

**BRANDON DEVELOPMENT REVIEW BOARD HEARING
FEBRUARY 27, 2019
CONDITIONAL USE #5994
APPLICANT: US FISH & WILDLIFE SERVICE LANDOWNER: PAUL & VICTOR
QUESNEL DBA QUESNEL HOLSTEIN INC.**

BOARD MEMBERS PRESENT: Sam Stone, John Peterson, Amber Lovely-Lee Bob Clark and Tom Bohler

OTHERS IN ATTENDANCE: Hillary Knapp, Secretary, Jeff Biasuzzi, Zolton Horvath, Gordon Nailor, Allan Leavitt, Chris Smith, James Ezkenberry, Michael Shank, Jeff Thurston, Linda Thompson, Kjell Thompson, Lesley Wright, Jc Eleson, Jm Beasezzi

The hearing was opened at 7:05pm

The warning was read and found to be in order.

Jeff Biasuzzi, Gordon Nailor, Chris Smith, James Ezkenberry, Michael Shank, Linda Thompson, Kjell Thompson were sworn in.

The following people requested interested party status: Kjell and Linda Thompson (Granted)

Sam Stone read into testimony-a letter in support of the Quesnel application of the Fish and Wildlife restoration of the wetlands of their property from Lynn and Jim Desmaris. Exhibit A

James Ezkenberry from USDA and Chris Smith from US Fish and Wildlife Service, presented on behalf of the government.

James- I am the Wetland specialist and manage the technical aspects of the program. Our mission is to help people help the land. In the 1996 Farm bill the restoration was officially put into use. Estimates show that 121,000 acres of wetland have been lost in Vermont. Typically, in areas that are along waterways and is not productive to farm use.

The landowners voluntarily use their land to restore the wetlands that were previously located in those areas.

There are many ways that people can use the restoration of their wetlands and it is up to the landowners to decide how their land will be used.

Wetland animal/amphibians have been lost due to the habitats being removed.

Carbon sequestration and water quality improvement have been proven when the wetlands are restored to their original habitats.

Otter Creek swamp has the most complex and biologically diverse environment in the state.

Brandon has most of the wetland restoration in the Otter Creek Area.

We are legally required not to make the neighbors wetter when working on the property. They do not

close an outlet located near the neighbors property that would make their property wetter.

The BLSG would like more sites like this to help with mosquito easements. They can make adjustments to better restore the wetlands and help with mosquito management.

We will be working on improving the sites to help with the mosquito populations and changing the wetlands to help mitigate the number of larvae that the swamp and wetlands have.

Chris:

US Fish and Wildlife Service. I am doing this presentation for Ryan who is the biologist doing the design work for the project but could not be here tonight.

We provide the technical aspects of the projects and run through the entire permit process.

There are two components to this project-a longer portion and a smaller portion near the Otter Creek.

When looking at the property we ask questions on how the sites were drained in order to properly restore it to a wetland site. We need to know how they function and were drained before doing any of the work to the property.

We will look at many different maps before visiting the site and then go into the site and map out the site and make a map of the topography of the site to a 10th of a foot.

All of the work is occurring on the ditches that flow into the main ditches. The design includes two ditch plugs. There will be differing water levels depending on the time of the year.

Gordon Nailor: I have an abutting property. I am concerned that it is low and when you block off the ditch there is soft maple patch and this land will be flooded by doing this.

Chris: The ditches that are draining your property run into the main ditch that goes out into Otter Creek. None of those ditches near your property will be plugged and will not flood your land.

Jeff: In the BLUO there is a section for floodplain management, there is one sentence that says exaltation or fill requires a DRB hearing.

James: An engineer on this project stated it will not have more than a 1 foot increase on the base flood.

Tom: The highest point on the property is 15 feet that goes into the drain, how do you dig that ditch?

Chris: The ditch will be 11 feet deep.

Gordon: Will the town road be open or will it be flooded?

James: It is listed as a Class 4 road and that there will be no impact made on flooding in that area and there is a higher elevation to the road that it will not flood.

Chris: The design work that we have done will not flood the town road, we have too many restrictions to make any difference to the road flooding.

Gordon: The town stopped maintenance on the road 30 years ago and if it is flooded it will not be able to be used as a right of way.

Gordon: The tax map was changed when the property was surveyed and his property was moved next to Mr. Brandon's property and has been trying to fix since it has been moved.

James: Before we can close on an easement we need to hire a professional surveyor to survey the property and that will get filed with the town at the easement.

Gordon: The surveyor went and spoke to me about how the original survey was done and they found the point of the property line. The surveyor from Saint Albans from Vermont Fish and Wildlife moved the property from where it was and cannot get it fixed.

Chris: The red line with the design work is on the correct property line, correct?

Gordon: The property line on the slide is correct.

James: I will be getting your phone number and contact information to resolve the survey issue.

Kjell: The survey people also missed my property and cut a swath of my property from it. They missed a part of the property. They are supposed to clean the ditches out and they have owned it for three years and have not cleaned them out since they purchased the property. If you block the ditches that you are talking about I will not be able to get down there and work on my property.

James: It notes that it is an easement that is owned by the federal government.

Kjell: How much did the landowners pay for the property?

James: I do not have that information at hand, but can get it if that is required.

Sam: It would not be something that we would need for this hearing.

Michael: It would not be a taxable property, it would be a tax benefit.

Kjell: The brook that comes through there runs all year long and that drains all of the Long Swamp Area and if you plug that up, anymore water, people will not be able to drive on the road.

Chris: The stream and ditch will not be plugged and this will not create a problem with the road flooding.

James: They will not be impacting that road, it would be physically impossible to impact the road with what they are doing to the land.

Chris: The Quesnels still own the property and this is not part of the easement and this is still considered a town highway.

Chris: Adjacent landowners can still address and maintain the ditches that are on their properties.

The projects are being worked on by the request of the landowner, there is not any requirement having a

landowner needing to do this wetland mitigation.

James: The way the process works for wetland mitigation is: we have to close on an easement before we can move forward on the rest of the design and permitting process.

Chris: This allows for the property boundaries to be put in place before the permit process starts.

Michael: Thank you for presenting this information. According to the Trump Administration when asked are wetlands are threat: Healthy wetlands are not a mosquito breeding ground. The fish and the wildlife in the wetlands will mitigate the mosquitos from breeding.

Jeff: Permits are good two years from issue. Brandon does not have provisions to extend the permit. Will this project be done in two years?

James: As long as we do not have extreme weather events, we will be able to get it done in a two year time period.

No further testimony, the hearing was closed at 8:16pm.

Respectfully Submitted,

Hillary Knapp
Development Review Board, Clerk

Sam moves to approve conditional use/Amber 2nds.

Conditions:

No adjoining properties will be wetter

Class 4 Road will not be part of the project

Approved 5-0