

July 25, 2016

Ms. Valerie Capels, Town Administrator  
Waitsfield Town Office  
9 Bridge Street  
Waitsfield, Vermont 05673

**Re: Bridge Street Pocket Park – Development Constraint Summary**

Dear Ms. Capels,

Weston & Sampson Engineers, Inc. has performed preliminary evaluation of potential permitting requirements/restrictions associated with the development of a Pocket Park proposed at the former “barber shop” parcel. The design and construction of the Pocket Park has been identified as a key component of the towns recovery from tropical storm Irene by the Vermont Downtown Action Team (VDAT). A Community Development Block Grant (CDBG) has been awarded to the Town for the design and construction of the Pocket Park. Due to the location of the project on a very small parcel directly adjacent to the Mad River, Bridge Street and Recreation Path the Town is concerned that regulatory limitations may preclude creation of a Pocket Park. As such, the Town does not wish to expend monies pursuing design and partial permitting of what could be an un-permittable project. The Town has asked that Weston & Sampson to perform an assessment of the potential permitting requirements/restrictions that must be addressed in a Pocket Park design, and to give a preliminary opinion as to whether these requirements/restrictions can be met. The following is a summary of the anticipated regulatory items which are anticipated to dominate the design of the Pocket Park. This is not a comprehensive list of any and all regulatory items, but represents what we believe at this time will be the primary driving forces for the design:

**FEMA Floodway/Floodplain:**

- The proposed project is entirely within Zone AE of the floodplain (see FIRMette Map Number 50023C0379E; Panel # 379; March 19, 2013) and the Town Flood Hazard Overlay area
- Some portion of the project is within the floodway. A conditional use variance will likely be necessary in accordance with Table 2.10.

**Waitsfield Zoning:**

- Village Business District, pre-existing, non conforming, exempt lot. Proposed Conditional Use.
- Table 2.10 Flood Hazard Area Overlay:

- o (B) Permitted Use 11. Minor grading outside NFIP floodway: No net fill OR

- (C) Conditional Use 6 Grading for Permitted use: Floodproof, No net Fill.

- Table 2.11 Fluvial Erosion Hazard Area Overlay:

- (B) Permitted Use 13. Minor Grading outside NFIP floodway: No net fill OR
- (C) Conditional Use 6. Grading for Permitted use: Floodproof, No net Fill. Justification of need to develop in FEHA

- Section 5.02: Application Requirements:

- Section 5.02 (A) 8: Detailed survey, report for VTANR, VTANR PRS.
- Section 5.02 (A) 9: Justification of need to develop in FEH Overlay, VTANR PRS
- Section 5.02 (A) 10: Applications for development must be submitted to State NFIP, Rivers Management for comments prior to zoning permit issuance

○ Section 5.03: Conditional Use Review:

- Section 5.03 (E) 3 Prohibited Development within SFHA: c. Fill
- Section 5.03 (E) 5 Floodways: No flood level increase (0.00'), No increased risk to surrounding properties/structures from flooding certified by engineer
- Section 5.03 (E) 6 General Considerations for SFHA: DRB to consider a. danger to life and property due to increased flood heights or velocities caused by encroachments; danger to materials being swept onto other lands downstream, susceptibility of project to flood damage; importance of facility service to community; necessity of facility at waterfront location.
- Section 5.03 (E) 7 All development within SFHA shall:
  - a. Be reasonably safe from flooding,
  - b. adequately drained,
  - c. located to minimize conflict with changes in stream channel locations over time.
- Section 5.03 (E) 8 Structures within the SFHA shall be:
  - a. adequately anchored to prevent floatation, release and lateral movement during a base flood,
  - b. constructed with materials resistant to flood damage,
  - c. constructed by methods that minimize flood damage,
- Section 5.03 F FEHO Development Standards:
  - 2. No increase in existing structural encroachments
  - 3. Total combined cumulative footprint of structural improvements <500 square

feet

6. Fill allowed only as provided in Table 2.11(C) as incidental to allowed uses in Table 2.11

11. In consultation with River Management find conditional use shall not:

- a. have undue effect on road, bridge, facilities during fluvial erosion
- b. Increase susceptibility of property or properties due to erosion
- c. Increase potential for material transport into stream or onto land and cause damage

**River Management Program:** Must comply with Town Zoning Rules. An opinion of compliance must be given.

**Act 250:** An administrative amendment to the existing Mad River Path (SW1527) to incorporate the park

will be necessary.

**ADA:** Maintain at least one accessible route in and out of park.

### **PRELIMINARY FEASIBILITY EVALUATION**

The proposed redevelopment of the parcel as a public park space appears to be feasible within the context of the current applicable regulations. The project design will need to meet the following conditions:

- Impervious area the same "total" as previous building.
- Development cannot be closer to river than the former building.
- Grading and contouring are possible, no net fill condition is required.
- Constructed of flood resistant/flood-proof materials.
- Adequately drain.
- Shall not cause undue effects of flooding/erosion on nearby properties.
- Must retain at least 1 ADA access.

### **NEXT STEPS**

In order to begin a design effort for the redevelopment, it is essential that a highly accurate topographic survey of the area be completed. The survey should extend beyond the project parcel to delineate the river embankment, waters edge, abutments, road, sidewalk, existing path, planter, and trees. This information is vital to determining grading options that will result in a design that meets the no net fill requirements and best incorporates the many adjoining features.

Please let me know if you have any questions regarding the above and how best to move forward. You can contact me at (802)-244-5051 Ext. 6007 or via e-mail at [larosas@wseinc.com](mailto:larosas@wseinc.com).

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



STEVEN LAROSA  
Hydrogeologist

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