

Hardwick Development Review Board
Conditional Use and Floodplain Review Request
Gail and David O'Brien – landowner and applicant
Lamoille River House
30 River Street, East Hardwick
Application #2025-062
October 15, 2025

To consider a Conditional Use and Floodplain Review request by Gail and David O'Brien for a Non-Substantial Improvement of the existing Historic non-conforming structure in the Central Business zoning district. No change of use is requested at this time. Development would be Non-Substantial Improvement in the Floodway in the Flood Hazard Area Overlay.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.1 Central Business District; 2.8 Flood Hazard Area Overlay; 3.9 Nonconforming Structures & Nonconforming Uses; 3.11 Performance Standards; 3.12 Protection of Water Resources; Section 5.2 Conditional Use Review; Section 5.2 G(1) Central Business District Standards; and 5.3 Flood Hazard Review.

Warnings were posted on Monday September 29, 2025 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: Christopher and Barnaba Kane; Norman and Stella Gravel; James Teuscher Trust; East Hardwick Fire District #1, and Jeffrey Montgomery on Friday, September 26, 2025. It was also published in The News and Citizen on Thursday, September 30, 2025.

Development Review Board members present: John Mandeville, Chair; Kole; Helm Nottermann; Gillian D'Acerno; and Ruth Gaillard.

Development Review Board members absent: Kate Brooke

Others present: Kristen Leahy, Zoning Administrator (acting clerk); David O'Brien, Owner

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

1. Information from the National Register of Historic Places Inventory regarding 30 River Street, EH
2. Email letter from Alexis Nevins, State of Vermont Flood Plain Manager, dated October 10, 2025

Summary of Discussion

Chair John Mandeville began the hearing at 7:27 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. David O'Brien testified to the Board that the property at 30 River Street was initially impacted by the flooding in July 2023 and then further comprised by the flooding in July 2024. The Lamoille River House has been closed to the public (as a rental space) since July 2023. The Town of Hardwick worked with the O'Briens to secure an Emergency Watershed Program grant through the NRCS. The grant paid for the engineering and the installation of a bank stabilization at the location. This bank stabilization is a 56-foot retaining wall with riprap that ties into the East Hardwick Bridge adjacent to the property.

The O'Briens needed to perform repairs to the structure. These repairs were not covered by the grant but the O'Briens were able to retain the same contractor that the Town of Hardwick hired for the bank stabilization work. The process of engineering and implementing the stabilization project needed over two years to be implemented. The final steps (hiring the contractor) occurred quickly and the O'Briens did not have the time to request a zoning permit for their component.

Essentially, the structure was secured after the stabilization was installed. It was encased in concrete above the wall and outside of the waterway.

The zoning permit request is an "After-the-Fact" situation.

The hearing ended at 7:45 pm. Gillian D'Acierno made the motion to enter deliberative session after the hearing and Kole seconded. All members were in favor.

Findings of Fact:

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

2.1 Central Business – the existing structure is non-conforming as the building does not meet the rear setback in the Central Business district. In addition, the location is within 75 feet from the Lamoille River. Applicants are not requesting to change their use. **Location meets the 0 feet setback from the front setback and the 0 feet from the sidelines. The Lamoille River has reclaimed all land to the rear of the structure – 15 feet from the water's edge is not existent.**

2.8 Flood Hazard Area Overlay District – The Flood Hazard Area Overlay District lists "Non-Substantial improvements to existing structures" as a Conditional Use for Floodway properties. **Repairs were necessitated by the July 2023 flooding. The Floodplain Manager also reviewed the request and submitted a letter on October 10, 2025 (See Exhibit #2).**

3.9 Nonconforming Structures & Nonconforming Uses – the Structure is nonconforming due to its location next to the Lamoille River. No expansion of the footprint will be made to the existing structure.

3.11 Performance Standards – review was made of the performance standards by the DRB. **Not needed to be reviewed as they were reviewed for the previous change of use.**

3.12 Protection of Water Resources – the property is in the Floodway in the Flood Hazard Area Overlay. The existing building is within the setback required from the Lamoille River. The requested improvements will not impact the location of the building. The O'Briens will be working with Streamwise to install native riparian plantings on the banks.

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 Central Business district matches the purpose of this district and the character of the surrounding area. The repair to the structure allows the Historic Building to continue to exist in the East Hardwick village.

3. **Traffic on roads and highways in the vicinity.** The Central Business district circulation and traffic pattern on Main Street is directed by the existing uses in the area. No adverse effect was identified.
4. **Bylaws in effect.** Not applicable. No additional service will be requested from the EHFD#1
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 in a previous DRB Hearing.**
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. **Landscaping was not indicated as necessary. Streamwise will be assisting in the future planting on site.**
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.**

5.2G1 Central Business District 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. **The proposal utilizes a pre-existing structure.**
- 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. **The proposal utilizes a pre-existing structure with an established orientation.**
- 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. **No new buildings or additions are being requested.**

5.3 Flood Hazard Review

D. Conditional Use Review is required for Non-Substantial and Substantial improvements to existing structures in the Floodway. **Although this structure is in the Floodway, it is also a historic structure by the definition of such and it is permitted to be improved without bringing it into compliance with the existing Flood Hazard Area Overlay rules. See Exhibit #1 & #2.**

G. The Town of Hardwick prohibits "Critical Facilities" from being established in the Flood Hazard Area Overlay. The definition of a Critical Facility is as follows: "Includes police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster." **The Lamoille River House is not defined as a critical facility.**

H. Development Standards – Floodway Areas.

- (1) Within the Floodway new encroachments are prohibited except for the following, which shall also comply with Section 2 below:
- changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet.
 - new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river and floodplain restoration projects.
 - new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if other practical alternatives are not available.
- (2) Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
- not result in any increase in flood levels during the occurrence of the base flood;
 - not increase base flood velocities; and,
 - not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- (3) For development that will not result in any change in grade, the hydrologic and hydraulic analyses may be waived. **No new encroachments are being requested at this time. The repair work to the Lamoille River House did not occur within the waterway.**

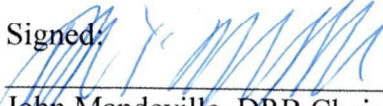
Decision and Conditions

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

Conditions:

- Any and all necessary state and federal permits must be in place before development can commence.

Signed:


_____, Chair
John Mandeville, DRB Chair
Administrator

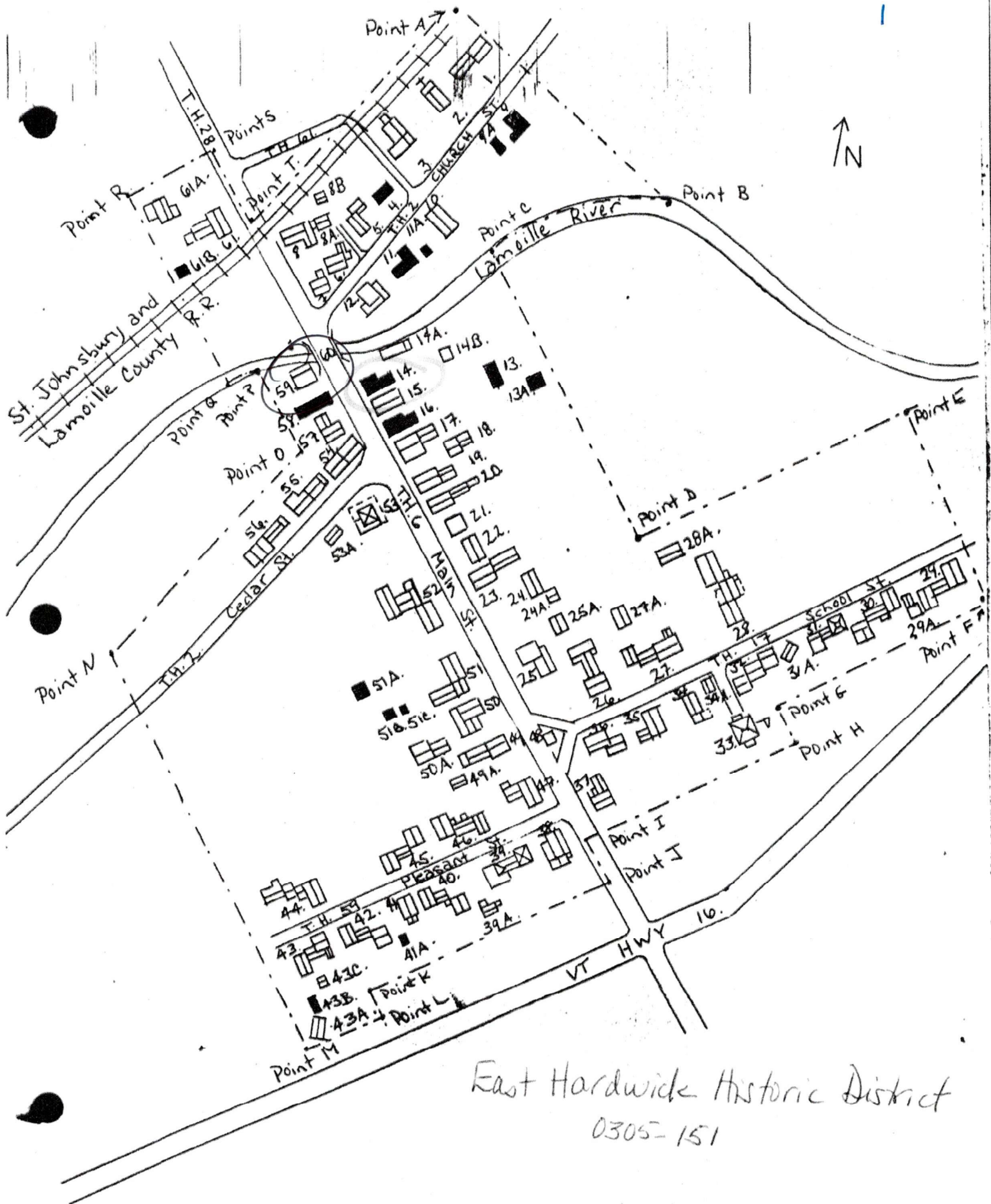

_____, acting clerk
Kristen Leahy, Zoning

Date 10/21/25

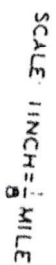
Date 10/21/25

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.



0305-151



EAST HARDWICK

OUTSTANDING COMPONENTS OF DISTRICT ☒ COMPLEX ☐
(Include individual survey number ONLY if surveyed individually.)

MAP NUMBER: 59	DATE BUILT: c.1880	SURVEY NUMBER: 0305-151
FUNCTIONAL TYPE: House/Store	NEGATIVE FILE NUMBER: 86-A-125 (14)	
COMMON NAME: Old Post Office	OWNER: Robert Putvain	

DESCRIPTION: A 2½-story vernacular Italianate style, flat roof, 2 x 3 bay, structure with 1-story hipped roof eaves front porch 1-story shed roof appendage on back, and eaveside exterior stairway leading to the second floor; all appendage appear contemporaneous. Clapboard siding. Trim includes narrow corner pilasters with capitals, frieze with paired cornice brackets. Boarded over 2/2 windows have cornice caps. Eaves front boarded over store front bay window has wide 8 light center window, panelled base. c.1940 porch has board posts, match stick ceiling, box cornice. Eaveside stairs have enclosed shed roof entry porch on second level. Rear shed roof projection has assorted fenestration facing river. Remains of previous polychrome yellow and green paint. Poured concrete foundation, sheet metal roof.

MAP NUMBER: 59	DATE BUILT:	SURVEY NUMBER:
FUNCTIONAL TYPE:	NEGATIVE FILE NUMBER:	
COMMON NAME:	OWNER:	

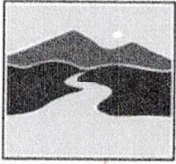
DESCRIPTION: Granite retaining wall below structure along river bank is deteriorating. Prior to this structure, a saw mill and grist mill were located on this site as noted on Wallings (1858) and Beer's (1875) Maps. Local historians claim that the building was built by Frank S. Eastman and was first known as Eastman's Jewelers. Child's Business Directory (1887-88) states that Frank S. Eastman was a dealer in clocks, watches, jewelry and silverware; watch repairing a specialty. Later, Bert Swett has a barber shop in the building, and was the postmaster.

MAP NUMBER: 60	DATE BUILT: c.1925	SURVEY NUMBER: 0305-151
FUNCTIONAL TYPE: Bridge	NEGATIVE FILE NUMBER: 86-A-150 (7)	
COMMON NAME: East Hardwick Bridge	OWNER: Town of Hardwick	

DESCRIPTION: A concrete bridge with concrete abutments spanning the Lamoille River in East Hardwick. A well traveled bridge for traffic going north up Church Street (TH2) to Greensboro, or east along Main Street TH 6 to VY HWY 16. Covered Bridge was taken in the Flood of 1927; bridge survived flood. A significant site, as the Lamoille River is the most important natural resource, the bases of East Hardwick's early commercial development. Dated 1925 on southeast concrete panel.

MAP NUMBER: 61	DATE BUILT: c.1835	SURVEY NUMBER: 0305-151
FUNCTIONAL TYPE: House	NEGATIVE FILE NUMBER: 86-A-125 (11,12)	
COMMON NAME: Brick House	OWNER: Thomas & Judith Kane 86-A-151 (14)	

DESCRIPTION: A 2½-story, Federal/Greek Revival style, gable roof 5 x 3 bay Georgian plan house with eaves front c.1910 1-bay Colonial Revival entry porch contemporaneous 1½-story gable roof ell. Post and beam frame. Four interior end corbelled brick chimneys dominate the roof. American bond brick sheathing Heavy rectangular lintels, sills for doors and windows. 2/2 windows have beaded architrave, louvered shutters. Elaborate crown molded cornice and slight cornice returns. Recessed main entrance has 6 panel christian cross door. 5/6 length sidelights, door and sidelights flanked by molded, fluted, pilasters on bases topped by corner blocks with raised oval detail, entry lintel with denticulation. Federal style entry fan topped by radiating



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



Kristen Leahy
Zoning and Floodplain Administrator
Resilience & Adaptation Coordinator
Hardwick, VT
Zoning.administrator@hardwickvt.gov

October 10, 2025

Subject: Flood damage repairs on 30 Main Street (River Street), East Hardwick, VT

Dear Kristen Leahy,

Thank you for sending the Development Application on September 11, 2025, for the flood damage repairs to an existing residential home in East Hardwick, VT. According to the effective Flood Insurance Rate Map (FIRM) for the Town of Hardwick (map panel 500027 0016D, revised on July 17, 2002) the project is within the FEMA-mapped regulatory Floodway 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 project is for 25 feet of new foundation encasement to cover the flood-damaged portion of the existing foundation on a historic structure in the floodway. The project also includes a 56-foot-long section of streambank stabilization in the floodway, below the structure. This work has been permitted under the ANR Stream Alteration Permit – Next Flood Measures.

Historic Structure:

The building meets the definition of Historic Structure in Article 8 of Hardwick's bylaws and therefore is exempt from the substantial improvement requirement to elevate the lowest floor above the Design Flood Elevation in Section 5.3(G)(3) of Hardwick's bylaws. The exemption is found in the definition of substantial improvement (Article 8):

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."

Please note I underlined some of the text above. Before applying the exemption from substantial improvement, I recommend the town require documentation that the proposed work will not change the "historic structure" listing (e.g., a letter from the state Historic Preservation office). It may be useful to keep track of expenses of improvements to the structure for future reference.

Floodway:

The floodway standards in 5.3(H) of Hardwick's Bylaws do not allow "new encroachments" without an engineer's floodway analysis certifying no flood impacts. To avoid being a new encroachment, the new foundation enclosure must not stick out into the floodway and river channel in a way that blocks or diverts flow during the base flood. However, since the enclosure is tight to the foundation, and may be shadowed behind the existing bridge abutment, it may not have floodway impacts – which an engineer can determine. I suggest having an engineer examine the foundation enclosure and offer a statement regarding flood impacts to keep in this permit file as required in Section 5.3(H)(2):

Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:

- a. not result in any increase in flood levels during the occurrence of the base flood;*
- b. not increase base flood velocities; and,*
- c. not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.*

The streambank stabilization portion of the project appears to be exempt as shown in Table 2.8 of Hardwick's bylaws. It states "8. Stream bank stabilization and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required."

These comments are offered in support of the Town of Hardwick through Section 5.3 of the Hardwick 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