

Ferrisburgh Conservation Commission
Meeting December 13, 2016
Approved Copy

In attendance for the FCC: Craig Heindel, Dennis Armell, Jen Cirillo,
Amy Dohner, John Medenwald and
Karen Pettersen, Secretary

Guests: Kate Clear, Rolf Humburg, Debbie Allen, Terry Allen
Steve Delphia, David Pierson, and Aubrey Choquette

Craig opened the meeting at 7:00 p.m.

The November meeting notes were moved to be accepted as presented.

A. Clear/Humburg parcel, Allen ROW

1. Kate and Rolf had contacted Craig a few weeks ago regarding a driveway being proposed through their property by the Allens. The Allens have a right-of-way through Kate and Rolf's property along their east boundary line to access a proposed house site on their property to the south. Specifically, Kate and Rolf were concerned about possible wetland and stream impacts due to the future Allens' construction.
2. The driveway received a Zoning Permit from the Town of Ferrisburgh on December 1, 2016.
3. The Allens have hired Steve Delphia, excavating contractor, Steve Ravell, Hydrogeologist and Matt Montgomery, wetland consultant.
4. Zapata Courage, VT Wetland District ecologist and Jason Borg, VT River Management Engineer visited the site and their field report is attached.
5. The Allens said there are Class 2 wetlands at the location of the proposed driveway and a 4' diameter culvert is planned at the location of the stream crossing. The Allens said that there is no other alternative location for this driveway. The Allens will need to apply for a State Wetland Permit and probably a US Corps of Engineers permit.
6. Amy asked if the Town informs the applicants if there are possible wetlands on the property. Craig said in this case these wetlands weren't shown on the VT ANR Natural Resources Atlas. Karen said that in general the Town's Zoning Administrator only informs applicants of local requirements.

B. JSCL, Tupper's Crossing

1. Craig explained to Aubrey and David, neighbors, that the Vermont Natural Resources Atlas didn't indicate any wetlands or threatened and endangered species on the parcel.
2. David reported that Winn Wilson, Environmental Analyst with the VT Stormwater Program, and Ken Wheeling were at the site this morning reviewing the 2 ½ to 3 acres of disturbance, mostly shale fill, which was mined from the northwest corner of the parcel.
3. Based on a review of the zoning application the project is on a parcel of 9 acres, which was subdivided out of the 46 acre parcel owned by Bushey. The project being proposed by JSCL consists of a service and overnight parking area for 9 tractor trailer trucks with an 8,000 sq. ft. building for servicing trucks, an exterior truck washing area and an above ground large fuel oil tank. JSCL hired TCE Trudell Consulting Engineers for the engineering and permitting, with the exception of the septic design, which was previously designed by another engineer. It is our understanding that the trucks will be hauling petroleum products. The trucks will be empty when they are at the Ferrisburgh site. There will be an oil/water separator for the stormwater

discharged from the fuel tank area, but not from the truck washing area. JSCL will be applying for a VT stormwater permit.

4. The ZBA held a hearing on Dec. 7th, and the next hearing will be on Feb. 1st. After the next hearing there will be a site visit, possibly in mid March.
5. Aubrey and David were concerned about the weight of the trucks being too heavy for the class of road, the wells on Aubrey's property, the limited landscaping, the lighting, and the site distance at the intersection at Route 7.
6. Craig will write a letter to be sent to the Town, the applicant and their engineer explaining that we are concerned about the truck washing area, a MSG permit maybe required, the lack of erosion control measures surrounding the fill material, and the possibility of wetlands at the location of the fill material.
7. Craig asked John to research the State's Low Risk Erosion Control requirements, and for photographs that Aubrey took of the pond before it was filled in.

C. UVM pollinator presentation

1. The presentation by the UVM students at the Bixby Library went well. About 12 people attended. We would like the project to continue.

D. Laughlin

1. No news.

E. Annual budget

1. Dennis attended the Town's budget meeting to request \$500 for our 2017 annual budget. There was a discussion about whether this request would be a contingency fund or an appropriation fund. Dennis will write up a request for our next meeting.
2. Amy wants a further discussion on planning next years' events in light of the addition allocation request from the Town.

F. Vision Statement

1. Postponed.

No other business was discussed and the meeting adjourned at 9:00 pm. The next scheduled meeting is January 10, 2017.

Respectfully submitted,
Karen Pettersen, Secretary

12/13/14

Good morning Kat and Rolf,

Steve and Matt, I am copying you on my site visit summary as I know you have both tried to reach me regarding the potential driveway access project at 1318 Shellhouse Mountain Road in Ferrisburgh.

Site Visit Summary:

ZC conducted a site visit on December 8, 2016 with Jaron (Rivers/Streams) and landowners Kat and Rolf. We walked the easement where the driveway is proposed to be located.

A Class II wetland is present within this easement, starting at just about the tree line at the edge of the field, extending south to the small unmapped perennial stream that Jaron confirmed. This wetland occurs on both side of this stream and is part of a much larger wetland complex that appears to be beaver influenced to the east.

The subject wetland is not mapped on the Vermont Significant Wetland Inventory maps, but meets the presumptions listed in Section 4.6 (4.6a, b, and c) of the Vermont Wetland Rules. The Secretary has preliminarily determined, based on an evaluation of the functions and values of the subject wetland, that it is a significant wetland and shall be treated as a Class II wetland. At minimum, the subject wetland provides the following functions as listed under section 5 of the VWR (5.1, 5.2, 5.3, 5.4 and 5.10)

Class II wetlands and their 50-ft buffer are protected under the Vermont Wetland Rules (VWR). Any activity that is not an allowed use designated in §6 of the VWR will require a State Wetland Permit. In addition, the U.S. Army Corps of Engineers (Corps) regulates discharge of dredge and fill material and mechanized land clearing in wetlands. For detailed information on Corps permits and regulations call (802)872-2893 or contact Mike at Michael.S.Adams@usace.army.mil or Angela at Angela.C.Repella@usace.army.mil. In addition, your town may have local regulations regarding wetland protection.

First and foremost, even prior to a delineation, I highly recommend that an alternative driveway location be pursued with neighboring landowners for access to the building parcel that avoids or minimizes impacts to the wetland and 50-ft buffer. This is an expectation and requirement of any project. This easement was established “recently” without review by the Wetlands Program and the burden of proof lies with the applicant that avoidance and minimization efforts have been explored to the greatest extent possible, this has not yet been demonstrated.

In addition, the full understanding of the project and proposed impacts must be provided with details of avoidance and minimization detailed. The entire building envelope inclusive of power, water, sewer (waste water), yard area, physical structures, etc must remain outside of the wetland and 50- ft buffer.

DELINEATION:

A wetland delineation is required given the proximity of the proposed project to the wetland in questions. Wetland delineations follow the Army Corps of Engineers methods (ACOE 1987 Manual and Regional Supplement) and must be performed in the growing season by trained professionals. Once a delineation is completed, please contact me for further review and follow-up site visit. Given the time of year, this will likely need to wait until the spring season.

PROJECT:

The following project is proposed: **driveway access for a single residential home**. A Vermont Individual Wetland Permit will be required for the proposed wetland and buffer impacts to Wetland. For tracking purposes, your project has been assigned to wetland project number 2016-681. Please reference this number when you submit your application or in future communications with me. Individual Wetland Permits typically take approximately 3-6 months from submittal to issuance.

Lastly, Jaron did confirm the presence of a perennial stream associated with this area of the wetland complex. At minimum a review of the design plans or possibly a stream alteration permit will be required prior to construction.

Please keep in touch with the plans moving forward. Let me know if you have any questions or concerns.

Zapata