



## **Conservation Commission**

Town of Hinesburg

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### **Hinesburg Conservation Commission Meeting Minutes**

**Tuesday, June 14, 2022 – 7:00 PM**

**Via Zoom:**

1. Call to order – Meg Handler, Kate Kelly, Bob Hyams, Darcy Mumley, Liz Doran, Kathy Beyer, Tobi Schulman, Mitch Cypes, Ben Avery (Blackrock) present 7:00 PM
2. Additions/Deletions to agenda -- none
3. Public Comment for non-agenda items – none
4. Haystack Crossing review – River corridor setbacks -- Developer is not allowed to do anything in that corridor. Town has 100 ft. setback. State has its own restrictions. Haystack has nothing planned for those corridors. Haystack has offered a trail easement that could be utilized in the future. There are 40 acres behind the ball fields that the developer has no use for (other than stormwater management). Haystack is willing to discuss turning it over to another entity to maintain as open space. Discussion about the Patrick Brook corridor area: Bob pointed out that a lot of the Patrick Brook river corridor belongs to Hinesburg Town Center II rather than Haystack. There is concern about erosion happening right now. Runoff from construction at the Haystack development might exacerbate that in the short run. How do we address this problem? Ben Avery explained that stormwater is going through a much larger review and will be addressed at the final plat review. He declined to address stormwater at this meeting. Bob suggested putting the river corridor into some sort of conservation easement. Ben said that he might consider that, but only once the construction is done. There is a bridge proposed but no concrete plan beyond building Center Road up to the property line. With respect to the 40 acre parcel, the HOA will need to have access to the open land to maintain the stormwater infrastructure. But beyond that, Haystack is open to conservation of the remaining land. CC questioned whether, since Center Road might never connect to a bridge, does it make sense to wait before building Center Road. Ben said that he would be fine with that and would obviously not object to building less infrastructure. Liz asked about HOA requirements for no-lawn property design. Ben said that this is not likely, because of marketing concerns. Landscaping designs are being re-visited in light of staff comments, regarding plant species etc. Bob asked about Riggs Brook and whether it could be re-routed to remove the 90 degree bend. It might be beneficial to discharge the brook into the wetland behind the ball field rather than into Patrick Brook. Restoring wetland hydrology would be a good idea. Bob thinks the State

would support that. Ben would have no objection provided there was no impact on the development. Kate asked whether there have been any plans for maintaining stormwater features. Ben said that the HOA would be responsible for maintenance. The Town would probably want an easement in case improvements might be required. But generally, the HOA is responsible. Tobi asked whether landscaping plans will be completed before the DRB review. Ben said that they should be completed this week. Kate wondered whether stream restoration work should be done at Patrick Brook in the short run, in order to mitigate damage over time. It might be good to collaborate on a design for that area so that some of it can be done during the construction, while heavy machinery is there, on site, anyway. Ben explained that he is not allowed to do anything in the riparian zone during construction. Liz said that there are engineering firms that could apply for a State permit and plan a project that might be able to happen during the construction. Mitch commented that the Haystack design does have a discharge into Patrick Brook, but it will be less than what is happening now. Other areas within Haystack should have much less of a discharge because water will be redirected. Liz explained that since the area is already degraded, the CC might want to look at this development as an opportunity for improvement. Mitch said that generally, the recommendation is not to touch anything within the stream set back. But perhaps because of the erosion, it is an interesting question. Liz clarified that Mike Kline has specific recommendations for this area, so there are concrete steps that can be taken to mitigate the problems in the area. For development, it makes sense not to touch the set back area; but for restoration, there are specific steps that can be taken – berm lowering, benches etc. Especially Riggs Brook – there are opportunities for improvement while there is heavy equipment on site. If there was an approved plan, this could be a benefit to the river corridor. Ben Avery expects to be working on this project early next year. He stated that in reality, none of this restoration work could happen concurrently. Nothing could happen until the development was completed. Kate summarized that it is still worth having these discussions about what could be done in the river corridor. Tobi asked about the curbs again – rounded curbs, omitting curbs etc. (For amphibian mobility etc. ) While the traditional curbs are compliant with regulations, Tobi asked if there is any problem with making changes to those curbs. Mitch wanted to ask Mike Anthony about maintenance issues – snow removal etc. Mitch said that he could ask about this and get back to Kate about it. Tobi asked for more of a description of the 40 acres behind the ball fields – Mitch said that most of it is floodplain, wetland etc. Probably would be difficult to develop anyway. It is also in the agricultural district rather than the village district. So there are already a lot of obstacles to development. Ben elaborated that it is not economically viable to develop it, but it is not protected. A likely scenario might involve parcelling it out to adjacent landowners who could use it as the basis for subdivision on their own parcels.

Discussion after Ben left the meeting: It might be worth asking for restoration work before the DRB approves the project. Mitch thinks it would be hard for the DRB to justify asking for a restoration study, since it doesn't really fit into the regulations. There is the possibility for coordination, so it is worth asking for it. There would be a time deadline to put this proposal into place, but it would be hard for the CC to make that happen quickly enough. Ben made it clear that easements would not happen until later, because the developer doesn't want to hamper progress along the way. Discussion about Riggs Brook and where it could potentially discharge. Mike Kline said that he could not look at Riggs Brook.

Discussion of whether ownership of the 40 acre parcel needs to transfer. The DRB will

probably not require any restoration work. The only way to make restoration work happen is to transfer ownership and control. The Vermont River Conservancy might be interested in this project. According to Mitch, the DRB does not have regulatory authority to force restoration at Riggs Brook. There is a great restoration project along the LaPlatte. It makes sense to follow up on this to make it happen. Mitch thinks the CC can request that the DRB ask Blackrock for the guarantee of an easement for the back 40 acres. This is an important piece of land, environmentally. The CC would recommend that an access or right of way be given to the town from one of the roads in the development to this 40 acre area to ensure restoration or maintenance in the future. The CC should talk to the town (the Selectboard) before asking for this from the DRB. The right of way would be a requirement in order for this 40 acre parcel to be accessed by a new owner, whoever that might be. The CC should take some more time to explore options and make decisions at the next meeting. We should submit to the DRB that some kind of access be maintained until further plans can be made. And we can specifically request that the potential be maintained for restoration in the future. We will revisit this at the next meeting.

5. Review minutes of May 10 and June 2, 2022 – Liz made motion to approve. Darcy seconded. Approved unanimously.
6. Nature Notes
7. Adjourn 9:20 PM