

Hardwick Development Review Board
Conditional Use Review Request
Lucky Sap LLC – landowner and applicant
206 VT Route 14 South, Hardwick
Application #2025-031
June 25, 2025

To consider a Conditional Use Review request by Lucky Sap LLC a change of use from Private Club to Mixed Use (Retail Sales, Restaurant, and Agricultural and Forest Processing) in the Highway Mixed Use zoning district. Development would be non-substantial improvement in Zone AE in the Flood Hazard Area Overlay.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.3 Highway Mixed Use District; 2.8 Flood Hazard Area Overlay; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; Section 4.12 Mixed Use; Section 5.2 Conditional Use Review; Section 5.2 G(3) Highway Mixed Use District Standards; and 5.3 Flood Hazard Review.

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; Geneva Hall Life Estate; Merrill Chapin Jr.; Stephen Chapin; 2 Peas in a Pod, LLC; 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); Gerhard Glaser, Applicant; Ashley Ryan; Gracie Ryan; Chris Duff; Jennifer and Steve Deyo

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

1. Email letter from Sacha Pealer, State of Vermont Flood Plain Manager, dated June 11, 2025
2. Email letter from Sarah Braese, General Manager of Hardwick Electric Department, dated June 25, 2025.

Summary of Discussion

Chair John Mandeville began the hearing at 7:10 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. Gerhard Glaser owns a maple sugar bush in Woodbury. He purchased the former Knights of Columbus building after the July 2023 flooding. Mr. Glaser purchased the building as a location for storage of his maple syrup and a location for development of syrup and related products. The building has a commercial kitchen and a possible retail space for the value added products. Mr. Glaser is requesting a change of use from a private club (Knights of Columbus) to Mixed Use with Agricultural and Forest Processing; a Restaurant; and Retail Sales. Eventually, he hopes to be able to distill the maple syrup as a value added product.

The building footprint will not change at this point. There may be a food truck or a pop-up food experience with wood fired pizza.

The hearing ended at 7:30 pm. Gillian D'Acierno 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. Mixed Use, Restaurant, Retail Sales, and Agricultural and Forest Processing are all listed as Conditional Uses in the district. Applicant is requesting to change the use in an existing Private Club structure. **Pre-existing location is 45 feet from the centerline of Vermont Route 14 South and 20+ feet from the side and rear setbacks.**

2.8 Flood Hazard Area Overlay District – The Flood Hazard Area Overlay District lists “Non-Substantial improvements to existing structures” as a permitted use. **The requested upgrades to the property will be non-substantial. The Floodplain Manager also reviewed the request and submitted a letter on June 11, 2025(See Exhibit #1).**

3.11 Performance Standards – review was made of the performance standards by the DRB. **No adverse aspects were identified. Music may occur on a limited basis.**

3.13 Parking and Loading Requirements – The Highway Mixed Use District lists Mixed Use parking as “Other.” The Development Review Board determines the appropriate number. 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 space will have 2-3 tables (approximately 20 customers). There will be 3-4 employees on staff. DRB found that adequate parking exists on site. No testimony was received to indicate that screening from adjoining properties would be necessary.**

4.12 Mixed Use – more than one principal use may be allowed within a single building subject to provisions: 1) each of proposed uses is allowed as a permitted or conditional use within the zoning district, 2) the uses in combination meet all applicable standards for the district, and 3) the mixed use shall meet all applicable general regulations under Article 3. **The requested use is a conditional use in the Highway Mixed Use district.**

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.** Town water and sewer concerns were addressed by the Town Manager and by the State.

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.**

5.3 Flood Hazard Review

C. Non-substantial repairs and improvements are proposed for the property. The structure is already located above the Base Flood Elevation (Elevation certificate is on file). Flood damage resistant materials and techniques will be employed.

Per the letter from the Floodplain Manager, the applicant will need to apply for a state Flood Hazard Area and River Corridor permit for the installation of the solar arrays (See Condition #5).

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;

Decision and Conditions

Based upon these findings, the Development Review Board voted 4-0 to approve the Lucky Sap 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.
5. The Applicant must apply for a state Flood Hazard Area and River Corridor permit for the installation of the solar arrays.

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.

Decision and Conditions

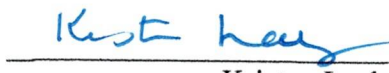
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Kristen Leahy <zoning.administrator@hardwickvt.gov>

Exhibit #1

Conditional Use Request for 206 VT Route 14 South

Pealer, Sacha <Sacha.Pealer@vermont.gov>

Wed, Jun 11, 2025 at 1:57 PM

To: Kristen Leahy <zoning.administrator@hardwickvt.gov>

Cc: "Nevins, Alexis" <Alexis.Nevins@vermont.gov>, "glaser@luckysap.com" <glaser@luckysap.com>

Dear Kristen Leahy:

Thank you for sending the zoning application for change of use and new solar panels at 206 Route 14 South.

It looks like the project has two distinct parts: 1) improvements to the existing commercial building and 2) new solar array construction.

Assuming there is no other work proposed, I have comments for each of the two parts:

1. Improvements to building: I see there is a Letter of Map Amendment (LOMA) for the building. The LOMA removes the building itself from the FEMA floodplain (also called "Special Flood Hazard Area" or "Zone AE"). The LOMA only changes the FEMA floodplain map for the current building footprint. The LOMA does not change the Special Flood Hazard Area around the building. **The LOMA means that work on the building itself does not need to meet the flood hazard regulations, as long as the work does not enlarge the building footprint.** A change in footprint could put the building back in the floodplain.

To be clear, having a LOMA does not mean a building can't flood. FEMA issues a LOMA when the lowest ground touching the building (lowest adjacent grade) is above the base flood elevation. The base flood is sometimes called the "100-year flood" and historically has had at least 1% chance of occurring in any year. In recent years, large, damaging floods are happening more often. Also, floods can go higher than base flood or take different paths than what the FEMA maps show. Although not required, I recommend the applicant consider using flood protection strategies in the building work, such as use of flood damage resistant materials and elevating utilities such as electrical outlets. For a list of flood resistant building materials, see Tables 1 and 2 in FEMA's [Technical Bulletin 2: Flood Damage Resistant Materials Requirements](#) (2025) – this is a more up-to-date version. Even small steps can help the building come through a flood with less damage. The owner may also want to think about getting a flood insurance policy for the building (see [floodsmart.gov](#)).

2. Solar arrays: Regardless of the LOMA, the proposed solar arrays are in the floodplain (Special Flood Hazard Area) but outside the floodway for Cooper Brook. Based on lidar terrain data, it looks like the spot for the arrays may be under about 1.5 foot or less of water during the base flood. Where the solar project extends below base flood elevation, it will need flood protection measures.

In terms of floodplain permitting, solar projects that need a Certificate of Public Good (are regulated as a public utility) are exempt from municipal regulation under [24 V.S.A. §4413 \(b\)](#): "A bylaw under this chapter shall not regulate electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A. § 248 or subject to regulation under 30 V.S.A. § 8011." So, it looks like **the town's flood hazard regulations do not apply to the solar arrays, even though they are in the Special Flood Hazard Area. Instead, the solar project must apply for a state Flood Hazard Area and River Corridor permit.** The applicant can go to this link to fill out a [REGISTRATION FORM](#) for the state permit. The application will need to show that the solar panels, meters, and control boxes are at least 1 foot above the base flood elevation, that floodwater is not going to be displaced by fill or the arrays, and that the arrays are well anchored to keep them from moving during a flood. I'm happy to help the applicant with any questions.

I offer this email as state flood hazard review comments under 24 V.S.A. §4424. Please let me know if you have any questions. I'm out of the office frequently this month, so if you are unable to reach me, you can also reach out to Alexis Nevins, a new floodplain manager in Vermont DEC Rivers Program, copied here.

Best wishes,



Sacha Pealer (she, her), CFM|Northeastern River Scientist & Floodplain Manager
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Rivers Program
[1 National Life Drive](#), Davis 3 | Montpelier, VT 05620-3522
802-490-6162 office & cell
Sacha.Pealer@vermont.gov
<https://dec.vermont.gov/watershed/rivers>

[ANR After the Flood Resources Page](#)
<https://floodready.vermont.gov/help-after-flooding>

From: Kristen Leahy <zoning.administrator@hardwickvt.gov>
Sent: Wednesday, May 28, 2025 2:45 PM
To: Pealer, Sacha <Sacha.Pealer@vermont.gov>
Subject: Conditional Use Request for 206 VT Route 14 South

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good Afternoon,

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Kristen Leahy <zoning.administrator@hardwickvt.gov>

DRB Hearing #2025-031

2 messages

Sarah Braese <sbraese@hardwickelectric.com>
To: Kristen Leahy <zoning.administrator@hardwickvt.gov>
Cc: David Upson <david.upson@hardwickvt.gov>

Wed, Jun 25, 2025 at 4:08 PM

Good Afternoon Kristen,

HED received a letter notice for tonight's hearings of Application #2025-031 and #2025-032 on Route 14 South.

Upon review of the applications (attached), I am glad to see that there's a checkbox for consulting the utility (thank you!), but was surprised to see that #2025-031 had not yet contacted the utility or provided any notice of this proposed upgrade and solar interconnection.

I am not suggesting the conditional zoning be denied, however is it possible that permitting applications that include new construction or change of use require some letter documenting utility consultation (e.g. new construction for multi-family, commercial/industrial, or other residential developments that result in substantial increases in energy demand)?

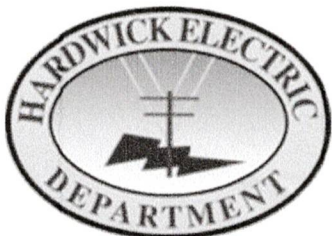
As we work to prioritize customer relations and system upgrade projects, I want to ensure HED can provide guidance early on in the conceptual phase (e.g. important design considerations) to prevent delays or costly reconfigurations during the subsequent construction phases.

For example, #2025-301 proposes a 40kW solar system and loads to offer a commercial kitchen, retail space, and small-batch food processing. HED is unaware of any project scoping, service upgrade, or interconnection applications for this property or business.

By my initial assessment, the expected load and solar interconnection appears to require service upgrades from single to three phase power, increased conductor to provide service (from the existing 100A service), and a transformer upgrade to balance loads and provide reliable service. If possible, please have the DRB encourage this customer to consult with HED so we can establish some clear expectations and cost considerations as they proceed with from concept to construction.

Going forward, is there a way to better monitor or engage with the DRB to provide consultation if there are developments that either substantially increase demand or propose interconnection of distributed energy resources?

Thanks in advance and hope you have a great meeting,



Sarah Elise Braese
General Manager
Hardwick Electric Department
Office: (802) 472-5201 Ext. 26
Mobile: (802) 397-1009
sbraese@hardwickelectric.com



Book time to meet with me

Kristen Leahy <zoning.administrator@hardwickvt.gov>

To: Sarah Braese <sbraese@hardwickelectric.com>

Cc: David Upson <david.upson@hardwickvt.gov>

Wed, Jun 25, 2025 at 6:41 PM

Subject: RE: Utility Consultation for DRB Applications #2025-031 and #2025-032

Good Afternoon,

Thank you again for reviewing these applications and for your proactive outreach.

I was under the impression that the applicant for #2025-031 had spoken with someone at HED. He indicated he was referred to the Public Utility Commission, but it appears direct coordination with HED has not yet occurred. As an important note, this portion of the application, specifically the solar installation, is within a mapped floodplain and will require a State floodplain permit. Therefore, the DRB will not be addressing the solar proposal at this time.

That said, your points about early coordination remain critical. I would fully support the creation of a protocol or simple notification process for utility consultation in relevant cases, particularly for projects involving:

- Substantial new energy loads (commercial/industrial/multifamily)
- Service upgrades or conversion to three-phase
- Solar or other distributed energy resource interconnections

Some of these applications are reviewed exclusively through the Zoning Administrator's office and do not go before the DRB. I would welcome the opportunity to meet with you to review the types of applications coming through the Planning & Zoning Office and to develop a joint protocol or referral form that can support communication between HED, the Zoning Office, and the DRB when needed.

Please let me know a few times that may work for you to meet in the coming weeks.

Best Wishes,

Kristen Leahy

Zoning and Floodplain Administrator

Resilience & Adaptation Coordinator

(802) 472-1686

Spring and Summer 2025 Office Hours:

Monday - 11 am to 1 pm

Tuesday - 8:30 am to 2 pm

Wednesday - 9:30 am to 2 pm

Thursday - 8:30 am to 2 pm

Friday and Saturday - By appointment

Outside of daily stated hours, by appointment.

Any decision or act of the Zoning Administrator may be appealed within 15 days of such decision or act as per Section 7.3A of the Hardwick Unified Development Bylaws.

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