

Hardwick Development Review Board
Conditional Use Review Request
Bair LLC
39 North Main Street, Hardwick
Application #2020-033
August 19, 2020

To consider a Conditional Use Review request by Bair, LLC for the conversion of a pre-existing Mixed Use (School/Apartments/Restaurant/Office) structure into a Multi-Family Dwelling in the Central Business zoning district. Development would occur at 39 North Main Street in Hardwick, VT.

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

Warnings were posted on Monday, August 3, 2020 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: Glenn Mink; American Legion Post #7; and Shawn Allen on Tuesday, August 4, 2020. It was also published in The Hardwick Gazette on Wednesday, August 5, 2020.

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

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Isaac Jacobs of Bair, LLC, applicant;

During the course of the hearing and prior to the hearing the following exhibits were submitted:

1. Parking Plan for 39 North Main Street at 64 North Main Street (Jeudevine Mansion).

Summary of Discussion

Chair John Mandeville began the hearing at 7:00 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.

Mr. Mandeville invited the applicant to present his proposal. Isaac Jacobs of Bair LLC explained that 39 North Main Street currently has 3 apartments on the third floor (which are fully rented), a vacant second floor where the Buffalo Mountain School was previously located, and two office/commercial spaces on the first floor with one office tenant in place (MacNurse). Bair LLC would like to convert the 1st and 2nd floors into 8 apartment units. There would be 4 units on the first floor – 2 studio apartments, a 1-bedroom apartment and a 2-bedroom apartment. The 2nd floor would also have 4 units – 3 1-bedroom apartments, and a 2-bedroom apartment. A total of 11 units would be created in the existing structure. The basement is empty and would continue to be utilized for utilities, heat, etc.

The 3rd floor apartments have access from the rear of the building, the 2nd floor has access from the side of the building and the first floor has access from the front/sidewalk. The structure is sprinklered and therefore does not need to have a secondary egress for each apartment. However, the fire marshal will be reviewing the proposal/structure and all suggestions will be followed by Bair LLC. Twelve parking spots have been made available at 64 North Main Street (Jeudevine Mansion) across North Main Street. The property is owned by the same entity and the commercial businesses are already utilizing this parking area (see Exhibit #1). Safety lighting will be installed per the recommendation of the fire marshal. Waste disposal will be available (dumpster) at 64 North Main Street (Jeudevine Mansion) and can also be made available in the basement of 39 North Main Street.

The hearing ended at 7:33 pm. Ed Keene made the motion to enter into deliberative session after the following hearing 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:

2.1 Central Business Use – all setbacks and dimensional standards are met for this district. Applicant is requesting the conversion of an existing building with interior alterations. Multi-Family Dwelling is allowed as a conditional use. No minimum lot area per unit is listed on Table 2.1.

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 use is a multi-family dwelling in an existing mixed use structure. “Off street parking will be required ... for dwelling units as provided in Table 3.1, or as otherwise allowed by the Development Review Board in accordance with a parking plan submitted by the applicant.” Table 3.1 requires 1.5 parking spaces per unit. **The applicant is proposing to provide 12 parking spots for the structure at 64 North Main Street (Jeudevine Mansion) across North Main Street (Exhibit #1). The DRB found that adequate parking would be created.**

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 Multi-Family Dwelling 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.**
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. **No additional plans were indicated as necessary.**

5.2 G1 Central Business District 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 development will not require any new structures.**

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. **Front façade does include a main entry-way and pedestrian access to the North Main Street. The proposal does not adjust this aspect.**

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. **Neither new buildings nor additions are being proposed with this conversion.**

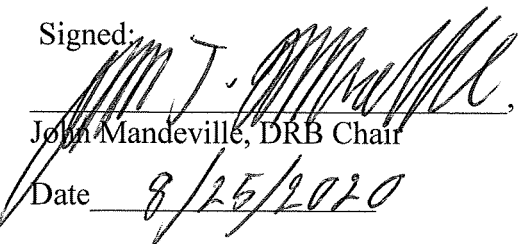
Decision and Conditions

Based upon these findings, the Development Review Board voted 5 to 0 to approve the 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. Water and wastewater changes will need a permit or a waiver from the State of Vermont. An allocation letter from the Town of Hardwick will also be required.
4. As delineated in Exhibit #1, parking for all tenants at 39 North Main Street will be provided off-street, in the adjacent 64 North Main Street (Jeudevine Mansion) parking area.
5. In the event of a transfer of ownership of 39 North Main Street or 64 North Main Street (Jeudevine Mansion) from Bair LLC, the use of 12 parking spaces at 64 North Main Street (Jeudevine Mansion) will be deeded to 39 North Main Street.
6. Waste disposal will be made available to the tenants of the subject building in the basement of 39 North Main Street.

Signed:


John Mandeville, DRB Chair

Date 8/25/2020


Kristen Leahy, Zoning Administrator

Date 8/25/2020

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:

represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or

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;

