

Hardwick Development Review Board
Off-Premise Signage Review/Flood Hazard Review Hearing
Center for an Agricultural Economy, Inc ~ Bethany Dunbar
245 Wolcott Street, Hardwick
Application #2016-057
January 18, 2017

To consider an off-premise signage request by Center for an Agricultural Economy, Inc. to locate a directional sign for the Hardwick Farmer's Market off-premise in the Highway Mixed Use District with a Flood Hazard Overlay. Property address is approximately 245 Wolcott Street, Hardwick, Vermont.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 3.12 Protection of Water Resources; Section 3.14 Sign Regulations; and 5.3 Flood Hazard Review.

Warnings were posted on January 3, 2017 at the Hardwick Memorial Building, the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Judith and James Nudd; Steven Collier; Sherry and Gregory Lussier; Roger Demar and Daniel Demar; Sandra and Lawrence Thibault; and Michael Demers on January 3, 2017. It was also published in the Caledonian Record on Wednesday, January 4, 2017 (due to absence of the Hardwick Gazette for that week).

Development Review Board members present: Cheryl Michaels, Chair; Edward Keene; Ruth Gaillard; John Mandeville; and John Page.

Development Review Board members absent: Dan Bandit, Vice Chair, and Helm Nottermann

Others present: Bethany Dunbar, applicant and Kristen Leahy, Zoning Administrator

During the course of the hearing the following exhibits were submitted:

#1 Flood Hazard Review from the Regional Floodplain Manager, Sacha Pealer

Summary of Discussion

Chair Cheryl Michaels began the hearing at 7:25 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, asked board members for any disclosures of conflict of interest and swore in all those who wished to speak at the hearing. Mrs. Michaels then asked Bethany Dunbar to present the Center for an Agricultural Economy proposal.

Ms. Dunbar gave a brief overview of the mission of Atkins Field. Atkins Field currently serves as the location for the Hardwick Farmers' Market. The Farmers' Market would like to possibly increase traffic to the market by installing an off-premise directional sign. The proposed sign location is owned by the Town of Hardwick and was chosen due to the concerns with sight lines for vehicular travel on the opposite side of Wolcott Street. A sign at the intersection of Granite Street and Wolcott Street would possibly block views of traffic.

The sign is proposed to be at a lower height to account for the presence of the apple trees on the banks of the Lamoille River. The sign may not be visible in deep-snow years but the Farmers' Market is seasonal and is not in operation during the winter (snow) months.

The sign would be anchored with sona tubes and cement footings to prevent removal by flood waters.

The sign would be a directional sign for the Hardwick Farmers' Market, which is part of the Vermont Farmers Market Association.

After discussion with DRB members, Ms. Dunbar agreed that the cement footings would be placed at a depth of at least 6 feet in the ground.

The hearing ended at 7:45 pm. John Mandeville made the motion to enter deliberative session. Ed Keene seconded the motion. All members were in favor.

Findings of Fact:

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

3.12 Protection of Water Resources – To prevent soil erosion and sedimentation of surface waters, maintain water quality and protect wildlife habitat, the following standards shall apply to all perennial streams and rivers: 2. All structures shall be setback a minimum of 75 feet from all streams, rivers and public lakes. **The definition of "structure" does not include a sign with posts.**

3.14 Sign Regulations – (C) Off-Premise Signage. Off-premise signage may be established with the written consent of the property owner on which the sign is located. Directional signs, subject to approval by the Development Review Board, with a total sign face not to exceed six square feet providing directions to farmers' markets that are members of the Vermont Farmers' Market Association selling Vermont agricultural products. **The property owner, Town of Hardwick, approved the sign application. The proposed off-premise sign face will be no larger than six square feet and will provide directions to the Hardwick Farmer's Market which is a member of the Vermont Farmers' Market Association.**

5.3 Flood Hazard Review

G. Development Standards – Special Flood Hazard Area.

(1) All development shall be:

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes;

Applicant has proposed to utilize sona tubes and cement to secure the sign footings. See Condition #2.

H. Development Standards - Floodway Areas.

(1) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
- b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

Floodplain Manager, Sacha Pealer, expressed concern that the proposed sign may be within the floodway. Town can elect not to require a survey "Some projects are too small to warrant an engineering study and the (floodway) certification. Many of these can be determined using logic and common sense: a sign post or telephone pole will not block flood flows." Placement of the sign on the opposite side of Wolcott Street would potentially impact vehicular line of vision at the intersection of Granite and Wolcott Street.

Decision and Conditions


The Development Review Board voted unanimously to not require an engineering study for this application.

Based upon these findings, the Development Review Board voted unanimously to approve the application as presented with the following conditions.

Conditions:

1. Length and width of the sign will be as specified in the application and will not exceed six square feet in total sign face.
2. Sign will be anchored using cement footings buried deeply enough (at least 6 feet) to get them below the frost line and to account for ground surface erosion during flooding.

Signed:

 , chair
Cheryl Michaels

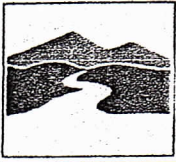
date 1-24-2017

 , acting clerk
Kristen Leahy

date 1/24/17

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.



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



January 10, 2017

Kristen Leahy, Zoning Administrator
 Town of Hardwick
 P.O. Box 523
 Hardwick, Vermont 05843
 [by E-Mail]

Subject: Flood Hazard Review—Zoning Application No. 2016-057
 Farmers' Market Sign on Wolcott Street

Dear Kristen:

I've reviewed the above-referenced application and offer the following comments.

According to the most current FEMA Flood Insurance Rate Map (7/17/2002), the project is located in the Special Flood Hazard Area—Zone AE of the Lamoille River. The sign location is also within or very near the regulatory floodway.

A sign is a relatively minor project. However, I offer two main considerations to avoid flood hazards:

- 1) Be very careful about development in the floodway.
- 2) While small, the sign may become one more piece of debris during a flood or ice jam.

1) Floodway

Although the application indicates the sign is outside the floodway, the sign location is close enough that the town would need more information to be sure it is in fact outside. Development in the floodway is prohibited unless it can be shown that the project will not block flood flows nor increase the level of floodwaters. The floodway development standards are listed in Section 5.3 H (1) of Hardwick Flood Hazard Area Regulations (page 60):

Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;*
- b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.*

Usually, to show a proposed project is outside the floodway, the applicant needs to have a professional engineer or surveyor use the FEMA Flood Insurance Study to measure out the exact floodway boundary on the ground. Note the floodway boundary is not necessarily a distinct landform that can be seen on the ground, but is a measured area based on hydraulic calculations that may include land higher than the river bank.

In the case of a sign, the town may elect not to require a survey or floodway analysis, as long as the community has evidence the project is unlikely to obstruct the floodway during flooding, even if a survey showed the project to be in the floodway. See Unit 5 of FEMA Publication 480: NFIP Desk Reference for Local Officials, which states (page 5-23): "Some projects are too small to warrant an engineering study

and the (floodway) certification. Many of these can be determined using logic and common sense: a sign post or telephone pole will not block flood flows." However, the simplest way to avoid the floodway is to locate the sign farther away from the river (e.g. opposite side of Wolcott Street), if possible.

2) Anchoring

Please keep in mind the sign location may be subject to strong, high velocity currents or debris impacts because of proximity to the river channel, and the sign may itself become flood debris. Section 5.3 G(1)(b) on page 58 of Hardwick bylaws requires that all development be: "*designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, or lateral movement....*" Cement footers for the two sign posts may work if the posts/footers are buried deeply enough to account for ground surface erosion during flooding; however, the best solution for avoiding flood concerns would be to locate the sign farther away from the river (e.g. opposite side of Wolcott Street) and fast current areas, if possible.

Thank you for contacting the Vermont Rivers Program. These comments are offered in accordance with 24 VSA §4424.

Please feel free to contact me at (802) 490-6162 or sacha.pealer@vermont.gov if you have questions.

Sincerely,



Sacha Pealer
Regional Floodplain Manager
River Corridor & Floodplain Protection Program