

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** September 7, 2021  
**RE:** ZP-21-573; 180 Intervale Road

=====  
**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: E-AE Ward: 2C

Owner/Applicant: Intervale Center, Inc. / Patrick Dunsieith

**Request:** Replace existing deck with new ramp. Install floating pond dock. Construct footbridge over spillway.

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

### **Background Information:**

The applicant is seeking approval for some fairly minor site alterations around an existing pond. The work includes replacement of a deck with a new deck and ramp, installation of a dock along the pond's edge, and construction of a footbridge. The site alterations are completely within the Special Flood Hazard Area and, therefore, require Development Review Board approval.

Project location within the Special Flood Hazard Area triggers review under the SFHA criteria of Sec. 4.5.4. As required, project plans have been provided to the state floodplain coordinator. Comments have been received, relayed to the applicant, and are considered in these findings.

Previous zoning actions for this property:

- **Zoning Permit 94-211;** installation of a greenhouse for agricultural purposes. Approved November 9, 1993.
- **Zoning Permit 95-504;** construction of a pole barn for agricultural use. Approved June 22, 1995.
- **Zoning Permit 04-607;** restore masonry foundation and wall, add ADA ramp and restroom, add a catering kitchen, bring plumbing and electric up to code, and re-establish the historic ell porch. Approved May 26, 2004.
- **Zoning Permit 05-093SN;** install a new sign for the Intervale Riparian Project. Approved August 24, 2004.

- **Zoning Permit 07-573CA**; a request for an accessory use for events – limited to 13 weekends per year. Approved April 16, 2007.
- **Zoning Permit 07-690FC**; surround existing parking lot with cedar pole and rope fence to prevent illegal dumping. Approved May 29, 2007.
- **Non-Applicability of Zoning Permit 07-693NA**; pour concrete slab under previously existing pole barn. Approved May 15, 2007.
- **Non-Applicability of Zoning Permit 08-224NA**; relocate and add one hoop house. Approved September 9, 2007.
- **Zoning Permit 08-283CA**; install a temporary storage container for storage of historic barn while disassembled. Approved September 26, 2007.
- **Non-Applicability of Zoning Permit 08-422NA**; three new hoop houses. Approved November 21, 2007.
- **Non-Applicability of Zoning Permit 08-421NA**; one new hoop house. Approved November 21, 2007.
- **Zoning Permit 08-473CA**; construct informational kiosk and associated parallel sign. Approved January 7, 2008.
- **Zoning Permit 09-661CA**; change of use from barn to warehouse, and installation of truck bumper, entry stairs and railings. Approved April 3, 2009.
- **Zoning Permit 09-931CA**; place flatbread oven seasonally on stationary wood crib with weather cover to be used for summer/fall events. Approved June 23, 2009.
- **Zoning Permit 10-0231CA**; install new HVAC unit and widen an existing door. Approved September 16, 2009.
- **Non-Applicability of Zoning Permit 11-0100NA**; relocate two hoop houses at Adams Berry Farm. Approved August 2, 2010.
- **Non-Applicability of Zoning Permit 11-0290NA**; relocate one hoop house. Approved September 24, 2010.
- **Non-Applicability of Zoning Permit 11-0289NA**; replace gravel floor of existing wash station with concrete slab. Approved September 24, 2010.
- **Non-Applicability of Zoning Permit 11-0376NA**; relocate agricultural storage containers. Approved October 21, 2010.
- **Zoning Permit 11-0903CA**; new accessory use for events, and construct a new masonry grill with roof structure. Approved May 19, 2011.
- **Zoning Permit 12-0059CA**; expand roof structure over masonry grill. Approved July 21, 2011.
- **Zoning Permit 12-0544FC**; new stockade fencing enclosure at rear side of property. Approved November 17, 2011.
- **Zoning Permit 12-0783CA/CU**; rebuild the previously deconstructed Calkins barn. Approved May 3, 2012.

- **Non-Applicability of Zoning Permit 14-0650NA**; install wayfinding and interpretive signs. Approved December 17, 2013.
- **Zoning Permit 14-0651SN**; install three signs as part of overall wayfinding sign improvements. Approved December 23, 2013.
- **Zoning Permit 14-1140CA**; install shed with fencing. Approved June 6, 2014.
- **Zoning Permit 16-1315SN**; install new parallel sign. Approved June 6, 2016.
- **Zoning Permit 18-0924CA**; replace existing outdoor oven with a new oven on a concrete pad with a roof structure. Approved May 4, 2018.
- **Zoning Permit 18-1196CA**; expand roof structure for outdoor oven. Approved June 22, 2018.
- **Zoning Permit 19-0245CA**; install sliding door on barn and replace barn foundation, refurbish and relocate existing silo, install new stone patio and bike racks, and install a copper drip edge on the farmhouse roof. Approved October 19, 2018.
- **Zoning Permit 19-0476CA**; install new driveway and parking area north of the farmhouse. Approved February 5, 2019.
- **Zoning Permit 21-0508CA**; install dock bumpers on food hub. Approved November 18, 2020.
- **Zoning Permit 21-0509SN**; install new blade sign and relocate existing freestanding sign. Approved November 18, 2020.

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 4: Zoning Maps & Districts**

#### **Sec. 4.4.3, Enterprise Districts**

##### **(a) Purpose**

##### **(2) Enterprise – Agricultural Processing and Energy (E-AE)**

The subject property is located in the Enterprise – Agricultural Processing and Energy (E-AE) District, which is *intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from renewable sources. This district is intended to serve as a community of manufacturing and service businesses that work together to improve their environmental and economic performance. By working together they will reduce the use of raw materials, reduce outputs of waste, conserve energy and water resources, and reduce transportation requirements. Businesses within this district are encouraged to build linkages between themselves to coordinate the flows of energy and materials for maximum efficiency. Development should be designed with close attention paid to the principles of sustainable development and green building technologies. Parking is intended to be hidden within, behind, or to the side of primary structures.*

The Intervale Center includes an agricultural processing facility and has existed in its current location since the 1980s. The Intervale Center is consistent with the intent of the E-AE zoning district. No changes in use are proposed. **(Affirmative finding)**

##### **(b) Dimensional Standards & Density**

Lot coverage will increase slightly as a result of this proposal. Current lot coverage totals 9.4%. The net new 114 sf will increase coverage to 9.5% (30,214 sf). This increase remains well below the 60% maximum lot coverage allowance. The proposed site features consist of accessory structures and are subject to 5' minimum side and rear yard setbacks. The proposed work is compliant with this setback. Front yard setbacks remain unchanged. No building height is affected. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

Agricultural use is a permitted use in the E-AE zoning district. The use remains unchanged. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Convenience Stores***

Not applicable.

***Sec. 4.5.4, Natural Resource Protection Overlay District:***

***(c) District Specific Regulations: Riparian and Littoral Conservation Zone***

The proposed work lies within the Riparian and Littoral Conservation Zone. Less than 400 sf of new development is proposed, therefore, Conservation Board review is not required. No tree clearing is included in this application, nor is any new stormwater infrastructure proposed.

**(Affirmative finding)**

***(f) District Specific Regulations: Special Flood Hazard Area***

***(7) Special Review Criteria***

**A. The danger to life and property...**

The proposed site features are small and low to the ground. They are not expected to have any perceptible impact on flood heights or velocities. **(Affirmative finding)**

**B. The danger that material may be swept onto other lands...**

The new and replacement site features will be anchored into the ground with large screws intended for such purpose. In the event of flooding, the danger of these items being swept away is substantially reduced. **(Affirmative finding)**

**C. The proposed water supply and sanitation systems...**

**(Not applicable)**

**D. The susceptibility of the proposed facility and its contents to flood damage...**

The proposed work is within the flood hazard area but remains outside of the regulatory floodway. Given the small size of the structures, their low profile, and their anchoring into the ground the susceptibility of the proposed construction to flood damage is minimal. **(Affirmative finding)**

**E. The importance of the services provided...**

No new use or services are proposed. Minimal work is proposed, and measures will be taken to mitigate potential flood impacts. **(Affirmative finding)**

**F. The availability of alternative locations...**

The proposed deck, footbridge, and dock are proposed as amenities related to the pond. Locating them elsewhere misses the point to serve as such amenities. **(Affirmative finding)**

**G. The compatibility of the proposed use with existing development...**

As noted in the criterion above, the proposed site features will serve as amenities around the existing pond. They are minor in scope and potential impacts and have minimal, if any, impact on existing or future development. **(Affirmative finding)**

**H. The relationship of the proposed use to the Municipal Development Plan...**

The Intervale Center is consistent with the MDP, and no changes to that use are proposed. **(Affirmative finding)**

**I. The safety of access to the property...**

The proposed site features will have no effect on the safety of access to the property in times of flooding by ordinary or emergency vehicles. **(Affirmative finding)**

**J. The expected heights, velocity, duration, rate of rise...**

The proposed construction is minor in extent and will have no perceptible effect on sediment transport, flood height, velocity, duration, or rate of rise during times of flooding. **Affirmative finding**

**K. Conformance with all other applicable requirements...**

See Articles 4, 5, and 6 of these findings.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Article 4 above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable in the E-AE zone.

***Sec. 5.2.5, Setbacks***

See Article 4 above.

***Sec. 5.2.6, Building Height Limits***

Not applicable.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

Not applicable.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

**(Not applicable)**

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

The proposed work is minimal, consisting of a replaced deck, a new footbridge, and a new dock on the pond. The structures are surfaced with wooden decking with either wooden or metal framing. All will be anchored into the ground with specialized screws. No excavation work is necessary for their installation. No buildings, lighting, parking, or other site alterations are proposed. The application materials convey what is to be installed and where; however, it's not clearly delineated on an actual site plan. Such delineation is required. **(Affirmative finding as conditioned)**

***Part 3, Architectural Design Standards***  
**(Not applicable)**

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, a site plan depicting the proposed site improvements shall be provided, subject to staff review and approval.
2. Special Flood Hazard Area conditions:
  - C. All development:
    - (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
      1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
      2. Constructed of materials resistant to flood damage;
      3. Constructed by methods and practices that minimize flood damage; and
      4. 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;
    - (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
    - (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
    - (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
      1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
      2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

(v) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.

D. Residential Development:

Not applicable

E. Non-Residential Development:

- (i) All new construction and substantial improvements for nonresidential purposes shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Existing non-residential structures may be flood proofed where designed to be watertight to one foot or more above the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a proposed building to be flood proofed shall not be issued until a registered architect or engineer has reviewed the structural design, specifications and plans and has certified that the design and methods of construction are in accordance with meeting the provisions of this subsection.

F. Water Supply Systems:

Not applicable;

G. On-Site Waste Disposal Systems:

Not applicable;

H. Recreational Vehicles:

Not applicable.

3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Permitting & Inspections as well as other permit(s) as may be required.
4. Standard permit conditions 1-15.