

Hardwick Development Review Board  
Conditional Use Review Request  
Cellars at Jasper Hill LLC – applicant  
Center for an Agricultural Economy - landowner  
*140 Junction Road, Hardwick*  
*Application #2022-071*  
January 18, 2023 at 7 pm

To consider a Conditional Use Review request by the Cellars at Jasper Hill LLC and the Center for an Agricultural Economy for the construction of two additions to an existing Agricultural and Forest Processing structure in the Industrial zoning district. Development would be Accessory Use to a Conditional Use (storage and receiving) and would occur at 140 Junction Road 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 3.12 Protection of Water Resources; Section 3.13 Parking and Loading Requirements; and Section 5.2 Conditional Use Review.

**Warnings** were posted on Friday, December 30, 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: Aubuchon Realty Company Inc; Union Bank; Vermont Maple Holdings, LLC; Manosh Properties, LLC; Stephen and Taylor Meyer; Hardwick Enterprise Group LLC on Friday, December 30, 2022. It was also published in News & Citizen on Thursday, January 5, 2023.

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

**Development Review Board members absent:** Ruth Gaillard

**Others present:** Kristen Leahy, Zoning Administrator (acting clerk); David Burke, Cellars at Jasper Hill; David Upson, Jr., Town Manager; and Jon Ramsey, CAE.

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

- 1. Water and Wastewater Allocation letter from the Town Manager, dated January 17, 2023**
- 2. Source Protection location letter from the Town Manager, dated January 17, 2023**

**Summary of Discussion**

Chair John Mandeville began the hearing at 7:03 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 David Burke to present the Cellars at Jasper Hill proposal. Mr. Burke testified that the intent of the development is to expand the existing Center for an Agricultural Economy building. The expansion would include two elements – 1) installing the milk and whey silos and 2) expanding the shipping/receiving dock areas).

The current receiving bay is not adequate for shipping and trucking needs. And additional space would grant access to the silos from the main building. The receiving section would expand to 18'2" by 12' (18' in height), the silo section would expand to 39'x8' (12' in height) and the maximum height of the silos would be 20.6'.

No parking spaces would be lost with this expansion. No additional employees and no additional exterior lighting. The silos are designed to store milk and remove waste. The exterior visuals will be either white or stainless steel.

The hearing ended at 7:20 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:

**2.5 Industrial District – all setbacks and dimensional standards are met for this district.** An Accessory Use (to a conditional use) and Agricultural and Forest Processing are listed as Conditional Uses in the district. Applicant is requesting to construct two additions on their existing Agricultural and Forest Processing structure. **Existing location is more than 45 feet from the centerline of Junction Road and 20 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.**

**3.12 Protection of Water Resources -** the property is located in the Source Protection Area overlay district. **Town Manager rendered the written opinion that the Town accepted the location within the Source Protection Area (see conditions #3, #4, & #5) (See Exhibit #2)**

**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 additions will not increase the number of employees. The new shipping/receiving expansion will improve the shipment process on site. 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 receiving. An allocation letter was received from the Town Manager on January 17, 2023.
- 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. **The silos will be either white or stainless steel. 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 Cellars at Jasper Hill, 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).
3. Cellars at Jasper Hill LLC may not discharge wastes onto or into the ground at this location.
4. Cellars at Jasper Hill LLC must report to the Town Manager's office any spill of hazardous materials to the ground that amounts to more than 1 gallon.
5. Cellars at Jasper Hill LLC must provide the Town of Hardwick with an annual inventory of all hazardous materials stored and/or used in the space that they lease. The inventory must be provided to the Town Manager's office by the first of July of each year.

Signed:

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

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

Date 1/24/23

Date 1/24/23

**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);

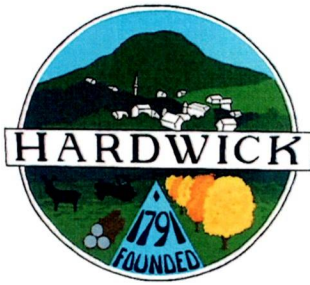
(4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

(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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January 17, 2023

Dear Hardwick Development Review Board,

The purpose of this letter is to confirm that the Town of Hardwick currently has the water & wastewater capacity to accommodate the Clean in Place (CIP) system associated with the installation of two 8,000-gallon bulk milk and whey storage silos at Jasper Hill Farm's VT Food Venture Center campus location.

Information provided to me by Mateo Kehler on December 20, 2022, indicated that CIP system being installed will use less water than the current cleaning procedures in use. Mr. Kehler also indicated the frequency of cleaning the storage tanks will also be reduced as the storage tanks will have less turn over than the current undersized system to be replaced.

The assignment of this allocation is conditioned upon continued compliance with the State Wastewater permit and the Town of Hardwick's Water and Sewer ordinances.

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

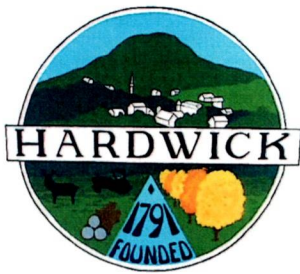
Sincerely,

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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Cellars at Jasper Hill  
Attn: Mateo Kehler  
884 Garvin Hill Road  
Greensboro, VT 05481

January 17, 2023

Dear Mr. Kehler:

We have reviewed your request to install two (2) 8000-gallon storage silos at your VT Food Venture Center campus located at 140 Junction Road, Hardwick and hereby approve your request based on the following conditions:

1. You are aware that your silos are in the Town of Hardwick source protection plan.
2. You may not discharge wastes onto or into the ground from your location.
3. You must report to the Town Manager's office any spill of hazardous materials to the ground that amount to more than 1 gallon.
4. You must provide the town with an annual inventory of all hazard materials stored or in use in the space that you lease. The inventory must be provided to the Town Manager's Office by the first of July each year.
5. You comply with all Town, State, or Federal permit requirements.

If you have questions or comments on anything included herein, please feel free to contact my office.

Respectfully,

David Upson  
Town Manager

CC: VT Food Venture Center (CAE)  
CC: Hardwick Zoning Administrator

Hardwick Town Manager's Office  
Hardwick Town Clerk  
Hardwick Public Works Director

David Upson  
Tonia Chase  
Tom Fadden

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