

Department of Planning and Zoning

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TO: Development Review Board
FROM: Ryan Morrison
DATE: February 5, 2019
RE: 19-0476CA; 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: Install a new driveway and parking area to the north of the farmhouse, narrow the driveway to the south of the farmhouse, and install a stone terrace.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to install a new driveway and parking area to the north of the farmhouse, to reduce the width of the existing driveway to the south of the farmhouse, and to install a new stone terrace. The new parking area and a portion of the new driveway lie within a Special Flood Hazard Area.

Because a portion of the proposed development lies within the Special Flood Hazard Area review under the SFHA criteria of Sec. 4.5.4 is required. Project plans have been provided to the state floodplain coordinator. No comments have yet been received. Any comments received within the 30-day comment period will be incorporated into this permit.

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.

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. **Affirmative finding**

(b) Dimensional Standards & Density

Lot coverage will change as a result of this proposal. Existing lot coverage totals 25,600 sf (8%). After the project is completed, lot coverage will increase to 30,100 sf (9%) – well below the 60% maximum lot coverage allowance. Although no new buildings are proposed, the minimum setback requirements (10' setbacks to front, side and rear yard property lines) will be met for the parking area and the stone terrace. **Affirmative finding**

(c) Permitted & Conditional Uses

Agricultural Use is a permitted use in the E-AE zoning district. **Affirmative finding**

(d) District Specific Regulations

1. Convenience Stores

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

While a portion of the property lies within a Riparian and Littoral Conservation Zone, no disturbance will occur therein. However, almost half of the property is located within the Special Flood Hazard Area of the Winooski River, and specifically, the new parking area and driveway will locate within the SFHA. As a result, the following criteria apply.

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The introduction of the new parking area and driveway should have little to no effect on flood heights or velocities. **Affirmative finding**

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

The new parking area and driveway, which will be a compacted gravel surface, is in little danger of being swept away during times of flooding. **Affirmative finding**

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

No changes to water and sewer systems are proposed. **Affirmative finding**

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

Given its low elevation adjacent to the Winooski River, the property has flooded previously, the last time being during Tropical Storm Irene, in 2011. Flood waters, at that time, came up to the northeast corner of the English Hay Barn. The applicant states that the 'flood plain' line on the site plan is a pretty accurate depiction of where flood waters were during Irene. The new parking area and driveway should see little to no damage in the event of a flood. **Affirmative finding**

E. The importance of the services provided...

No new use is proposed. The agricultural use will remain. As noted above, the Intervale Center is consistent with the intent of this E-AE district. **Affirmative finding**

F. The availability of alternative locations...

As previously noted, no new use is proposed. The Intervale Center has been firmly established in its current location for many years, and given the layout of the site, the location of the proposed parking area and driveway is the most logical. **Affirmative finding**

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

As previously noted, the Intervale Center is consistent with the intent of the E-AE zone. **Affirmative finding**

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

No new use is proposed. **Affirmative finding**

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

Only a portion of the property is within the Special Flood Hazard Area. The existing access will remain, and the new proposal (parking area and driveway) will see a second access point onto Intervale Road. Ordinary and emergency vehicle access will continue to be available. **Affirmative finding**

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

It is possible that the flood water velocity from the river could cause damage to the existing development. However, given the nature of the current proposal, structural damage is not anticipated. Sediment transport and deposition has the potential to be substantial, as is the nature with river flooding. The proposed construction will have no effect on sediment transport. The new driveway, parking area, and terrace are expected to have minimal to no 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, 6, and 8 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**

Sec. 5.5.2, Outdoor Lighting

The applicant has indicated that there are no plans for new outdoor light fixtures. **Affirmative finding**

Sec. 5.5.3, Stormwater and Erosion Control

The applicant has submitted an Erosion Prevention and Sediment Control (EPSC) Plan to the City's Stormwater Program Manager. Prior to the release of the zoning permit, the plan must be approved. **Affirmative finding as conditioned**

Sec. 5.5.4, Tree Removal

There will be several trees, of various size and caliper, removed to make way for the new parking area and driveway. Per Sec. 5.5.4 CDO, grounds for such tree removal include issuance of a

zoning permit for new development. While a specific tree count has not been provided, the development of the parking area and new driveway warrant such tree removal. Tree clearing limits are noted on the site plan. **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

a) Protection of Important Natural Features

The subject property is located along the Winooski River. The riverbank is identified as a significant natural area. Nearly half of the property is affected by the Natural Resource Protection Overlay District, specifically the special flood hazard area. As required, an EPSC plan was submitted and is currently under review by the Stormwater Program Manager. As noted above, the EPSC plan must conform to stormwater program requirements and be approved by the Program Manager before this zoning permit can be released. **Affirmative finding as conditioned**

b) Topographical Alterations

The applicant notes that fill will be imported for the new driveway and parking area, and will be placed on the existing grade. No excavation is anticipated. **Affirmative finding**

c) Protection of Important Public Views

Not applicable.

d) Protection of Important Cultural Resources

The property is within an archaeologically sensitive area; however, there are no specifically identified archaeological sites on the property. This archaeological sensitivity stems from the property's location along the Winooski River. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.

The applicant notes that excavation will not occur as part of the project. The new driveway and parking area will be at/above existing grade. A separation fabric will be laid on the existing grade, and 18 inches of gravel will be placed on top of that. However, if excavation is to occur, the above shall apply. **Affirmative finding as conditioned**

e) Supporting the Use of Renewable Energy Resources

Not applicable.

f) Brownfield Sites

Not applicable.

g) *Provide for Nature's Events*

See Sec. 5.5.3 above.

h) *Building Location and Orientation*

Not applicable

i) *Vehicular Access*

The property already gains access from Intervale Road. The new proposal will result in a second access onto Intervale Road, adjacent to the new parking area, thus creating a U-shaped circulation pattern. Approval from the Public Works Department will be required for this new access. **Affirmative finding as conditioned**

j) *Pedestrian Access*

Not applicable.

k) *Accessibility for the Handicapped*

Not applicable.

l) *Parking and Circulation*

Not applicable.

m) *Landscaping and Fences*

Not applicable.

n) *Public Plazas and Open Space*

Not applicable.

o) *Outdoor Lighting*

Not applicable.

p) *Integrate Infrastructure into the Design*

Not applicable.

Part 3, Architectural Design Standards

(Not applicable)

Article 8: Parking

While no new use is proposed, given the variety of uses existing on the lot, 17 parking spaces are required. According to the site plan, 5 spaces exist. The proposal will add a 12 space parking lot, bringing the total number of parking spaces to 17. Given the variety of uses on the property, 17 parking spaces are required. See chart below.

Use	Size	Parking Requirement	Spaces
Office	2,492 sf	2 / 1,000 sf	5
Events Barn	1750 sf	3.3 / 1,000 sf	6
Food Hub Warehouse	1620 sf	3.3 / 1,000 sf	5
Warehouse	875 sf	0.5 / 1,000 sf	1
			17 total

‘Agricultural uses’, the primary use of the business, has no parking requirement, and is therefore not included in this parking calculation. The total number of parking spaces (17) is appropriate for the variety of uses. **Affirmative finding**

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the EPSC plan must be reviewed and approved by the Stormwater Program Manager.
2. **Prior to the start of construction**, a curb cut permit for the new access onto Intervale Road shall be obtained from the Public Works Department.
3. The property is within an archaeologically sensitive area. If, during construction, artifacts are unearthed, it is the applicant’s responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
4. The Applicant/Property Owner is responsible for obtaining all necessary state and federal permits.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
6. Standard permit conditions 1-15.