximately 1200 sq feet of floor area exists, necessitating 4 spots plus a parking location for the owner/employee. The DRB found that adequate parking exists on site.

Non-residential parking areas typically are located to the side or rear of the building. However, the DRB found that the parking area at this location is a pre-existing situation.

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.

3.14 Sign Regulations – The application includes requests for signs. One free-standing sign is allowed. In addition, a principal business shall be allowed one hanging wall-mounted sign per building face. Signs in the Highway Mixed Use District shall not exceed 32 square feet. The applicant requested one free-standing sign, and two wall-mounted signs for the building faces. None of the signs shall exceed the 32 sq. feet size in sign area.

4.12 Mixed Use – More than one principal use may be allowed within a single building subject to the following:

- a) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located. **Office, Retail and Personal Service are all conditional uses within the Highway Mixed Use Zoning district.**
- b) The uses in combination meet all applicable standards for the district in which the mixed use is proposed.
- c) The mixed use shall meet all applicable general standards under Article 3, including but not limited to sign and parking requirements.

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 Change of Use is compatible with the area. Character of area should be improved by renovation and utilization of the pre-existing structure.
3. **Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns.
4. **Bylaws in effect.** Per Jon Jewett, Town Manager, the requested change of use will not impact the existing Town water and sewer requirements. No upgrades required for this proposal.
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.**

5.3G Highway Mixed-Use District. Within the Highway Mixed Use District, development with frontage on state highways (Route 15, Route 14, Route 16) shall be designed in a manner that meets the following standards:

A) Within and contiguous to parking areas, landscaping shall emphasize the use of shade trees to provide a tree canopy, provide separation between parking spaces to avoid large expanses of parking and minimize the visibility of parking area from off-site. Suitable locations for shade trees include along walkways, in center islands, in between parking spaces and clustered in appropriate locations. **The change of use is proposed for a previously existing structure where a large expanse of parking is not present.**

B) A landscaped strip of at least twenty (20) feet shall be provided parallel to the road, which may be crossed by driveways and sidewalks. Form, location, and composition of the landscaped strip shall be shown on the site plan and approved by the Development Review Board. **The Development Review Board decided that the buffer was unnecessary as this is a previously existing structure.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the Foster application as presented and amended with the following conditions:

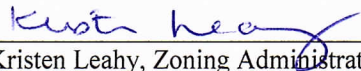
Conditions:

1. Any and all necessary state and federal permits must be in place before development can commence.
2. The Applicants will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
3. All signs must be in conformance with the sign regulations in 3.14.

Signed:


_____, Chair
John Mandeville, DRB Chair

Date 12/4/17


_____, acting clerk
Kristen Leahy, Zoning Administrator

Date 12/4/17

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.