

RICHMOND CONSERVATION COMMISSION

Draft Meeting Minutes, Tuesday May 14, 2024

7:30 p.m. **Public introductions and comments** - All in attendance introduced in person and on zoom, no comments

Attendance, Committee Members in Person: Judy Rosovsky, Bob Low, Daniel Schmidt, Jeanette Malone, Kit Emery, Elizabeth Wright, Bob Galvin,

Attendance, In-person public: Jim Feinson from Richmond Land Trust (RLT), SB member, Jay Fur

Attendance, via Zoom: Brad Elliott ACFC and RLT member, Rod West member of the public, Lisa Miller SB member

Note Taker: Jeanette Malone

7:45 Additions, amendments to agenda

No additions, but changes to the order and schedule of Agenda Items

Public Comment - none

7:50 Conservation Reserve Fund proposal for engineering study of Donahue Brook

Jim F: Gave background info - The current Rt 2 problem from a few flooding events in 2023 has effected numerous stake holders, especially the Farr Family. The berm near railroad looks to be compromised. The big question: Should we even put this stream where it was? This was a man-made problem from state highway work. An engineer study is the first step before seeking permits from the state. Friends of the Winooski have access to grant funding. VT state does not know if they can pay for it. VTRANS has not taken ownership of the problem and there has been no process to litigate who is responsible. Jim F/RLT sought engineers with the earliest availability and found that Fitzgerald Engineering are in a good spot to move forward.

Bob L: Could it cost more than 10K? Engineer could determine it would cost less if they feel this is not a worthwhile project.

Jim F: We are aware that engineers need to see this as a worthwhile and long enough project.

Jeanette: How long would be considered an adequate amount of time for the fix?

Jim F: We do not know.

Bob G: What is the formal process with the state?

Jim F: There is no formal process.

Bob L: Friends of the Winooski have indicated there is money for an engineer study. Would this study include the entire brook?

Jim F: It could go beyond the highway section and may include the entire brook.

Rod W: How does the RCC interfaces with these problems, since it wasn't caused by Richmond?

Jim F: The RLT raised the funds including Richmond's CRF for Willis Hill to conserve the land which was impacted, qualifying it for continued CRF support.

Judy: The CRF is open to everyone without strictures.

Bob L: Cost sharing is part of what the CRF is meant to do. The record shows that past CRF projects are part of cost sharing projects.

Jim F: The RLT is looking after the benefit for the community and not as a private land owner.

Actions

Judy - read the Motion and noted final approval is with the SB.

Read by Judy: *Motion to recommend approval of the Richmond Land Trust*

Conservation Reserve Fund request to the Selectboard: The Richmond

Conservation Commission recommends that the Selectboard approve up to \$10,000

in Conservation Reserve Funds (CRF) to cover the cost of a Donahue Brook stream course reconstruction engineering assessment, as described in the Richmond Land Trust proposal dated April 26th, 2024. The request fits a number of CRF criteria, as enumerated in the proposal related to providing access to and preserving recreational opportunities, conserving natural resources and supporting working farms. This includes CRF criteria A2, A4-5, B1, 6 and 7 and C2-3. These funds must be expended within 3 years of the date of final approval by the Selectboard, by April 26th 2027.

Daniel - Moved the motion, All in favor

Background about the RLT Project Below:

Project Description

The Richmond Land Trust (RLT) owns the permanently conserved Willis Hill Preserve, located off of Route 2 in Richmond. Bordering the western edge of the Willis Hill Preserve is Donahue Brook, which runs from the culvert under Interstate 89 on the north edge of the property, through the Willis Hill Preserve, and then under a culvert under Route 2 and to the Winooski River, using a well-established historic channel.

In July of 2023 a torrential downpour in Richmond resulted in a large quantity of material left over from the earlier I89 culvert reconstruction being washed down into a shallower area of Donahue Brook. This caused the Brook to jump the established bank and flood much of the lower meadow of Willis Hill. Water continues to flow through this breach and across the Willis Hill meadow and under a secondary culvert under Route 2 into the Farr Farm. This has created three long-term consequences.

1. The sledding hill and some of the trails on Willis Hill, primary recreational uses for which the preserve was created, are now very limited due to the flooded area at the base of the hill. This area was historically dry and usable.
2. The flooded area now drains through a second culvert further east on Route 2, permanently flooding a portion of the Farr Family Farm fields and rendering them unusable.
3. There is no natural or established channel from this now flooded area to the Winooski and as a consequence the flooded area also threatens the railroad embankment and tracks.

The RLT has been working with representatives of the State of Vermont Agency of Natural Resources Department of Environmental Conservation, as well as the non-profit Friends of the Winooski (FOW) and the Farr family, on possible remedies to the problem. The State has agreed that the work done for the culvert reconstruction is a likely consequential cause of the brook re-routing. The State will support the RLT re-establishing the historic Donahue Brook channel and outflow pattern, if supported by an engineering study and reconstruction design prepared by a qualified engineering firm.

The Friends of the Winooski has offered to match funding for such a study up to \$10,000 (or up to a total engineering study cost of \$20,000). The RLT and FOW have been in contact with Fitzgerald Environmental Associates and received a preliminary quote for a more limited study which indicates \$20,000 will be sufficient for such a full study. Consequently, the RLT asks for funding from the Town of Richmond Conservation Reserve Fund of up to \$10,000, to be used on a matching basis for a Donahue Brook engineering and design study.

This request is for engineering only, not for the actual work to complete this project. There is a chance that engineering will indicate that Donahue Brook cannot or should not be re-established in its historic channel..

Project Significance

Willis Hill is a popular and highly used recreational resource in Richmond. The prominent sledding hill is well used and has become an important community resource, offering free public sledding of a larger scale and wider appeal than the small hill at the Round Church. In addition, Willis Hill is crisscrossed with trails and is used every year by teachers and students at Richmond Elementary School and Camel's Hump Middle School for recreation and for educational scientific and natural studies and exercises.

Of equal importance is the effect this flooding is having on the Farr Family Farm. The flooding has rendered six or more acres unusable, resulting in the loss of valuable farm land and crops, and economic loss to the Farr family. Doing this work would support the agricultural community in Richmond.

This request meets the following Conservation Reserve Fund Guidelines:

Overall:

“Promote working farms and forest by keeping lands in private hands and preserving traditional land uses, such as family farming.”

“Permanently preserve public access to land valued for... affordable outdoor recreation, as appropriate for each individual parcel and its setting.”

General Criteria

A.2. “Permanently preserving... recreational values... including the preservation of significant natural, agricultural and historic resources.”

A.4. “Will protect, enhance, and provide public access to a natural resource or recreation area.”

A.5. “Is directed at threatened resources.”

A.7. “Attracts and leverages funds from other sources.”

Natural Resources Protection Criteria

B.1. “Preserves river, stream and wetland quality.”

B.6. “Maintains woodlands, meadows or pastures.”

B.7. “Supports low or no-cost outdoor recreational activities.”

Agricultural Resources Protection Criteria

C.2. “Contiguous to a working farm, and contributing to the protection of a significant area of open agricultural land for family farming or forestry.”

C.3. “Has the potential to bring inactive farmland back into economically and ecologically sustainable production...”

Project Schedule

Engineering will be completed this spring or summer. The actual work to complete the projects would happen in late 2024 or early 2025.

Project Partners

The RLT is partnering with the Friends of the Winooski on the cost of the engineering study and will continue to do so in the future on actual completion of the project if so warranted. We are also collaborating with the State of Vermont Agency of Natural Resources on the design, management and permitting of this project.

Financial Information

The RLT has received a quote for \$10,000 for an earlier more limited scope of work from Fitzgerald Environmental Associates. To access additional project completion funds and for full State support, that scope of work will need to be expanded to encompass not only the subject project area, but an assessment of the greater watershed feeding Donahue Brook.

Long Term Plans

The subject property is already permanently protected by a conservation easement held jointly by the RLT and the Vermont Housing and Conservation Board.

Thank you for your consideration of this request.

Contact Information

Jim Feinson, RLT Stewardship Committee Chair feinson@gmavt.net
802-318-7385

Jeremy Hoff, RLT Chair jeremydhoff@gmail.com

8:10 Winooski River issues (flood resiliency, bank restoration) How to approach? Partners and next steps?

Judy: Expressed interest in river assessment and starting to look at the big picture based on the recent Recreation Summit with the SB.

Jay: The town and the state have different rules about rebuilding the playgrounds. Richmond Road Crew Head, Pete Gosselin prefers to put the playground on the grassy knoll near the bandstand, but own zoning rules won't allow this. So town agreed to investigate different ideas. 1) Put a sunken rubber top into the ground so water would wash over it and not wash away fill. This could be very expensive. 2) Put the playground somewhere else. 3) Add paved path around the park to support our commitment to diversity, equity and inclusion. Such a path would accommodate a variety of abled persons.

Jeanette: There are most likely myriad of great ideas worth taking time to consider. Shared an example of recent Manchester, NH Trails for All Project using crushed

stone designed to absorb floodwaters and citing one key to their success was conducting a series of listening sessions to gain maximum input and buy-in from community members. Richmond would benefit from hearing more ideas.

Daniel: There are ways we can improve the absorption value of the riparian zone by planting vegetation found in floodplain forests and marsh communities.

Judy: We should talk to farmers in town about flood resiliency and maybe purchase more land along the river toward riparian restoration and flood resiliency efforts.

Bob L: Consider connecting with Friends of the Winooski to help us with ideas and funds.

Jay F: The worst of the flood was in December because of the velocity. The value of slowing down the water is the goal. Upstream mitigation is key.

Rod W: There is Nature Conservancy land owned by Jericho settlers before Pratt property east of Bridge St. The army corp of engineers will have an opinion about what we do and they did not participate in the recreation summit. Reduce the velocity. Depth affects velocity. Talk to the army corp about what can be done before we spend lots of money.

Ibit: Spoke with resident on Esplanade who mentioned dredging as a way to slow velocity down. All of those Esplanade and Church St need to worry about it.

Rod W: Depth in the middle of the river will slow the water down.

Brad E - The state has river experts who consult on erosion by the river shore preserve lot.

Bob G: We should ask VLT ecologist, Allaire Diamond about flood resiliency.

Lisa M - Please let the SB know when you contact the Friends of the Winooski.

9:10 Open Meeting Law considerations

(Judy moved this up on the agenda.)

Jay F: The training about Open Meeting Laws was recorded for those interested, but missed it. Lessons: 1) Do all business publicly and not through email. 2) A quorum is half of your body. If the RCC is 7, a quorum is 4 and we would break open meeting law if we discussed matter with 4 or more, but not 3 or fewer is okay. 3) Quorum is the number of seats on a committee, not who fills them. 4) Substantial business has to happen publicly. 5) Executive session is constrained and has to be for legal reasons only. 6) Recording is not required. 7) Meetings should be made available live and via zoom. 8) Can share correspondence via email, but specify DO NOT REPLY ALL.

Judy: Can I add last minute items without warning the public?

Jay: Can not add new items and take action on those items that were not put on the original agenda.

Bob L: Can you have a subcommittee of 3 for committee of 7 meet?

Jay: If a subcommittee is less than a quorum, you can discuss and report back.

Daniel: Melissa Wolaver from the ACFC attended the training and reported to the ACFC that subcommittees must warn the content. Josh told her that you can meet, but not make decisions.

Jay: Any body of the town needs to warn meetings with quorum.

Bob L: Can alternate RCC members vote?

Judy: Alternates can vote if a full time member is not available.

8:30 Debrief on Save Our Salamanders

Jeanette - Reviewed email to all volunteers, some not present. Covered the following:

- The hottest crossing zones are on A) Cochran Rd and Rt 2. Cochran is between cemetery and Warren and Beeken Rivershore parking lot. B) Very active crossing section near huge vernal pools in the Silver Maple-Ostrich Fern Floodplain Forest near Cochran lower parking lot. C) Very Active crossing between Warren and Beeken Rivershore parking lot and the

Floodplain Forest about 300 yds heading west. It would be a good idea to team up with Huntington for bigger, more visible signs.

- Short of installing bigger culverts, it would be more cost effective to A) slow traffic down on big nights of which there were 2-4. B) Get Volunteers out before sunset to rescue more frogs and salamanders. First Big Night we counted about 100 dead and 100 alive when we went out after sunset as we were advised, but the 50% mortality dropped significantly subsequent eves when we went before sunset. Many volunteers remarked getting flashing signs and sandwich boards in addition to the signs on posts. Perhaps Richmond Police would help slow traffic on biggest crossing nights. Good to alert Richmond best prediction of the Big crossing nights on the FPF.
- One of the hottest crossing spots is on Rt 2 from area near (about 700 ft) the ACF trail Urbanik Way to a significant vernal pool/pond on the Maple Wind property. Unfortunately, it is on a blind curve with cars driving much too fast to safely encourage volunteers to cover this section. The data collectors from the North Branch Nature Center in Montpelier will not include this section of road for fear of compromising volunteer safety. They recommended a bigger culvert here.
- The other hot crossing stretch is between the wetland at the base of Snipe Ireland Rd and Murray Dr.
- The approach of training a core group of volunteers to then guide others in the future worked well in light of safety issues with cars traveling up to 50+mph on dark rainy nights.

Daniel: It's not a big ask to the police to assist for the 2-3 Big Nights

Jeanette: I sent an email to all volunteers to get their feedback and she asked if the group would be open to meeting to debrief more and brainstorm ideas to make crossings safer for the amphibians and volunteers.

8:20 Debrief of Green Up Day

Ibit: It went well, Linda parent's map really helped. We got 154 people to sign up. Need more bags for next year. Not sure who took the piles of trash.

Bob L - You did an outstanding Job!

Jeanette - Consider more promotion to use two bags to separate landfill and recycled items and to remove invasive plants easy to reach along the way. This would require some plant identification and proper removal.

8:45 Andrews Community Forest Committee Vote for internal RCC representative, Report, if any, Update needs (monitoring, trail work, etc?)

Actions

Judy made a Motion to keep the appointments the same.

Judy Read:

Motion to support RCC candidates for ACFC committee: The RCC supports Daniel Schmidt's reappointment to the ACFC as the RCC representative. RCC also supports Wright Preston's reappointment to the ACFC, and Brad Elliott's if our endorsement is required for him.

Bob G. seconded, All in favor.

9:05 Consider RCC subcommittee for research at ACF

Daniel Report: Working through how to navigate open meeting law. Process of trying to figure out what to bring to the SB. Creating a time frame and working on MP updates including organization and formatting, adding Indigenous Land Use revisions, Trail Stewardship Plan and added a Wildlife Stewardship section. Daniel is going through revisions to share what he thinks needs to be updated.

Judy: How can the RCC help you?

Dan: Your input helpful after we have done our bulk work.

Jeanette - Would you clarify that you will get RCC input and conduct another round of public engagement?

Daniel: Yes to both before submitting to the SB. We would need DRB/Zoning approval after we get SB approval.

Bob L: Will funding needs be identified?

Daniel: Yes and Brad Elliott will be helpful in tapping his sources.

9:25 Matters arising

Ibit: May not be here next meeting.

9:30 Adjourn

9:38 We adjourned