

Hardwick Development Review Board
Conditional Use Review Request
Bair, LLC
64 North Main Street, Hardwick
Application #2022-034
July 13, 2022

To consider a Conditional Use Review request by Bair LLC for the construction of an Accessory Structure (3 Bay carport) to an existing Conditional Use Structure (Mixed Use and Personal Service) in the Village Neighborhood zoning district. Development would occur at 64 North Main Street in Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.2 Village Neighborhood District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; Section 5.2 Conditional Use Review; and Section 5.2 G2 Village Neighborhood District Standards.

Warnings were posted on Monday, June 27, 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: Cornerstone Restoration CP LLC; Lisa Stoudt; Lamoille Housing Part Inc; SSM Properties, LLC; Glenn Mink; American Legion Post #7; Shawn Allen; Town of Hardwick; Jeffrey Newman; K2 Realty LLC; Rural Arts Collaborative Inc; HVM Real Estate LLC; and 91 Mill Street LLC on Monday, June 27, 2022. It was also published in The News & Citizen during the week of June 27, 2022.

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

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk),

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 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 would like to construct a three bay carport for the Veterinarian clinic on his property. The structure would have 4 posts and a roof. There would be a connection from the carport to the existing building. The connection would be an 8' wide walkway with a roof attachment. The proposed structure would be over the permitted 500 square feet which necessitated the visit to the Development Review Board.

The car port would be replacing existing parking while retaining the same amount of parking. No solar aspects are envisioned at this time. The structure will only have a motion light for winter use. No other outdoor lighting is being requested at this time.

No water or sewer connections will be made to the Accessory Structure.

The hearing ended at 7:15 pm. Kole made the motion to enter into deliberative session after the 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:

2.6 Village Neighborhood – Accessory Structure to a Conditional Use is listed as a Conditional Use in this district. The applicant is seeking to construct a 3-bay Carport which is approximately 34 feet x 20 feet (680 square feet). Accessory Structures over 500 square feet must be reviewed as a Conditional Use when associated with a Conditional Use Structure (Mixed Use). **The Accessory Structure meets the setbacks of the district – Setback from North Main Street is over 60 feet and setbacks from the side and the rear are at least 5 feet.**

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

3.13 Parking & Loading Requirements – the property is located in the Village Neighborhood district which requires “off-street loading space shall be provided for commercial, industrial or institutional uses...” Table 3.1 lists Mixed Use as “Other” – parking spaces are “as determined under site plan or conditional use review”. **The proposed Accessory Structure will be a 3-bay Car Port which will replace existing parking on the site.**

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 building use matches the purpose of the Village Neighborhood district and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The circulation and traffic patterns on North Main Street will not be impacted by the construction. No increase in traffic will be created by the proposal.
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. **Additional 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 G2 Village Neighborhood 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 location of the 3-bay car port would be in the rear of the property rather than in the front yard.**

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 facade should include a main entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape. **Pre-existing buildings on site.**

C) The scale and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district. **The Accessory Structure will be compatible and harmonious with surrounding structures.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the Bair 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 7/18/22

Date 7/19/22

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;