

Hardwick Development Review Board  
Conditional Use Review Request  
Cary Bessette – landowner and applicant  
*154 VT Route 15 West, Hardwick*  
*Application #2025-063*  
October 15, 2025

To consider a Conditional Use Review request by Cary Bessette for the installation of an Accessory Structure (Storage) over 500 sq feet at an existing Mixed-Use structure in the Highway Mixed Use zoning district. Development would be above Base Flood Elevation in Zone AE in the Flood Hazard Area Overlay and in the Source Protection 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; 3.12 Protection of Water Resources; 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 Monday, September 29, 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 Lake LLC c/o Dennis Pudvah; LB2, LLC; New Leaf Realty LLC; Walgreen Eastern Co Inc; Merchants Bank Community Bank NA; Union Bank; and Hardwick Electric on Friday, September 26, 2025. It was also published in The News and Citizen on Thursday, September 30, 2025.

**Development Review Board members present:** John Mandeville, Chair; Kole; Helm Nottermann; Gillian D’Acerno; and Ruth Gaillard.

**Development Review Board members absent:** Kate Brooke

**Others present:** Kristen Leahy, Zoning Administrator (acting clerk); Cary Bessette, Landowner; and Joseph Pizziferri, abutting property owner.

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

1. Letter from David Upson, Jr., Town Manager re: Source Protection Area, dated October 14, 2025
2. Email letter from Alexis Nevins, State of Vermont Flood Plain Manager, dated October 9, 2025
3. Letter from Hardwick Electric Department regarding a variance of the existing ROW, dated October 3, 2025

**Summary of Discussion**

Chair John Mandeville began the hearing at 7 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 their proposal. Mr. Bessette has submitted a zoning application to construct/install a pole barn structure for additional storage at his Mixed-Use location. The building would be located on the upper field at the back of the lot, adjacent to the existing storage building. The plan is to store the trailers and other items from the yard inside the building. This will facilitate the plowing of the parking area and potentially improve the visual aesthetics of the property.

The structure will be like those that are utilized on farm operations. Canvas roof, lattice trusses, and the building on posts. The exterior will be a similar color aesthetic (tan and tin) as the adjacent building. Staymat flooring will be on the ground. No business in the building. No water and sewer connections.

There will be a charging station and power inside the building, but the installation will occur above the Design Flood Elevation height – four feet as per electrical code

The hearing ended at 7:18 pm. Helm Nottermann made the motion to enter deliberative session after the following hearing and Kole 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.** Accessory Structures over 500 square feet are listed as Conditional Use in the district. Applicant is requesting to install additional storage space for the existing Mixed-Use structure. **Location is over 45 feet from the centerline of Vermont Route 15 West and 20 feet from the side and rear setbacks.**

**2.8 Flood Hazard Area Overlay District** – The Flood Hazard Area Overlay District lists “Accessory Structures over 500 square feet” as a Conditional Use. **The requested structure will be located above Design Flood Elevation. The Floodplain Manager also reviewed the request and submitted a letter on October 9, 2025 (See Exhibit #2).**

**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** – the property is in the Flood Hazard Area Overlay. The proposal is beyond the setback required from the Lamoille River. The proposal is located in Hardwick’s Source Protection Area. **Additional storage is not specifically prohibited within the designated Source Protection Area. A letter of support was received from David Upson, Jr., the Town Manager. See Exhibit #1. The DRB accepted Mr. Upson’s letter of support as testimony that the water supply will not be subject to contamination from this facility.**

#### **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. Installation of additional storage may compliment the character of the area by maintaining a more aesthetically designed façade.
3. **Traffic on roads and highways in the vicinity.** The Highway Mixed Use circulation and traffic pattern on Vermont Route 15 West is directed by the existing use in the area. No adverse effect was identified.
4. **Bylaws in effect.** Source Protection Area concerns were addressed in the conditions. (See Exhibit #1)
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 installation.**
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 location has 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 an established landscaping strip.**

**5.3 Flood Hazard Review**

C. The proposed structure would be located above the Design Flood Elevation (Elevation certificate is on file). Flood damage resistant materials and techniques will be employed. Per the recommendation and the Hardwick Unified Bylaws, the applicant will need to submit a second Elevation Certificate for the as-built structure to show that the lowest floor was constructed at or above the DFE. It will need to include the stamp of a licensed land surveyor or professional engineer. (See Condition #7).

**Decision and Conditions**

Based upon these findings, the Development Review Board voted 5-0 to approve the Bessette 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. The applicant must follow all applicable hazardous materials and waste handling procedures to ensure

2. The Applicant will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
3. The applicant must follow all applicable hazardous materials and waste handling procedures to ensure there is no soil contamination from activities occurring during construction or from the on-going operation of the building.
4. The applicant must provide the Town of Hardwick with an annual inventory of all hazardous materials stored and/or used in the building. The inventory shall be provided to the Town Manager's office by the first of July of each year.
5. No vehicular parking will occur on VT Route 15 West.
6. Any additional external lighting will be downlit and designed to reduce light pollution.
7. The Applicant must submit a second Elevation Certificate for the as-built structure to show that the lowest floor was constructed at or above the DFE. It will need to include the stamp of a licensed land surveyor or professional engineer (on the recommendation of the Floodplain Manager).

Signed:

 \_\_\_\_\_, Chair  
John Mandeville, DRB Chair  
Administrator

 \_\_\_\_\_, acting clerk  
Kristen Leahy, Zoning

Date 10/21/2025

Date 10/21/2025

**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.

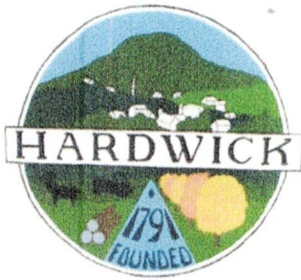


## Hardwick Unified Development Standards

### 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)

October 14, 2025

Cary Besette  
PO Box 710  
Hardwick, VT 05843

Property Location: 154 VT Route 15 West, Hardwick

Dear Mr. Besette,

We have reviewed your request to expand your business footprint with the installation of a storage structure. We hereby approve your request with the understanding that your location falls within the Town's drinking water source protection area. The following conditions apply:

1. You may not discharge any waste onto or into the ground from your location.
2. You must report to the Town Manager's office any spill of hazardous materials on the ground exceeding one (1) gallon.
3. You must provide the Town with an annual inventory of all hazardous materials stored or used in the space you lease or own. This inventory must be submitted to the Town Manager's office by July 1 of each year.
4. You must comply with all applicable Town, State, and Federal permit requirements.

If you have any questions or comments regarding these conditions, please contact my office.

Respectfully,

David Upson  
Town Manager

Cc: Hardwick Zoning 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





Vermont Department of Environmental Conservation  
Watershed Management Division  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522



Kristen Leahy  
Zoning and Floodplain Administrator  
Resilience & Adaptation Coordinator  
Hardwick, VT  
[Zoning.administrator@hardwickvt.gov](mailto:Zoning.administrator@hardwickvt.gov)

October 9, 2025

**Subject:** Accessory structure at 154 Route 15 West, Hardwick VT

Dear Kristen Leahy,

Thank you for sending the Zoning Permit Application on September 11, 2025. According to the effective Flood Insurance Rate Map (FIRM) for the Town and Village of Hardwick (panel number 500027 0012D, revised July 17, 2002) the project location is within the FEMA-mapped Special Flood Hazard Area (SFHA), Zone AE of the Lamoille River. I offer comments on the project in relation to the Hardwick Unified Development Bylaws Section 5.3 and the National Flood Insurance Program (NFIP).

The application is for a 1,920 square foot accessory structure in the SFHA. The proposed structure will have the top of the bottom floor elevated to 806.1' according to the application. The structure will have electrical brought to the site and will be located 3-4 feet above the lowest floor. The structure is attached to four posts, five feet deep, secured with concrete anchors.

Section 5.3(G)(3) and (4) of the bylaws require the lowest floor of new non-residential structures to be located at or above the DFE (at least two feet above the Base Flood Elevation). Section 5.3(G)(16) also requires no net loss of flood storage capacity. Assuming the applicant intends to use fill to elevate the building above the DFE, there are some considerations. The partial Elevation Certificate provided does not provide a clear picture of the existing grade. Section H1(a) of the Elevation Certificate states the top of the bottom floor is 0.5-feet above the lowest adjacent grade (LAG). If the top of the lowest floor is 806.1 feet, then it is possible the LAG is 805.6 feet. If this is the case, it appears that the building site is above the BFE, however it is still mapped in the SFHA and so requires review and permitting under Hardwick's flood hazard regulations. If the fill is proposed on land above the base flood elevation, then the project would not reduce flood storage capacity during the base flood. The fill could have an impact on flood storage at floods larger than the base flood. Hardwick's bylaws do not specifically regulate floods larger than the base flood, so it does not appear the regulations require flood storage compensation for fill above the base flood elevation. It is up to the community to decide if compensatory storage is required for the fill that is placed above the BFE but below the DFE.

Relevant elevations:

First Floor Elevation	806.1' NAVD88	Proposed elevation of the first floor
Design Flood Elevation	805.6' NAVD88	Two feet above BFE – using the estimated BFE below
Base Flood Elevation	803.8' NGVD29 <u>or</u> 803.6' NAVD88	Extent of the elevation of a 1% annual chance flood in this location – estimated from the Flood Insurance Study
Lowest Adjacent Grade	?	Lowest ground at building perimeter

The Elevation Certificate reports elevations in NAVD88 which is a different vertical datum than the FEMA maps and study reports in, which is NGVD29. A vertical datum is how elevations are measured, above sea-level, with each datum using a slightly different sea-level. In the table above, I estimated the base flood elevation from the FEMA flood insurance study in NGVD29. I converted this base flood elevation from NGVD29 to NAVD88 and provided that elevation in the table for reference. Technically, the elevations reported in an Elevation Certificate should be in the same vertical datum as the effective FEMA map and study. While there is a minor difference between the two datums, usually only a few tenths of a foot, using different datums can create confusion and the NFIP requires regulation to one tenth of a foot.

The town regulations (5.3(G)(3)) require two Elevation Certificates for a new structure, one for the proposed condition and one for the as-built structure. The application includes an Elevation Certificate that appears to need minor corrections. In Section C, question C.1. should be marked "construction drawings" rather than "finished construction" if it is meant to show the proposed condition. The applicant will need to submit the second Elevation Certificate for the as-built structure to show the lowest floor was constructed at or above the DFE. It will need to include the stamp of a licensed land surveyor or professional engineer.

These comments are offered in support of the Town of Hardwick through Section 5.3 of the Hardwick Unified Development Bylaws and 24 VSA §4424. Where the Town has additional, or more stringent standards, those standards apply.

Please let me know if you, or the applicant, have any questions.

Sincerely,



Alexis Nevins  
River Corridor & Floodplain Manager  
[Alexis.Nevins@vermont.gov](mailto:Alexis.Nevins@vermont.gov)  
(802) 480-1687





Hardwick Electric Department  
PO Box 516  
Hardwick VT 05843  
802.472.5201  
[hardwickelectric.com](http://hardwickelectric.com)

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Cary Bessette  
PO Box 710  
Hardwick, VT 05843

October 3, 2025

Account No: to be determined  
Location: 154 Rte. 15W

Per application 2025-063 to erect a hoop barn at 154 Rte. 15W Hardwick Electric is granting a variance of the existing right of way of 25ft of each side of the center line. Hardwick Electric is authorizing the same footage to the existing building in the area at 17ft.

Sincerely,

  
Brian Forant  
Operations Manager

# CUSTOMER LOAD DATA SHEET

Date: 9/25/25

Bear Besette  
Customer Name

P.O. Box 710 Hardwick VT 802-279-0443  
Customer Address Customer Telephone No.

Lucas Robillard, CFW Electric EM-4742  
Electrician's Name Electrician's License No.

802-535-5901  
Electrician's Telephone No.

154 Rt. 15W Hardwick VT 05843  
Service Address Location: Complete 911 Address

## BUILDING INFORMATION

Circle Building Use: Residential / Commercial Seasonal / Rental

Requires State Inspection Yes ☒ No ☐

Building Usage: Storage/Garage

Hours of Operation: \_\_\_\_\_ Sq Footage: \_\_\_\_\_

Existing Service Amps \_\_\_\_\_ Volts \_\_\_\_\_ Phase \_\_\_\_\_ Wire Size \_\_\_\_\_ Wire # Runs \_\_\_\_\_ 3-wire ☐ 4-wire ☐

Desired Service Amps 200 Volts 242 Phase single Wire Size 4/0 Wire # Runs 1 3-wire ☒ 4-wire ☐

No. of Existing Meters \_\_\_\_\_ No. of New Meters 1 Size of Main Panel 200 amps

LOCATION OF METER / DISCONNECT WILL BE DETERMINED BY THE HARDWICK ELECTRIC DEPARTMENT

		CONNECTED LOADS							
		Existing	New/Increase	Qty	Size			Existing	New/Increase
Air Conditioning	HP/Tons					Motor Load	HP		
Cooking Equipment	kw					Refrigeration	kw		
Heating Load	kw					Storage Heat	kw		
Heat Pumps	kw					Water Heating	kw		
Lighting Load	kw		<u>6,200</u>			Dehumidifier	kw		
EV/PHEV Charger	kw		<u>24,000</u>	<u>2</u>	<u>50amp</u>	Miscellaneous	kw		
Special Equipment (Welder, xray, etc) - Describe _____									
						TOTAL DEMAND			

List all individual motors over 5HP: \_\_\_\_\_

(Single phase motors over 5HP and three phase motors over 10HP require reduced voltage starting)

Gas/Propane/Diesel Powered Emergency Generator: Yes ☐ No ☒ Size \_\_\_\_\_ Switch Type \_\_\_\_\_

## INTERCONNECTED/DISTRIBUTED GENERATION

SOLAR ☐ BIOMASS ☐ WIND ☐ BIOGAS ☐ Size (kW) \_\_\_\_\_ CPG # \_\_\_\_\_  
☐ ROOF ☐ GROUND OTHER ☐

BATTERY ENERGY STORAGE SYSTEM Yes ☐ No ☐ Size \_\_\_\_\_ Charged via Solar ☐ Grid ☐

## FOR UTILITY USE ONLY

Utility Representative \_\_\_\_\_ Date \_\_\_\_\_

Town \_\_\_\_\_ Substation \_\_\_\_\_ Circuit \_\_\_\_\_ Pole # \_\_\_\_\_

Present Demand \_\_\_\_\_ Expected Increase \_\_\_\_\_ Expected Total Demand \_\_\_\_\_

Transformer KVA Size (Current) \_\_\_\_\_ (Expected) \_\_\_\_\_ Metering Requirement \_\_\_\_\_

## HARDWICK ELECTRIC DEPARTMENT SERVICE REQUIREMENTS

Revised April 2025