

Hardwick Development Review Board
Conditional Use Review Request
Floodplain Review Request
JKO Properties, LLC – Applicant and Landowner
454 VT Route 15 West, Hardwick
Application #2026-004
March 18, 2026

To consider a Conditional Use Review request to construct a 10'x12' addition to the existing Retail Sales structure in the Highway Mixed Use zoning district. Development would be 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; 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, March 2, 2026, 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: Penny French and Tammy Pasette; Kelly and Dean Mercier; Joseph and January Slayton; Amanda and Lafayette Gabaree; Claude Fontaine; Robin and Wilbur Blake; David Wilkins; Johnathan Robarge; Bruce and Cathryn Mayo; LB2, LLC; and Hardwick Electric on Monday, March 2, 2026. It was also published in The News and Citizen on Thursday, March 5, 2026.

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

Development Review Board members absent: Gillian D'Acierno has stepped off due to relocation.

Others present: Kristen Leahy, Zoning Administrator (acting clerk), John Ovitt (owner) and Curtis Stryffeler (Manager).

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

1. Email letter from Alexis Nevins, State of Vermont Flood Plain Manager, dated March 17, 2026
2. Expanded contractor and subcontractor inventory of costs – labor and materials from Stark Construction

Summary of Discussion

Chair John Mandeville began the hearing at 7:01 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. John Ovitt testified that he purchased the Retail Sales location five years ago. He has been working to return any profits from the store into the store's future viability. This project would expand the cooler space and allow a beer cave to be integrated into the store. The expansion would allow more products to be available and to have more space. The beer cave concept makes the purchase (and retrieval) of larger packs of beer easier for the customer.

The expansion would be 10 feet by 12 feet and would be accessed from the store's interior. Currently, this location is essentially "dead space." The store places milk crates in this external location. No parking would be sacrificed for the expansion.

No additional lighting is planned.

The hearing ended at 7:20 pm. Kole made the motion to enter deliberative session and Helm Nottermann 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. Retail Sales is a Conditional Use in the district. The Applicants are requesting to construct an additional 10'x12' on the existing structure. **Location is 58 feet from the centerline of Vermont Route 14 North and 146 feet from the centerline of Vermont Route 15 West and over 20 feet from the side and rear setbacks. Location is 100 feet from the Lamoille River.**

2.8 Flood Hazard Area Overlay District – The Flood Hazard Area Overlay District lists "Non-Substantial Improvements outside the Floodway" as a Permitted Use. **The requested addition will cost less than 50% of the assessed value. The Floodplain Manager also reviewed the request and submitted a letter on March 17, 2026 (See Exhibit #1). The most recent inventory of costs is from Stark Construction (See Exhibit #2). The assessed value of the building is \$168,000 and the cost estimate is \$71,000. The project will have a determination from the Floodplain Administrator.**

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 (100+ feet).**

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 retail space matches the location.
3. Traffic **on roads and highways in the vicinity.** The Highway Mixed Use circulation and traffic pattern on Vermont Route 15 West and Vermont Route 14 North is directed by the existing use in the area. No adverse effect was identified.
4. Bylaws **in effect.** No additional wastewater or water usage will be necessary from this expansion.

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. State of Vermont was consulted as they have two Routes that are adjacent to this store (Route 14 and Route 15) – no concerns were provided to the Zoning office.**
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 addition will be a non-substantial improvement. Flood damage resistant materials and techniques will be employed. Per the recommendation of the Floodplain Manager 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 BFE. It will need to include the stamp of a licensed land surveyor or professional engineer. (See Condition #5).

Decision and Conditions

Based upon these findings, the Development Review Board voted 5-0 to approve the JKO Properties LLC conditional use application as presented and amended with the following conditions:

Conditions:

1. 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 15 West or VT Route 14 North.
4. Any additional external lighting will be downlit and designed to reduce light pollution.
5. 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 BFE. 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

Date 3/23/26



Kristen Leahy, Zoning Administrator

Date 3/23/24

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 to be incompatible with the surrounding area; or more than 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 for 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** more than 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.



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



Kristen Leahy
Zoning & Floodplain Administrator
Hardwick, VT
Zoning.administrator@hardwickvt.gov

March 17, 2026

Subject: Addition to the Hardwick Kwik Stop

Dear Kristen Leahy,

Thank you for sending the Development Application on February 25th, 2026, for the addition to the Hardwick Kwik Stop. According to the effective Flood Insurance Rate Map (FIRM) for the Town of Hardwick (500027 0012D dated July 17, 2002) the project is within the FEMA-mapped regulatory Special Flood Hazard Area, Zone AE, of the Lamoille River. I offer comments on the project in relation to Section 5.3 of the Hardwick Unified Development Bylaws and the National Flood Insurance Program (NFIP).

This project is for a 12' x 10' addition on the Kwik Stop, for added refrigeration space on the northernmost corner of the structure. The proposed cost of the addition in the application is \$25,479.00 for the construction of the structure, foundation, and roofing. It is not clear if the estimate includes the cost of the new refrigeration service equipment or any of the other utility components. These costs must be included in the Town's Substantial Improvement calculation in this application file. The current assessed value of the building itself, as provided in the application, is \$168,600.00. It does not appear that this addition would constitute a Substantial Improvement (even with potential missing costs), but the calculation and costs should be documented for cumulative improvement.

The applicant should provide the details to the Town demonstrating the addition is following the Development Standards of Section 5.3(G)(1)(a)-(e). This should include anchoring details, materials and methods proposed, equipment and service facility elevation (if any, for new refrigeration/electrical components). The Town may wish to request more documentation from the applicant for the application file to ensure all requirements will be met. The Mumley Engineer statement suggests that the addition is at/above the BFE resulting in no net loss of flood storage volume at the project location. No compensatory storage would be required for this project.

The proposed project appears to meet the Town of Hardwick's Flood Hazard Bylaws as well as the National Flood Insurance Program requirements, if built as proposed.

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

FORMAL QUOTE

STARK CONSTRUCTION

454 Vermont Rt. 15 W
Hardwick, VT 05843

John Ovitt,

Below you will find your fixed price quote for the scope of work outlined.

The scope of work is as follows: Excavate for 4' concrete frost walls measuring 10'x 12'. Form and pour concrete footings and walls. Pour and finish concrete slab as finished floor. Frame exterior walls for 10' x 12' addition using 2x6 pressure treated lumber. Frame shed roof to match existing. New shingle roof installed and spliced into existing shingle roof. Color of shingle will be matched as best as possible. All walls and ceiling will be spray foamed. Spray foam will then be covered with 1/2" moisture resistant drywall to create fire barrier for spray foam. Drywall will be fire taped and then covered by refrigeration contractor. All lighting and required circuits for new addition are included. Re-routing of any electrical required in order to perform the construction is also included. Any and all mechanicals impacted by the construction will be re routed or moved as necessary. Doorway(cased opening) to be cut and finished between existing refrigeration unit and new beer cave addition. Exterior of the building to be covered in a drainable house wrap, 1" blue board insulation and strapping to create a ventilation and drainage plain. Siding will be steel roofing panels installed vertically. Existing T-111 wall adjoining new addition will be replaced as part of the scope of work. The same steel roofing panels will be used to replace. A few pieces of trim on existing building will be replaced with a solid pre primed pressure treated pine.

Cost Break Down:

- Labor \$18,880.00
- Materials \$5,701.84
- Concrete \$4,000.00
- Excavation** \$7,114.98
- Refrigeration \$7,433.56
- Insulation \$2,200.00
- Port-a-let \$320.00
- Disposal Cost \$300.00
- Contractor Markup 15% \$9,142.56

Allowances*:

- Electrical \$10,000.00
- Plumbing \$ 5,000.00

Total cost: \$70,092.94