

**WOODSTOCK CONSERVATION COMMISSION**

**Wednesday, January 20, 2021**

**7:00PM**

**ZOOM MEETING**

**DRAFT MINUTES**

**MEMBERS PRESENT:** Cyndy Kozara, Lynn Peterson, Bo Gibbs, Byron Quinn, Howard Krum, Al Alessi

**MEMBERS ABSENT:** Bethany Powers

**OTHERS PRESENT:** Neal Leitner, Brad Ruderman, Shepherd Butler

**I. Call To Order**

7:03 pm

**II. Approval of Minutes**

**III. New Business**

- A. T-5106-20;** Alex & Sarah Rozek (River Ranch LLC), owner; Ellaway Property Services, agent; 1731 Prosper Road; Parcel #03.02.59.; Zone: R5/Conservation Overlay; To construct a temporary access road, swimming pool area & pergola within the buffer zone.

Applicants agent Brad Ruderman introduced the project to the board. The applicant proposes a 75' x 25' in-ground pool with a pool house, pergola, outdoor shower, and equipment area. The project will need a 10 ft temporary construction road to be constructed next to the existing dwelling, which would then be removed and reclaimed upon completion. The applicant is proposing Evergreen screening to the South and West of the project, to help protect the neighbors viewshed. The project's proposed site is in a meadow behind the home, which is surrounded on three sides by wetlands. Ruderman stated that portions of the project will be within the state's 50' buffer, and the town of Woodstock's 100' buffer.

Ruderman says he was contacted by the applicants in 2018 for options for the area, and he had noticed the meadow had been poorly maintained, which then caused it to become a wetland, he stated he had done survey work on the same property 20 years ago, and the meadow looked much different. The meadow has rutting, and damage from atvs, there is standing water, and wetland vegetation that is out of place. Ruderman suggested to the applicants they should have the meadow delineated and bring the state in for a confirmation and a consultation. The state's District Wetlands Ecologist Rebecca Chalmers informed them that after a site visit, much of the usable land is now wetland. The wetland was now delineated, it was documented and mapped, the agent and applicants then had a discussion with Rebecca Chalmers, because the applicants wanted a pool and a pool house, the spot proposed is the spot that was suggested to be the best spot for the project.

Ruderman states that Chalmers was very involved with choosing this site, as it is located out of the wetland, and mostly out of the buffer. The project will affect 6,700 sq ft of wetland buffer the applicants applied for, and were given a State of Vermont Wetlands Permit. As part of the project the applicants offered to the state and were proactive about developing an on site mitigation plan, which at that point included 18,000 sq ft of

enhancement plantings within the main thread of the wetlands. The applicants have increased the total amount of plantings to now cover over 21,000 sq ft which is now three times the amount of buffer zone impact. The increased enhancement is not a requirement of the state, merely a generous offering by the applicants. There was another alternative in the northwest meadow, that is across the main wetland thread and below the mound system, however this area has many limitations, and difficulties as far as bringing utilities to the site. The northwest meadow also has primary agricultural soils, which would impact haying the meadow. Ruderman states that the proposed site is surrounded by wetlands, and is unfarmable. Ruderman feels that this project has been carefully planned, is the safest, and is the only practical location on the property. The permit provided by the state is proof there will be no adverse effect on the current wetland.

Brad Ruderman showed an existing conditions plan, noting Prosper Road to the right side of the image, he then showed the current driveway and dwelling locations, he pointed out the main wetland thread to the left side of the driveway and dwelling. Ruderman noted the fingers of the wetland, he stated these are from poor management of the meadow. Ruderman noted that because of all of the wetlands, and buffers there are only two areas that are possible for any improvements. Ruderman pointed out a southern area, which is located upland from the dwelling, and another alternative area below the septic system, however he said it is deemed almost impractical to have the project there. Ruderman then redirected to the southern meadow area as the proposed project location, and said there is a finger of wetland which was created due to creation of the pump station. Another wetland area was noted between the dwelling and the proposed project area.

Brad Ruderman then pulled up the overall site plan, he noted on the map where the mitigation plan would be located which is left of the dwelling, this shows the originally proposed enhancements in back, and the additional enhancements in red. Ruderman noted part of the area is a waterhead, and adding these enhancements will improve the water quality and soil retention.

An image of the Individual Wetland Permit was displayed, this permit was issued in May 2019. Brad Ruderman pointed out on page five there were findings showing that the protected functions of the wetlands include the following; water storage for flood water and storm runoff, surface and groundwater protection, fish habitat, wildlife habitat, and erosion control through binding and stabilizing the soil. Ruderman noted the permit states that the wetlands are significant for water storage for flood water and stormwater runoff function, however as confirmed through a site visit by Agency staff, the proposed project will not result in undue adverse impact to this function, as well as all of the other points previously listed. Ruderman then went on to show another statement on the permit which said “ the permittee has demonstrated that the proposed activity in the wetlands cannot practically be located outside the wetlands or on another site owned, controlled, or available to satisfy the basic project purpose. All practical measures have been taken in this proposal to avoid adverse impacts on protected functions, as described in the application. In summary, the pool house, pool, and terrace were relocated out of the wetland and mostly out of the buffer; the construction road was located in the narrowest crossing possible; and the wetland and buffer are being restored to offset impacts.

Brad Ruderman then showed a wetland enhancement plant list which includes 481 plants, 320 shrubs, and 55 trees to be planted within the thread. Ruderman said that coupled with

the mitigation plan and the small footprint of a project he believes this a viable project that the site can support.

Al Alessi stated that it seems a majority of this project is within the state's 50' buffer but not within Woodstock's 100' buffer, and asked how much of the project is within the 50' buffer. Brad Ruderman said that within the 50' buffer is approximately 6,700 sq ft of impact. Al Alessi then asked if more than half was inside the buffer, to which Brad Ruderman said it is about 10,300 sq ft and change of project, and 6,700 sq ft is within the buffer zone. Al Alessi stated that this is around 60% percent, and this is the part that makes him get stuck on it. Howard Krum brought up that the permit is for mitigating the impacts of 1,350 sq ft of wetland, Ruderman said that this permit also includes the wetlands crossing, and showed an area that this was already completed, which was part of the original permit. Ruderman mentioned that the applicants were proactive to get the crossing, to help maintain the up slope mound system in the future.

Shepherd Butler, the landscape architect for the project, spoke on his role with Rebecca Chalmers on this mitigation plan. He stated they met on site, and Chalmers clearly agreed the pool site is the best place to go, they then created an extensive plant list to help allow this wetland to be restored. The current existing situation of the wetland is very bad, it is mowed and rutted, there is erosion and exposed soil, which is causing carbon to be released. Butler noted that there is not only extensive planting, but about 2 acres of land, that will now not be mowed, to allow this wetland to retain its original function. Butler then stated that Rebecca Chalmers determined there is no adverse impact. Butler then noted that this is a significant effort to truly improve the wetland, which is currently in very bad shape. Drifts will be organized in the wetlands to allow the plants to spread across, and hopefully someday fill out the whole area. Butler states he understands there is still an impact of about 10,000 sq ft, however the applicant is still mitigating 2 times the landmass being impacted. Butler then stated this is a significant improvement for the environment, and an improvement for the ecosystem, he said in terms of cost, it is minimal, however the benefit is huge. Ruderman then added that while it is impacting the buffer, it is not impacting the wetland, if anything the wetlands will be enhanced when the project is complete. Butler then mentioned that the wetland is due to poor excavation and currently the wetland has no value there, it is a function of poor excavation, and if the wetland between the site, and the dwelling was not there, the project site would be able to be closer to the dwelling.

Al Alessi stated that he understands the planting, and the adjustment to the significant part of the wetland more than compensates for the roughly 6,000 sq ft that fall inside the 50' buffer. Shepherd Butler then said that the state wetland expert is the one who worked closely with them, to create this plan, and she was supportive. Al Alessi noted that the committee does not always see eye to eye with the state, and it is not a blanket push for a decision. Alessi stated that the state's criteria does not always fit the town's criteria, however it will still be taken into consideration.

Howard Krum said he gets the idea for the mitigation plan, and it sounds good if it works. Krum wonders if the committee looks at the towns 100' buffer, then this is still an issue, and is this still on the table or will this requirement be removed, would this open up the site in between the site and the barn, to help negate the need of the road and have the site closer to the dwelling. Krum then stated if the project has to stay within the 100' buffer then everything is off the table, and asked where the committee stood on that. Al Alessi

responded that at the last meeting this had been brought up, and part of the reason for the 100' buffer was for the major waterways. Lynn Peterson stated the 100' buffer was made after looking back over 500 years and trying to see how far floods have occurred from the body of water, and it was figured that 100' was the maximum amount. Peterson then stated personally he likes this project and believes everyone would learn a lot about how the buffer behaves and how the planting would go, and maybe it would be built in that there is a site visit after 5 and 10 years, or some kind of report every few years, and that maybe this is a better way to deal with wetlands. Shepherd Butler said that part of the agreement with the state is that this wetland will be evaluated every year for three years and plants will be replaced during that long period, and he stated if a plant is doing well in a wetland for 3 years it is expected to do well.

Al Alessi asked how the proposed field was during hurricane Irene. Byron Quinn responded that it was just damp, as there is enough vegetation that it impeded any runoff, he also stated that there used to be a ditch, which has since been filled in, and there are more wetlands now since. Quinn also noted there is another wetland that is not noted, just south of the mound system, and has a large wetland by where the Poplars are on the south end, and it goes all the way down through just west of the mound system and in the spring watertail gets high enough that it will come around and into the little sag south of the mound system, and the water then will go back out into the woods. He noted his father planted grass in the area that had a strong rootmass so he could take a tractor over it, as it always remains somewhat wet. Quinn stated the neighbors ditch that goes to a pond helped with the water from Irene. Al Alessi then asked where the pond feeds out to, Brad Ruderman mentioned there is a culvert that water moves through.

Howard Krum then asked about a letter sent out by Brad Ruderman, stating the total building footprint for the pool project was 1,400 sq ft. Ruderman replied that it is just for the pool house and pergola, the building itself is 1,400 sq ft. Krum then clarified that the footprint for the project is over 10,000 sq ft. Shepherd Butler added that of that 10,000 sq ft more than 55-60% would be permeable. Krum questioned if it was more than half, with the house, the porch, and the waterslide proposed. Ruderman then pulled up the detailed plan, showing the house, the slatted porch, and pavers set on sand, showing what is permeable, also showing vegetation around the pool, and another slotted deck by the pool. Krum then stated after looking at the diagram it is clearer what is permeable. Butler then said that the other area Krum suggested that could be used, is currently being used for gardens and chickens, and is not the ideal site for the pool. Krum stated he was just wondering if that was a spot that could be used.

Cyndy Kozara stated she is very opposed to this, because the committee is always stuck in a bind of do they want to say yes vs no, but the task here is to take a strong conservation look at the property, and she will not vote yes on this, as she does not think it is a good idea, and she thinks there are other opportunities that could be figured out. Kozara noted that she appreciated the insight of Rebecca Chalmers but it is the committee's job to work in the interest of Woodstock, and there is something about this project that just does not fit with her professionally. Kozara questioned how this is beneficial for the town, to which Shephard Butler replied that the committee getting behind the mitigation of this project would have a huge impact. Kozara stated that she feels like Butler is trying to sway the committee's opinion. Ruderman added that in his opinion, although the buffer will be impacted, ultimately downstream of this project the water quality and the habitats will be enhanced. Lynn Peterson said the plantings strike

him as a very positive step, and he believes as a commission and a town this could be educational, and he would favor it contingent on the annual reporting. Howard Krum stated this is a plan that might work, and also may completely fail, as there is no way to know the outcome, but what is known is that in three years there will still be a pool built in the buffer, so maybe put the mitigation in now and see how it goes for a few years and then add the pool if it seems like it is working. Bryon Quinn stated he was raised on the property being discussed and over the last 15 years it has gone downhill so much he does not even recognize it anymore, a majority of the land is now a class 2 wetland as opposed to a farmland, and thinks building within the wetland buffer is not a good thing, and all of the proposed plant enhancements put on the property would make the water quality better, but he is not against the pool itself.

Bo Gibbs said she felt the conservation commission has been appointed to watch over and protect the wetlands of the town of Woodstock, but an important part of that is the need to educate the citizens of Woodstock about wetlands and the role they play in maintaining the health of waterways while providing for habitats for insects, birds, animals, and plants. Gibbs then stated this project could serve as an example to others on how they might proceed when options are limited. Gibbs also stated that it is known the applicants have been very proactive. Gibbs then said this will greatly enhance a degraded wetland, the new plantings will help clean the water, slow the flow, lessen erosion, improve the habitat, and directly benefit all of those downstream, and can be used as an example for how wetlands can be improved. Gibbs stated if she could vote, she would vote in favor of this project. Al Alessi then said in an ideal world this mitigation would just be done, and the pool would not be a reward for that, but he understands they want a pool. Alessi then said that hearing that the site is less imperiable than was thought last month, and the offset of the plantings seems that it is a trade off which he would lean to approve, with it being written that there is an annual report for the next three years.

Lynn Peterson made a motion to support the project with the stipulation that there is a report every year for three years to help the commission learn how this project works. Al Alessi seconded the motion.

### **Motion Tied 2-2 Bo Gibbs and Byron Quin recused themselves**

Neal Leitner asked for clarification on the mitigation part, to bring to the development review board. Bo Gibbs explained that once the plants are installed for instance in the summer of 2021, they would be checked again in the fall of 202, and then again in the spring of 2022, and go head like that moving forward every six months or so, and have a report of how many plants that died, and what type of plant.

#### **IV. Old Business**

Al Alessi made a motion to write a letter of support on behalf of Vermont Watershed GraProgram Watershed Grant Application.

#### **Motion passed 5-0**

Al Alessi also brought up the 2018 River Road project, regarding follow up, and there was a plan submitted by Jack Rossi for planting, and that this should have follow up. Cyndy Kozara stated that she has not seen any saplings planted there, and the silt is a mess. Bo Gibbs then asked what happened with Farmhouse Pottery, Neal Leitner said he visited that location in the fall, and he did not see anything planted, and he does believe that this is the landowners responsibility, and he provided the landowner with the planting plan. Leitner said that the landowner said the plants were planted, but again he did not see them, and said that maybe this is why it is important to have a one year follow up.

#### **V. Other Business**

The commission voted to keep Lynn Peterson on the board.

#### **Motion passed 5-0**

#### **I.Adjournment**