Hardwick Development Review Board
Conditional Use Review Request
Floodplain Review Request
K.P. Auto Center LP – Applicant and Landowner
82 VT Route 15 West, Hardwick
Application #2026-018
June 3, 2026

To consider a Conditional Use Review request for a change of use to an existing Retail Sales structure to Mixed Use with Retail Sales, Health Clinic, Motor Vehicle Sales, Office, Personal Service, and Recreation (Indoor) 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 2.4 Highway Mixed Use District; 2.9 Flood Hazard Area Overlay; 3.11 Performance Standards; 3.12 Protection of Water Resources; 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 Monday, May 11, 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: Cary Bessette; Merchants Bank Community Bank; Union Bank; Hardwick Enterprise Group, LLC; Amerigas Propane, L.P.; Teresa Clark; Paul and Katharina Schuster; and Hardwick Electric on Monday, May 11, 2026. It was also published in The News and Citizen on Thursday, May 14, 2026.

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

Development Review Board members absent: Helm Nottermann

Others present: Kristen Leahy, Zoning Administrator; Michael Koper (landowner and applicant).

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 June 3, 2026

Summary of Discussion

Chair John Mandeville opened the hearing at 7:01 p.m. He noted that the hearing was quasi-judicial, explained the hearing procedures, requested disclosures of any conflicts of interest from board members, and swore in all individuals wishing to provide testimony.

Mr. Mandeville invited the applicant to present the proposal.

Michael Koper, owner of the former Walgreens complex, explained that he is actively seeking tenants for the vacant pharmacy space. Because the future use of the space has not yet been determined, he submitted an application that would allow for several potential uses. If a tenant cannot be secured, he intends to utilize the space as an automobile dealership. Mr. Koper stated that the approximately 11,000-square-foot space could

serve as one of the largest indoor vehicle showrooms in Vermont. He believes there may be a market for vehicles sourced from areas with limited exposure to road salt and displayed indoors in a heated environment.

Mr. Koper reported that he is working with Town Manager David Upson regarding the potential acquisition of the adjacent AmeriGas property. He envisions developing a vehicle service facility on that site and in the area currently occupied by the former convenience store, which is part of the same parcel as the Walgreens/Tops building. He acknowledged that environmental contamination may be present on both sites and indicated a willingness to pursue any necessary remediation measures.

Mr. Koper stated that no motor vehicle servicing would occur within the former Walgreens building.

He further noted that vacancies are not beneficial to either the property or the community and that his goal is to establish an active use within the existing structure while exploring future opportunities involving the AmeriGas and former convenience store properties.

Mr. Koper discussed floodproofing options for the building. He stated that deployable flood barriers are expensive and require personnel to install. He further noted that the cost of dry floodproofing the structure would exceed what Tops is willing to invest. According to Mr. Koper, Tops has indicated a preference for insuring its inventory rather than funding extensive floodproofing improvements. He also noted that the building has not sustained substantial flood damage and therefore is not currently required to be brought into compliance with current floodplain standards.

Mr. Koper stated that the building is equipped with a sprinkler system and that the rear access door is sufficiently sized to accommodate vehicle entry.

Mr. Koper indicated that he does not currently plan to install electric vehicle charging stations but will continue to monitor developments in charging technology and may consider them in the future.

The hearing ended at 7:36 pm. Ruth Gaillard made the motion to enter deliberative session and Andy Gilbert seconded. All members were in favor.

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

2.4 Highway Mixed Use – all setbacks and dimensional standards are met for this district. Mixed Use is a Conditional Use in the district. All proposed uses in the Mixed Use – Retail Sales, Office, Personal Service, Motor Vehicle Sales, Health Clinic, and Indoor Recreation – are Conditional Uses in the Highway Mixed Use district. **Location is over 100 feet from the centerline of Vermont Route 15 West and over 20 feet from the side and rear setbacks. Location is 350 feet from the Lamoille River.**

2.9 Flood Hazard Area Overlay District – The Flood Hazard Area Overlay District lists "Non-Substantial Improvements outside the Floodway" as a Permitted Use. **The Floodplain Manager reviewed the request and submitted a letter on June 3, 2026 (See Exhibit #1). The current request is for a Change of Use with no structural changes to the interior or exterior of the existing building.**

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 (350+ feet).**

3.13 Parking and Loading Requirements – The Highway Mixed Use District lists Mixed Use parking as "Other." Table 3.1 indicates that parking will be "As determined under site plan or conditional use review." 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." **There is adequate parking on site per the applicant's testimony. No screening from adjoining properties was requested.**

4.12 Mixed Use – more than one principal use may be allowed within a single building subject to provisions: 1) each of the 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 uses are Conditional Uses in the Highway Mixed Use district and conform to the additional standards and regulations.**

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. The change of use 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 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 change of use.

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 change of use.**

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. No structural changes are currently being proposed. This Conditional Use Review relates to the actual use of the existing structure. If interior or exterior changes are needed, a separate application will be provided.

Decision and Conditions

Based upon these findings, the Development Review Board voted 4-0 with one abstention to approve the K.P. Auto Center LP 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. Any additional external lighting will be downlit and designed to reduce light pollution.

Signed:

_____, Chair
John Mandeville, DRB Chair

Date 6/9/26

_____
Kristen Leahy, Zoning Administrator

Date 6/9/26

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.

Exhibit #1

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

VERMONT
Agency of Natural Resources

Kristen Leahy
Zoning and Floodplain Administrator
Town of Hardwick, VT
Zoning.administrator@hardwickvt.gov

June 3, 2026

Subject: 82 Route 15 West

Dear Kristen Leahy,

Thank you for sending the Development Application on May 12, 2026, for the change in use application in Hardwick, VT. According to the effective Flood Insurance Rate Map (FIRM) for the Village of Hardwick (map panel 500027 0012D, effective July 17, 2002) the project is within the Special Flood Hazard Area (SFHA), Zone AE, of the Lamoille River. I offer comments on the project in relation to the Town of Hardwick Unified Development Bylaws, Section 5.3, and the National Flood Insurance Program (NFIP).

The applicant is requesting a 'Change in Use' to the structure located at the subject address; currently occupied by Tops Market (grocery store) with the other side of the structure previously occupied by a pharmacy. The proposed uses in this application are retail sales, health clinic, motor vehicle sales, office, personal services, and indoor recreation.

There are no specific requirements for a Change in Use in the SFHA as no physical change to the structure or land is proposed. However, any future changes/improvements to the structure or the land will need to be reviewed for compliance with Section 5.3 and NFIP minimum requirements. The current structure sits below the Base Flood Elevation (BFE), in Zone AE, in a very vulnerable location. The following development standards that may be applicable for future improvements serve the purpose of protecting the applicant's investment, increasing community resilience, and creating no adverse impacts.

Future improvements to the structure could constitute a Substantial Improvement, defined in the bylaws as: *"...includes any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over one year, or over a period of a "common plan of development," cumulatively equals or exceeds fifty percent of the market value of the structure before the "start of construction," regardless of the actual repair work performed..."* There are two different development standards applicable for substantial improvements to non-residential structures as described in Sections 5.3(G)(3) and (4) of the bylaw. The first is to elevate the structure entirely, and the second is to dry floodproof the structure – which is a technique that seals the building's exterior to prevent floodwater from ever entering. Even if the substantial improvement threshold is not met, we strongly

encourage one of the two mitigation strategies as a long-term solution to protect the structure and investment into the structure provided the flooding history at this location.

As always, all development located in the SFHA is subject to Section 5.3(G)(1) and shall be:

a. Reasonably safe from flooding;
b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, or lateral movement;
c. Constructed with materials resistant to flood damage;
d. Constructed by methods and practices that minimize flood damage;
e. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding...

Again, while no physical changes are currently proposed, the details provided here should be considered throughout the planning process as the use of the structure evolves. This change in use application meets the minimum NFIP requirements.

These comments are offered in support of the Town of Hardwick through Section 5.3 of the Unified Development Bylaws and 24 VSA §4424. Where the Town has additional, or more stringent standards, those standards apply. As always, other State, Federal or local permits may be required for this project.

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

Sincerely,

Alexis Nevins
River Corridor and Floodplain Manager
Alexis.Nevins@vermont.gov
(802) 480-1687