



APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE

Town of Hardwick
PO Box 523, Hardwick, VT 05843
(802) 472-1686
zoning.administrator@hardwickvt.org

FOR TOWN USE ONLY

Application Number: 2022-065 Tax Map Number 24051-00050
Zoning District CB
Date Application Received 11/14/22 Fee Paid \$ 15⁰⁰ record Date Paid 11/14/22
fee

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the *Town of Hardwick* according to the attached fee schedule.

Applicant(s):

Name(s): Buffalo Mountain Market agent: William Chidsey F.M.
Mailing Address: po box 336 Hardwick VT 05843
Telephone(s) Home: 802-279-6004 Work: same Cell: same
E-Mail: bill@buffalountaincoop.org

Landowner(s) (if different from applicant(s)):

Name(s): Buffalo Mountain Coop Inc. Board Member Bruce Kaufman
Mailing Address: po box 336 Hardwick VT 05843
Telephone(s) Home: 802-472-6169 Work: 802-472-6020 Cell: 802-279-4202
E-Mail: bkriversidefarm@gmail.com

Physical Location of Property (911 address):

75 + 91 Mill St Hardwick VT 05843

Type of Permit:

Conditional Use Variance

Proposed Use/Development (please check all that apply):

- New Construction
- Commercial
- Accessory Use
- Renovation/Remodeling
- Change of Use (please describe): _____
- Sign or Other (please describe): lifting of 2019-041 decision + conditions
page 3 line 3

Estimated Value of Project: \$ 20,000

Other Permits or Verifications Which May Be Necessary:

- State Potable Water and Wastewater Permits - _____
- Town of Hardwick Water and/or Sewer Connection Verification - _____
- Site visit approval **Schedule site visit when completed application is submitted.**
- Local utility company has been consulted - yes [] no _____
- Curb Cut - requires a separate application - necessary if a new driveway must be installed.
[] Applied (date) _____ Not required

Property Description:

Acreage in lot .65

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 187

Setbacks:	Front <u>80</u> (to center of road)	Left Side <u>20</u>
	Right side <u>102</u>	Rear <u>20</u>
	Stream <u>20 at rear</u>	Other _____

Dimensions of Proposed and Existing Buildings:

Existing:		Proposed: <u>Same</u>	
Length <u>100</u>	No. of Stories <u>1</u>	Length _____	No. of Stories _____
Width <u>60</u>		Width _____	
Height <u>18.5</u>		Height _____	

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") grocery store

Proposed use and occupancy. same

General Location Map and Site Plan:

In order for a Conditional Use application to be reviewed by the Development Review Board, a general location map and a completed site plan must be provided.

A general location map (on a USGS topographic map or Vermont orthophoto base) showing the location of the proposed development in relation to zoning districts, public highways, drainage and surface waters, and adjoining properties and uses.

A completed site plan includes, but is not limited to:

1. North Arrow, scale, project name, date and name and address of the person or firm preparing the map;
2. The dimensions of the lot, property lines and setback distances from boundaries;
3. The location and names of roads and streets abutting the property;
4. Existing site features, including ridgelines, hill tops and areas of steep slope (greater than 25%); drainage, surface waters, wetlands, and associated setback areas; vegetation and tree lines; historic features (ie. Stone walls), and designated critical habitat, flood hazard and source protection areas;
5. The location (footprints) of existing and proposed structures, including all buildings, other structures, signs, and/or walls;
6. Existing and proposed rights-of-way and easements;
7. Existing and proposed roads, driveways, parking and loading areas (traffic circulation), and pedestrian paths;
8. Existing and proposed utility lines, water supply and wastewater disposal areas;
9. Proposed site grading (cut and fill), stormwater management, and erosion control measures; and
10. Proposed outdoor lighting, landscape design and screening.

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.
(This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

See attached 16" x 24" Site Plan

NOTE FOR CONDITIONAL USE PERMITS: Additional information may be required by the Development Review Board to determine conformance with the Town of Hardwick Zoning Bylaws. The application will not be considered complete by the DRB until all required materials have been submitted. One or more application requirements may be waived by the DRB, at the request of the applicant, should the DRB determine that the information is unnecessary for a comprehensive review of the application. Waivers shall be issued by the Board in writing at the time the application is accepted and deemed complete.

Applicant requests a waiver from application requirements. Reason(s) for waiver include(s) the following:

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes Town Personnel to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

The undersigned understand that additional information, such as a survey of the property or expert testimony may be required for review and consideration of this application by the Zoning Administrator or by the Development Review Board and, that, upon my written authorization, fees for such additional information shall be my responsibility.

The permit will expire and become null and void within 2 years from the date of issuance if the permitted development has not commenced.

Construction may not be started until 30 days from the date of Development Review Board approval.

Signature of Applicant(s) William Chidsey F.M Date 11/11/22

Signature of Landowner(s) B. [Signature] Date 11/11/22

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

The applicant or any interested person who has participated in the proceeding may appeal a decision of the Development Review Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act (4471, 4472).

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 477-2241 or jeff.mcmahon@vermont.gov

FOR ADMINISTRATIVE USE ONLY

Date of Approval or Denial by Development Review Board: _____

Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date) _____

Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date) _____

11/11/22

Town of Hardwick DBR
PO box 523 Hardwick, VT 05843

Buffalo Mountain Market [BMM]
75 Mill Street, Hardwick, VT 05843

RE: BMM's Conditional Use / Variance application concerning "DRB Decision and Conditions for 91 Mill Street, LLC — 2019-041, August 2019"

Dear Hardwick Zoning Administrator Kristen Leahy,

We request to lift [first sentence] Line #3 "The existing curb cut will have adequate impediments to prevent vehicular usage."

We are submitting documents supporting our plans to adhere to the [second sentence] Line #3 "Furthermore, the Mill Street boundary of the property will have adequate impediments to clearly delineate the line between the parking area and the existing sidewalk."

Recorded as: DRB Decision for 91 Mill Street, LLC—2019-041, August 2019 Page 3 of 5.

Summary outline:

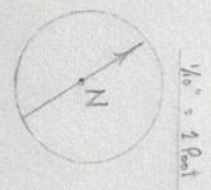
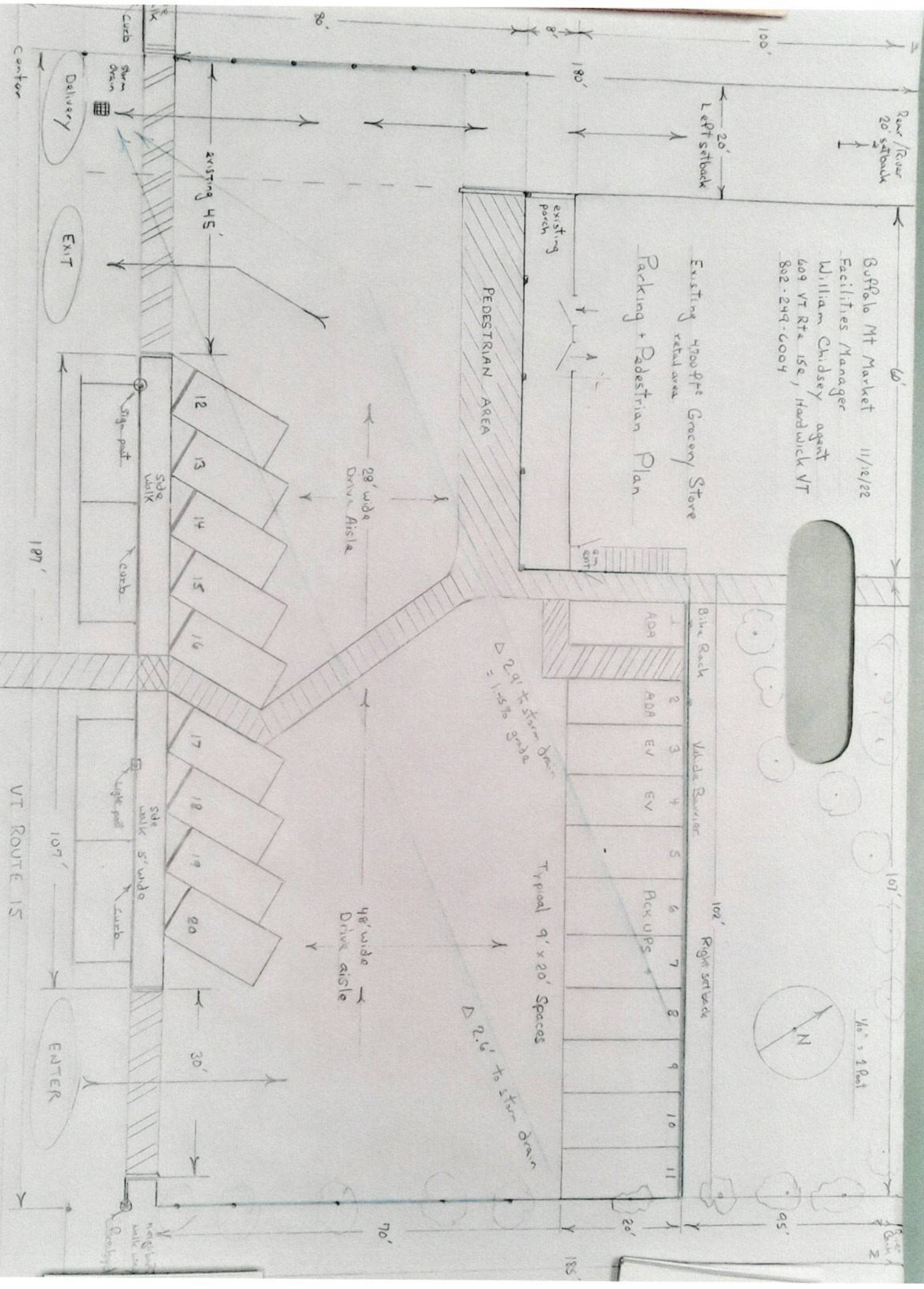
Existing "As-built" BBM grocery store parking conditions:

75 Mill St. [lot where Grocery store is located]

- * 100' of frontage completely paved vehicle access open to Rte 15
- * 5 parking spaces [north] directly in front of the store
- * 4 parking spaces [south] perpendicular to the street
- * Narrow 15 - 16' drive aisle width between north and south rows
- * Bi-directional, un-marked, circular traffic around the signpost
- * No sidewalk
- * No pedestrian markings
- * No vehicle barriers

Buffalo Mt Market 11/12/22
 Facilities Manager
 William Chidsey agent
 609 VT Rte 15E, Hardwick VT
 802-249-0004

Existing 4700 sq ft Grocery Store
 Retail area
 Parking + Pedestrian Plan



Typical 9' x 20' Spaces

$\Delta 2.0'$ to storm drain
 $\Delta 1.5'$ to curb

$\Delta 2.0'$ to storm drain

28' wide Drive Aisle

48' wide Drive Aisle

existing 45'

Side walk

Side walk 5' wide

Delivery

EXIT

ENTER

Curb

VT ROUTE 15

Back

91 Mill St. [adjacent lot where parking and greenspace is located]

- * 87' of undeveloped frontage forming a continuous, adjacent parking lot with 75 Mill St.
- * [entry and exit] vehicle access to Rte 15 must pass through the narrow, bi-directional, un-marked, circular traffic around the signpost in front of 75 Mill St.
- * 7 parking spaces [north]
- * 5 parking spaces [south] perpendicular to the street
- * Narrow 16 - 17' of drive aisle
- * Ni-directional, unmarked, dead-end traffic
- * No sidewalk or pedestrian markings
- * Temporary "log" vehicle barrier [south]
- * No vehicle barriers [north] protecting greenspace

Existing safety hazards:

- * Vehicles blocking entry and exit egress at the circular traffic around the signpost
- * Vehicles observed blocking pedestrian sidewalk egress
- * Rear bumper and tow hitches protruding into traveled lane
- * Narrow, undersized drive aisles
- * Two-way traffic into dead end parking lot [91 Mill St]
- * Bi-directional, unmarked, circular traffic around the signpost

Proposed Buffalo Mountain Market parking solutions:

- * Discontinue bi-directional, un-marked, circular traffic around the signpost
- * Place traffic barriers to reduce 75 Mill St driveway to 45' width
[amounting to a 63.5' driveway width reduction]
[creating a 45' wide one-way customer exit and delivery driveway]
- * Place traffic barriers to clearly provide safe pedestrian sidewalk zone
- * Nine ft. sidewalk setback from Mill St for temporary delivery truck stopping
- * Remove impediments placed to prevent vehicular usage of 91 Mill St driveway
[creating a one-way parking lot customer entrance]
- * Widen drive aisles with angled parking and lengthened [north] parking spaces
- * Provide, well marked, compliant handicapped parking adjacent to the store
- * Provide EV charging parking spaces
- * Place markings for [20] compliant 9' wide x 20' long parking places
- * Create clear pedestrian and bike rack area
- * Install clear, visible one-way signage
- * Place compliant pedestrian pavement markings

Sincerely,



William Chidsey

Attached:

- * Completed & Signed Application for Conditional Use Permit
- * Application payment
- * Site drawing
- * BMM Typewritten Application and Site Drawing Information
- * Parking lot and storefront Site Drawing
- * Aug 22 hourly customer count history [busy day relevant to max parking load]
- * Copy Unified Development Bylaws Sec. 3.13 Table 3.1
- * Copy of "DRB Decision and Conditions for 91 Mill Street, LLC — 2019-041, August 2019"
- * March 17, 2022 deeds
- * 2022-2023 Tax bill
- * Assessment Field Cards
 - 59 Mill St
 - 75 Mill St
 - 107 Mill St
 - 117 Mill St
- * CAI tax map screenshot
- * NRCS web Soil Survey
- * VT ANR Atlas map
- * Google Maps ariel photos

Hardwick Development Review Board
Conditional Use Review Request
91 Mill Street, LLC
91 Mill Street, Hardwick
Application #2019-041
August 21, 2019

To consider a Conditional Use Review request by 91 Mill Street, LLC for the creation of a parking area (Accessory Use to a pre-existing Conditional Use – Retail) in the Central Business zoning district. Development would occur at 91 Mill Street, Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.1 Central Business Zoning District; 3.11 Performance Standards; 3.12 Protection of Water Resources; 3.13 Parking and Loading Requirements; 5.2 Conditional Use Review; and 5.2 G1 Central Business District Standards.

Warnings were posted on Wednesday, July 31, 2019 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: Highland Hill Limited Partnership; Bair LLC; Grass Roots Art & Community Efforts; HVM Real Estate, LLC; Hay's Service Station, Inc.; Jay Caroli; Town of Hardwick; and Roger Demar on Wednesday, July 31, 2019. It was also published in The Hardwick Gazette on Wednesday, July 31, 2019.

Development Review Board members present: Kate Brooke; Ruth Gaillard; John Mandeville; Helm Nottermann; and Ed Keene.

Development Review Board members absent: None.

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Pam and Guy Trag, applicants.

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

Summary of Discussion

Chair John Mandeville began the hearing at 7:45 pm. He noted that 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.

The applicants, Pam and Guy Trag, explained that they wish to utilize the newly cleared lot for parking purposes of their adjacent retail business. The initial plan is to have a gravel parking area but, eventually, they hope to pave the parcel. Access will be obtained from the existing Village Market parking lot. The Trags intend to place impediments in the curb-cut area on the 91 Mill Street property but they do not wish to relinquish to right to utilize the curb-cut in the future. They spoke to Tom Fadden, the Road Agent, and he did not express any concerns with the proposal.

The Trags do not have any current plans for the remaining section of the property. The present plan is to utilize the residual space as a green space. In the future, there may be a compatible business on site or an extension of their existing business.

It was noted that the area which will be utilized for parking is essentially the same size as the pre-existing distressed house which was removed.

No additional lights will be installed in the parking area.

The hearing ended at 8:00 pm. Helm Nottermann made the motion to enter into deliberative session after the following hearing 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:

2.1 Central Business – all setbacks and dimensional standards are met for this district. An Accessory Use (parking) to a Conditional use (Retail) is allowed. Applicant is requesting a parking area for a pre-existing Conditional Use (Retail).

3.11 Performance Standards – review was made of the performance standards by the DRB. **No adverse aspects were identified.**

3.12 Protection of Water Resources – the property is located on the Lamoille River and in the Flood Hazard Area Overlay. “An undisturbed, vegetated buffer strip shall be maintained for a minimum of 25 feet from all streams, rivers, and lakes. The 25 feet buffer strip shall be measured from the top of the streambank.” The project is well beyond the 25 feet buffer and the Flood Hazard Area overlay?

3.13 Parking and Loading Requirements – The requested use is additional parking for an existing business. “Non-Residential parking areas shall be located to the side or rear of buildings unless otherwise approved under site plan or conditional use review and shall be screened from adjoining residential properties.” **The DRB found that adequate parking exists on site.** The proposal is to the side of the existing building and a row of trees exists between the area and the adjacent residential structure.

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 Use is compatible with the area.
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. The expanded parking**

should alleviate some aspects of traffic flow in the existing parking area.

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 as 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. **Parcel has had erosion control standards applied to demolition and removal of the existing residential structure.**

5.2G Central Business 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 property is adjacent to a pre-existing building. No new buildings are being constructed.**

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. **No new buildings are being constructed.**

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. **No new structure development proposed for the site.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the 91 Mill Street, LLC conditional use 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 Applicant will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
3. The existing curb cut will have adequate impediments to prevent vehicular usage. Furthermore, the Mill Street boundary of the property will have adequate impediments to clearly delineate the line between the parking area and the existing sidewalk.

Signed:


_____, Chair
John Mandeville, DRB Chair

Date 8/26/19


_____, acting clerk
Kristen Leahy, Zoning Administrator

Date 8/26/19

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in

