

Hardwick Development Review Board
Major Subdivision Review
Applicant: Renae and Damien Digregorio
Landowner: Jarret and Dianne Drown
857 Center Road, Hardwick
Application #2025-003
April 16, 2025

To consider a Major Subdivision Request by Renae and Damien Digregorio and Jarret and Dianne Drown to subdivide 19.38 acres into 2 lots – Lot #1 has 2 acres and Lot #2 has 17.38 acres. ROW access is proposed in two locations – a 50' ROW along an existing Woods Road and access through the existing driveway location. Property is located in the Compact Residential – Class 3 Zoning District and has an address of 857 Center Road in Hardwick.

The application requires a Major Subdivision Review under the following sections of the Hardwick Unified Development Bylaws: 2.4 Compact Residential [CR] District; 3.3 Access and Frontage Requirements; 6.3 Major Subdivision Review; 6.4 Application of Subdivision Standards; 6.5 General Standards (applicable to all Major Subdivisions); 6.6 Transportation Facilities & Infrastructure; and 6.7 Facilities and Utilities.

Warnings were posted on March 20, 2025 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: Forest Foster; Charlene McCann Life Estate; Randy Lee; Andrew and Thomas Meyer; Eileen Walsh-Guilfoyle and Gary Guilfoyle; Wendy and Gary Guyette; Annette and Robert Meservey; Marquise and Robert Drown; George and Cynthia Osgood; Teresa and Kathy Daigle; Rhonda Coates and Rowena Drown; and Courtney Brochu on March 20, 2025. It was published in the News and Citizen on Thursday, March 27, 2025.

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

Development Review Board members absent: None.

Others present: Kristen Leahy, Zoning Administrator; Forrest Foster, neighbor; Dianne Drown, landowner; Renae Digregorio, applicant; and Rowena Drown, neighbor

During the course of the hearing the following exhibits were submitted:

Exhibit #1: Wetland overlay from VT Natural Resources Atlas

Exhibit #2: Uncommon Species and deer overwintering overlay from VT Natural Resources Atlas.

Summary of Discussion

Chair John Mandeville began the hearing at 7:01 PM. He noted the hearing was quasi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing. Mr. Mandeville then asked the applicant to present their Major Subdivision proposal.

Dianne Drown is the landowner in the application. She and her husband, Jarret, own a 19.38 acre parcel accessed by a driveway from Center Road. They are seeking to subdivide a 2 acre parcel from their lot for the construction of a second primary home for their children and grandchildren. The lot will be accessed from Center Road by a pre-existing driveway which is 27' in width. In addition, the lot will have a second deeded 50' ROW to conform to current zoning regulations.

The hearing ended at 7:23 pm. Kate Brooke made the motion to enter deliberative session after the hearing. Ruth Gaillard seconded the motion. All members were in favor.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.6 Compact Residential – Class 3 (No Town water or sewer) District – (minimum lot size 30,000 square feet, minimum frontage 50 feet) – all lots and proposed uses for the lots (residential) will be in keeping with the stated purpose of the Compact Residential District. The newly subdivided parcel would be accessed by a 50 feet deeded ROW and by a pre-existing 27' driveway.

3.3 Access & Frontage Requirements – (needs permanent easement, right-of-way or fee simple ownership of at least 50 feet in width). Access would be a deeded 50 feet ROW from Center Road and over the existing 27 feet driveway that accesses Lot 2 from Center Road.

6.3 Major Subdivision Review

6.5 General Standards shall include:

(A) Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development, and not result in undue adverse impacts to public health and safety, natural resources identified in the Hardwick Town Plan, or the character of the surrounding neighborhood in which it is located. Proposed subdivision is in the Compact Residential district which specifically permits residential structures. Intent of the subdivision is residential.

(B) Hardwick Town Plan & Regulations. Subdivisions shall conform to the *Hardwick Town Plan*, other provisions of these regulations, capital budget and programs, and all other municipal bylaws, ordinances and regulations in effect at the time of application. Proposal conforms or is not applicable per the review by the Zoning Administrator.

(C) District Settlement Patterns. A subdivision shall be designed to achieve the purpose, objectives and desired settlement patterns of the zoning district(s) in which it is located, as defined in Article 2. To the extent feasible, new subdivisions of land shall:

- (1) maintain and extend desired settlement patterns, including lot areas and configurations, building locations, and road networks;** Accomplished.
- (2) maintain contiguous tracts of open land with adjoining parcels; and** Accomplished.
- (3) connect and extend existing road, sidewalk, path, and utility corridors.** Not applicable.

(D) Lot Layout. Lot layouts shall:

- (1) be consistent with the suitability of land for development, as defined under Subsection (A);** Accomplished.
- (2) conform to desired district settlement patterns, as required under Subsection (C);** Accomplished
- (3) meet zoning district minimum lot size and density requirements under Article 2, except as modified for planned residential developments under Article 5.4;** Lots meet all requirements.
- (4) conform to lot and yard requirements under Section 3.8; and** Lots meet all requirements.
- (5) avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.** Lot configurations do not have any unwarranted irregularity in shape as per survey.

(E) Survey Monuments. The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. Proposed monuments noted on Sunwise Surveying map. Applicant testified that markers will be in place upon subdivision acceptance.

(F) Building Envelopes. The Development Review Board may require the designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with these regulations. The Board also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations. Lot 2 has pre-existing infrastructure and structures. Lot 1 has an indicated house site and will obtain all relevant permits for water and wastewater prior to construction of a residential structure.

(G) Natural, Scenic & Historic Resource Protection. Subdivision boundaries, lot lines, and building envelopes shall be located and configured to avoid adverse impacts to significant natural, historic and scenic features identified in the *Hardwick Town Plan* or through site investigation. For purposes of these regulations, these shall include wetlands, surface waters, and associated buffer areas (Section 3.12); flood hazard areas (Section 5.3); prominent ridgelines and hilltops, rock outcroppings, and slopes in excess of 25% (Section 3.14); critical wildlife habitat areas; and historic sites, structures and features (e.g., buildings, cellar holes, stone walls). Accordingly:

- (1) lot lines shall be configured to avoid the fragmentation of significant natural or cultural features, including designated buffer areas; No natural or cultural features were identified on this parcel per the ANR on-line mapping system and the Hardwick Ecological Inventory. The proposed subdivision does not have a deer overwintering community, nor is it host to a vulnerable habitat per the ANR on-line mapping system (See Exhibit #2)
- (2) building envelopes shall be located and sized to exclude such features; N/A
- (3) roads, driveways and utility corridors, to the extent feasible, shall be shared, located to follow existing linear features (e.g., farm roads, stone walls, tree and fence lines), and to avoid significant natural and cultural features; Access is pre-existing.
- (4) lot lines and building envelopes shall be located to ensure that no buildings are placed on steep slopes, or extend above the height of land (highest point) of any prominent ridgeline or hilltop; N/A
- (5) historic sites and structures shall be incorporated in subdivision design and layout; No historic aspects were identified per the ANR on-line mapping system.
- (6) subdividers may be required to incorporate buffers, landscaping or screening in subdivision design, and/or submit management plans to protect significant natural, scenic and historic resources. Proposed Subdivision is not located within the Flood Hazard area and does not have any wetlands or other natural vulnerable community on site per the ANR on-line mapping system. (See Exhibit #1)

(H) Stormwater Management & Erosion Control. Subdivisions shall incorporate temporary and permanent stormwater management and erosion control practices appropriate for the type and density of proposed development. Accordingly:

- (1) All stormwater management systems shall be designed to:
 - a. use natural drainage systems to the extent feasible, and minimize the need for maintenance,
 - b. maximize on-site infiltration and treatment of stormwater, and minimize surface runoff,
 - c. accommodate anticipated storm events,
 - d. provide storage areas and treatment to manage flow and protect water quality, and
 - e. avoid damage to adjoining or downstream properties. Subdivision impacts do not meet stormwater management threshold set by the State of Vermont – ½ acre.
- (2) The Development Review Board may require the submission of stormwater management and erosion control plans, prepared by a licensed professional. Such plans shall incorporate acceptable stormwater treatment

practices and sizing criteria set forth in the *Vermont Stormwater Management Manual* as most recently amended. N/A

- (3) **The DRB also may require an evaluation of the effect of the subdivision on existing downstream drainage capacity outside the area of subdivision. Where the DRB finds that increased runoff from the subdivision will exceed the capacity of downstream storage, drainage or treatment systems, it may request that the subdivider delay construction until such capacity exists, or to install necessary off-site improvements as needed to increase capacity. Hardwick's 2017 Stormwater Master Plan does not identify this area of town as needed additional evaluation of the impact.**

(I) Landscaping & Screening. The preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Development Review Board, may be required to:

- (1) preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat areas;**
- (2) provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality, or other natural or scenic features.**
- (3) provide screening to increase privacy, reduce noise or glare, or establish a barrier between incompatible land uses; and/or to**
- (4) establish a tree canopy along roads or pedestrian walkways where the Development Review Board deems it appropriate.**

No testimony was received to indicate the need of this requirement.

(J) Energy Conservation. Subdivision design and layout, to the extent feasible, will encourage energy efficiency through:

- (1) the siting and orientation of development (e.g., building envelopes), to take advantage of southern exposures and natural vegetative or topographic buffers;**
- (2) the clustering of development (e.g., lots, building envelopes) to minimize road and utility line extensions and reduce travel distances; and**
- (3) the effective use of landscaping to provide wind barriers and shading, and to reduce heat loss.**

N/A

Section 6.6 Transportation Facilities & Infrastructure

Access will be from Center Road over an existing driveway. Primary function of the proposed subdivision will be residential. No concerns were brought to the Development Review Board

Section 6.7 Facilities and Utilities

(A) Public Facilities. The Development Review Board shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities. The Development Review Board may consult with appropriate municipal and school officials to determine whether adequate capacity exists to serve the subdivision.

The DRB finds that this proposed subdivision will not create an undue burden on existing and planned public facilities per the Town Manager's office.

(B) Fire Protection. The Development Review Board, in consultation with the Hardwick Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection. The subdivider shall install fire hydrants, dry hydrants, or fire ponds as required by the DRB. No specific fire protection requirements were imposed by the DRB in this particular subdivision review.

(C) Water Systems. The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water supplies exist on and/or off site to serve the subdivision. In addition:

- (1) On-site systems, including individual or community water supply systems, shall be designed in accordance with all applicable state and municipal regulations. The Development Review Board may require that all water sources be identified on the final subdivision plat.**
- (2) The location of structures and in-ground wastewater disposal systems will be reviewed to ensure such locations do not encroach upon existing water supply isolation distances, as defined by applicable state regulations.**

Water is provided by private wells. State permit will be received prior to any new residential construction.

(D) Wastewater Systems. All other on-site systems, including individual and community (clustered) systems, shall be designed in accordance with applicable state and municipal regulations. The Development Review Board may require that sewage disposal areas be identified on the final plat.

Wastewater capacity is provided by private septic systems. State permit will be received prior to any new residential construction.

(E) Utilities. All existing and proposed utilities, including but not limited to electric, telephone, and cable television utilities, shall be shown on the final plat. In addition:

- (1) All utilities within the subdivision shall be located underground, unless the Development Review Board determines that burial is not necessary to preserve the scenic character of the area, or that it is prohibitively expensive.** The location of utilities underground will be prohibitively expensive to the applicant and landowner per testimony received from the landowner. Utility lines are already in place.
- (2) The subdivider shall coordinate subdivision design with utility companies, including the Hardwick Electric Company, to ensure that suitable areas are available for above ground or underground installation, within and adjacent to the proposed subdivision. Utility easements of sufficient width shall be provided to serve both the proposed subdivision, and future service extensions to adjoining properties. Such easements shall be identified on the final plat. Already in place.**
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, adverse impacts to significant natural, cultural and scenic features, and to public health. Already in place.**

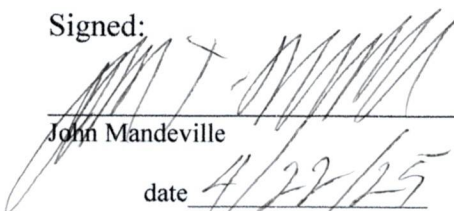
Decision and Conditions

Based upon these findings, the Development Review Board voted 6-0 to approve the Digregorio/Drown application as presented with the following conditions.

Conditions:

1. Within 180 days of receipt of final subdivision approval, the subdivider will file 3 copies of plan and final mylar plat for recording in the land records.

Signed:

_____, chair
John Mandeville

date 4/22/25

_____, acting clerk
Kristen Leahy

date 4/22/25

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.



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov

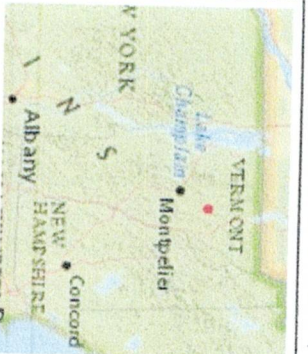


1: 6,469
April 15, 2025



329.0 0 164.00 329.0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources
1" = 539 Ft. 1cm = 65 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
- 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
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

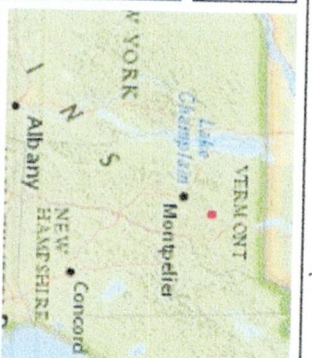
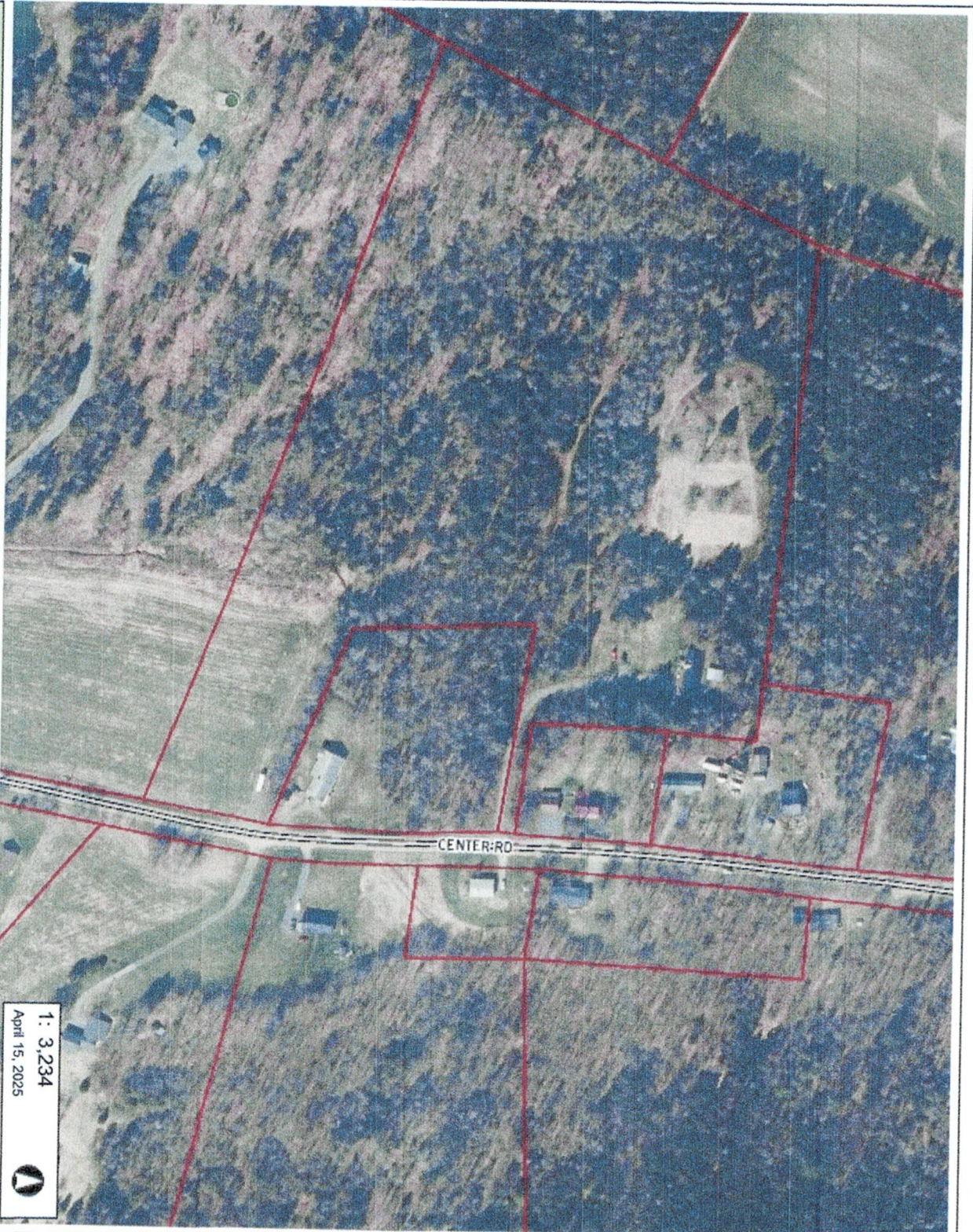
Exhibit #1



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Uncommon Species and other
 - Plant
 - Animal
- Natural Community
- Rare Threatened and Endange
 - RTE Animal
 - RTE Plant
- Significant Natural Communitie
- Deer Wintering Areas
- Parcels (standardized)
- Roads
 - Interstate
 - US Highway, 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - National Forest Trail
 - State Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

Exhibit #2