

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

**FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY
IN A 100-YEAR FLOODPLAIN**

This is to give notice that the Town of Bennington, Vermont has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. The activity is funded under the Community Development Block Grant (CDBG) (administered by the Vermont Community Development Program) under Title I of the Housing and Community Development Act of 1974 (PL 93-383), the National Affordable Housing Act, as amended. The proposed project is located at 300 Pleasant Street, in Bennington, Bennington County, Vermont and will be limited-stay family rental housing as administered by the Bennington Coalition for the Homeless. Project activities proposed for the existing residence include minor renovations to unit interiors, efficiency upgrades, replacement and restoration of interior finishes and exterior repairs and restoration, and construction of a new porch and entrance including an accessible ramp. Activities proposed for the barn include redevelopment into two dwelling units and office space, with a new exterior staircase. Site work is limited to repairs and refinishing of the asphalt paved parking area, new concrete sidewalks, site utilities, the handicap ramp, and planting of street trees and parking-lot screening vegetation.

The entire property consists of approximately 0.70 acres, all of which is located within Zone AE 100-year floodplain (FIRM Panel 50003C0414D, dated December 2, 2015), and all proposed exterior and site work could potentially impact the floodplain. While many of the original natural resources including fertile soils have long been absent due to historic site development, the floodplain as a natural system still provides for natural moderation of floods, for preservation of water quality, is the location of an archaeological site and serves as a conduit for groundwater recharge. Approximately 850 square feet of 100 year floodplain will be developed with impermeable surface during the project, which is an insignificant portion of the several hundred acres of 100 year floodplain area within approximately ¼ mile of the project. Additionally, as a result of archaeological sensitivity of the location, an archaeologist will provide project monitoring and oversight during certain construction activities in sensitive areas and mitigate potential archaeological impacts. A flood evacuation plan will also be prepared.

The Town of Bennington considered alternatives and mitigation measures to the proposed project to minimize adverse impacts and to preserve natural and beneficial values of the floodplain. The project location is ideal for its intended use due to its downtown location, and other properties which would as effectively serve the intended purpose would also be located in the floodplain, like much of downtown Bennington. Alternative on-site designs considered included using permeable gravel walkways instead of concrete to minimize the impacts to

groundwater infiltration, however, the concrete walkways are necessary given their importance to accessibility modifications at the property.

The Town of Bennington has reevaluated the alternatives to the proposed work in the floodplain and have determined that the project has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Town of Bennington, c/o Mr. Stuart Hurd, Town Manager, 205 South Street, Bennington, VT 05201, on or before January 23, 2020. A full description of the project may also be reviewed at the Town of Bennington on Monday through Friday from 8:00 am – 5:00 pm.

**MITIGATED COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF
INTENT TO REQUEST RELEASE OF FUNDS
STATE OF VERMONT**

January 8, 2020

Stuart Hurd, Town Manager
Town of Bennington
205 South Street
Bennington, VT 05201
Phone: 802-442-1037

The purpose of this notice is to satisfy two separate but related procedural requirements for activities to be undertaken by the Town of Bennington and the State of Vermont Agency of Commerce and Community Development (the Agency).

Request for Release of Funds

On or about January 24, 2020, the Town of Bennington will submit a request to the Agency to release funds under Title I of the Housing and Community Development Act of 1974 (PL93-383), the National Affordable Housing Act as amended, to undertake a project known as 300 Pleasant Street for the purpose of two existing buildings for limited-stay family rental housing as administered by the Bennington Coalition for the Homeless. The property is located at 300 Pleasant Street in Bennington, Bennington County, Vermont. The estimated total cost of the project is approximately 2,940,363, including what is anticipated to be approximately \$500,000 in Community Development Block Grants (CDBG) Funds.

Mitigating factors to reduce human exposure to existing site hazards includes maintaining flood insurance on the buildings, monitoring of construction activities in archaeologically sensitive areas by a certified archaeologist, abatement / management of asbestos containing materials and lead based paints, and meeting the conditions of the Section 106 review approved by the Vermont Department of Historic Preservation. Additionally, a post-construction radon tests will be completed and a mitigation system installed if required. Mitigation measures to address floodplain management requirements are detailed in the above notice.

Finding of No Significant Impact

The Town of Bennington has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the municipal offices of the Town of Bennington, 205 South Street, Bennington, Vermont and may be examined or copied on Monday through Friday from 8:00 am - 5:00 pm.

Public Comments

Any individual, group, or agency may submit written comments on the ERR to the Town of Bennington attn. Stuart Hurd, Town Manager, 205 South Street, Bennington, VT 05201. All comments received by January 23, 2020 will be considered by the Town of Bennington prior to authorizing the submission of a request for release of funds. Comments must specify which Notice they are addressing—the Finding of No Significant Impact or the Request for the Release of Funds.

Environmental Certification

The Town of Bennington is certifying to the Agency that the Town of Bennington and Stuart Hurd, in his official capacity as Town Manager consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Agency's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities and allows the Town of Bennington to use CDBG funds.

Objections to Release of Funds

The Agency will accept objections to its approval of the release of funds and acceptance of the Town of Bennington's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer Stuart Hurd; (b) the Town has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Agency; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Agency of Commerce and Community Development, Department of Housing and Community Development, Attn: Environmental Officer, One National Life Drive, Davis Building, 6th Floor, Montpelier, Vermont 05620-0501. Potential objectors should contact the Agency to verify the last day of the objection period.