

Hardwick Development Review Board  
Conditional Use Review Request  
Hardwick Enterprise Group LLC  
180 Junction Street, Hardwick  
Application #2022-001  
February 23, 2022  
Continued to March 9, 2022 at 7 pm  
Via Zoom

To consider a Conditional Use Review request by Hardwick Enterprise Group, LLC. for the construction of two additions to an existing Light Industrial structure in the Industrial zoning district. Development would be Accessory Use to a Light Industrial (storage) and would occur at 180 Junction Street in Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.5 Industrial District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; and Section 5.2 Conditional Use Review.

**Warnings** were posted on Monday, February 1, 2022 at the Hardwick Memorial Building, at the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Vermont Maple Holdings, LLC; Manosh Properties, LLC; and Center for an Ag. Econ., LTD on Tuesday, February 1, 2022. It was also published in News & Citizen on Thursday, February 3, 2022.

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

**Development Review Board members absent:** Ed Keene

**Others present:** Kristen Leahy, Zoning Administrator (acting clerk); Andrew Meyer, applicant (on both February 23 and March 9, 2022)

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

1. *None*

**Summary of Discussion**

The hearing was opened on February 23, 2022. The following persons were in attendance: Andrew Meyer, the applicant; Kristen Leahy, Zoning Administrator; Kate Brooke, Vice Chair; and Ruth Gaillard. Due to the lack of a quorum of members, the hearing was opened and continued to March 9, 2022 at 7pm by Vice Chair Kate Brooke.

Chair John Mandeville began the March 9, 2022 hearing at 7:01 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 Andrew Meyer to present his proposal for the Hardwick Enterprise Group at 180 Junction Street.

The proposal is to add two small additions to the existing Light Industrial structure. The current building has Vermont Soy and provides limited storage space for the Jasper Hill cellars. One addition will be approximately

20' by 60' and will create more storage space. This section will be heated and have an overhead door for access.

The second addition will be 20' by 20' and will be a lean-to that can allow the parking/access of a small trailer. The addition will have a metal roof that will match the existing color scheme of the structure.

The hearing ended at 7:18 pm. Helm Nottermann made the motion to enter into deliberative session after the following 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:

**2.5 Industrial District – all setbacks and dimensional standards are met for this district.** An Accessory Use (to a conditional use) and Light Industrial are listed as Conditional Uses in the district. Applicant is requesting to construct two additions on their existing Light Industrial structure. **Existing location is more than 45 feet from the centerline of Junction Road and 50 feet from the side and rear setbacks.**

**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 Industrial District requires parking of 1 space per 2 employees on the largest shift. Furthermore, “off-street loading areas shall be provided for commercial uses which will receive shipments in vehicles too large for a standard parking space.” “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 additions will not increase the number of employees. Currently, there are 8-10 employees on the largest shift. The new storage space will not change this number. No testimony was received to indicate that screening from adjoining properties would be necessary.**

**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.** The proposed expansions are consistent with the Industrial District and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The Industrial District circulation and traffic pattern on Junction Road is directed by the existing use. No adverse effects were identified.
4. **Bylaws in effect.** Additional construction will be storage and will not impact the town water and sewer use.
5. **The utilization of renewable energy resources.** The applicant is in conversation with Efficiency Vermont and will be reviewing possible methods of utilizing renewable energy.

**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. **Additional requirements were not deemed necessary.**

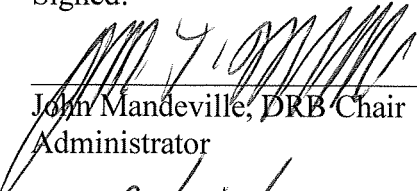
**Decision and Conditions**

Based upon these findings, the Development Review Board voted 4-0 to approve the Hardwick Enterprise Group 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).

Signed:

 \_\_\_\_\_, Chair  
John Mandeville, DRB Chair  
Administrator

 \_\_\_\_\_, acting clerk  
Kristen Leahy, Zoning

Date 3/15/22

Date 3/15/22

**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;