

Hardwick Development Review Board
Conditional Use Review Request
Town of Hardwick and the Jeudevine Memorial Library
81 & 93 North Main Street, Hardwick
Application #2021-002
February 17, 2021 via Zoom

To consider a Conditional Use Review request by the Town of Hardwick for the Jeudevine Memorial Library to construct an addition on a Public Facility (Library expansion) in the Central Business zoning district. Development would occur at 81 & 93 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 4.15 Protected Public Uses; Section 5.2 Conditional Use Review; and Section 5.2 G1 Central Business District Standards.

Warnings were posted on Monday, February 1, 2021 outside the Hardwick Memorial Building, in the Hardwick Post Office and in the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Shawn Allen; 65 GSA LLC; Bair LLC; Robert Alcusky and Sally Anstey; Brian Perry and Donna Perry Life Estate; Piet Commercial RE LLC; and St. John the Baptist Episcopal Church on Tuesday, February 2, 2021. It was also published in The Hardwick Gazette on Wednesday, February 3, 2021.

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

Development Review Board members absent: Helm Nottermann and Ed Keene

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Lisa Sammet; Jodi Lew-Smith; Stephen Diglio; Brittanie Bradley; and John Tuthill.

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

1. **Memorandum of Understanding between St. John the Baptist Episcopal Church and the Jeudevine Memorial Library.**
2. **Memorandum of Understanding between Mr. Shawn Allen and the Jeudevine Memorial Library**
3. **Memorandum of Understanding between Mr. Robert Alcusky and the Jeudevine Memorial Library.**

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. Ruth Gaillard disclosed that she is affiliated with the Hardwick Food Pantry and the St. John the Baptist Episcopal Church. It was established that these connections would not constitute conflicts of interest for this hearing.

Mr. Mandeville invited the applicants to present their proposal. Stephen Diglio, the civil engineer for the Jeudevine proposal, made the initial presentation. The existing Senior Center will be demolished (*a local permit has already been obtained*) and removed this spring. A section of the sidewalk on West Church Street will be removed and replaced. During the construction phase, silt/erosion control measures will be installed, as will be a security fence which will enclose the entire parcel.

The expansion would create approximately 5,200 square feet of addition to the existing library. The library would seek to install a new ADA on-street parking spot on West Church Street – adjacent to the new entrance. The entrance on West Church Street would be at grade with a “paver” patio leading into a vestibule. This entrance would serve as the main entrance of the facility. The lower entrance off of North Main Street would also have a vestibule and an intercom connection with the West Church Street entrance. The bottom entrance would have 5 dedicated parking spots which would include an ADA parking spot and an ADA ramp to the entrance. An elevator would provide access from this lower level to the upper area. The current entrance to the existing library would be converted to an egress for the facility.

The Jeudevine Memorial Library anticipates a maximum of 5-6 employees. The Unified Development Bylaws require 1 parking spot per 2 employees. The parking schematic provides for more than the required amount.

A sidewalk will be installed to connect the North Main Street entrance to the Town sidewalk. This section will be ADA compliant (it was noted that the Town sidewalks are not ADA compliant). There will be 3 granite walls with a maximum height of 30” and a width of 5 feet. The walls will serve as retaining elements and as seating areas. Landscaping will occur near each wall.

A play area will eventually be created behind the parking area off of North Main Street. This play area will have a footpath to provide access for the adjoining St. John the Baptist Episcopal Church. The play area will be screened and fenced from abutting properties. A coated chain link fence with vinyl slates will be installed in the next phase of the expansion.

A portion of the building expansion will be within the 5 feet setback and a written consent was obtained the abutter to allow for this reduction of the side setback (See Exhibit #1). The parking area will also be within the 5 feet setback and written consents were obtained from the abutters (See Exhibit #2 and #3). The parking area will be lined with catch basins for stormwater removal. New sewer and new water connections will be necessary and are in the permitting phase. Any town sidewalks that are removed for construction purposes will be restored and replaced upon completion of the construction.

John Tuthill, a representative of the St. John the Baptist Episcopal Church, inquired about the parking during the construction phase. In particular, he was concerned about the traffic and parking flows on West Church Street during the Hardwick Food pantry hours. Stephen Diglio will forewarn the contractors about this aspect of the project and he anticipates that the lower parking area will be utilized for a construction trailer and worker parking.

Brittanie Bradley made the second portion of the presentation. She represents NBF Architects. The materials on the external façade of the library expansion will tie into the existing stone with granite facing on both new vestibules, poly-ash siding which looks like a wood but is more durable, and an asphalt shingle roof. The exterior color of the new section will be a warm neutral to tie-in with the existing red stone façade. Tall windows will be incorporated to match the original historic structure. The building height will not exceed 35 feet. The new section will nestle into the slope of the hill so that the existing building will continue to be the primary focal point.

Within the structure, the lower North Main Street section is a community space with a kitchen and bathroom. There is ADA access to the upper level by an elevator. A connecting door can be utilized to separate the space from the rest of the library. The lobby and circulation desk for the library will be created at the new West Church Street entrance. The existing building will be the adult section and the addition will house the children and young adult sections. Two additional restrooms will be installed on this main level.

John Tuthill inquired about the walkway from the play area to the church property. He commented that the path should be reviewed with the church. Jodi Lew-Smith will discuss this aspect with the St. John the Baptist Episcopal Church.

The lighting on the building can be dimmed and will provide light on the parking area and the play area.

Snow storage will occur adjacent to the play area and next to North Main Street. Snow removal may need to occur in winters when there are high snow totals.

Signs will be installed at the 2 new entrances and at the existing entrance. *(Sign permits will need to be obtained from the Town as this aspect was not included in the expansion proposal).*

The hearing ended at 7:55 pm. Ruth Gaillard made the motion to enter into deliberative session after the hearing and Kate Brooke 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 a 0 feet minimum setback for the side setbacks with the signed agreements (See Exhibits 1-3). Public Facility (Municipal Library) is allowed as a conditional use. No minimum lot area per unit is listed on Table 2.1. Proposed structure will be at the maximum height – 35 feet.

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 an expansion of an existing Public Facility structure. “Off street parking will be required only for employees on the basis of one space per two (2) employees per shift or as otherwise allowed by the Development Review Board in accordance with a parking plan submitted by the applicant.” Table 3.1 lists Public Facility as Other – parking spaces are “as determined under site plan or conditional use review.” **The applicant is proposing to provide 5 parking spaces, including one reserved parking space. The DRB found that adequate parking would be created.**

4.15 Protected Public Uses – Public Facilities, such as municipal libraries, are listed as “state or community owned and operated institutions and facilities.” They are protected in all districts within the Town of Hardwick. The proposal may 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.” **The requested use is an expansion of an existing Public Facility structure. Only the above-mentioned aspects of the proposal will be reviewed by the Development Review Board.**

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 expand access to community facilities and services.
- 2. Character of the area affected.** Proposed Expansion of the Public Facility (Library) 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 and new sections of sidewalk will be installed if the sidewalk is removed for construction purposes.**

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 will be installed near the 3 granite retaining walls on North Main Street, between the parking area and the abutting properties, and will be incorporated (with a fence) into the play area design.**

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 have two front yards – one on North Main Street and one on West Church Street. The placement of parking in the front yard on North Main Street is due to lot size constraints. No other parking configuration is available at this location.**

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 façades include a main entry-way and pedestrian access to the North Main Street and West Church Street**

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. **The new addition is designed to be compatible with the existing historic structure on the lot. The addition will be built into the slope of the hill to allow the original structure to continue to be the main visual focus.**

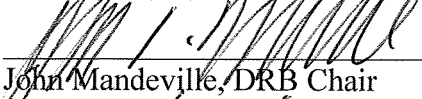
Decision and Conditions

Based upon these findings, the Development Review Board voted 3 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 upgrades 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 Exhibits#1-3, the 0 feet side setback minimum was observed in this decision.

Signed:

 , Chair
John Mandeville, DRB Chair

 , acting clerk
Kristen Leahy, Zoning Administrator

Date 2/23/21

Date 2/23/21

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;