

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: May 4, 2021
RE: 20-0824SN; 3090 North Avenue

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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: W-RL Ward: 7N

Owner/Applicant: Winooski Valley Park District

Request: Install information kiosk in flood hazard area.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 7 (Signs)

Background Information:

The applicant is seeking approval to install an information kiosk (freestanding yard sign) and some related directional signs within a recently created Winooski Valley Park District park inside the flood zone of the Winooski River. The information kiosk requires approval as a sign. The associated directional signs are exempt from sign permit requirements but require consideration under the flood zone standards.

The property sits within the Special Flood Hazard Area. This location triggers Development Review Board review under the SFHA criteria of Sec. 4.5.4. Project plans have been provided to the state floodplain coordinator. Comments have not yet been received. Those provided within 30 days of submission to ANR will be incorporated into this permit.

Previous zoning actions for this property:

- 8/20/19, Approval to create conservation park
- 8/9/18, Approval to demolish buildings, footings, foundations, docks, and utilities
- 9/29/11, Approval to remove chimney
- 9/17/09, Approval to re-side the residence with vinyl siding

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

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit

Zoning permit 19-0091CA for demolition of the marina facilities has expired and lacks its required certificate of occupancy. Per this criterion, a certificate of occupancy for this new zoning permit cannot be issued until this prior zoning permit is closed out with a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The proposed work is minimal and amounts to installing several signs on posts anchored into the ground. The work will have no perceptible effect on flood heights or velocities. **(Affirmative finding)**

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

The sign posts will be set into the ground 2' – 4' and will be anchored in place with sure-pack. The sign posts themselves are 4" X 4" with relatively little surface area. Anchored in place, there is little danger that the signs would be swept away onto other lands. **(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 park is devoid of buildings. The proposed signs are minimally susceptible to flood damage. **(Affirmative finding)**

E. The importance of the services provided...

No change in use is proposed. The park is a regional amenity, and the proposed signs will provide users with important information about the park. **(Affirmative finding)**

F. The availability of alternative locations...

This property used to be a marina with several buildings sitting within the flood zone. All of the buildings were removed as part of the conversion to a park. Present use of the property as a park is a substantial improvement over prior conditions. The proposed sign will enhance use of the park. **(Affirmative finding)**

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

No change in use. **(Not applicable)**

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

No change in use. **(Not applicable)**

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

The proposed signs will not affect access to the property during times of flooding. **(Affirmative finding)**

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

This property sits very near to the mouth of the Winooski River. Importantly, it is not located within the river's floodway. The maximum regulatory flood elevation here is 102' above sea level. The proposed signs will have no adverse impact on flood height, velocity, duration, rate of rise, or sediment transport. **(Affirmative finding)**

K. Conformance with all other applicable requirements...

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

Article 7: Signs

Sec. 7.2.7, Freestanding Yard Sign

The proposed kiosk is a "freestanding yard sign." The sign face is 4' X 4,' and its overall height on posts is 6.' Depth, including the posts, is just 4." It is dimensionally acceptable. No illumination is proposed. The subject parcel has no street frontage nor buildings to align with. The minimum side yard setback is 5.' Its location inside the circulation drive is acceptable. **(Affirmative finding)**

II. Conditions of Approval

1. Prior to issuance of a certificate of occupancy for this zoning permit, previous zoning permit 19-0091CA shall be closed out with a final certificate of occupancy.
2. Per Sec. 4.5.4, (f) 8, construction within the Special Flood Hazard Area is subject to the following 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:

(i) 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:

(i) Not applicable.

3. Standard permit conditions 1-15.