

**CONSERVATION COMMISSION  
DRAFT MINUTES  
July 20, 2016**

**MEMBERS PRESENT:** Byron Quinn, Al Alessi, Lynn Peterson  
**MEMBERS ABSENT:** Lina Hristova, Cyndy Kozara, Bethany Powers, Lea Kachadorian  
**OTHERS PRESENT:** Greg McKenney, Michael Brands

**I. OPENING OF MEETING**

Chair Quinn opened the meeting at 7:30 p.m.

**II. MINUTES**

The minutes of June 15, 2016 were approved as submitted.

**III. APPLICATIONS**

**A. T-4670-16 Julie Levin**

The application is for Conditional Use Approval to regrade a portion of the site by adding fill within riparian buffer. The property is located at 470 Noah Wood Road and is zoned Residential Five Acre / Steep Slopes / Riparian.

Mr. McKenney, engineer, presented the application.

The CC reviewed an updated site plan and numerous photographs.

In October 2015, the excavator asked the Town Planner what permits may be needed to change the alignment of the town road, Noah Wood Road. The planner noted permits would be required from both Select Board - curb cut, and Town Development Review Board - conditional use for excavation that exceeds 5000 square feet.

In early January just before first snow, a neighbor complained of work being conducted within the Town's right of way. The Town Planner visited the site to discover that excavation on the north side of Noah Wood road exceeded the 5,000 square foot threshold whereby a conditional use permit is required. Material from this site was placed along the stream behind the owner's home which is located directly across the road. Some of the material was placed within the 50' riparian buffer along the stream bank. The excavation also exceeded the 5,000 square foot threshold for a conditional use permit.

Upon notification in January 2016, the owner ceased all activity and is working with the Town officials to resolve the issue. Willis Consulting Engineers was hired to mitigate the situation and to secure all permits.

The plan to realign the town road was discarded. A second plan to lower the inside corner of the curve of the town road (which would have required removal of trees and a stone wall) was also discarded. The final plan, approved by the Select Board on July 19, 2016, is to fill in the excavated site and terrace the resulting slope. The terraced slope would have garden plants up front with bushes, shrubs and trees planted further back.

Mr. McKenney, responding to the riparian buffer impact, presented a site plan for the area behind the house along the stream. The plan shows the 50' riparian buffer and the area where additional fill (7,600 square feet) had been added. The fill is mainly a sand and gravel material. Larger stones were removed beforehand.

The excavated area measures approximately 200' length along the stream and 120' wide from the stream bank. The stream flows through a well established rocky channel, 4' to 5' below the top of the bank.

The area had been a well established grassed lawn before addition of the fill. The deepest fill, closer to the stream, is approximately three feet deep. No trees or other woody vegetation were removed during the excavation process. The lawn, at it's closest point, is approximately 10' from the edge of the stream.

The owner's intent is to re-establish the lawn. This would require the addition of 3-4" of top soil, mulch and grass seed over the fill area.

The CC agreed the best option at the moment is to plant grass seed as soon as possible to prevent additional erosion into the stream. Removal of the fill would cause disturbance to the stream via additional sediment falling into the water.

The CC noted a permit should have been requested before any work took place within the riparian buffer. It appears sediment did escape into the stream during the past seven months, as the fill had been left bare with no cover.

Re-establishing the lawn is a much better solution than the potential disturbance on the stream with the removal of the additional fill. Therefore, the CC recommends approval as presented.

**B. T-4682-16 Meadow Ridge Farm LLC**

The application is for Conditional Use Approval to relocate existing driveway with 1100 l.f. driveway within wetland buffer. The property is located on 963 Grassy Lane and is zoned Residential Five Acre / Conservation District.

The CC reviewed both applications, T-4682-16 and T-4683-16, together as the two abutting parcels are owned by the same person. The review is continued below.

**C. T-4683-16 Meadow Ridge Farm LLC**

The application is for Conditional Use Approval to relocate existing driveway with 1100 l.f. driveway within wetland buffer. The property is located on 857 Grassy Lane and is zoned Residential Five Acre / Conservation District.

The CC reviewed both applications, T-4682-16 and T-4683-16, together as the two abutting parcels are owned by the same person.

Mr. McKinney, engineer, presented the application.

The CC reviewed an updated site plan and numerous photographs.

An 1100' long driveway was built late fall, early winter 2015 without permit. The Town Planner discovered it early spring when a request to move the driveway sign was made.

The owner did not want uninvited visitors turning around at his home. The driveway comes off a Class IV road at the point it becomes impassable by a regular vehicle. The new driveway crosses through and is located south of a large Class II wetland. However, the entire driveway is located within the 100' wetland buffer area. The driveway also exceeds the threshold for a conditional use permit, excavation over 5000 square foot.

The driveway was built without permit as the owner did not realize a permit was required. A property manager, erroneously, had informed him no permit was required.

To resolve the issue, the owner hired Willis Consulting Engineers to secure all necessary permits. Both State and local permits are required.

Willis Consulting Engineers then hired Art Gilman to delineate the wetland.

The site plan includes the Gilman wetland delineation, the 100' buffer and the 1100' driveway.

The 1100' driveway is placed between two wetlands, Complex "A" abutting the town road and Complex "B" located further south and east. The 100' buffers overlap each other.

The new driveway starts just east of the wetland, noted as Complex "A". The applicant owns the abutting parcel. For the first 250' the driveway follows the path of an old field road used by farm equipment for access to the hay fields.

The driveway then heads south eventually curving between the two wetlands to rejoin the original driveway near the town road. All but the last 100' (westernmost) of the driveway are placed within the 100' wetland buffer.

Approximately 200' of the driveway on the east side is placed within 5' of the wetland boundary. A swale along the driveway was built to direct runoff to a 24" culvert. The 24" culvert crosses through the wetland serving the stream that connects the two wetlands.

During construction it appears there were minor amounts of cut and fill excavation along the drive. The area is fairly flat where the driveway was placed. Photographs showed the cut fill areas along the driveway. The driveway follows the slight ridge of highland between the two wetlands.

Three culverts are placed on the west side to drain the land which slopes up the hill to the home site. The middle culvert has an 18" diameter and also serves as a drainage way for a pond located up the hill. The other two culverts have 12" diameters. The middle culvert

shows sediment at the outlet. This was not deemed a problem as the culvert is 75' away from the wetland at this point and drains into a hay field.

Mr. McKenney met on site with Rebecca Chalmers, State Wetland Official, on July 19, 2016.

Ms. Chalmers felt removal of the driveway would cause more issues of sediment and erosion than it would resolve. She asked that the driveway at the east end after the culvert crossing be realigned to continue straight following the property line before curving back. This would increase the buffer area between driveway and wetland, especially at this section where the driveway is built directly on the edge of the wetland.

Ms. Chalmers also asked to have the 130' long swale placed along the edge of the driveway removed and filled in. The swale as placed tends to pull water from the wetland and would not be necessary with the relocated driveway.

Mr. McKenney drew a line on the site plan to show where the driveway would be relocated. This as-built section of driveway would be removed and restored to its original form. The new section would be approximately 180' in length.

Due to the fact the meeting with Ms. Chalmers was the day before, there is no written report available.

McKenney agreed with Ms. Chalmers' assessment, noting he would have designed it as she suggested had he been involved before the construction process.

The road base was constructed of a black fabric liner covered with 8-10" of 1 1/2" stone topped with 4-6" of hardpack. The driveway appears to be very well constructed. There is no apparent erosion except at the outlet of the 18' culvert. The area where the 24" culvert was placed is still raw and not vegetated due to continued running water where the stream flows through and the swale drains.

The CC noted the drainage for the most part appears to follow the driveway, although there are three culverts on the higher sloped west end of the driveway. The land between the wetlands and the driveway is a mature hay field and should provide excellent drainage and erosion control. There did not appear to be any substantial removal of vegetation such as trees or shrubs.

In discussion, the CC felt the driveway should be removed as it had been built without a permit. However, the driveway appears to be well built with little evidence of erosion except near the area of the 24" culvert where it crosses the stream. The applicant agreed to follow the state's recommendation that the driveway be relocated at this point to improve the buffer area between driveway and wetland and to remove the swale. The CC agreed this should improve this sensitive area of the stream crossing.

The CC discussed winter maintenance and worried about sand and salt being introduced into the wetland. The relocation of the driveway would help somewhat. The CC suggested a condition to prohibit an asphalt surface therefore preventing the need for winter application of salt.

After discussion, the CC unanimously agreed the owner should be admonished for lack of permit on such a sensitive site, but realizing removal of the driveway would cause additional harm, recommended approval with the following conditions:

1. The applicant shall follow the State's recommendation to realign the driveway just south of the 24" culvert which would include removal of the as-built section of driveway, and remove the as-built swale and fill it in with the appropriate soil.
2. The driveway surface shall not be asphalted.
3. Salt shall not be applied to the driveway surface.

#### **IV. NEW BUSINESS**

##### **A. Town/Village Plan Update**

The 2016 Town/Village Plan has been reviewed and approved by the Town Select Board and the Village Board of Trustees. The next step is for review and approval by the Two Rivers Ottauquechee Regional Commission, schedule for July 27, 2016. Once approved the plan is official for another eight years. However, the Planning Commission would like to add a section on Alternative Energy Siting. By doing so, the Town is guaranteed a seat at the table when the Public Service Board reviews a future solar or wind farm application.

##### **B. Town Zoning Update Four Corners Habitat Area**

The Select Board has scheduled a public hearing for adoption of residential density calculations to be added to each zoning district in Article III of the Town Zoning Regulations. This is being done as a point of clarification. Later this fall, the Planning Commission will be finalizing the 2016 Town Zoning Regulation rewrite.

##### **C. Four Corners Update**

The Town Planner did a quick review of zoning districts in the potential Four Corners area of Woodstock, mainly Curtis Hollow and Mecawee Road properties. The current zoning is a mix of the 28 acre Forestry and Residential Five Acre districts. There is potential for subdivision in some of the Residential Five Acre zoned parcels. However, most the area is quite steep making access a very difficult hurdle.

#### **V. OTHER BUSINESS - None**

##### **A. Invasive Plants**

The invasion of wild parsnip was discussed. It is appearing along many road sides. Many of the invested road sides are state owned. The plant has become prolific due mowing practices which tend to drag plants and seeds along the edge of roads. It was suggested that mowing take place before the flowering of the plants. The CC should remark and document where invasives are found to better monitor their presence.

The Town Planner showed a photograph of a very strong patch, +/- 200 feet long, of wild parsnip found on the Lincoln Street entrance to Mt. Peg. The property is privately owned. The site of the plants is where a logging operation took place. The land had been stripped of all vegetation due to machinery movement etc. and is now fully infested with the wild parsnip. The owner has been notified and hopefully remedial action is taking place.

A negative of the site is that it is located very close to the Town's Billings Park. In fact a number of wild parsnip plants were spotted at various entrance points to the park. Park officials have been notified.

The CC discussed the use of goats to remove the Japanese knotweed found in the East End Park along the Ottauquechee River. Progress will be monitored to see how well the goats are able to keep the weed in containment.

**VI. NEXT MEETING**

Due to long standing tradition, the August meeting was cancelled. The next meeting is scheduled for September 21, 2016.

**VI. ADJOURNMENT**

The meeting was adjourned at 8:50 pm.

Submitted by:

Michael Brands, AICP  
Town Planner