

Hardwick Development Review Board
Conditional Use Review Request
Quickfox Hamilton Real Estate Holdings LLC
39 South Main Street, Hardwick
Application #2022-069
December 14, 2022

To consider a Conditional Use Review request by Quickfox Hamilton Real Estate Holdings LLC for the conversion of a pre-existing Mixed Use (Retail Sales and Restaurant) structure into a Mixed Use structure with Retail Sales, Restaurant, Office, and a Single Family Dwelling in the Central Business zoning district. Development would occur at 39 South 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 4.12 Mixed Use; Section 5.2 Conditional Use Review; and Section 5.2 G1 Central Business District Standards.

Warnings were posted on Monday, November 21, 2022 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: Kim and Raymond Small; the Town of Hardwick; Mike's Gulf Service Center Inc.; Jeudevine Housing Limited Part.; 35 South Main LLC; Deborah Clifford; Wei Gao; and Vanessa and James Davison on Tuesday, November 22, 2020. It was published in the News and Citizen on Wednesday, November 23, 2022 and in The Hardwick Gazette on Wednesday, November 23, 2022.

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

Development Review Board members absent: None

Others present: Kristen Leahy, Zoning Administrator (acting clerk); William Chidsey; Nora Lakhani, applicant; Chris Clewes; Jimmy Goldsmith; Jack Clewes; and Andrew Figliola.

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

1. Sewer Allocation letter from Town Manager, David Upson, Jr., dated December 1, 2022.

Summary of Discussion

Chair John Mandeville began the hearing at 7:05 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 the proposal. Nora Lakhani testified that the former Co-op building is now the Flower Basket (Retail Sales). The Flower Basket is occupying the first floor space. A chocolatier will be utilizing the 2nd floor café space for chocolate production and a café. The application requests the renovation and change of the residual 2nd floor and 3rd floor space into a Single Family Dwelling – one residential apartment.

A kitchen would be created for the apartment but with a light footprint to keep items to current code and to address any fire concerns. Nora has been working with the Fire Marshall to ensure that the residential space would be code compliant.

The apartment parking has been addressed with a lease for two spaces at 64 North Main Street. The four Flower Basket employees have retained the right to park outside the Legion during the day.

Trash for the Flower Basket has a Casella dumpster. The new apartment will either have an additional dumpster (in the rear of the building) or will be facilitated by the Lamoille Housing trash collection (under discussion – not finalized).

Nora hopes to obtain funding to update and restore the Façade in a historically sensitive manner. A sign permit will be needed in the future (once plans are completed).

The hearing ended at 7:25 pm. Helm Nottermann made the motion to enter into deliberative session after the following hearing and Kole 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. Mixed Use, Retail Sales, Restaurant, Office and Single Family Dwelling are allowed as conditional uses. 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 application requests additional uses (Office and Single Family Dwelling) in an existing mixed use structure with Retail Sales and Restaurant uses. “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 has provided a copy of a lease agreement for two parking spaces at 64 North Main Street. The DRB found that adequate parking would be created.**

4.12 Mixed Use - More than one principal use may be allowed within a single building if the following has been met:

- 1) Each uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located. **The requested components of the Mixed Use development are conditional uses in the Central Business zoning district.**
- 2) The uses in combination meet all applicable standards for the district in which the mixed use is proposed. **All applicable standards for Central Business would be met.**
- 3) The mixed use shall meet all applicable general regulations under Article 3, including but not limited to sign and parking requirements. **All applicable general regulations would be met by the proposed development.**

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 expansion of the components in the Mixed Use is compatible with the area.
3. **Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns. Only one residential apartment is being requested at this time.

4. **Bylaws in effect.** The proposed change to the Mixed Use will not require an upgrade to the water and sewer connections with the Town of Hardwick. See Exhibit #1.

5. **The utilization of renewable energy resources.** The applicant is working with Efficiency Vermont. Solar panels would be utilized if possible.

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 includes a main entry-way and pedestrian access to the South 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.**

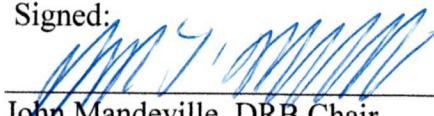
Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 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. There shall be no on-street parking for employees or owners.

Signed:


_____, Chair
John Mandeville, DRB Chair


_____, acting clerk
Kristen Leahy, Zoning Administrator

Date 12/20/22

Date 12/20/22

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);

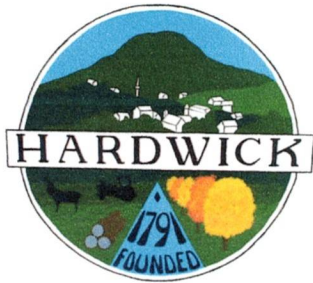
(4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

(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;



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December 1, 2022

Quick Fox Hamilton Real Estate Holdings
PO Box 1044
Hardwick, VT 05843

Re: Sewer Allocation

Dear Ms. DeMuth

The purpose of this letter is to confirm that the Town of Hardwick currently has the capacity to accommodate the recent change of use located at 39 South Main Street in Hardwick, VT from a Mixed Use (retail sales and restaurant) to a Mixed Use (retail sales, restaurant, office and single-family dwelling).

The assignment of this allocation is conditioned upon complying with the Town's water and wastewater treatment ordinances.

If you have any questions, please don't hesitate to contact me.

Sincerely,

David Upson
Town Manager
Town of Hardwick
Wastewater Treatment Facility 3-1143

Zoning Administrator's Office
Town Clerk's Office
Public Works Foreman

Kristen Leahy
Tonia Chase
Tom Fadden

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