

**TOWN OF HARDWICK**  
**Office of the Zoning Administrator**  
**P.O. Box 523**  
**Hardwick, Vermont 05843**  
**(802) 472-1686**

## Zoning Permit

Your application No. **2023-017** for a zoning permit for the following use(s) was approved by the Zoning Administrator of the Town of Hardwick, Vermont. This permit does not constitute a Certificate of Occupancy. This permit is valid for two (2) years from the effective date found below. No action may commence before the effective date has been reached (see below).

### For Town Use Only:

Application No.:	<b>2023-17</b>
Parcel No.:	<b>24051-00040</b>
Tax Map No.:	<b>24</b>
Lot No.:	<b>51.40</b>
Zone:	<b>CB</b>
Rec'd By ( <i>initials</i> ):	<b>kl</b>
Date Rec'd:	<b>05/09/2023</b>

**1. NAME/ADDRESS OF APPLICANT:**

Buffalo Mountain Market  
 Agent: William Chidsey  
 PO Box 336  
 Hardwick, VT 05843

**2. NAME/ADDRESS OF LANDOWNER** (*if different from applicant*):

Buffalo Mountain Coop Inc  
 Bruce Kaufman, Board Member  
 PO Box 336  
 Hardwick, VT 05843

**3. LOCATION OF PROPERTY** (*if different from applicant*):

75 Mill Street

**4. PROPOSED USE/DEVELOPMENT** (*please select from the following choices*):

- New Construction - 1 addition
- Accessory Use
- Conversion to Mixed Use (Retail Sales and Restaurant)
- Other (*please describe*): Parking lot lighting design

**5. EXISTING/PROPOSED FACILITIES** (*please select all that apply*):

- Municipal Water
- Municipal Sewer
- On-Lot Water
- On-Lot Sewer
- Other (*please describe*): Letter of Allocation & Exemption Letter

Permit No.: 2023-017

Name: Buffalo Mountain Market/BM Coop Inc

**6. PROPOSED DEVELOPMENT** (as provided by applicant & verified by Zoning Administrator):

- A. Lot Area (acres): 0.48 acres
- B. Structure Dimensions (feet):

<u>Structure</u> (type)	<u>Length</u>	<u>Width</u>	<u>Height</u>
1. Mixed Use - entry	8'	60'	18.5'

Property Setbacks (feet):

<u>Structure</u>	<u>Road Frontage</u>	<u>Front</u>	<u>Left</u>	<u>Right</u>	<u>Rear</u>
1. Mixed Use	N/A'	80'	20'	20'	20'

**ZONING REQUIREMENTS** (as provided by Zoning Administrator)

- 1. Zoning District: CB
- 2. Minimum Lot Size (acres): 5,000 sq. ft.
- 3. Minimum Property Requirements:

<u>Road Frontage</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Accessory side/rear</u>
50'	0' (+ 25' ROW)	5' (or 0' with agreement)	15'	5'

**Additional Comments:**

This permit does not constitute a Certificate of Occupancy. This permit is contingent upon the adherence to the attached Conditional Use review decision dated June 12, 2023. The issuance of this permit is based on the DRB decision.

**Please Note: This permit covers local permits only. You may be required to obtain other permits from the State of Vermont. To determine what other permits may be required for your development, please contact the State Permit Specialist at 802-505-5367.**

**Please contact the Vermont Division of Fire Safety for any applicable permits - Shawn Goodell at 802-760-8827 (cell).**

SIGNED:   
Administrative Officer

June 12, 2023  
Date of Approval

**EFFECTIVE DATE\*\*: July 12, 2023**

*\*\*The effective date is the date which your approved permit takes effect. It provides for a statutory appeal period of 30 days. You shall not commence any activity related to this permit until the effective date has been reached.*

Hardwick Development Review Board  
Conditional Use Review Request  
*Applicant: Buffalo Mountain Market*  
*Landowner: Buffalo Mountain Coop Inc.*  
75 Mill Street, Hardwick  
Application #2023-017  
June 7, 2023

To consider a Conditional Use Review request by Buffalo Mountain Market for the change of use of a pre-existing nonconforming Structure with Retail Sales to a Mixed Use with both Retail Sales and a Restaurant in the Central Business zoning district. Development would occur at 47 Mill Street in Hardwick, VT. The application also requests an expansion to the existing structure and a parking lot lighting plan.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.1 Central Business District; Section 3.9 (Nonconforming Structures & Nonconforming Uses); 3.11 Performance Standards; Section 3.12 Protection of Water Resources; 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, May 22, 2023 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: Bair, LLC; K2 Realty LLC; Rural Arts Collaborative Inc; George and Melissa Hay; and William Hill Trust on Wednesday, May 24, 2023. It was published in the News and Citizen on Thursday, May 25, 2023.

**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) and William Chidsey, facility manager for the Buffalo Mountain Market.

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

1. **Water and Sewer Allocation letter from the Town of Hardwick – dated February 10, 2023**
2. **Design flow opinion from Grenier Engineering – dated August 8, 2022.**
3. **Adjusted Site Plan for the proposed development.**

### **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.

Mr. Mandeville invited the applicant to present the proposal. William Chidsey, the facility manager for the Buffalo Mountain Market provided an overview of the proposed development. The Buffalo Mountain Market would like to enclose the existing covered front porch with insulated glass, add two ADA accessible, automatic door systems, and integrate the new footprint into the existing store. The new doorways will improve accessibility to the Market.

In addition, the Buffalo Mountain Market would like to add a Restaurant (café) to their existing Retail Sales. The change would allow the Market to make food to order and to expand their offerings. The same seating

arrangement will be in effect. There is currently a grouping of tables and a bar available for indoor seating and picnic tables will be added to the adjacent green space.

The parking lot is still in transition but will be paved this summer. The Buffalo Mountain Market would like to incorporate a new lighting arrangement. They are proposing to install 6 lights in the parking lot (this is a reduction from the plan that was included in the application). The lights will be 23 feet (with the concrete bases) in height and will be down-lit. Three will be on the road side and three will be on the rear of the parking lot. The lights can produce up to 11,800 lumens but will be connected to a 120 amp breaker. The lights can be adjusted for brightness, color and timing. The lights will be motion detectors during the night hours – if a car enters the parking lot, then the lights become brighter. The Market is hoping that the addition of the lights will serve as a passive security system.

The Market currently has approximately 20 employees with one flexible shift. On delivery days, there is a crew that arrives early and then is gone before noon. The parking lot will have 24 spaces and off-street delivery space.

The hearing ended at 7:40 pm. Helm Nottermann made the motion to enter into deliberative session and Ruth Gaillard 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 100'x 60' building with one addition (8'x 60'). Minimum setbacks from the front (0 feet) have been met. Side setbacks exist. Rear setback is 20' which meets the district setback (See 3.12 for the Surface Water setback). Mixed Use, Retail Sales, and Restaurants are allowed as conditional uses.

**3.9 Nonconforming Structures & Nonconforming Uses** – Existing structure is 20 feet from the Lamoille River. All structures shall be setback a minimum of 75 feet from all streams, rivers and public lakes. **The setback is pre-existing and no expansion of the building will occur in this area.**

**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** – Existing structure is 20 feet from the Lamoille River. All structures shall be setback a minimum of 75 feet from all streams, rivers and public lakes. **The setback is pre-existing and no expansion of the building will occur in this area.**

**3.13 Parking and Loading Requirements** – The requested use is a Mixed Use (Retail Sales and Restaurant) in an existing Retail Sales structure. “Off-street parking will be required only for employees, on the basis of one space per two (2) employees per shift, and for dwelling or lodging units as provided for in Table 3.1” **There will be 20 employees and one shift per day. The applicant has 24 parking spaces and can provide off-street space for deliveries. The DRB found that the parking requirement had been met.**

**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 conversion of the structure to a Mixed Use (Retail Sales and Restaurant) 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.** The proposed change to a Mixed Use has received an allocation letter from the Town water and sewer. See Exhibit #1.
5. **The utilization of renewable energy resources.** Future improvements may include a solar array on the roof of the Market.

### 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 utilize existing parking lot in the front of the building.**

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. **The front façade includes the main entry as the requested expansion and delineated pedestrian access to the Mill 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 addition that is being proposed with this conversion will be compatible with the historic structures in the district.**

**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 6/12/23

Date 6/12/23

**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);

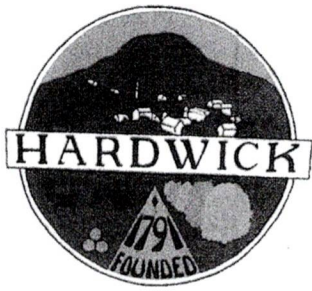
(4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

(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;



Town of Hardwick  
Office of the Town Manager  
P.O. Box 523  
Hardwick, Vermont 05843

phone: (802) 472-6120 • e-mail: [david.upson@hardwickvt.gov](mailto:david.upson@hardwickvt.gov) • fax: (802) 472-3793

February 10, 2023

Buffalo Mountain Market  
75 Mill Street  
Hardwick, VT 05843

Re: Water & Sewer Allocation

To: Emily Hershberger, General Manager

The purpose of this letter is to confirm that the Town of Hardwick currently has the capacity to serve your proposed 10-15 seat restaurant with both municipal drinking water and wastewater treatment for the design flow rate consistent with your current allocation.

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

Cc: Don Marsh, Grenier Engineering

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

Kristen Leahy  
Tonia Chase  
Tom Fadden

(802) 472-1686  
(802) 472-5971  
(802) 472-6029



David

Exhibit #  
2



MEMORANDUM

To: Chris Duff  
Fr: Don Marsh  
Date: 8/18/2022  
RE: Buffalo Mountain Co-Op – Hardwick Seating

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Chris,

We understand you wish to add 10 to 15 seats which may be considered as restaurant seats but are for patrons to eat food already prepared in the Co-Op.

As the food preparation is already accounted for in the store's design flows there will be no change in the overall flows. Furthermore, as you are not adding any new water fixtures your peak flows will also not change.

We have previously inspected and determined your water and sewer services are properly sized for your uses and this will not impact those services.

In conclusion, it is our opinion that adding these extra seats will have no adverse impacts on the Coop's ability to provide proper water and sewer services.

Call anytime if you have questions.



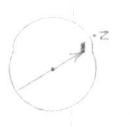
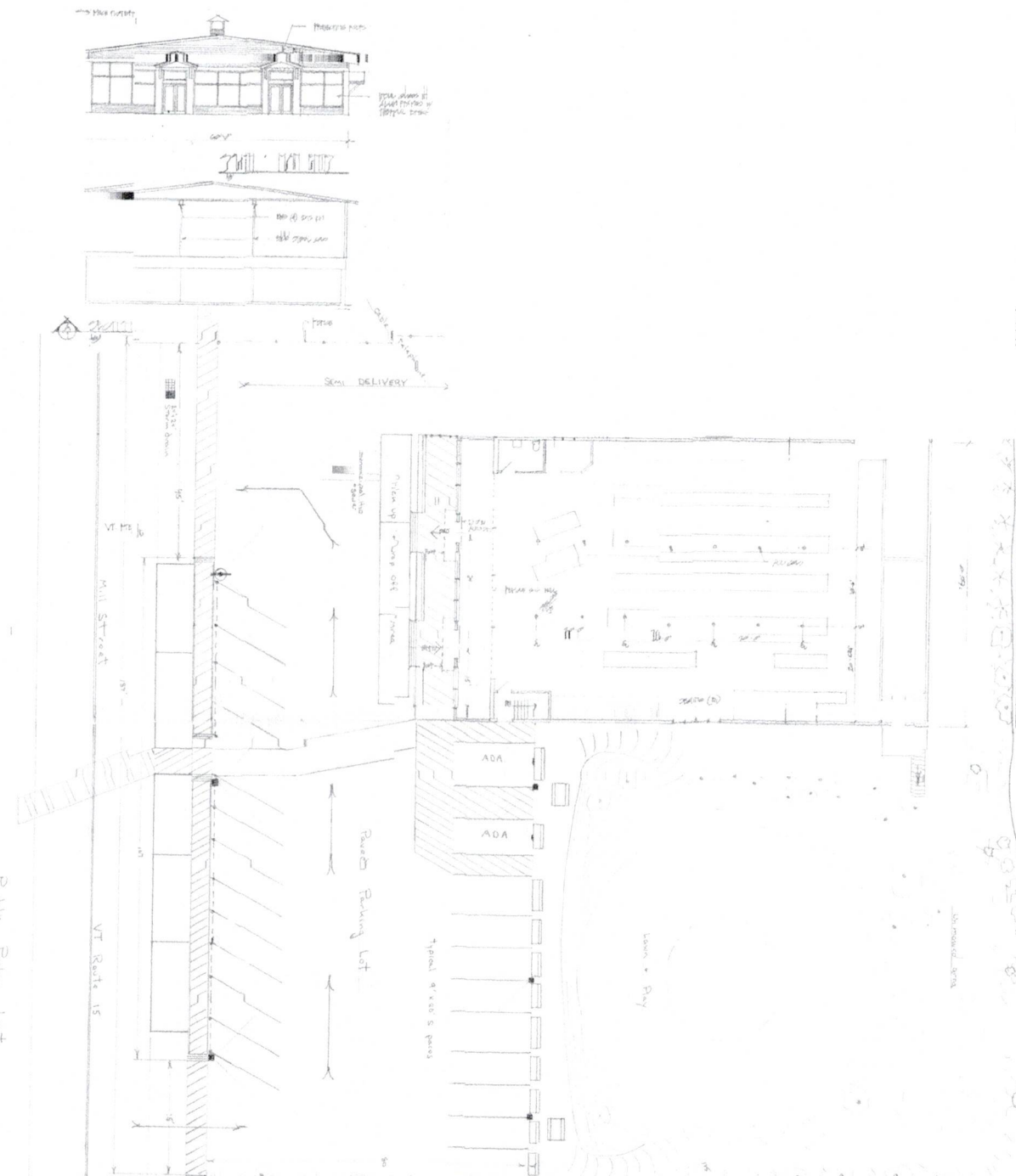
**SRD SILVER RIDGE DESIGN ARCHITECTS**

PO Box 22 • 17 Paul Lane  
 100 Park Street, Room 200  
 Montpelier, VT 05602  
 Tel: 802.253.1111

*[Signature]*

**BUFFALO MOUNTAIN CO-OP ARCHITECTS**

100 Park Street  
 100 Park Street



**Buffalo Mountain Food Co-op Inc.**  
**75 Mill Street, Hardwick Vermont**

Better Building by Design Site Plan - 1st Floor Plan - Elevations

**Objectives outline:**

- \*Full Access and inclusion for All
- \*ADA Parking and signage
- \*Accessible Corridor markings
- \*Pedestrian walkways with vehicle barriers
- \*Vehicle barrier planters
- \*Landings with 5 foot automatic doors
- \*Sidewalk area pre-paved for Village
- \*Pick-up and drop-off zone
- \*Receiving dock
- \*EV charger ready
- \*Parking lot - graded, paved, marked, and one way for safety
- \*Riverbank/Greenspace Conservation Plan and Riparian zone
- \*Erad existing delivery lane winter salt and erosion pollution
- \*Picnic and Play space
- \*LED Parking lot lighting - no glare, downfacing, unoccupied self-dimming
- \*25 foot setback from Mill St center with vehicle fence
- \*Respect for the Village
  - \*Noise reduction
  - \*Riverstone condensing unit removal
  - \*Rooftop quiet condenser fan coil
  - \*Mill St setback makes way for sidewalk and parallel parking
  - \*Light pollution reduction
- \*Cafe prepared foods and take-out 10-15 seats
- \*Employee and customer safety and efficiency
  - \*Receiving dock and shelter with elevator eliminating conveyor
  - \*Smooth ADA walkway and landing
  - \*New LED ceiling lights
  - \*Produce dept located on first floor
- \*Climate and environment stewardship
  - \*New advanced low (GWP) global warming potential refrigeration
  - \*Rack compressor in basement
  - \*Quiet rooftop fan coil
  - \*Refrigerant heat recovery replacing heating fuel oil consumption
  - \*Rooftop solar PV
  - \*Micro grid battery back-up system
  - \*Net Zero building science construction efficiency up-grades
  - \*Filtered and conditioned IAQ ventilation with ERV
  - \*Smart device level controls and data
- \*Community resiliency
  - \*Ample inventory bulk and frozen staples
  - \*Local agriculture producer - Vermont food hub priorities
  - \*Co-op owner/ member leadership, values and experience Since 1975.

Site Plan by Facilities Manager  
 William Chubbey  
 604 VT Ave. 100 Park Street, Hardwick VT 05753