



## Conservation Commission

Town of Hinesburg  
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### Meeting Minutes - March 8, 2016

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**Members Present:** Meg Handler, Shannon Kelly, Alison Lesure, Bill Marks, Merrily Lovell

**Members Absent:** Bob Hyams

**Guests:** Ned Farquhar, Josh Sky, Phil Pouech, Rachel Smolker, Mark LaBarr

1. Call to order at 7:05 pm

Introductions around the table.

2. Geprags: VGS Pipeline Discussion

The pipeline is sited where the PSB approved it. ANR sat down with VT Gas to figure out the best place to put the pipeline. Southern 33 miles (South of 89) is generally co-located with the VELCO right of way. Because of wetlands and other natural features, it became apparent that deviation from VELCO would be advantageous to natural resources in certain sections, including Geprags. The section going through Geprags was moved in order to avoid wetland and stream areas. Generally, 75 feet are considered the normal cleared corridor for construction of the pipeline, and of that amount, 25 feet goes away after construction. In areas near a wetland, the corridor can be narrowed to 50 feet and this is what is planned for Geprags where it has been narrowed near the wetlands during construction. Ultimately, the whole corridor will end up at 50 feet. The maintenance aspect can be tweaked near the outer edges, but clearing is necessary to avoid tree roots interfering with the pipeline. During the construction, the corridor would be cleared completely. The storm water permit specifies that VT Gas must access the property only through the corridor and disturbing other areas will not be permitted. Contractors have very restricted points where they can access the project. Bill questioned whether there is any agreement that states that any damage done would be repaired. Without an agreement, there is no ability to seek restitution. Ned said that VT Gas has a clause in the easement agreement requiring them to fix anything that might be damaged. VT Gas cannot work in the park between April and July 31st, so they will not be able to start this work until the warbler nesting is done. Mark reported that normally the warblers come back in early May and leave in late June or early July. VT Gas worked with Mark to develop this timeframe.

Mark plans to work with VT Gas to monitor the park. Mark would be out there and on

site as the work is constructed, to monitor the birds, if they are there. Mark will also work to develop a management plan and monitoring plan going forward. If there is no agreement signed, (if the Selectboard doesn't vote to sign the agreement) then VT Gas would pursue an eminent domain proceeding, which would not have an agreement attached to it. Bill asked about re-routing the pipeline around the park, onto private land. VT Gas answered that they never investigated moving the pipeline onto adjacent private land. There is a listed plant at the park – the hairy fruited sedge. This is part of a Natural Heritage Site. Subsequently, the plant has been removed from the “rare” list. It is now listed as “uncommon.” Plants of that status do not show up on the plan and are not afforded special protection. A rare plant requires more protection, although for purposes of this project, it will still be treated as a rare plant and will be protected as such. In general, rare plants need on going monitoring, and matting is reduced. Bill asked why VT Gas has now chosen to reach out to the Conservation CC. Ned answered: The proposed agreement stated that VT Gas should work with the Conservation CC on protection of the park. The lawyers discussed the agreement when it was being proposed and developed. The major items in the agreement were raised by the Selectboard and by the public, and that became the framework for the agreement. VT Gas thought that the agreement was done because all those items were put into the agreement in 2014. Ned thought there was a letter from the town outlining what it wanted in the agreement. Alison asked a few questions: regarding the environmental inspector on site during the construction: how is that person selected, and how does it work? Stormwater permit and Army Corp Permit (404 Permit) require an environmental inspector on site to monitor erosion control, sediment control, etc. The inspector is chosen by VT Gas and they are out on the corridor doing monitoring during the construction and also need to do weekly reporting. All the permits have conditions attached and the environmental inspector makes sure that the contractors understand and follow the rules. Signs and flagging mark any special resources that need protection. Phil said that the Town is worried about what might happen if the rules are not followed. VT Gas has an obligation to report immediately any damage that happens outside the corridor, and perhaps VT Gas can communicate with the Town (through the CC) to keep in touch regarding monitoring and any problems. Intense construction will probably occur over a period of 3 to 4 weeks. Ned said that VT Gas is willing to put in writing an agreement to restore the land. So far, with two years of construction, there have been complaints but no proven violations. Ned said that Michels is the company responsible for building and also for the restoration after the construction. The plan for Geprags Park will be much more elaborate than in other places. Ned is not sure who VT Gas will hire to do this reconstruction. Mark LeBarr (VT Audubon) is willing to oversee the restoration and he can come up with a plan for shrubs etc. so that warbler habitat will be enhanced. Mark feels that the mosaic of shrubs caused by the pipeline will be beneficial to the warblers. The corridor might not just be mowed, there are other treatments as well. In special areas, only 20 feet will be mowed. In regular areas, all 50 feet are mowed. Mark will come up with the specific plan, and that plan will be incorporated into the general management plan for the pipeline. The Hinesburg signed agreement happened in August 2015.

Alison asked about other species: Mark confirmed that the warbler season covers all nesting birds, except might not cover the complete season for the owls as they start nesting a little earlier. However, Ned said that VT Gas would not be starting work earlier anyway. Because it is a public park, part of the park will be blocked off to public access. Alison said that public notice is really important because the park is heavily used and VT Gas should make extra efforts to post notices for the town. Josh gave the CC a packet of information relating to Geprags. Mark asked a question: as part of the agreement, there is a warbler plan to develop and does the CC want Mark to begin work on this? Perhaps the CC could communicate with Mark about any proposals. On March 21<sup>st</sup>, the Selectboard will have an open meeting and public discussion about the agreement. Phil said that he would want to make sure that VT Gas understands that any work done by Mark is not yet approved by the Selectboard. Mark can probably put a report together before the March 21<sup>st</sup> Selectboard meeting. It will contain recommendations for management of warblers in the easement area. Right now, this work is covered by other grants that the Audubon has already and Mark can move forward. Phil said that his personal feeling is that he doesn't want the pipeline. But if the pipeline is going to come, then it should fit in with the needs of the environment and it is important to have these discussions.

Ned and Josh left, leaving Phil to talk with the CC about the Selectboard process. Bill brought up that the CC was left out of the discussion and asked Phil why that happened. Phil was the point person for the VT Gas pipeline. The Selectboard focused on Baldwin Road, rather than Geprags and VT Gas told the Selectboard that it would need to go through eminent domain process regardless of any agreement made with the Town. VT Gas made suggestions about the agreement which was proposed after the Public Meeting on January 27, 2014. Over several Selectboard meetings, there were discussions about it and Phil thought these were all negotiations. There was not a vote, but everyone said that the agreement looked reasonable. After that, the agreement just sat there and no one talked about it. At some point, Bud Allen asked the town administrator what to do with the agreement, and Bud signed the agreement. No one on the Selectboard knew that it had been signed. Bill thought that the CC would be called in to be part of the process along the way. Bill would advocate for more money from VT Gas, and greater specificity. Alison also interested to know why the CC was left out of all of the discussions and if CC will receive responses to recent letters sent to Selectboard, but more importantly going forward, how can the CC and Selectboard collaborate and ensure the opportunity to bring in experts if needed to help make any critical decisions and monitor the activities at the park. The March 21<sup>st</sup> Selectboard meeting is dedicated to the issue of the pipeline through Geprags and the agreement between VT Gas and the Town.

Phil and Rachel left after this discussion.

CC continued discussion about the pipeline and Geprags and what agreement concerns and technical considerations to highlight at the upcoming Selectboard meeting. Also discussed

challenges with the process and efforts made to improve communication and work together. Alison asked Bill what might be expected about the motion to intervene and the likelihood of gaining intervenor status and Shannon asked if his understanding of the VT Gas lawyer's response was accurate as to why they don't feel the CC should have intervenor status. Bill responded it is unlikely it will happen because the CC is part of the town entity and can't be on the opposite side. The CC discussed the intent is not to disrupt the entire pipeline, and if it does go through Geprags, then it is important to get the best deal regarding the terms and conditions in the agreement, protection of the park, use of funds, etc.

3. Other business: Merrily shared information about the Water Matters event which will be held on March 31<sup>st</sup> and all are encouraged to attend. Alison noted that she will likely be unable to attend both meeting in April due to work travel.
4. Approved the minutes from 2/9, 2/14, 2/18 and 3/1.

Meeting adjourned at 9:30 pm.

**Next Meeting:** March 22, 2016

Respectfully submitted,  
Meg Handler