

Town of Hardwick
Office of the Zoning Administrator
P.O. Box 523
Hardwick, Vermont 05843
phone: (802) 472-1686
e-mail: zoning.administrator@hardwickvt.gov

Hardwick Development Review Board Notice of Public Hearing

A public hearing of the Hardwick Development Review Board will be held on the third floor of the Memorial Building on Wednesday, May 8, 2024 beginning at 7:00 p.m. to discuss the following:

7:00 pm Conditional Use regarding the change of use of pre-existing Agriculturally Exempt structures to Agricultural and Forest Processing structures. Property is in the Rural Residential zoning district. Application #2024-020 (Skyview Naturals; dba Sunsoil) is located at 273 Kate Brook Road Street in Hardwick, VT.

7:30 pm Conditional Use and Flood Plain Review regarding removal of an existing damaged Bridge over the Lamoille River. Property is in the Floodway of the Lamoille River. Application #2024-021 (Town of Hardwick) is located on East Main Street in East Hardwick, VT. (Note: After-the-fact application – bridge has already been removed due to the possibility of an emergency).

A virtual option is available through Zoom. To join the hearing with Zoom, sign up for a free Zoom account anytime (zoom.us), then at 7:00 pm or 7:30 pm on Wednesday, May 8, 2024, go to Zoom and click on: join a meeting. The meeting number is 851 0942 7641. The passcode is 262168. You may phone into the Zoom meeting at: 301-715-8592 (this is not a toll free number).

To join the Zoom Meeting:

<https://us06web.zoom.us/j/85109427641?pwd=EaBOOiXUy5r9UTyjc7XAie9fb6Frv.1>

The applications are available for inspection in the Hardwick Memorial Building or on the Hardwick website – <https://hardwickvt.org/government/committees-commissions/development-review-board/> Pursuant to 24 V.S.A. §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. Persons wishing to be heard may join the hearing virtually or in person or be represented by an authorized agent or attorney at the hearing.

Communications regarding the above applications may be filed in writing with the Hardwick Development Review Board at the Zoning Administrator's Office in the Hardwick Memorial Building or by email at zoning.administrator@hardwickvt.gov. Communications must be received prior to the scheduled hearing.

Kristen Leahy
Hardwick Zoning and Floodplain Administrator

Town Manager's Office
Town Clerk's Office
Town Highway Department

David Upson, Jr.
Tonia Chase
Tom Fadden

(802) 472-6120
(802) 472-5971
(802) 472-6029



APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE

Town of Hardwick

PO Box 523, Hardwick, VT 05843

(802) 472-1686

zoning.administrator@hardwickvt.org

FOR TOWN USE ONLY

Application Number: 2024-020

Tax Map Number _____

Zoning District _____

Date Application Received 3/26/24

Fee Paid \$ 240 Date Paid 4/2/24

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the *Town of Hardwick* according to the attached fee schedule.

Applicant(s):

Name(s): Skyview Natural; dba Sunsoil

Mailing Address: 273 Kate Brook Rd

Telephone(s) Home: _____

Work: _____

Cell: 802-595-5494

E-Mail: jgoldstein@sunsoil.com

Landowner(s) (if different from applicant(s)):

Name(s): _____

Mailing Address: _____

Telephone(s) Home: _____

Work: _____

Cell: _____

E-Mail: _____

Physical Location of Property (911 address):

273 Kate Brook Rd

Type of Permit:

Conditional Use Variance

Proposed Use/Development (please check all that apply):

New Construction

Commercial

Accessory Use

Renovation/Remodeling

Change of Use (please describe): change from Ag to Ag + Forest Processing

Sign or Other (please describe): _____

Estimated Value of Project: \$ 0

Other Permits or Verifications Which May Be Necessary:

State Potable Water and Wastewater Permits - _____

Town of Hardwick Water and/or Sewer Connection Verification - _____

Site visit approval **Schedule site visit when completed application is submitted.**

Local utility company has been consulted - [] yes [] no _____

Curb Cut - requires a separate application - necessary if a new driveway must be installed.

[] Applied (date) _____ [] Not required

Property Description:

Acreage in lot 48.92

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 1030'

Setbacks: Front 200' (to center of road)
Right side _____
Stream _____

Left Side _____
Rear _____
Other _____

Dimensions of Proposed and Existing Buildings:

Existing:

Length 46 | 80 | 80 | 200 No. of Stories 1, 1, 1, 2 (barr)
Width 26 | 30 | 30 | 50
Height 15 | 15 | 25 | 25

Proposed: N/A

Length _____ No. of Stories _____
Width _____
Height _____

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") _____

Proposed use and occupancy. _____

General Location Map and Site Plan:

In order for a Conditional Use application to be reviewed by the Development Review Board, a general location map and a completed site plan must be provided.

A general location map (on a USGS topographic map or Vermont orthophoto base) showing the location of the proposed development in relation to zoning districts, public highways, drainage and surface waters, and adjoining properties and uses.

A completed site plan includes, but is not limited to:

1. North Arrow, scale, project name, date and name and address of the person or firm preparing the map;
2. The dimensions of the lot, property lines and setback distances from boundaries;
3. The location and names of roads and streets abutting the property;
4. Existing site features, including ridgelines, hill tops and areas of steep slope (greater than 25%); drainage, surface waters, wetlands, and associated setback areas; vegetation and tree lines; historic features (ie. Stone walls), and designated critical habitat, flood hazard and source protection areas;
5. The location (footprints) of existing and proposed structures, including all buildings, other structures, signs, and/or walls;
6. Existing and proposed rights-of-way and easements;
7. Existing and proposed roads, driveways, parking and loading areas (traffic circulation), and pedestrian paths;
8. Existing and proposed utility lines, water supply and wastewater disposal areas;
9. Proposed site grading (cut and fill), stormwater management, and erosion control measures; and
10. Proposed outdoor lighting, landscape design and screening.

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.
(This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

See attached

NOTE FOR CONDITIONAL USE PERMITS: Additional information may be required by the Development Review Board to determine conformance with the Town of Hardwick Zoning Bylaws. The application will not be considered complete by the DRB until all required materials have been submitted. One or more application requirements may be waived by the DRB, at the request of the applicant, should the DRB determine that the information is unnecessary for a comprehensive review of the application. Waivers shall be issued by the Board in writing at the time the application is accepted and deemed complete.

Applicant requests a waiver from application requirements. Reason(s) for waiver include(s) the following:

Conditional Use Criteria – Article 5 – Section 5.2:

At your Development Review Board hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"Conditional use approval shall be granted by the Board of Adjustment (DRB) upon finding that the proposed development 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 Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such facilities and services, and any adopted capital budget and program currently in effect. The Board may request information or testimony from other local officials to help evaluate potential impacts on community facilities and services. To minimize adverse impacts to community facilities and services, the Board may impose conditions as necessary on the provision of facilities, services or related improvements needed to serve the development, and/or the timing and phasing of development in relation to planned municipal capital expenditures or improvements;
- 2. Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of the neighborhood or area affected by the proposed development, as determined from zoning district purpose statements, municipal plan policies and recommendations, and evidence submitted in hearing. The Board may impose conditions as necessary to eliminate or mitigate adverse impacts to the area, neighboring properties and uses, including conditions on the design, scale, intensity, or operation of the proposed use;
- 3. Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the function, capacity, safety, efficiency, and maintenance of roads, highways, intersections, bridges, and other transportation infrastructure in the vicinity of the project. The Board may request information or testimony from the Selectboard, Road Commissioner or state officials to help evaluate potential impacts on town and state highways in the vicinity of the development. A traffic study also may be required to determine potential adverse impacts and appropriate mitigation measures. The Board may impose conditions for pedestrians or motorists, including the installation of infrastructure or accepted traffic management and control measures as required by the development;
- 4. Bylaws in effect.** The Board shall determine whether the proposed development conforms to other applicable municipal bylaws and ordinances currently in effect including, but not limited to, town road, health, and facility (e.g., sewer, water) ordinances. The Board shall not approve proposed development that does not meet the requirements of other municipal regulations in effect at the time of application;
- 5. The utilization of renewable energy resources.** The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources either by diminishing their future availability, or by interfering with access to such resources. Conditions may be imposed as necessary to ensure the long-term availability of, and continued access to, renewable energy resources.

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). In addition, the Board may specify as a condition of approval lower densities of development, increased frontage or setback distances, increased buffer areas, and/or designated building envelopes that limit the area to be used for structures and parking, as necessary to avoid or minimize adverse impacts to the character of the area, to significant natural and historic resources identified in the town plan or through site investigation, or to adjoining properties and uses.

2. Performance Standards. All conditional uses shall meet performance standards as specified in Section 3.11. In determining appropriate performance standards for a particular use, the Board may consult with state regulatory officials and consider accepted industry standards. In addition, the Board may limit the hours of operation so that the proposed use is compatible with the character of the neighborhood and area.

3. Access & Circulation Standards. All conditional uses shall meet applicable access management standards as specified in Section 6.6. The Board, in consultation with the Selectboard and state, may impose conditions as necessary to ensure the safety of vehicular and pedestrian traffic on and off-site, including but not limited to conditions on the location and number of access and intersection locations, requirements for shared access and/or parking, and provisions for emergency access, parking, service and loading area, snow storage, pedestrian paths and transit facilities (e.g. sheltered bus stops), as appropriate.

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. Particular consideration will be given to the preservation of existing vegetation, visibility of the development from public vantage points (including roads), and the adequacy of landscaping and screening materials to meet seasonal weather and soil conditions. A landscaping management plan, and surety for up to three years that is acceptable to the Board of Adjustment, may be required to ensure that required landscaping and screening is properly installed and maintained.

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. Development shall be sited and designed to minimize stormwater runoff and erosion during all phases of development. The Board may require the submission of a stormwater management and/or erosion control plan, prepared by a qualified professional, that incorporates accepted management practices recommended by the state in the *Vermont Stormwater Management Manual* and the *Vermont Handbook for Soil erosion and Sediment Control on Construction Sites*, as most recently amended.

District Standards.

1. Central Business District. Within the Central Business District, development shall be designed in accordance with the following 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.
- 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.
- 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.

2. Village Neighborhood District. Within the Village Neighborhood District development shall be designed in accordance with the following 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.

- b. Buildings should be oriented toward and relate to, both functionally and visually, public streets 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.
- c. The scale and massing of new buildings, including height, weight, 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.

3. Highway Mixed-Use District. Within the Highway Mixed Use District, development with frontage on state highways (Route 15, Route 14, Route 16) shall be designed in a manner that meets the following standards:

- a. Within and contiguous to parking areas, landscaping shall emphasize the use of shade trees to provide a tree canopy, provide separation between parking spaces to avoid large expanses of parking and minimize the visibility of parking areas from off-site. Suitable locations for shade trees include along walkways, in center islands, in between parking space and clustered in appropriate locations.
- b. A landscaped strip of at least twenty (20) feet shall be provided parallel to the road, which may be crossed by driveways and sidewalks. Form, location, and composition of the landscaped strip shall be shown on the site plan and approved by the Board of Adjustment.

4. Rural Residential and Compact Residential Districts. Within the Rural Residential and Compact Residential Districts, development shall be designed in accordance with the following standards:

- a. Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.
- b. Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts.

5. Forest Reserve District. Development within the Forest District should not detract from the site's scenic qualities, nor obstruct significant views from public vantage points, and should blend in with the existing landscape. Development shall take into consideration existing contours and forest cover to ensure that adequate opportunities exist for the siting and natural screening of development to minimize site disturbance and visual impacts. The Board may require the submission of a visual impact assessment for conditional uses within this district, and/or require additional screening of structures consistent with the natural and built environment.

Notes:

Variance Criteria:

"The Board of Adjustment (DRB) shall hear and decide upon requests for variances pursuant to the Act 4469 and appeal procedures under Section 7.3. The Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision.

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
2. Because of these physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan."

(If you are requesting a variance, you will be asked to present your proposal. Please be prepared to explain to the Development Review Board why your project should be granted a variance.)

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes Town Personnel to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

The undersigned understand that additional information, such as a survey of the property or expert testimony may be required for review and consideration of this application by the Zoning Administrator or by the Development Review Board and, that, upon my written authorization, fees for such additional information shall be my responsibility.

The permit will expire and become null and void within 2 years from the date of issuance if the permitted development has not commenced.

Construction may not be started until 30 days from the date of Development Review Board approval.

Signature of Applicant(s)  Date 3/26/24

Signature of Landowner(s)  Date 3/26/24

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

The applicant or any interested person who has participated in the proceeding may appeal a decision of the Development Review Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act (4471, 4472).

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 477-2241 or jeff.mcmahon@vermont.gov

FOR ADMINISTRATIVE USE ONLY	
Date of Approval or Denial by Development Review Board: _____	
Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____	(Date) _____
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____	(Date) _____



0.29 0 0.15 0.29 Miles

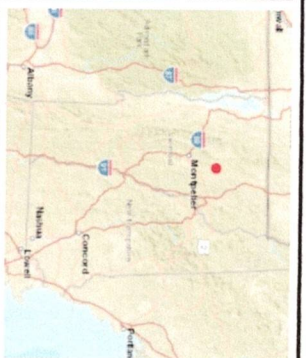
MCS_1984_Web_Mercator_Auxiliary_Sphere
 © Vermont Center For Geographic Information

1" = 773 Ft 1cm = 93 Meters
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. VCGI and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

1:9,273

February 12, 2024



LEGEND

- Building footprints
- Parcel polygons
- ✈ Airports
- Rail Lines
- Town Boundaries
- County Boundaries
- Buildings
- Village Boundaries



NOTES

This map was created with the VT Interactive Map Viewer.



Vermont



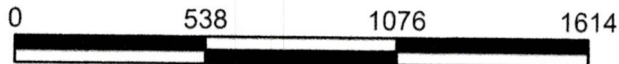
Town of Hardwick, VT

1 inch = 538 Feet

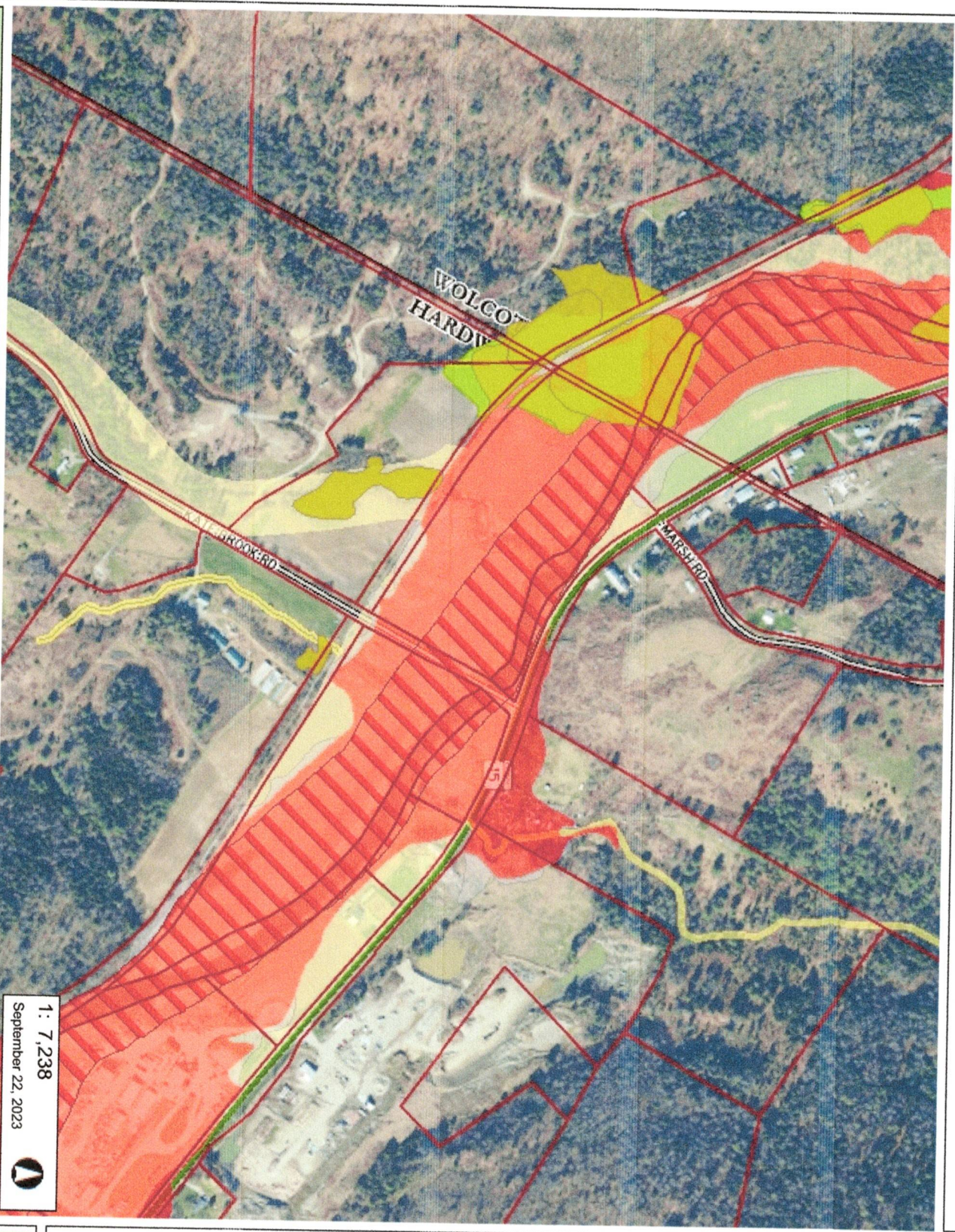


www.cai-tech.com

October 25, 2023



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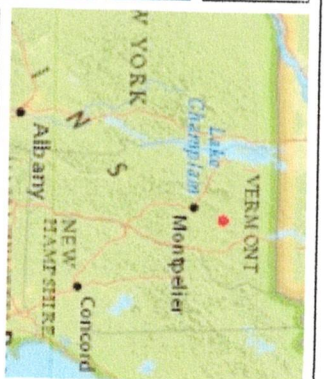


1: 7,238
September 22, 2023



368,0 0 184,00 368,0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources
1" = 603 Ft. 1cm = 72 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

- Wetland - VSWI
- Class 1 Wetland
- Class 2 Wetland
- Wetland Buffer
- Wetlands Advisory Layer
- DFIRM Floodways
- Flood Hazard Areas (Only FEMA)**
 - AE (1-percent annual chance flood)
 - A (1-percent annual chance flood)
 - AO (1-percent annual chance zone feet)
 - 0.2-percent annual chance flood hazard
- River Corridors (Aug 27, 2019)**
 - .5 - 2 sqmi.
 - .25 - .5 sqmi.
- Parcels (standardized)**
- Roads**
 - Interstate
 - US Highway: 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads

NOTES

Map created using ANR's Natural Resources Atlas

FFL Yr=2016
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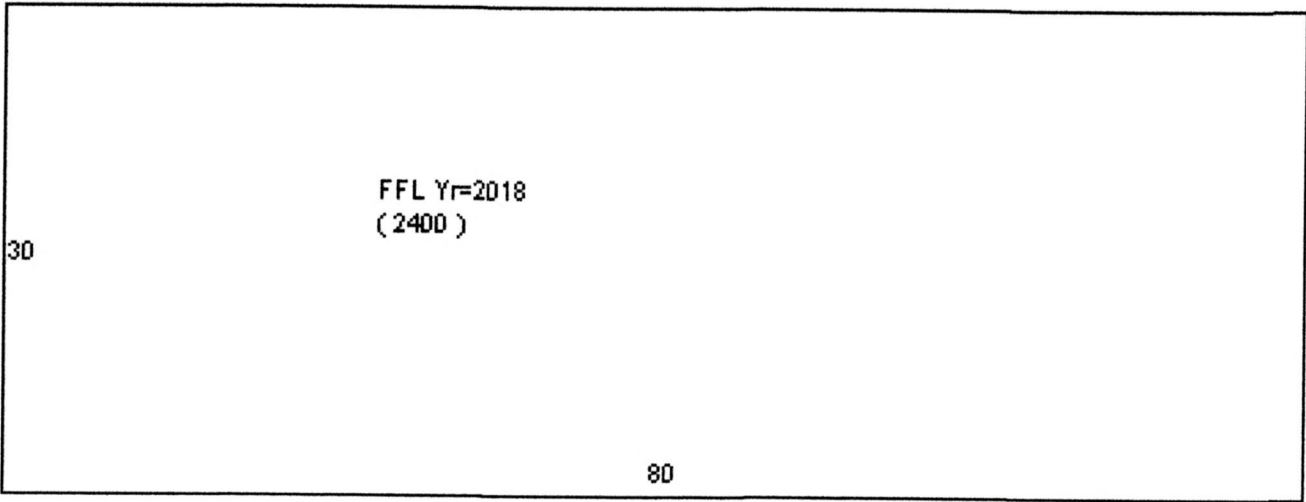
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This information is believed to be correct but is subject to change and is not warranted.



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This information is believed to be correct but is subject to change and is not warranted.

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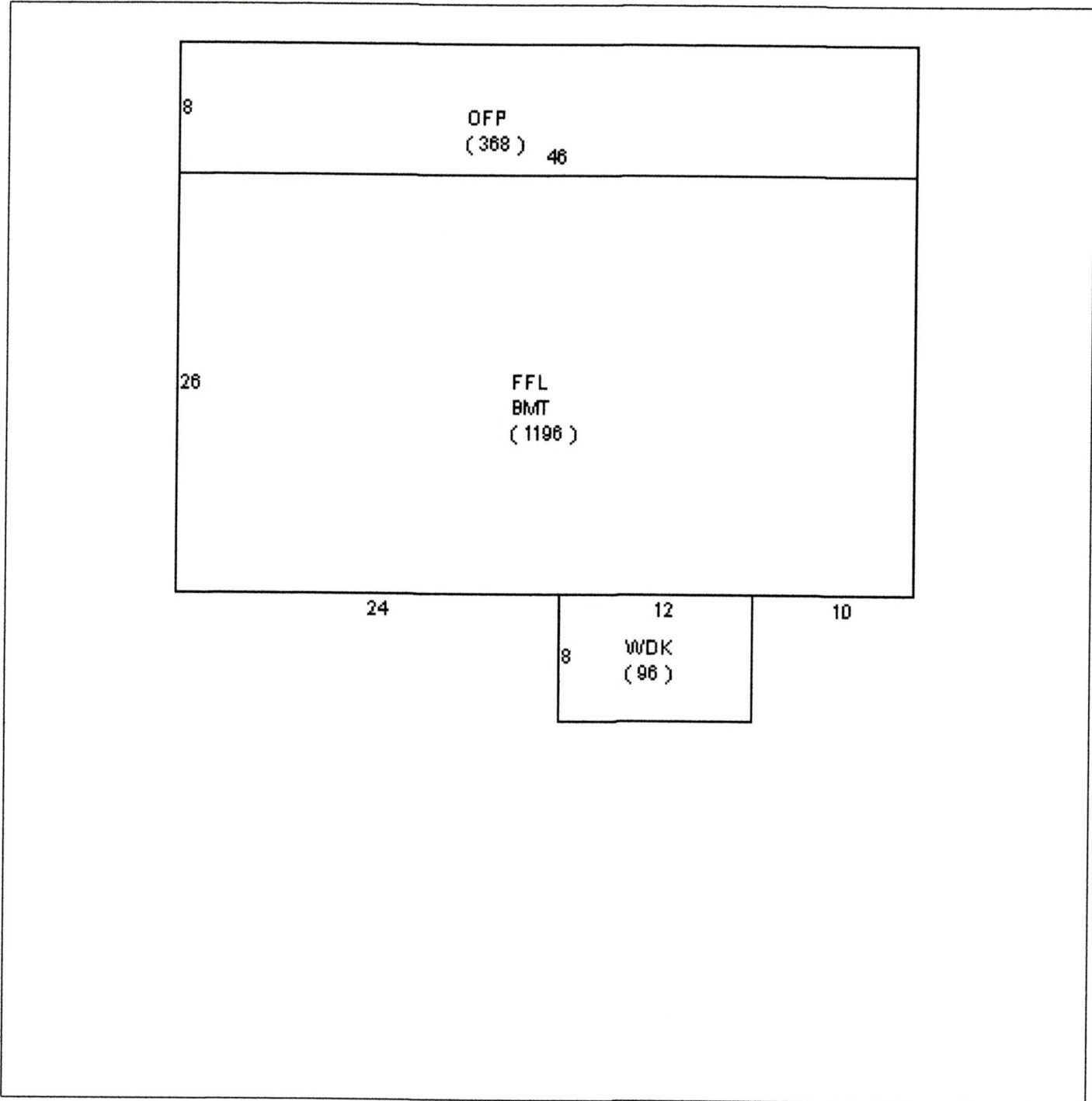
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This information is believed to be correct but is subject to change and is not warranted.



Zoning Review of 2024-020
Name: Skyview Naturals; d/b/a Sunsoil
Location: 273 Kate Brook Road, Hardwick VT
Zoning District: Rural Residential
Overlay Districts: None
Created by Hardwick Zoning Administrator on April 15, 2024

DRB Meeting Scheduled for Wednesday, May 8, 2024 at 7:00 pm In-person with a Zoom option (Hybrid).

Applicant has submitted a Conditional Use application to convert an existing Agriculturally Exempt property into an Agricultural and Forest Processing in the Rural Residential Zoning District.

Zoning District: Rural Residential
Overlay Districts: None.

The property currently has four structures used in the Agricultural production – 46x26, 80x30, 80x30, and 200x50 Barn. No new structures are being proposed at this time. The only change is that 273 Kate Brook Road facility is no longer growing the agricultural product for the associated drying, storage and production process. As the agricultural product is no longer grown on site, then the property is an “Agricultural and Forest Processing” development.

The Rural Residential zoning district (Table 2.6) lists Agricultural and Forest Processing (Drying, storage, growing and processing) as a Conditional Use for the district.

The proposed development will not expand previously constructed structures. Minimum setbacks from the front/roads (Kate Brook Road) have been met (60+). Side and rear setbacks also meet the 50 feet requirement.

Section 3.7 Height Requirements: Height of Proposed Structures: **Below limit. Not applicable.**

Section 3.11 Performance Standards - **proposed change of use will need to be reviewed under each.**

Section 3.13 Parking & Loading Requirements: Parking requirements in the Rural Residential district: “Off-street parking spaces shall be provided in accordance with this section when any use is established.” “Off-street loading space shall be provided for commercial, industrial or institutional uses ...” Table 3.1 lists Agricultural and Forest Processing as Other – parking spaces are “as determined under site plan or conditional use review.” **Proposed change of use will need to be reviewed under this Section.**

Section 3.15 Steep Slopes & Erosion Control - Site does not have a slope gradient of 25% or greater. **Not applicable.**

Section 4.11 Agricultural and Forest Processing - **Proposed change of use will need to be reviewed under each condition.**

The DRB will need to review the project under the conditional use review criteria – Section 5.2 - see application for all applicable criteria.

The Rural Residential District has District Standards (Section 5.2G4) which need to be considered.

Zoning Bylaws utilized – Table 2.6 (Rural Residential District), Section 3.11 (Performance Standards), Section 3.13 (Parking & Loading Requirements), Section 5.2 (Conditional Use Review) and Section 5.2G4 (Rural Residential District).