



Town of Hardwick
Office of the Zoning Administrator
P.O. Box 523
Hardwick, Vermont 05843
phone: (802) 472-1686
e-mail: zoning.administrator@hardwickvt.gov

HARDWICK DEVELOPMENT REVIEW BOARD

NOTICE OF PUBLIC HEARING

A public hearing of the Hardwick Development Review Board will be held on the third floor of the Memorial Building on Wednesday, April 3, 2024 beginning at 7:00 p.m. to discuss the following:

7:00 pm Conditional Use and Flood Plain Review regarding reconstruction of the Pedestrian Bridge over the Lamoille River. Property is in the Central Business zoning district and the Floodway of the Lamoille River. Application #2024-010 (Town of Hardwick) is located between 42 South Main Street and 74 South Main Street in Hardwick, VT.

7:30 pm Conditional Use and Flood Plain Review regarding the change of use of an existing Historic non-conforming structure to Mixed Use (Community Center, Cultural Facility and Office). Property is in the Central Business zoning district and the Floodway of the Lamoille River. Application #2024-013 (The Civic Standard) is located at 42 South Main Street in Hardwick, VT.

A virtual option is available through Zoom. To join the hearing with Zoom, sign up for a free Zoom account anytime (zoom.us), then at 7:00 pm or 7:30 pm on Wednesday, April 3, 2024, go to Zoom and click on: join a meeting. The meeting number is 826 2915 9261. The passcode is 212042. You may phone into the Zoom meeting at: 301-715-8592 (this is not a toll free number).

To join the Zoom Meeting:

<https://us06web.zoom.us/j/82629159261?pwd=FK32vU0nWBrFjd20gCdw1OwRbQ06Wl.1>

The applications are available for inspection in the Hardwick Memorial Building or on the Hardwick website –<https://hardwickvt.org/government/committees-commissions/development-review-board/> Pursuant to 24 V.S.A. §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. Persons wishing to be heard may join the hearing virtually or in person or be represented by an authorized agent or attorney at the hearing.

Communications regarding the above applications may be filed in writing with the Hardwick Development Review Board at the Zoning Administrator's Office in the Hardwick Memorial Building or by email at zoning.administrator@hardwickvt.gov. Communications must be received prior to the scheduled hearing.

Kristen Leahy
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



APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE
FLOOD HAZARD OVERLAY

Town of Hardwick

PO Box 523, Hardwick, VT 05843

(802) 472-1686

zoning.administrator@hardwickvt.gov

FOR TOWN USE ONLY

Application Number: 2024-013

Tax Map Number 23053 - 00020

Zoning District CB // Floodway

Date Application Received 2/8/24

Fee Paid \$ Waived Summer 2023 Date Paid 2/8/24

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Hardwick according to the attached fee schedule. **All fees waived Summer 2023.**

Applicant(s):

Name(s): The Civic Standard / Rose Friedman

Mailing Address: PO Box 256, Hardwick VT 05843

Telephone(s) Home: 802-595-8820

Work: _____

Cell: _____

E-Mail: the.civic.standard@gmail.com

Landowner(s) (if different from applicant(s)):

Name(s): _____

Mailing Address: _____

Telephone(s) Home: _____ Work: _____ Cell: _____

E-Mail: _____

Physical Location of Property (911 address):

42 South Main St.

Base Flood Elevation (If Known)

819.5

Type of Permit:

☒ Conditional Use ☐ Variance

Proposed Use/Development (please check all that apply):

☐ New Construction

☐ Commercial

☐ Renovation/Remodeling – Substantial Improvement (Interior and/or Exterior)

☒ Change of Use (please describe): from office to mixed use

Community Center
Cultural Facility
Office

Estimated Value of Project: \$ N/A

In the Flood Hazard Area Overlay, the application must have a detailed account of the expenses in the project. Please attach a list with labor and materials for all included repairs and/or renovations. A list of included and excluded costs is attached to the end of this application.

National Register of
#61 - Historic Places Inventory

Other Permits or Verifications Which May Be Necessary:

- ☒ State Potable Water and Wastewater Permits - N/A
☒ Town of Hardwick Water and/or Sewer Connection Verification - N/A
☒ Local utility company has been consulted - [] yes [X] no N/A
☒ Curb Cut - requires a separate application - necessary if a new driveway must be installed.
[] Applied (date) _____ [X] Not required

Property Description:Acreage in lot 0.1 acre

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 45'

Setbacks: Front 0 (to center of road) Left Side 0
Right side 10 Rear 15
Stream - Other River - 0

Dimensions of Proposed and Existing Buildings:Pre-existing Non-conformity

Existing:
Length 46' No. of Stories 2 1/2
Width 20'
Height pre-existing

Proposed:
Length _____ No. of Stories _____
Width _____
Height _____

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") office

Proposed use and occupancy. Mixed use

General Location Map and Site Plan:

In order for a Conditional Use application to be reviewed by the Development Review Board, a general location map and a completed site plan must be provided.

- ☒ A general location map (on a USGS topographic map or Vermont orthophoto base) showing the location of the proposed development in relation to zoning districts, public highways, drainage and surface waters, and adjoining properties and uses.
- ☒ A completed site plan includes, but is not limited to:
1. North Arrow, scale, project name, date and name and address of the person or firm preparing the map;
 2. The dimensions of the lot, property lines and setback distances from boundaries;
 3. The location and names of roads and streets abutting the property;
 4. Existing site features, including ridgelines, hill tops and areas of steep slope (greater than 25%); drainage, surface waters, wetlands, and associated setback areas; vegetation and tree lines; historic features (ie. Stone walls), and designated critical habitat, flood hazard and source protection areas;
 5. The location (footprints) of existing and proposed structures, including all buildings, other structures, signs, and/or walls;

6. Existing and proposed rights-of-way and easements;
7. Existing and proposed roads, driveways, parking and loading areas (traffic circulation), and pedestrian paths;
8. Existing and proposed utility lines, water supply and wastewater disposal areas;
9. Proposed site grading (cut and fill), stormwater management, and erosion control measures; and
10. Proposed outdoor lighting, landscape design and screening.

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.

(This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

No changes to the building —

Our request for change of use reflects the incredibly vibrant and ~~various~~ diverse mix of activities that the community is bringing to us. These include meetings, free meals, drop-in afterschool sessions, tutoring and college/career prep, music classes and gatherings.

NOTE FOR CONDITIONAL USE PERMITS: Additional information may be required by the Development Review Board to determine conformance with the Town of Hardwick Zoning Bylaws. The application will not be considered complete by the DRB until all required materials have been submitted. One or more application requirements may be waived by the DRB, at the request of the applicant, should the DRB determine that the information is unnecessary for a comprehensive review of the application. Waivers shall be issued by the Board in writing at the time the application is accepted and deemed complete.

☐ Applicant requests a waiver from application requirements. Reason(s) for waiver include(s) the following:

Conditional Use Criteria – Article 5 – Section 5.2:

At your Development Review Board hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"Conditional use approval shall be granted by the Board of Adjustment (DRB) upon finding that the proposed development 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 Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such facilities and services, and any adopted capital budget and program currently in effect. The Board may request information or testimony from other local officials to help evaluate potential impacts on community facilities and services. To minimize adverse impacts to community facilities and services, the Board may impose conditions as necessary on the provision of facilities, services or related improvements needed to serve the development, and/or the timing and phasing of development in relation to planned municipal capital expenditures or improvements;
- 2. Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of the neighborhood or area affected by the proposed development, as determined from zoning district purpose statements, municipal plan policies and recommendations, and evidence submitted in hearing. The Board may impose conditions as necessary to eliminate or mitigate adverse impacts to the area, neighboring properties and uses, including conditions on the design, scale, intensity, or operation of the proposed use;
- 3. Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the function, capacity, safety, efficiency, and maintenance of roads, highways, intersections, bridges, and other transportation infrastructure in the vicinity of the project. The Board may request information or testimony from the Selectboard, Road Commissioner or state officials to help evaluate potential impacts on town and state highways in the vicinity of the development. A traffic study also may be required to determine potential adverse impacts and appropriate mitigation measures. The Board may impose conditions for pedestrians or motorists, including the installation of infrastructure or accepted traffic management and control measures as required by the development;
- 4. Bylaws in effect.** The Board shall determine whether the proposed development conforms to other applicable municipal bylaws and ordinances currently in effect including, but not limited to, town road, health, and facility (e.g., sewer, water) ordinances. The Board shall not approve proposed development that does not meet the requirements of other municipal regulations in effect at the time of application;
- 5. The utilization of renewable energy resources.** The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources either by diminishing their future availability, or by interfering with access to such resources. Conditions may be imposed as necessary to ensure the long-term availability of, and continued access to, renewable energy resources.

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). In addition, the Board may specify as a condition of approval lower densities of development, increased frontage or setback distances, increased buffer areas, and/or designated building envelopes that limit the area to be used for structures and parking, as necessary to avoid or minimize adverse impacts to the character of the area, to significant natural and historic resources identified in the town plan or through site investigation, or to adjoining properties and uses.

2. Performance Standards. All conditional uses shall meet performance standards as specified in Section 3.11. In determining appropriate performance standards for a particular use, the Board may consult with state regulatory officials and consider accepted industry standards. In addition, the Board may limit the hours of operation so that the proposed use is compatible with the character of the neighborhood and area.

3. Access & Circulation Standards. All conditional uses shall meet applicable access management standards as specified in Section 6.6. The Board, in consultation with the Selectboard and state, may impose conditions as necessary to ensure the safety of vehicular and pedestrian traffic on and off-site, including but not limited to conditions on the location and number of access and intersection locations, requirements for shared access and/or parking, and provisions for emergency access, parking, service and loading area, snow storage, pedestrian paths and transit facilities (e.g. sheltered bus stops), as appropriate.

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. Particular consideration will be given to the preservation of existing vegetation, visibility of the development from public vantage points (including roads), and the adequacy of landscaping and screening materials to meet seasonal weather and soil conditions. A landscaping management plan, and surety for up to three years that is acceptable to the Board of Adjustment, may be required to ensure that required landscaping and screening is properly installed and maintained.

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. Development shall be sited and designed to minimize stormwater runoff and erosion during all phases of development. The Board may require the submission of a stormwater management and/or erosion control plan, prepared by a qualified professional, that incorporates accepted management practices recommended by the state in the *Vermont Stormwater Management Manual* and the *Vermont Handbook for Soil erosion and Sediment Control on Construction Sites*, as most recently amended.

District Standards.

1. Central Business District. Within the Central Business District, development shall be designed in accordance with the following standards:

- a. The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g. street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building or that no other practical alternative exists.
- b. Buildings should be oriented toward and relate to, both functionally and visually, public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front façade should include a main entry-way and pedestrian access to the street. Buildings located on corner lots shall either be oriented toward the major street or include a corner entrance. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.
- c. New buildings and additions to existing buildings shall be designed to be compatible with, and not stand in contrast to, historic structures located within the district with regard to building scale, massing, materials, orientation and rhythm of openings.

2. Village Neighborhood District. Within the Village Neighborhood District development shall be designed in accordance with the following standards:

- a. The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g. street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building or that no other practical alternative exists.

- b. Buildings should be oriented toward and relate to, both functionally and visually, public streets include a main entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.
- c. The scale and massing of new buildings, including height, weight, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district.

3. Highway Mixed-Use District. Within the Highway Mixed Use District, development with frontage on state highways (Route 15, Route 14, Route 16) shall be designed in a manner that meets the following 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 space and clustered in appropriate locations.
- 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 Board of Adjustment.

4. Rural Residential and Compact Residential Districts. Within the Rural Residential and Compact Residential Districts, development shall be designed in accordance with the following standards:

- a. Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.
- b. Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts.

5. Forest Reserve District. Development within the Forest District should not detract from the site's scenic qualities, nor obstruct significant views from public vantage points, and should blend in with the existing landscape. Development shall take into consideration existing contours and forest cover to ensure that adequate opportunities exist for the siting and natural screening of development to minimize site disturbance and visual impacts. The Board may require the submission of a visual impact assessment for conditional uses within this district, and/or require additional screening of structures consistent with the natural and built environment.

Notes:

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes Town Personnel to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

The undersigned understand that additional information, such as a survey of the property or expert testimony may be required for review and consideration of this application by the Zoning Administrator or by the Development Review Board and, that, upon my written authorization, fees for such additional information shall be my responsibility.

The permit will expire and become null and void within 2 years from the date of issuance if the permitted development has not commenced.

Construction may not be started until 30 days from the date of Development Review Board approval.

Signature of Applicant(s) Ron Hill Date 2/7/24

Signature of Landowner(s) Ron Hill Date 2/7/24

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

The applicant or any interested person who has participated in the proceeding may appeal a decision of the Development Review Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act (4471, 4472).

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 477-2241 or

jeff.mcmahon@vermont.gov

FOR ADMINISTRATIVE USE ONLY

Date of Approval or Denial by Development Review Board: _____

Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date) _____

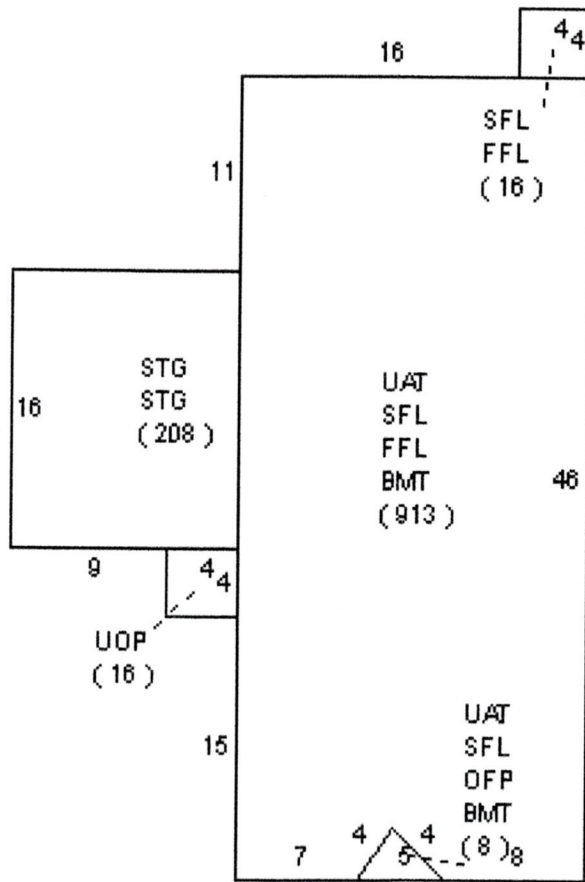
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date) _____

Assessment Field Card

Town of Hardwick, Vermont



Parcel Information	
	<p> Address: 42 SOUTH MAIN ST Map-Lot: 23053-00020 Patriot Account #: 196 Owner: SMALL RAMOND Co-Owner: SMALL KIM Mailing Address: 42 SOUTH MAIN HARDWICK, VT 05843 </p>
Building Exterior Details	General Information
<p> Building Type: COMM/RES Year Built: 1860 Grade: C Frame Type: WOOD Living Units: 1 Building Condition: Fair-Avg Roof Cover: METAL Roof Type: GABLE Exterior Wall Type: CLAPBOARD Pool: False </p>	<p> Total Acres: 0.07 Land Use Code: 41 Neighborhood Code: 35 Owner Occupied: Condo Name: Condo Unit: Zone: Utility Code 1: Utility Code 2: Utility Code 3: </p>
Building Area	Ownership History
<p> Gross Area: 4148 sqft Finished Area: 1866 sqft Basement Area: 921 sqft Garage Area: 0 sqft Detached Garage: sqft Basement Garage: 0 sqft </p>	<p> Sale Date: 2/17/2017 Sale Price: \$ 120000 Nal Description: Grantor (Seller): CONNELLY,ROSS Book/Page: 148-414 </p>
Building Interior	Assessed Value
<p> No. Total Rooms: 1 No. Bedrooms: 0 No. Full Baths: 1 No. Half Baths: 1 Bath Rating: AVER No. Kitchens: 1 Kitchen Rating: FAIR Building Framing: WOOD Interior Wall Type: PLASTER Fireplaces: 0 Solar Hot Water: False Central Vac: False Floor Type: HARDWOOD Heat Type: WALL UNIT Heat Fuel: GAS Percent A/C: 0 </p>	<p> Assessed Yard Value: \$ 0 Assessed Land Value: \$ 37700 Assessed Bldg Value: \$82500 Total Assessed Value: \$120200 </p>



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Vermont



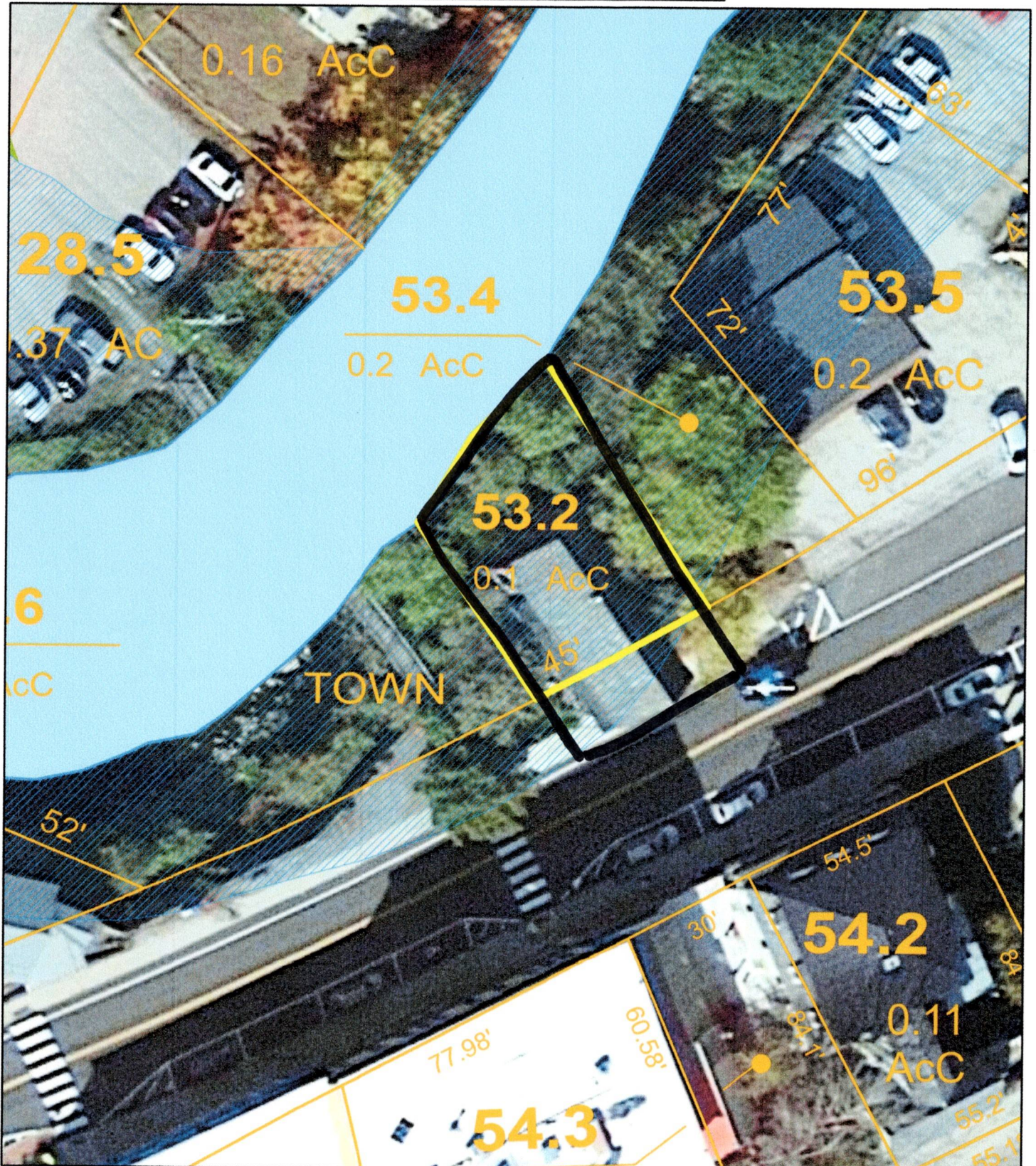
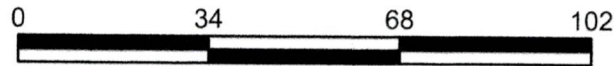
Town of Hardwick, VT

1 inch = 34 Feet

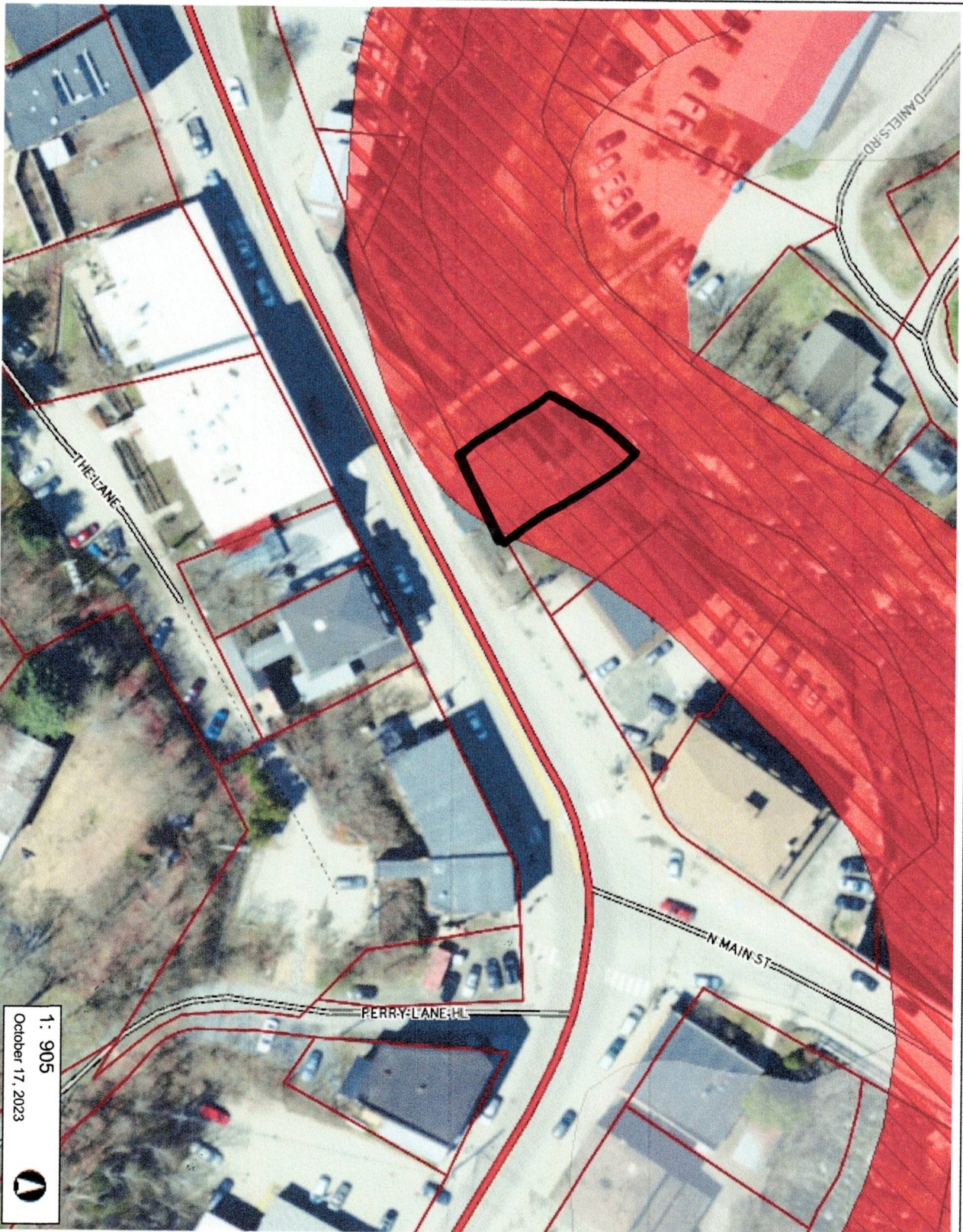
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www.cai-tech.com

October 17, 2023



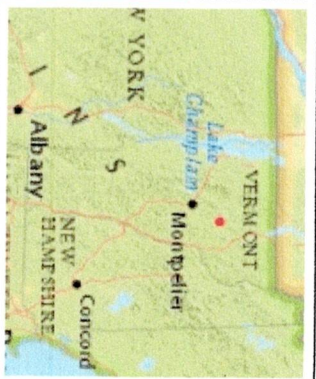
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



1: 905
October 17, 2023

46.0 0 23.00 46.0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources
1" = 75 Ft. 1cm = 9 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

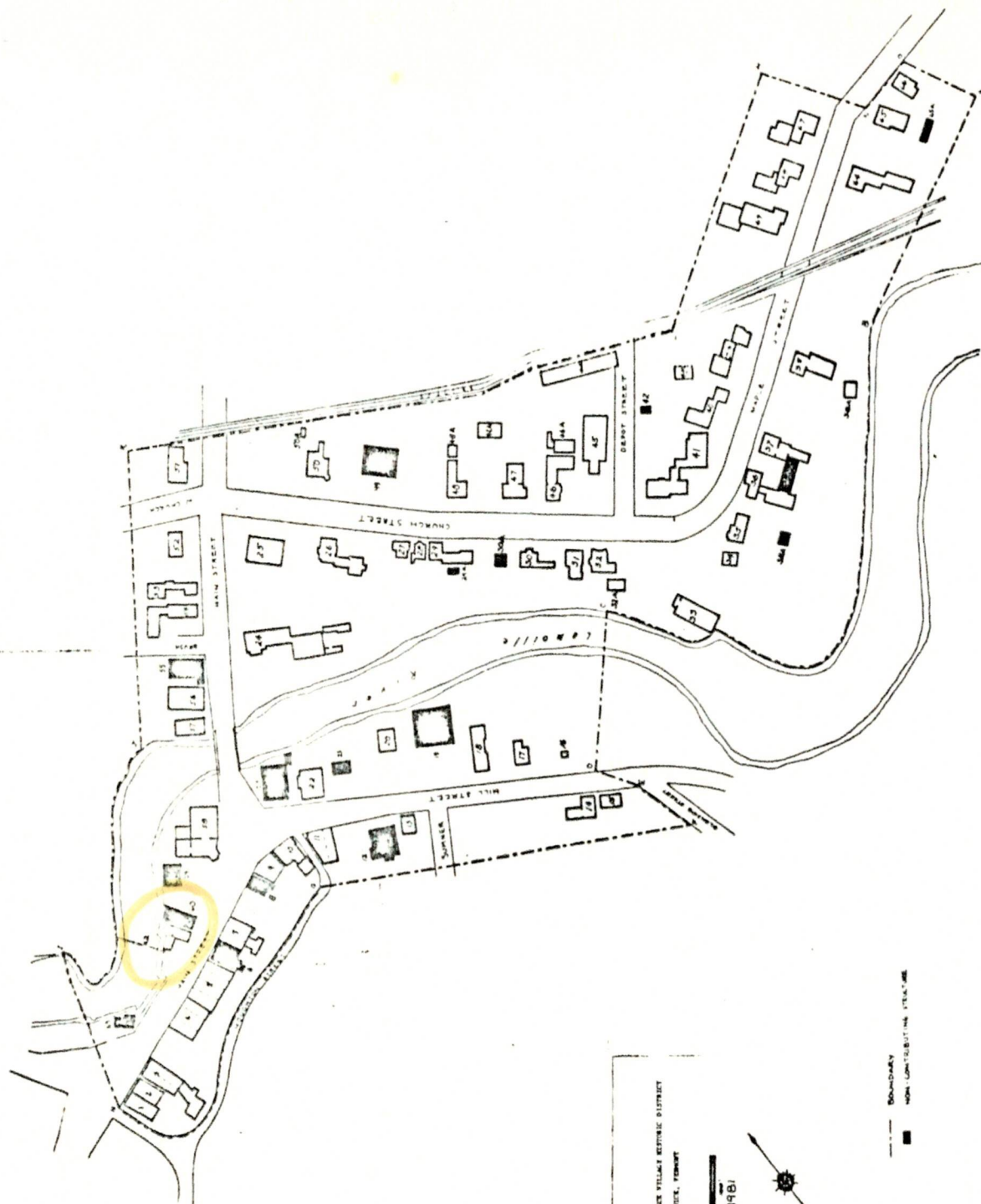


LEGEND

- DFIRM Floodways
- Flood Hazard Areas (Only FEN)
 - AE (1-percent annual chance flood)
 - A (1-percent annual chance flood)
 - AO (1-percent annual chance zone)
 - 0.2-percent annual chance flood ha
- River Corridor Easement
- Parcels (standardized)
- Roads
 - Interstate
 - US Highway: 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas



ROUSES WAREHOUSE VILLAGE HISTORIC DISTRICT
NEW ORLEANS, LOUISIANA

1981



BOUNDARY
WATER

United States Department of the Interior
National Park Service

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only

received

date entered

Continuation sheet 7-29

Item number 7

Page 29

#60 cont'd

This 2-story, plus mansard French Second Empire building, of wood-frame construction, is now covered with asphalt shingles. The commercial first floor is composed of two large display windows of unequal size - the window to the west is approximately twice as large as its companion to the east. Paired doors are off-center and recessed. A cornice runs across the top of the storefronts, above which rises the porch for the second floor, consisting of four square columns slightly enriched with period brackets, and a simple railing with turned balusters. The second floor is divided into 4 bays, two windows to the east and a door and window to the west - all four with enriched molded window-caps. A small plain cornice delineates the edge of the flared mansard which rises up to another cornice above the level of the attic floor. Two symmetrically-placed dormers project through the mansard on the front and east side, each having a shallow-pitched gable roof enriched by a crown molding. The windows are all two-over-two, apparently original.

#61 The Gazette Building (South Main Street), c.1850

The Gazette Building is a 2½-story, gable front, vernacular building consisting of a commercial first floor with symmetrical display windows flanking a recessed center entry, with a modest storefront cornice. The windows, three evenly-spaced double-hung windows on the second floor, and one in the peak, are all cased in simple, flat trim. The walls are clapboarded, with characteristic wide corner boards: the frieze is plain and the eaves overhang deep. The soffit is composed of beaded matched boards, painted white; a shallow-pitched extension of the roof projects from the west side of the building, covering a second story porch and stairs from the ground to the porch. A modern metal roof is punctured by one modern chimney with lead flashing. The rear of the building sits down one story below street level, at the river. The foundation is a mixture of granite and rubble stone, much of which has been covered with concrete. Several original six-over-six windows remain in the riverfront elevation, along with a number of more recent two-over-twos and one-over-ones. Four-by-four braces supporting the porch stairs are chamfered, and the building has been recently insulated as evidenced by a number of evenly-spaced patched holes.

#62 Footbridge (Suspension), c.1900

This wood-decked, single-span suspension footbridge is supported by steel cables which rise over the steel angle towers at either end of the bridge and are attached to deadweights buried in the bank at either side.



#s 61, 60



Kristen Leahy <zoning.administrator@hardwickvt.gov>

42 S Main Street - Civic Standard - Flood Hazard Review

1 message

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

Fri, Mar 1, 2024 at 9:22 AM

To: "zoning.administrator" <zoning.administrator@hardwickvt.gov>

Hi Kristen,

Thanks for sending this application in for state floodplain review comments under 24 V.S.A. §4424.

I agree this structure is in the Special Flood Hazard Area (Zone AE) and floodway and subject to review under Hardwick's Flood Hazard Area Regulations (Section 5.3 of Hardwick's Unified Development

Bylaws).

In the application packet, I noticed the comment "no changes to the building" other than "change of use." In general, flood hazard regulations focus on physical changes to the structure or land that could increase flood hazard or damage. On the surface, it appears this application does not include any physical changes. However, below are three questions to help you confirm that all is in line with the flood hazard regulations.

-
Is this an improvement to the building?

Sounds like there may not be any actual physical alterations to the building proposed. Assuming there are no improvements (alterations), then the simplest thing would be to clearly note that in the permit file. Please recall, though, that the National Flood Insurance Program considers both exterior and interior changes to a structure as improvements that need review and permitting under your local bylaws. Improvements are changes to the structure itself rather than the contents. For example, with a change in use, there are often changes in floor/wall finishings, electrical, plumbing, heating, built-in appliances/furnishings like cabinets, etc., that qualify as improvements to the structure that need review and permitting within the Special Flood Hazard Area. If there are improvements, then Hardwick would need to check whether the project is a substantial improvement. Article 8 of Hardwick Bylaws defines substantial improvement as follows:

Substantial Improvement: For purposes of floodplain management, 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" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: a) Any project for improvement of a structure to address violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

When checking for substantial improvement, the town would also look at whether the project meets the criteria for historic structures highlighted in part b of the definition above. I see that you did find this structure is listed as historic on the National Register, so if there were alterations to the building proposed, then I'd suggest the town request confirmation (e.g., from the state Historic Preservation office) that the project would not change the "historic structure" listing.

Is there any development that could have floodway impacts?

I noticed foundation repair and bank stabilization work are not included as part of this application. I mention this work because we had discussed it with the applicant at our site visit on 11/29/23. If that work is not part of this application, then floodway requirements under Section 5.3 H are not applicable at this point. However, please keep in mind that foundation/bank repair work will need to be reviewed and permitted under Hardwick Bylaws Section 5.3 H for floodway impacts, so I wanted to touch on it briefly as a reminder. A partial elevation certificate (prepared by Aaron Fuller, dated 3/15/23) suggests that most of building (including lowest floor) is above the effective base flood elevation, except for the foundation which extends below base flood elevation. Therefore, foundation work or bank stabilization/reconstruction is likely to be below base flood elevation in the floodway and so would require floodway certification from an engineer. Also, foundation work would likely be an improvement to the structure itself which brings us back to substantial improvement/historic structure considerations discussed above.

Does the proposed use itself present any concerns under the flood hazard area regulations?

Again, flood hazard regulations typically do not focus on the use per se. However, if the proposed use converted the building into a critical facility, as defined in Article 8, then it would not be allowed under Table 2.8 D. The use described in the application does not sound like a critical facility, but the town may want to confirm that.

Please let me know if you have any questions.

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

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

Sent: Thursday, February 8, 2024 9:49 AM

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

Subject: Development Review Submission (x2)

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Zoning Review of 2024-013
Landowners: The Civic Standard
Applicant: The Civic Standard – Rose Friedman
Location: Between 42 South Main Street
Zoning District: Central Business
Overlay Districts: Flood Hazard Area Overlay & Floodway
Created by Hardwick Zoning and Floodplain Administrator on March 7, 2024

DRB Meeting Scheduled for Wednesday, April 3, 2024 at 7:30 pm via Zoom and In-Person (Hybrid Approach).

Applicant has submitted a Conditional Use application to Change the Use of the pre-existing, non-conforming historic structure in the Flood Hazard Area Overlay (Floodway). No new construction will occur at this time. The Change of Use would be from an office (newspaper) to Mixed Use (Community Center, Cultural Facility, and Office).

Zoning District: Central Business

Overlay Districts: Flood Hazard Area Overlay (in the Floodway)

The building is a pre-existing, nonconforming historic office space. The structure is in the setback from a water course and does not meet the rear setback for a building in the Central Business zoning district.

The Central Business district (Table 2.1) lists Mixed Use, Community Center, Cultural Facility and Office as Conditional Uses for the district. Minimum Lot Area is 5,000 square feet.

The proposed development will convert a previously existing structure. Minimum setbacks from the front/roads (0 feet) have been met. Side setbacks are permitted to be 0 feet. Rear setback is not 15 feet from the property line (non-conforming) nor is it beyond the 75' setback from a Surface Water (also non-conforming).

The building is located in the Floodway (Table 2.8 Flood Hazard Area Overlay (FHO))

Section 3.7 Height Requirements: Height of Existing Structure: 2 ½ stories. **Not applicable.**

Section 3.9 Nonconforming Structures & Nonconforming Uses – **proposed project will need to be reviewed under this Section.**

Section 3.11 Performance Standards - **proposed project will need to be reviewed under each.**

Section 3.12 Protection of Water Resources – Structure is within the 75 from the Lamoille River. “All structures shall be setback a minimum of 75 feet from all streams, rivers and public lakes, although the Development Review Board may, in accordance with conditional use review under Section 5.2, approve the placement of a structure within the 75 feet setback providing it meets the following standards: a) the structure is located within the Central Business District or the Village Neighborhood District; b) the building placement will better reflect the historic settlement pattern and character of the surrounding area; c) reasonable provision is made for the protection of water quality such as, but not limited to, the planting of shade trees adjacent to streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river; and d) the structure, if located in a flood hazard area, shall meet the development standards of Section 5.3 of these bylaws.” **Proposed project will need to be reviewed under this Section.**

Section 3.13 Parking & Loading Requirements: Parking requirements in the Central Business district: “Off-street parking will be required only for employees, on the basis of one space per two (2) employees per shift, and for dwelling or lodging units as provided for in Table 3.1” **Proposed project will need to be reviewed under this Section.**

Section 3.15 Steep Slopes & Erosion Control – No physical changes will be done at this time. **Not applicable.**

Section 4.12 Mixed Use - **Proposed project will need to be reviewed under this Section.**

The DRB will need to review the project under the conditional use review criteria – Section 5.2 - see application for all applicable criteria.

The Central Business District has District Standards (Section 5.2G1) which need to be considered.

The DRB will need to review the project under the Flood Hazard Review rules (Section 5.3). See pages 57-61.

Zoning Bylaws utilized – Table 2.1 (Central Business District), Table 2.8 (Flood Hazard Area Overlay District), Section 3.9 (Nonconforming Structures & Nonconforming Uses), Section 3.11 (Performance Standards), Section 3.12 (Protection of Water Resources); Section 3.13 (Parking & Loading Requirements), Section 4.12 (Mixed Use), Section 5.2 (Conditional Use Review), Section 5.2G1 (Central Business District) and Section 5.3 (Flood Hazard Review).