



**WAITSFIELD DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION**

<b>Application #:</b>	<b>3670-CU</b>
<b>Land Owner:</b>	<b>Town of Waitsfield</b>
<b>Applicant:</b>	<b>Valerie Capels, Town Administrator</b>
<b>Property Address:</b>	<b>Bridge Street covered bridge</b>
<b>Parcel Number:</b>	<b>N/A</b>
<b>Meeting Dates:</b>	<b>November 17, 2015, January 12, March 22, April 26, and May 10, 2016</b>
<b>Proposal/Type:</b>	<b>Request for approval to repair and extend the abutment walls on both sides of the covered bridge and create new land area, which will include new impervious surfaces, guardrails, street lighting, and benches. The applicant also proposes to replace the existing cedar shingle roof with a metal roof.</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010:
  - a. Table 2.01 Village Business (VB) District.
  - b. Table 2.09 Historic Waitsfield Village Overlay (HWO) District.
  - c. Table 2.10 Flood Hazard Area Overlay (FHO) District.
  - d. Table 2.11 Fluvial Erosion Hazard Area Overlay (FEH) District.
  - e. Section 3.08 Nonconforming Structures.
  - f. Section 5.03 Conditional Use Review.
2. Waitsfield Town Plan, as adopted on October 22, 2013.

**B. MATERIALS SUBMITTED**

1. On October 23, 2015, the applicant submitted zoning permit and conditional use applications, site plan, photos of the new area, and a sketch of the proposed changes to the bridge and abutment areas.
2. On November 4, 2015, the applicant submitted a signed Posting Sign Protocol form.
3. On December 16, 2015, the state floodplain manager submitted comments following the site visit on December 11, 2015.
4. On December 21, 2015, Bob Burley submitted written comments to the board following the site visit.
5. At the hearing on January 12, 2016, the applicant submitted a packet of information related to the historic status of the bridge and its design, proposed designs for the

- guardrail and related email correspondence, and photos of the bridge before and after Tropical Storm Irene.
6. On January 19, 2016, Irene Borboroglu sent an email supporting the proposed lights.
  7. On January 29, 2016, the applicant submitted a statement from the project engineer indicating that the work within the floodway will not result in any increase in flood levels during a base flood.
  8. On February 11, 2016, the state floodplain manager submitted comments after receipt of the bridge's grading plans, elevation plans, and no-rise statement from the town's engineer.
  9. On February 22, 2016, the applicant submitted site plans for the proposed guardrails, benches, lights, and brick walkways.
  10. On March 17, 2016, the applicant submitted a revised site plan to include proposed bench locations.
  11. On March 22, 2016, the state floodplain manager submitted, via email to the ZA, his initial comments on the revised site plan.
  12. On March 22, 2016, the applicant submitted a memo sent to Rachel Beauregard, LTE Project Supervisor, requesting approval to change the roof from cedar shingle to metal.
  13. On April 26, 2016, the applicant submitted final site plan proposals which included all requested detail to-date, and a cut sheet of the proposed LED strip lighting for the rail.
  14. On April 28, 2016, Mary Schramke, a property owner on Bridge Street, submitted comments via email to the ZA.
  15. On May 4, 2016, Bob Burley submitted, on behalf of the Waitsfield Historical Society, an alternative proposal for the abutment areas to the Selectboard and the ZA was copied for distribution to the DRB.
  16. On May 6, 2016, the state floodplain manager submitted initial comments on Mr. Burley's alternative proposal to the ZA via email.

### **C. FINDINGS OF FACT**

1. The property is the covered bridge on Bridge Street and abutment areas on either side. The parcel has no identification number but is within the Village Business, Historic, Flood Hazard, and Fluvial Erosion Hazard Area Overlay Districts.
2. The application will trigger state review because the structure is located in the floodplain and the proposal is to alter the exterior (the roof) of a contributing structure on the National Register of Historic Places for Waitsfield Village.
3. The applicant proposes to alter the exterior of the bridge in two ways: to add an electrical panel with a cover including information about the bridge, and to replace the existing, deteriorating cedar shingle roof with a metal roof.
4. The applicant also proposes to expand the abutment area on the western side of the bridge due to a redesign of the abutments. The applicant plans to improve this area with impervious material to consist of benches, light posts, and guardrails. The design was not finalized at the time of application.
5. The public hearing on this application was held on Tuesday, November 17, 2015.

6. The abutter notices were mailed on October 27, 2015 and the notice appeared in the October 29, 2015 issue of *The Valley Reporter*.
7. The board opened the hearing on November 17, 2015 and the applicant presented the proposal. The board continued the hearing to January 12, 2016, in order to hold a site visit with the board, the applicant, and the state floodplain manager.
8. The board members, applicant, ZA, state floodplain manager (former and incoming), and several members of the public attended a site visit to the covered bridge and abutment areas on December 11, 2015. The applicant described the plans and work performed to-date; the state floodplain managers and board members had questions to clarify the plans. The state floodplain manager explained the FEMA and local floodplain regulations and standards.
9. The state floodplain manager submitted comments, following the site visit, via email to the ZA on December 16, 2015. The ZA forwarded them to the applicant via email. No new design details or plans of the abutment areas had been submitted.
10. In his December 16, 2015 comments, the state floodplain manager stated that the “key thing here is the floodway concern” and pointed to Section 5.03(E)(5)(b) of the Waitsfield Zoning Bylaw, which reads:  
“5. **Floodways.** Within floodway areas:  
\*\*\*  
b. Development and encroachments, including fill, are prohibited unless a registered professional engineer certifies, based on hydrologic and hydraulic analyses conducted in accordance with standard engineering practices, that the proposed development will (i) not result in any increase (0.00 feet) in flood levels during the occurrence of the base flood, and (ii) will not increase the risk to surrounding properties, facilities or structures from flooding or erosion.”  
\*\*\*
11. The state floodplain manager stated that the standard in Section 5.03(E)(5)(b) could be met where an engineer provides such a no-rise analysis for the as-built and proposed final construction of the work at the covered bridge. He explained that the professional engineer could also describe and stamp a letter confirming no loss (or increase) of conveyance of water through/over and around the structure and related abutment areas in order to meet this standard.
12. On January 29, 2016, the applicant submitted such a stamped letter from Project Manager Evan Detrick, P.E., which satisfies Section 5.03(E)(5)(b).
13. The public hearing on this application was continued on January 12, 2016. The applicant explained the proposal and submitted a packet of information related to the historic status and design of the bridge. VTrans Historic Preservation personnel has notified the applicant that they are willing to accept a metal roof, but need a memo from the Town noting that this portion of the design has been changed from cedar shingles. The intent was to select a dark or smoky color for the roof.

14. The applicant explained that other information related to the proposal for the new abutment area surfaces was not yet available, and requested to have the hearing be continued to a future meeting. The board continued the hearing to February 23, 2016.
15. In response to the engineer's letter, the state floodplain manager emailed the ZA on February 11, 2016, and was "inclined to concur that that there was no impact on the floodway." He also recognized that "this Town project in the Floodway did not take steps ahead of time to ensure no effect on the floodway and its ability to convey the base flood." Finally, he warned that "[i]f there is a pattern of disregard for the floodway requirements and NFIP standards there could easily be consequences for the community- both in natural outcomes and in terms of scrutiny by FEMA and corrections actions to be taken by the Town."
16. The applicant was away unexpectedly for the February 23, 2016 hearing and the materials were not finalized by that date. The applicant requested a continuance to the March 22, 2016 hearing, which was granted.
17. The continued public hearing was held on March 22, 2016. Prior to the hearing, the applicant submitted a revised set of plans with additional detail in response to the feedback thus far. The state floodplain manager submitted comments on these plans via email to the ZA, including a request for clarity about whether or not there will be new concrete added within the mapped floodway; a confirmation that no increase in grade will result from the bricks or other treatments; and more detail on the benches showing that they will minimize obstruction of flow.
18. At the March 22, 2016 hearing, the applicant stated that the Selectboard finalized their decision to replace the deteriorating cedar shingle roof with a corrugated metal roof in a dark or smoky tone, pending VTrans' Historic Bridge Preservation Committee's feedback.
19. The cedar shingle, standing seam metal, and corrugated metal options for the roof material all meet the *Secretary of the Interior Standards for Rehabilitation*. The board believes that cedar shingle is the most historically appropriate roof material. The board's second preference for roof material, in light of historic preservation considerations, is standing seam metal in a dark color to be approved by the Selectboard. If corrugated metal is chosen by the Selectboard, a wooden trim would be requested to hide the gap of the roof strapping.
20. On April 26, 2016, the applicant submitted revised, final site plans with detail about the following requested changes:
  - a. The design and proposed anchoring of the benches;
  - b. The design and anchoring detail of the iron guardrail with a strip LED light instead of the originally proposed light posts; and
  - c. The area of at-grade brick paving and amount of cubic feet of staymat to be removed in order to keep the bricks at-grade and ensure no new fill is added to the mapped floodway.

21. No new lighting on the proposed guardrail or within the new abutment areas is needed for safety, as the existing Bridge Street light posts provide ample if not excessive light. The proposed light posts and LED strip do not blend with the historic character of the area.
22. The guardrail was originally proposed as iron, but the Selectboard and Development Review Board prefer Mr. Burley's proposed wooden rail as depicted in the site plan dated May 5, 2016.
23. The proposed design and location of the benches will minimize obstruction of flow of the river during a base flood, and blend into the historic character of the area.
24. The proposed anchoring of the benches and wooden guardrail makes them reasonably safe from flooding events.
25. The bricks are proposed to be installed at-grade and will add no net fill to the floodway.
26. The Selectboard is considering planting and landscaping instead of the brick paving on the western side of the bridge in the abutment area but no decision had been made at the time the hearing was closed.
27. The board closed the hearing and stated that a written decision would be issued within 45 days.

#### **D. CONCLUSIONS OF LAW**

Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the Conditions of Approval listed below, does meet the conditional use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

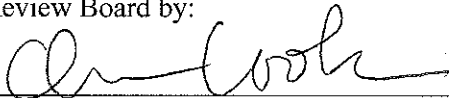
#### **E. DECISION**

Application #3670-CU is hereby APPROVED and is subject to the following conditions:

1. The covered bridge roof shall be dark in color and preferably green or brown. Roof material is listed in order of preference, pending Selectboard and Historic Covered Bridge Preservation Committee's approvals:
  - a. Cedar shake;
  - b. Standing seam metal; or
  - c. Corrugated metal with wooden trim to hide the gap in the strapping.
2. No new lighting on or around the bridge is allowed.
3. A wooden railing may be installed on the western and eastern side of the bridge in the location proposed for the iron guardrail by the applicant on April 26, 2016, which shall be:
  - a. Reasonably safe from flooding;
  - b. Anchored as proposed in the plan dated May 5, 2016;
  - c. Hemlock and, if desired, a natural, clear finish; and
  - d. Constructed to meet the standards in the *Vermont Pedestrian and Bicycle Facility Planning and Design Manual*.

4. Two (2) benches on the western side and one (1) bench on the eastern side of the bridge in the new abutment areas may be installed in the location and design proposed on the plans dated April 26, 2016, so long as they are reasonably safe from flooding and anchored as proposed on the plans dated April 26, 2016.
5. The brick paving shall be installed at-grade and in the areas proposed on the plans dated April 26, 2016.
6. The electrical panel may be used as an informational kiosk, pending final design approval by the ZA, in consultation with the DRB.
7. Prior to issuance of any zoning permit for construction or installation of the guardrail, the benches, the brick paving, or the electrical panel, the applicant shall submit final design and site plans for:
  - a. The electrical panel and related kiosk;
  - b. The new abutment areas, including the approved brick paving areas, wooden guardrail, and three (3) benches; and
  - c. The roof material.
8. The applicant shall comply with all applicable safety codes.
9. This decision is subject to all applicable local, state, and federal permit requirements and approvals.
10. Prior to any further development or revisions to this approval, the applicant shall obtain prior Development Review Board approval and applicable state approval(s).

Dated at Waitsfield, Vermont this 7<sup>th</sup> day of June, 2016 for the Town of Waitsfield  
Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Gib Geiger, Chris Jernigan, Rudy Polwin, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: John Donaldson.

#### Appeal

Pursuant to Title 24 VSA §4471 and §4472, an interested person who has participated in the review of this application may appeal this decision to the Environmental Division of the Vermont Superior Court by filing a Notice of Appeal directly to the Court, 32 Cherry Street, Suite 303, Burlington, Vermont 05401, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of the Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.