



**TOWN OF BRANDON
DEVELOPMENT REVIEW BOARD
APPLICATION FOR CONDITIONAL USE
FINDINGS AND DECISION**

In Re: Applicant US Fish & Wildlife Service

Landowner: Paul & Victor Quesnel DBA Quesnel Holstein Inc.

Permit Application No. 5994

Introduction and Procedural History

This proceeding involves review of an application for conditional use submitted by applicant: US Fish & Wildlife Service and landowner: Paul & Victor Quesnel DBA Quesnel Holstein Inc. under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on February 7, 2019. A copy of the application is available at the Brandon Town Office, 49 Center St.

On February 13, 2019 a notice of public hearing was sent for publication to the "The Reporter".

On February 12, 2019 a copy of the notice of the public hearing was mailed to the applicant and landowner by certified mail and to the adjoining property owners by regular mail. List is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The application was considered by the Development Review Board at a public hearing which was opened and closed February 27, 2019.

The Development Review Board reviewed the application under the Town of Brandon Zoning Bylaw, as approved May 7, 2012.

Present at the hearing were the following members of the Development Review Board: Sam Stone, John Peterson, Amber Lovely-Lee, Tom Bohler and Bob Clark.

Gordon Nailor, Chris Smith, James Ezkenberry, Michael Shank, Linda Thompson, Kjell Thompson, Jeff Biasuzzi, Zoning Administrator, was sworn in. Also present for the hearing was Hillary Knapp, Secretary.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

The applicant seeks a conditional use permit for wetland restoration of a floodplain wetland.

Kjell and Linda Thompson requested and received interested party status.

Pursuant to Section 803 of the Brandon Land Use Ordinance any land development/construction proposed or undertaken in the designated Fluvial Erosion Hazard Areas and Special Flood Hazard Areas require a conditional use permit.

The project will restore the wetland habitat on Pearl Street that was ditched, drained and cleared.

The project intends to restore the hydrology, topography and natural communities of the site through the plugging of ditches, excavating depressional wetlands, swales and borrow areas, constructing hummocks, removing a spoils pile, planting trees/shrubs and adding large woody debris.

By restoring the wetlands it will enhance wildlife habitat, improve wetland function and increase nutrient cycling of the wetlands.

When restoring the wetlands the US Fish and Wildlife Service cannot make the neighbors land wetter than it already is.

Since 1992 the Farm Bill has authorized the USDA NRCS to administer wetlands restoration and conservation projects on private land.

Wetlands conservation provides: storm & flood water storage, improved water quality, protection of fish and wildlife habitat, exemplary community, endangered & rare species habitat, education & research opportunities, recreation & economics, open spaces & aesthetics and erosion control.

The wetlands restoration can provide habitats for the Wood Frog, whose population has decreased due to their habitats being removed, along with the Solitary Sandpiper.

Wetlands conversation can help with the management of White Tail deer populations.

Water quality will be improved with the wetlands restoration.

The Otter Creek Swamp Complex is considered the most biologically diverse wetland complex in New England according to the Nature Conservancy.

The wildlife population will increase once the wetland restoration occurs.

Through the wetland restoration the mosquito population can be decreased with the creation of deeper pools that the mosquito larvae cannot survive in.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 5-0 to approve the conditional use permit #5994 for the restoration of wetlands through the US Fish and Wildlife service with the following conditions:

- The project cannot increase the water level on any contiguous properties.
- If adjoining property owners feel in the future that their land has been made wetter as a result of this project and brings that concern to the NRCS or other appropriate federal agency or department with information regarding where they believe the water is coming from, the appropriate federal agency or department will bring in professional hydrologists or other appropriate professionals to address the situation. The appropriate federal agency or department shall make a good faith effort to resolve the problem.
- Prior to the permit for this project being issued, the applicant will submit to the Town's Zoning Administrator a list of all involved agencies or departments with pertinent details specifying department name, contact information, and the responsibility of each department to the project. The applicant will also send the information to all adjoining landowners of this parcel and all interested parties with a statement attesting as to why they are receiving the list.

Dated at Brandon, Vermont, this 1 day of April



Sam Stone, Chair

NOTICE: This decision may be appealed to Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.