

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—October 2, 2019

Board members present: Dave Rogers (Acting Chair), Tom Kinley, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Dave Rogers, Acting Chair, opened the meeting at 6:30 p.m. in the Steele Community room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded. The agenda was approved.

- 1) **#091-19: Adam and Sonja Severance** (owner/applicant)
Special Flood Hazard Area review for a replacement mound septic system in the Winooski River floodplain at 1756 U.S. Route 2. (MDR/SFHA zoning/overlay districts)

Present and Sworn in:

Adam and Sonja Severance, owner/applicant

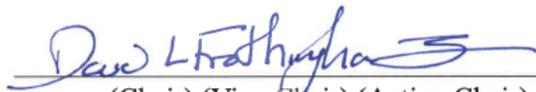
The Board approved the project with conditions and will issue a written decision within 45 days.

2) **Agenda items as scheduled by the Chair:**

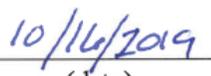
- Review minutes and decisions:
Tom Kinley moved, and Bud Wilson seconded the motion, to approve the general minutes of September 18, 2019 and the decision for application #091-19 (Severance), as amended.

Vote: Motion approved: 4–0.

Adjournment: There being no other business, the meeting was adjourned at 7:25 p.m.



(Chair) (Vice-Chair) (Acting Chair)



(date)

These minutes were approved: October 16, 2019.

Notice of upcoming meetings:

- Wednesday, October 16, 2019, 6:30 p.m.
- Wednesday, November 6, 2019, 6:30 p.m.
- Wednesday, November 20, 2019, 6:30 p.m.

Town & Village of Waterbury
Development Review Board
Decision #091-19 ■ October 2, 2019

In Attendance: Board members present: Dave Rogers (Acting Chair), Tom Kinley, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Owner/Applicant	Adam and Sonja Severance
Address/Location:	1756 U.S. Route 2, Waterbury, VT
Zones:	Medium-Density Residential (MDR)/Special Flood Hazard Area (SFHA) overlay
Application #:	091-19 Tax Map #12-024.000

Applicant Request

The Applicant seeks approval to construct a replacement mound septic system within the Winooski River floodplain at 1756 U.S. Route 2, Waterbury, VT.

Present and Sworn in:

Adam and Sonja Severance, owner/applicant

Exhibits

- A: Application #091-19, submitted 8/28/19.
- B: Project submittal letter from Scott Baker, Barnard & Gervais LLC, dated 8/27/19.
- C: Project Site Plan (S-1) prepared by Barnard & Gervais LLC, dated 5/22, and revised 7/2/19.
- D: Project Details (D-1) prepared by Barnard & Gervais LLC, dated 5/22, and revised 7/22/19.
- E: Fill Removal Site, prepared by Barnard & Gervais LLC, submitted 8/28/19.
- F: Letter from Staff to Ned Swanberg with the State of Vermont DEC, dated 8/28/19, and letter of response from Ned Swanberg, dated 8/28/19.
- G: Severance Site—Contours and Floodplain map, submitted by Scott Baker, dated 8/28/19.
- H: Excerpt, Flood Insurance Rate Map (FIRM) including 1756 U.S. Route 2. (Staff).
- I: Email and photographs of offset area, located at 530 Farr's Landing, submitted by Scott Baker 9/6/19. Photograph of mound septic project at 1756 U.S. Route 2, submitted by Applicant 9/19/19.
- J: Wastewater System and Potable Water Supply Permit WW-5-7987, dated 7/8/19.
- K: Letter to adjoining landowners, mailed certified on 9/13/19.
- L: Letter of completion by Barnard & Gervais LLC, dated 9/20/19.

Findings of Fact:

1. Existing conditions: Adam and Sonja Severance own a 2.1± acre parcel at 1756 U.S. Route 2. The lot is developed with a single-family dwelling and includes frontage on, and driveway access to, U.S. Route 2. The property is in the Medium-Density Residential (MDR) zoning district and the lot lies almost entirely within the Special Flood Hazard Area (SFHA) overlay district. The lot does not have frontage on the Winooski River.

2. Project: The wastewater disposal system for the dwelling has failed and the project consists of constructing a replacement mound wastewater disposal system. The calculated volume of the proposed mound system above the existing grade and below the base flood elevation (BFE) is 104 yd³ of fill to be placed in the SFHA. There will be a compensatory cut area located off-site, between the mound and the Winooski River, as shown on Exhibit E. The Applicant proposes to remove and relocate 118 yd³ of topsoil from the offset area to provide the required cover material for the mound. This proposal provides an additional 14 yd³ of compensatory volume to offset the fill, as most of the topsoil will be placed above the BFE.

3. Article VI Flood Hazard Area Regulations and Overlay District, Section 604(a) All development within the SFHA shall neither reduce the effective flood storage volume of the SFHA nor create a net increase in the BFE as set forth in subsection (1)(B). The applicable provisions under Section 604(a) include the following:

(4) *All substantial improvements and new construction within the SFHA shall meet the following criteria:*

(G) *New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.*

Wastewater System and Potable Water Supply Permit WW-5-7987, dated 7/8/19, has been obtained. (Exhibit J)

(10) *The placement of fill in Special Flood Hazard Areas... shall require certification from a professional engineer that the amount and location of the fill will not elevate the BFE by any amount and may require compensatory storage or alternate flood attenuation.*

(11) *Compensatory storage or alternate flood attenuation methods utilized for development, including the placement of structures and/or fill, shall:*

(A) *Not increase the BFE or decrease SFHA storage capacity...*

(B) *Provide equivalent compensatory flood volume or other flood mitigation features at equivalent elevations to that flood storage capacity being displaced.*

(C) *Compensatory storage and all other flood attenuation measures shall be provided in the same construction season as when the displacement of flood storage volume occurs.*

(D) *Require a certification by a licensed professional engineer supported by hydraulic or hydrologic technical data, or an explanation why an explanation was not required, based on the computer model utilized to develop the Flood Insurance Rate Maps and the results tabulated in the related Flood Insurance Study.*

The project designer, Scott Baker, Barnard & Gervais, LLC calculated the volume of fill to be placed above the existing grade and below the 412.4' BFE as 104 yd³ (Exhibits A1, B2), which requires an equivalent volume of compensatory storage. For compensatory storage, the proposal includes removing 118 yd³ of topsoil from a nearby site (Exhibit E) and relocating it to provide the required mound cover material (Exhibit D). This approach provides an additional 14 yd³ of compensatory volume to offset the fill, as much of the topsoil cover will be placed above the BFE.

The letter of response from Ned Swanberg (Exhibit F3), states: “Given the urgency needed to respond to a failed septic system, and the proposed approach to providing and exceeding the necessary compensa-

tory storage, this proposal appears to be consistent with the DEC Compensatory Storage Guidance_4-19-2019.pdf, and the intent of the Waterbury Flood Hazard Area regulations Section 604(a)11.”

The letter from Staff requesting comment from VT DEC, states: *“The DRB may determine that it is reasonable to assess the compensatory flood storage design based on the volumetric analysis approach as set forth in Section 604(a)(11)(A)–(D), rather than requiring a much more in-depth hydraulic analysis for the site.”* And, *“Lacking a grading plan for the offset area and in lieu of requiring the applicant to incur the expense and engineering time to prepare a site plan and a grading plan for the offset area, and considering the urgent need to replace the failed septic system, the DRB can confirm some aspects of the design ... to ensure (it) will meet the compensatory flood storage objectives.”*

The project engineer confirmed that the offset area: will be gradually sloped/reshaped to adequately function as a floodplain, rather than a holding/retention area; will not intercept the ground water table; will not impact riparian wetlands; and will not impacting high-quality riparian vegetation. (Exhibit I)

The Board accepts the volumetric analysis submitted by the project engineer and concludes that the project design provides and exceeds the necessary compensatory storage.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Adam and Sonja Severance to construct a mound septic system in the Winooski River floodplain at 1756 U.S. Route 2, as presented in application #091-19, and supporting materials, meets the Special Flood Hazard Area development standards set forth in Section 604.

Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved, and Andrew Strinste seconded the motion, to approve application #091-19 with the following conditions:

- (1) The Applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.
- (2) The Applicant shall follow the *Low-Risk Erosion Protection and Sediment Control* measures during construction.
- (3) The Applicant shall submit an application for a Certificate of Completion, including all required submittal requirements, upon completion of the project and related site work, and obtain approval of same, prior to commencing the use or occupancy of the system.

Vote: The motion was approved 4-0.



(Chair) (Vice-Chair) (Acting Chair)
Dave Rogers

Approved: 10-2-19
(date)

This decision was approved on October 2, 2019.

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 80-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

NOTICE: *This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An 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.*