

Hardwick Development Review Board
Conditional Use and Flood Hazard Review
Center for an Agricultural Economy
100 Granite Street, Hardwick
Application #2017-020
July 19, 2017

To consider a Conditional Use and Flood Hazard Review request by The Center for an Agricultural Economy (CAE) to construct an Accessory Structure (Pavilion) and trail system with accessory items (kiosk and bog bridge) at an existing Outdoor Recreation site in the Village Neighborhood zoning district at 100 Granite Street, Hardwick.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: 2.2 Village Neighborhood Table; 3.11 Performance Standards; 3.12 Protection of Water Resources; 3.13 Parking and Loading Requirements; 5.2 Conditional Use Review; and 5.2 G Village Neighborhood District Standards.

Warnings were posted on July 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: Margaret and Christopher Davis, Peter Geogiadis and Nicholas Vasiliadis; Osprey Holdings LLC; Mary and Stanley Ainsworth; Town of Hardwick; Steven Collier; Sherry and Gregory Lussier; Daniel and Roger Demar; Helen Willey; Beverly and Edward Phelps Life Estate; Margaret Laggis; Sundog Ag Ventures LLC; Todd and Bret Hodgdon; Lorette and Dennis Williams; Deborah and Michael Bellavance; Jocelyn and Jonathan Lussier; Winston Jennison LLC; and Kenneth Davis on July 3, 2017. It was also published in The Hardwick Gazette on Wednesday, July 5, 2017.

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

Development Review Board members absent: Daniel Bandit

Others present: Kristen Leahy, Zoning Administrator (acting clerk); Bethany Dunbar, applicant representative.

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

Exhibit #1 – Letters of Support for the proposal from the Hardwick Historical Society, Hardwick Elementary School, and NEK Kids on the Move.

Exhibit #2 – Flood Hazard Review Letter from Sacha Pealer, Regional Floodplain Manager

Exhibit #3 – FEMA Technical Bulletin 2 – Flood Damage-Resistant Materials Requirements

Exhibit #4 – Center for an Agricultural Economy response to Flood Hazard Review Letter with attached Map of the Atkins River Corridor

Exhibit #5 – EMSL Analytical, Inc report on Asbestos in Existing Building.

Summary of Discussion

Chair John Mandeville began the hearing at 7:00 pm. He noted 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. Chair Mandeville asked if there were any other exhibits or letters for the DRB. Exhibit #4, the CAE response to the Flood Hazard Review Letter with an attached map of the Atkins Field River Corridor was introduced at this time. Exhibits #1-3 were also introduced.

Bethany Dunbar, Community Programs Manager for the Center for An Agricultural Economy (CAE), described the proposed development. She testified that extensive research had revealed community support for renovating the historic structures at Atkins Field, but no community partners had been identified for the smaller of the structures. The decision has been made to focus renovation efforts on the larger granite shed and to demolish and replace the secondary, smaller structure. CAE has submitted a site plan which encompasses the possible future plans of the property. This is a vision of what the organization hopes to see created, but does not necessarily reflect the request of the current application.

The current request for consideration is the removal of the smaller building, the removal of the second driveway access, and the utilization of the same structure footprint for an open pavilion (accessory structure). The location of this structure would be turned 90 degrees so that it will run parallel to Granite Street. The pavilion would be utilized as a shelter for classes, etc. (See Exhibit #1) The demolition of the existing structure and the construction of the proposed pavilion will require historic preservation approval, archeological review, and Act 250 review. The wetlands have been delineated and this component of the project will not impact them. Lead and asbestos reviews have been conducted in the existing structure. The inspection company, Wheeler Environmental Services, did not discover lead paint and the asbestos testing was negative (See Exhibit #5).

CAE intends to demolish the existing structure (once all required permits have been obtained), fill the existing crawl space with gravel (approximately 133 cubic yards of fill) and have a gravel floor in the accessory structure which will be level with the surrounding ground. The pavilion will have two feet of clearance on the bottom of the only wall in the structure. This wall will be utilized as a map location for the trail and education components of the proposal. The pavilion will be located outside of the floodway (which will be verified prior to construction by a survey). The structure will be made of solid standard structural wood as per Technical Bulletin #2 (See Exhibit #3) and will have footings of stone/concrete. There is currently electricity on the outside of the proposed structure (at the pole) but this will be extended to the inside of the pavilion. The electrical lines will be housed in watertight conduit and the outlets and/or fixtures will be elevated well above the base flood elevation (See Exhibit #2). There may be lighting on the interior of the pavilion but outside lights are not being requested at this time.

The proposed trail kiosk will be made of oak and will be anchored in the ground by 4 feet deep holes with back-filled gravel. The location of the kiosk has been amended in the application to a location which will be outside of the Floodway and the River Corridor. (See Exhibit #4).

The trail will have no removal of dirt because of the wetlands location. The trail will be primitive with only trimming and marking to indicate the location. The bog bridge will be outside of the Floodway and will not have any fill associated with its installation. The bog bridge will be made of pressure-treated wood.

The hearing ended at 7:27 pm. Ed Keene made the motion to enter into 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:

2.2 Village Neighborhood District – all setbacks and dimensional standards are met for this district. Conditional use of Outdoor Recreation and permitted use of Agriculture previously existed.

3.11 Performance Standards – review was made of the performance standards by the DRB. No adverse aspects were identified.

3.13 Parking and Loading Requirements – Non-residential parking areas typically require screening from the adjoining residential properties. In this request, however, the DRB finds that no testimony from neighbors was received which would indicate a need for screening.

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.** Proposed upgrades are to a pre-existing use. Character of area should be enhanced by the demolition and replacement of the existing distressed structure.
3. **Traffic on roads and highways in the vicinity.** Proposal will not affect the current traffic patterns. The students who utilize the pavilion typically walk to Atkins Field. Removal of the 2nd driveway onto Granite Street should improve traffic flow by separating the parking and the actual use of the field area.
4. **Bylaws in effect.** N/A
5. **The utilization of renewable energy resources.** N/A

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 changes.**
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. **Landscaped was not indicated to be 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.

5.2G Village Neighborhood 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. **Pavilion is set back from the street and has a green space between Granite Street and the structure location.**

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. The Board may impose a maximum setback, relative to adjacent buildings to achieve a consistent streetscape. **The accessory structure will be an open construct pavilion which will be oriented toward Granite Street and Atkins Field.**

C) The scale and massing of new buildings, including height, width, 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 place of worship, that may be designed to serve as prominent focal points within the district. **Proposed accessory structure is within the height limitation and in keeping with the focal point of Atkins Field.**

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; **Extensive review related to the minimization of the flood damage aspects. All suggestions from the Floodplain Manager were incorporated into the conditions of the decision. (See Conditions 3-10).**
- 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;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes;
- h. Required to locate any fuel storage tanks (as needed to serve a building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation, or storage tanks may be placed underground, if securely anchored as certified by a qualified professional. **Not Applicable to this application.**

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 bog bridge and kiosk may be within the Floodway. Town will need exact location for the proposed items and confirmation that these locations are out of the Floodway.


Decision and Conditions

Based upon these findings, the Development Review Board voted 6-0 to approve the Center for an Agricultural Economy 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 Center for an Agricultural Economy will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
3. The proposed project must be located outside of the Floodway. Proof of this will be provided by a survey prior to construction.
4. The wall on the Accessory Structure (Pavilion) will be raised so that there is an opening beneath of 2 feet or more of vertical open space. The structure will not have any enclosed spaces.
5. All building materials used on the Accessory Structure below base flood elevation must be flood-damage resistant as described in FEMA Technical Bulletin 2.
6. Any electrical lines in the Accessory Structure must be housed in watertight conduit and any outlets and fixtures must be elevated well above the base flood elevation.
7. The kiosk will be anchored as described during the hearing.
8. The gravel base of the Accessory Structure (pavilion) must be matched to the surrounding ground elevations
9. The bog bridge will be outside of the Floodway and no fill will be utilized in its placement.
10. Upon project completion, notification must be made to the zoning office and a site inspection will be conducted by the Town to ascertain that the project is built as approved, with all anchoring, design, location and other conditions met.

Signed:


_____, Chair
John Mandeville, DRB Chair

Date 7/24/17


_____, acting clerk
Kristen Leahy, Zoning Administrator

Date 7/23/17

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.