

Zoning Board of Adjustment

March 10, 2022

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Willis Wood, David Gulbrandsen, and Jaime Wyman. Ryan Gumbart, land use administrator, was also in attendance.

The audience members were Andrea Butterfield, Rick Chambers, Roy Schiff, Dwight Phelps, and Nancy Phelps.

2. Call to order

Todd Hindinger called the meeting to order at 7:05 PM

3. Agenda Review

There were no changes proposed.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – February 10, 2022

Willis Wood made a motion to approve the minutes of March 16, 2021 as corrected. John Broker Campbell had spoken with Todd Hindinger in regards to the minutes. John Broker Campbell had no corrections. Todd Hindinger seconded it. Willis Wood, John Broker Campbell, and Todd Hindinger voted for approval of the minutes. The motion passed.

6. Public Hearing Chris Yurek Parcel ID 12-00-42, C10, conditional use

Todd Hindinger opened the hearing at 7:14 PM by reading the warning. John Broker Campbell and Willis Wood recused themselves from this hearing. Roy Schiff, a water resource engineer, is representing the applicant. Rick Chambers works for the Springfield Water Department and is attending to hear what is discussed. Dwight Phelps, Nancy Phelps, Willis Wood, and Andrea Butterfield are abutters. Roy Schiff, Dwight Phelps, Nancy Phelps, and Andre Butterfield have interested party status and affirmed. The deliberating Board members have no conflict of interest or exparte communication.

Ryan Gumbart stated that he received an application on January 26, 2022 from Chris Yurek, SLR International Corporation. This property is located at 00 Wellwood Orchard Road and in the C10 zone. This property is located in a flood area, has State deer wintering habitat, and endangered species. The property has 87.5 acres. Todd Hindinger stated that he has not seen the community sign off sheet, or the application.

Exhibit #1 is the warning of public hearing. Exhibit #2 is the zoning permit application (3 pages). Exhibit #3 is the unsigned memo from SLR (2 pages). Exhibit #4 is the project preliminary design plans (8 pages). Exhibit #5 is the permit navigator results (SLR- 13 pages). Exhibit #6 is the VT Statute in regards to dam removal (1 page). Exhibit #7 is the Vermont ANR inspection report 2005 (4 pages). Exhibit #8 is the letter to the land use administrator in 2009 (2 pages). Exhibit #9 is three pages of photos (total of 12 photos). Exhibit #10 is a letter to the land use administrator from the floodplain manager dated March 2, 2022 (3 pages with a map). Exhibit #11 is the application to the Zoning Board for a conditional use permit (1 page). Exhibit #12 is the community use sign off (3 pages).

Roy Schiff stated that he is a water engineer from a company in Waterbury that is working on this project. He shared aerial photos and different maps of this property. He stated that the town of Springfield is draining the dam due to safety issues. There are two tributaries that come into the dam. He showed photos of the earth embankment, where the dam is leaking, the seepage, dam damage over time, concrete spillway, and pipes that go underneath the dam. The dam was built in the early 1900's to store drinking water. When the dam was built, they put concrete on top of bedrock. The water is being pulled off the structure due to the damage to the dam. There is a small Class III wetland there, but this is an allowed use there. The water level is below the tree line. They have done a geomorphic assessment of the small brooks and rivers. He showed the Board the flow of the brooks and rivers to the dam. Near Reservoir Road, there is a stone trough and a historic road. There is a stone culvert downstream that obstructs the flow. They are planning on removing that culvert. When they were walking the property, they found an industrial archaeology area. He showed the Board the proposed water flow once the dam is removed. They will remove 9000 cubic yards of material for this project. As the place reestablishes, the sediment would stay in place. They will be planting native species at the river corridor. The removal of the dam will allow fish and other animals to move upstream. The access road and standing area will not be changed. He went over the slope of the river to the dam. The top of the dam is 684.3 feet. He stated that every year, there is a 1% chance of a flood. He showed the Board what a 1000 year flood would look like at the dam. They have done probing to find the sediment levels and applied for all required permits through the State and Army Corp of Engineers. They have been looking at this dam for many years due to seepage and deterioration. The State has removed seven dams. This dam poses a safety hazard. The State has reviewed the hydrologic plans and has no issues or concerns.

Todd Hindinger asked when the plans would be 100% completed. Roy Schiff stated that these are all preliminary plans. They are 90% completed. There will be minor changes due to the

final comments on permits. It could take a few weeks to months. This is the final design, but could have some minor changes. Todd Hindinger wanted to know how big this site is and the duration. Roy Schiff stated that it is approximately 3.9 acres. There is only a three month window (July - October) to do work in the water. The project would take most of that time. It depends on the contractor too. It could be one construction season. It will take a couple of years to heal and revegetation with the plantings. He stated that there will be an engineer with dam experience there during the work at the dam. The Army Corp of Engineers would require that the plantings be monitored for 3 to 5 years afterwards.

Ryan Gumbart stated that the Town of Springfield owns beyond the dam, the woods road, and the parcel with the second culvert. The dam and spillage are in the Town of Springfield. David Gulbrandsen wanted to know if permission has been granted to remove the culvert. Dwight Phelps stated that his property is located at the bottom of the dam. There is an old road and stone frame for a bridge abutment. There once was a road from Reservoir Road to Wellwood Road.

Todd Hindinger stated that the removal of 9000 cubic yards would require a lot of traffic. Trucks hold approximately 14 cubic yards. He wanted to know where the material/sediment would be going. Roy Schiff stated that there is not a designated spot yet. The owner of the dam can use the material, or the contractor could find a location to dispose of it. The sediment has been tested for contamination and is clean. The location of the material would have to be approved by the Army Corp of Engineers. In the bid, the condition of the road(s) would be part of it. The condition of the road needs to be as it was prior to the project. Todd Hindinger stated that depending on where the trucks are going, we could have thousands of trucks on certain roads.

Todd Hindinger stated that he did not see any stormwater permit, or notice of intent for stormwater. He also wonders about the two wetlands on this project. Roy Schiff stated that he just received the stormwater permit this week. He can share it with Ryan Gumbart. He is working with the wetland coordinator in regards to the wetlands. Currently, there is no vegetation down to the water. The State says that dam removal is an allowed use in wetlands. He can share that with Ryan Gumbart too. There is a small Class III wetland at the base of the dam near the stream channel. It formed due to seepage under the dam. It does not have a water course. The State agreed that it came from the dam. The stream alteration person has been involved in this plan even though there's no regulation. He does not know if it will result in any changes to the wetlands.

Todd Hindinger stated that 67% of the concrete will be leaving the site. He wanted to know what would happen to the rest of the concrete. Roy Schiff stated that the concrete from the core walls will get buried to meet the grade and stay buried in the edges of the valley walls. The cost is high for this project, so they are trying to find ways to reduce the cost. The concrete won't be visible. It will restore that area back to its natural form. Todd Hindinger

wanted to know about the threatened and endangered species. Roy Schiff stated that there are some plants and amphibians near the Black River and Boynton Brook. They will also be monitoring the long nose bat roosting area. They do not believe that many trees will be removed for this project. He has been in touch with the Army Corp of Engineers about this.

Todd Hinderger stated that in Exhibit #10 there are some suggestions, thoughts, or comments in regards to map updates. Roy Schiff stated that there is not a full topographical survey. There could be some possible map updates and the maps would be an approximation. There is not a detailed study. There's uncertainty to make this change comply under NFIP because there is no detailed map. Todd Hinderger stated that the Board would want an accurate map for the Town of Weathersfield. Roy Schiff stated that there would need to be a detailed study first. Sometimes the Town or State would require it. The hydrologic map and other surveys could be used for a more formal map. There is no published formal base flood level.

Dwight Phelps wanted to know what happens when the drainage pipe is cut. The pipe goes under his driveway and down to Wellwood Road. Roy Schiff stated that the plan is to cap it and abandon it. Dwight Phelps stated that on his deed, the Town of Springfield has a right of way to it. He wanted to know if that right of way would go away.

Andrea Butterfield has no questions at this time. She did mention that she came late to the meeting and would like to know what happened prior. Todd Hinderger stated that she could review the minutes.

Ryan Gumbart did receive a phone call from Eleanor and John Keith, abutters. They were concerned with wells in the area going dry after the changes to the dam were made, downstream flooding, and animals losing habitat. Roy Schiff stated that the reservoir has been being drawn down due to safety concerns. It is full of sediment. He does not feel that there will be any issues with nearby wells. If there was, it would have happened by now. Once the project is completed, there will be more wildlife in the area. There will be some wildlife changes at first. If the dam did fail, it could send water down stream that is why this project is being proposed.

Willis Wood would like there to be follow through on the invasive plant control and more information on the archeological site. He wanted to know if the stone culvert was also an archaeological site. Roy Schiff stated that there is some Japanese honeysuckle in the wetlands that will be coming out. They will make sure that the equipment at the site is clean. They will seed and mulch areas as needed. The vegetation success requirement is 80%. The Army Corp of Engineers will monitor for invasive removal. There are fragments of early colonial artifacts from structures around there. In the survey, the culvert is not of historical value, but he will check with the State. The use of Springfield Town forest will not change. It is going to continue to be a natural area.

Todd Hinderger stated that this is a high risk project. It might need a bond requirement. At this time, Roy Schiff stated that there is no funding for this project. Due to the size of this project, it is likely that there will be a bond requirement. It could be part of the bid. It would take a year for the heavy work, but a few years for actual completion. He stated that it could start this July if all the permits and funding are completed.

Todd Hinderger wanted to know if the conservation commission has been involved with this project. Ryan Gumbart stated that it has not. Todd Hinderger stated that he would like them to be due to the deer wintering area and habitat, the rare and endangered species, and the wetlands. The Commission would have 30 days to respond from when the zoning administrator sends them the packet.

Since the Board would like to see some more documentation/permits from Roy Schiff, they would like to continue the hearing. David Gulbrandsen stated that he would like that there is some communication between the Phelps's and the applicant in regards to accessing the property. He stated that the highway department signed off, but do they know that there will be thousands of trucks at this site and a large number of trips. Ryan Gumbart stated that he did not talk with the highway foreman, just gave him the sheet.

Todd Hinderger stated that the Board would like the Dam Safety Permit, US Army Corp permit, 9020 stormwater authorization for discharge, wetland perform or documentation in regards to it, resolution to threatened and endangered issue, PE submitted for flood hazard, something in regards to the culvert not being archaeologically significant, access to abutters for construction, communication from the Phelps's in regards to the culvert and Springfield easement, and comments from the highway department in regards to impact on roads.

Roy Schiff stated that he has the 9020 permit and the US Army Corp permit. He does not know when he will receive all the permit information. Dwight Phelps wanted to know when the dam was originally built in the 1900's, where did all of these trucks come from. He stated that he has old pictures showing how the dam was being built. Roy Schiff stated he has no idea how it all was built.

Jaime Wyman made a motion to continue the hearing on April 14, 2022. David Gulbrandsen seconded it. All were unanimous to continue.

7. Meeting Date 7:00

The Board's next meeting will be April 14, 2022 at 7:00 PM.

8. Bylaw Update

Ryan Gumbart will have a completed Bylaw document in the next week.

9. Future Discussions

10. New Business

Ryan Gumbart heard from the Town counsel that Doug Reed had passed away. They are waiting to hear from his relatives.

Ryan Gumbart will check with Flo-Ann Dango in regards to the Board members terms limits.

Mr. & Mrs. Taft would like to know if they may build upwards, or develop the deck if they don't change the footprint. Todd Hindinger stated that Ryan Gumbart should check with the Town's attorney. If there is new evidence, the Board could do a new hearing.

11. Adjournment

Todd Hindinger made a motion to adjourn at 9:34 PM. David Gulbrandsen seconded it. All were in favor.

Respectfully submitted,

Diana Stillson