

Hardwick Development Review Board
Conditional Use Review Request
2 Peas in a Pod, LLC – landowner and applicant
333 VT Route 14 South, Hardwick
Application #2025-032
June 25, 2025

To consider a Conditional Use Review request by Lucky Sap LLC to add an Accessory Structure (over 500 sq ft) to a Conditional Use (Restaurant) in the Highway Mixed Use zoning district.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.3 Highway Mixed Use District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; Section 5.2 Conditional Use Review; and Section 5.2 G(3) Highway Mixed Use District Standards.

Warnings were posted on Tuesday, June 10, 2025 in 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: Hardwick Electric; William Driscoll; Teresa and Laurent Bellavance; Edward and Ashley Ryan; Courtney Judkins; Earlene and Kelly Hopkins; JP & Sons Properties, LLC; DG Strategic II LLC; Sherri and Alfred Willey; Kim and Thomas Thompson; Roy and Florence Larow; Grace Lettow; Jeannie Judkins; Caleb Heath and Kayla Boyer; Claire and Christopher Berry; M&M Realty LLC; Lucky Sap, LLC; Geneva Hall Life Estate; Merrill Chapin Jr.; Stephen Chapin; and James and Helen Gates Trustee on Tuesday, June 10, 2025. It was also published in The News and Citizen on Thursday, June 5, 2025.

Development Review Board members present: John Mandeville, Chair; Kole; Gillian D’Acierno and Ruth Gaillard.

Development Review Board members absent: Kate Brooke and Helm Nottermann

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Jennifer and Steven Deyo, Applicants; Ashley Ryan; Gracie Ryan; Chris Duff; and Gerhard Glaser.

During the course of the hearing and prior to the hearing the following exhibits were submitted:
None

Summary of Discussion

Chair John Mandeville began the hearing at 7:32 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 applicants to present their proposal. Jennifer and Steve Deyo own the former Snack Shack at 333 VT Route 14 South. They have substantially improved the location; including elevating the existing structure to 2-3 feet above the BFE. The property is not officially mapped as being in the FEMA 100 year flood plain but has experienced extensive water in the parking area. The owners are working with the Town of Hardwick to remediate that aspect of the property.

The adjoining property was purchased by Jennifer’s brother and there is a structure on site that was slated for demolition. Jennifer and Steve Deyo would like to re-use and re-purpose the structure as an Accessory Structure for seating at the seasonal Restaurant. The structure would essentially be a pavilion for the picnic tables and may eventually be enclosed with either walls or with screening. The structure would replace the earlier tent version that the previous owners installed. The structure is 24’ by 36’ which exceeds the permitted

use threshold (500 square feet) and necessitates a visit to the Development Review Board. The following decision is based on the merits of the Accessory Structure rather than the existing Restaurant use.

The Accessory Structure is outside of the mapped FEMA floodplain but the owners will work on anchoring the structure once it is permanent to prevent any flooding impacts. (*Kristen will work with the owners on available approaches*).

The hearing ended at 7:47 pm. Kole made the motion to enter into deliberative session after the following hearing 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:

2.3 Highway Mixed Use – all setbacks and dimensional standards are met for this district. Restaurant is a Conditional Use in the district. Applicant is requesting an Accessory Structure over 500 sq feet for the Conditional Use (which is a Conditional Use). **Location is 45 feet from the centerline of Vermont Route 14 South and Carey 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. The restaurant will have occasional music when they are open but they do not anticipate that it will negatively impact the surrounding neighborhood.**

3.13 Parking and Loading Requirements – The Highway Mixed Use District lists Restaurant parking as “Restaurant” with a requirement of 1 parking space per 3 seats and 1 parking space per employee at the largest shift. Additionally, “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 Development Review Board found that the parking and delivery locations were adequate for the use. The addition of the Accessory Structure will not create the need for additional parking.

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.** Location within the Highway Mixed Use district matches the purpose of this district and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The Highway Mixed Use circulation and traffic pattern on Vermont Route 14 South is directed by the existing use in the area. No adverse effect was identified.
4. **Bylaws in effect.** Not applicable.
5. **The utilization of renewable energy resources.** Not applicable.

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.**

5.2G3 Highway Mixed Use District 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 spaces and clustered in appropriate locations. **The proposal utilizes a pre-existing structure with established parking areas and landscaping.**
- 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 Development Review Board. **The proposal utilizes a pre-existing structure with an established landscaping strip.**

Decision and Conditions

Based upon these findings, the Development Review Board voted 4-0 to approve the 2 Peas in a Pod, 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. No vehicular parking will occur on VT Route 14 South.
4. Any additional external lighting will be down-lit and designed to reduce light pollution.

Signed:

 _____, Chair
John Mandeville, DRB Chair
Administrator

 _____, acting clerk
Kristen Leahy, Zoning

Date 7/1/25

Date 7/1/25

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.

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;