

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
CLEAN WATER ADVISORY COMMITTEE – DRAFT MINUTES

DATE: **Wednesday, March 4, 2020**
 SCHEDULED TIME: 11 a.m. to 12:15 p.m.
 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
 DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
<http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/>

Committee Members in Attendance		
Bolton: Joss Besse	Hinesburg: Merrily Lovell	St. George:
Buels Gore:	Huntington: Darlene Palola	Underhill:
Burlington: James Sherrard	Jericho:	Westford:
Charlotte:	Milton: Dave Allerton, Ashley Jackson	Williston: Christine Dougherty
Colchester:	Richmond: Ravi Venkataraman, arr. 11:10	Winooski: Ryan Lambert
Essex:	Shelburne: Chris Robinson, arr. 11:12	VAOT:
Essex Junction: Chelsea Mandigo	South Burlington: Tom DiPietro	VANR: Christy Witters
Burlington Airport: Polly Harris (Stantec)	University of VT: Lani Ravin	CCRPC Board: Don Meals, CO-CHAIR
Friends of the Winooski River:	Lewis Creek Assoc: Kate Kelly	Winooski NRCD:
Other Attendees: DEC: Karen Bates;		
CCRPC Staff: Dan Albrecht, Chris Dubin, Charlie Baker		

1. **Call to Order.** The meeting was called to order by Don Meals at 11:00 a.m.
2. **Changes to the Agenda and public comments on items not on the agenda** None
3. **Review and action on draft minutes of February 4, 2020**
 After a brief recap by Dan Albrecht, *Tom DiPietro made a motion, seconded by Chelsea Mandigo to approve the minutes as drafted. Minor correction made with Allerton noted he was not present at that meeting. MOTION PASSED with abstentions by Meals, Allerton and Harris.*
4. **Review “partner working draft” & timeline for draft Basin 5 Northern Lake Champlain Direct Drainages Tactical Basin Plan**
 Karen Bates recapped key elements of this “partner” draft. First, she outlined the Top Ten Objectives:
 1. Protect river corridors and floodplains
 2. Increase knowledge of water quality conditions
 3. Implement agricultural Best Management Practices
 4. Resolve E. coli impairments
 5. Manage stormwater from developed areas.
 6. Improve littoral zone habitat
 7. Inventory and prioritize municipal road erosion features that discharge into surface water and implement
 8. Provide technical and as available, financial assistance to wastewater treatment facilities
 9. Prioritize wetland and floodplain restoration projects
 10. Prioritize remediation of forest roads and log landings

Next, she outlined Surface Waters which the draft proposes for improved protection via Reclassification. In Chittenden County these included:

- Trout Brook (Milton): Candidate for Aquatic Life Use Reclassification from Class B2 to Class B1
- Mallets Creek, Tributary 7 (Milton): Potential Aquatic Life Use Reclassification
- Sandbar Wetlands (Milton): Class 1 Wetland

- 1 • North Shore Wetland (Colchester): Class 1 Wetland
- 2 • LaPlatte River Wetland (Shelburne): Class 1 Wetland
- 3 • Milton Pond (Milton): change from Class A2 to Class B
- 4 • Colchester Pond (Colchester): change from Class A to Class B

5
 6 With regards to proposed zoning/LDR changes for municipalities, Karen noted that Dan had provided her a
 7 Table showing various protections put in place by municipalities in the Basin (cf. Appendix C). Zoning
 8 bylaws are by and large robust with regards to water quality protections and related measures such as
 9 floodplain protections. Dan recommended that two municipalities explore further protections. Burlington
 10 could expand protections within its Special Flood Hazard Ares (it still allows some uses in the floodplain
 11 along the lakeshore) while Westford is actively considering adoption of River Corridor bylaws.

12
 13 Karen recapped some of the primary Strategies in the Plan. (These can be seen in the “Implementation”
 14 table. These included:

- 15 • Support Equine manure management workshops
- 16 • Help municipalities control runoff from gravel and paved roads: provide technical and financial
 17 resources to assist with implementation of work to meet Municipal Roads General Permit*
- 18 • Provide technical assistance to promote best winter management practices on public and private
 19 roads and parking lots
- 20 • Support implementation of projects identified in water quality plans (e.g., stormwater master plans
 21 and Phosphorus and Flow Reduction Plans)*
- 22 • Promote adoption of residential practices to protect surface waters
- 23 • Implement “Three-acre” permit. *
- 24 • Support municipals' efforts to protect and improve surface water quality and decrease fluvial
 25 erosion (Functioning Floodplain Initiative for this and following strategies?) *
- 26 • Increase the number of river and floodplain restoration projects Re-establish connections to
 27 floodplains. Includes two-tiered ditch*
- 28 • Replace geomorphologically incompatible culvert and bridges: RPCs work with towns to identify,
 29 add to capital budget, seek additional funding sources*
- 30 • Increase River Conservation Easements: support projects which incorporate channel management
 31 and riparian buffer*
- 32 • Support studies to investigate benefits of removal of dams listed in Table X*

33
 34 Lastly, Karen presented an extensive list of streams on page 97 that could benefit from improved
 35 monitoring. In Chittenden County these included:

Watershed	Stream	Watershed	Stream
Malletts Bay	Malletts Creek Trib	Shelburne Bay	Potash Brook
Malletts creek	crossing 480 Duffy road		(others?)
	Malletts Creek Main		Upper LaPlatte
	trib		Mud Hollow
	Allen Brook		McCabes
	Crooked Creek		
	Smith Hollow Brook	Charlotte	Holmes
	Pond Brook		
	Englesby Brook		

36
 37 Members discussed the difference between “surveillance” stream sampling which is done every four year
 38 on each stream vs. “attainment” sampling which needs to be more intensive. Some members encouraged
 39 DEC to reexamine some of the streams (e.g. Allen Brook in Williston) as the towns have done a lot of

1 projects over the last several years and in some cases flow targets are being met (e.g. Sunderland Brook).
2 Don Meals noted that data may not show conclusively that targets have been attained. In conclusion, Karen
3 urged the members to review the draft Plan including the Appendices and send comments through Dan.
4

5 Dan concluded the discussion by noting the anticipated timeline for CCRPC input/review of the draft Plan.

6 Tuesday, April 7th, CCRPC CWAC

7 -reviews and approves draft of formal staff and Committee comments on “partner” draft for submission to
8 DEC

9 -review and approve draft staff opinion on conformance with regional plan

10 Wednesday, April 15, CCRPC Board

11 -review the CWAC comments with an overview of the plan done by CCRPC staff.

12 -review and approve draft STAFF opinion on conformance with regional plan

13 Tuesday, May 5th, CCRPC CWAC

14 -Dan briefs CWAC on schedule for remaining 4 months

15 July 1 – July 30 REVIEW OF FORMAL DRAFT PLAN

16 -one formal public hearing held in conjunction with CCRPC Board on July 15th plus CCRPC board action
17 on conformance with regional plan

18 -one public forum (e.g. in Hinesburg) to collect additional public input.
19

20 **5. Discuss issues with providing a proposal for CCRPC to serve as the Clean Water Service Provider**
21 **for Basin 5 pursuant to Act 76, including issues such as potential conflicts of interest and the flow of**
22 **funds**

23
24 Charlie asked for input from the members with regards to various issues being discussed as the Act 76
25 Advisory Group (which he and Dan participate in) as they provide input into the drafting of Rules and
26 Guidance that DEC will issue addressing operations of Clean Water Service Providers and Basin Water
27 Quality Councils.
28

29 With regards to issues of conflict of interest of CWSPs or BWQC members, the consensus of members was
30 as follows: persons should not be “scoring” their own organization’s proposals; however, if projects are
31 presented as part of a package or list of projects, then CWSPs or BWQC members should be able to
32 participate in discussion and votes on advancing/funding a set of projects similar to the way municipalities
33 currently vote on an annual basis on projects in CCRPC’s Unified Planning Work Program. Members also
34 stressed the need for flexible guidelines as Vermont is such a small state and some level of overlapping
35 interest is almost unavoidable.
36

37 With regards to project funding and the flow of funds, the consensus was that some sort of start-up funds or
38 down payment needs to be provided. This is especially needed if project implementor is a small non-profit
39 that has few cash reserves.
40

41 Don Meals asked what would be the role of the CWAC after BWQC is up and running? Charlie said that
42 the BWQC would do project prioritization of non-regulatory projects but that CWAC would continue as a
43 communications forum and as a forum to discuss water quality issues and policy in general. Dan stressed
44 that the CWSP and BWQC only deals with the non-regulatory phosphorus reduction realm. He noted that
45 the CWAC could serve as useful mechanism for input into the BWQC and that it will still have a strong
46 role in Basin planning.
47

48 **6. Updates**
49

50 a. Development of FY2021 Unified Planning Work Program (UPWP) Dan Albrecht noted that CCRPC
51 staff and the UPWP Committee continue to work on developing the programming for FY21 with formal
52 action scheduled for the May Board meeting. At this point, it looks as if all the water quality project should

1 be able to be funded but some may be funded at reduced levels. Marshall Distel will provide a more
2 comprehensive update at our April meeting.

3 **b. Municipal Roads General Permit** Chris Dubin provided an update regarding annual reporting by
4 municipalities. For non-MS4 towns, you just need to repeat the form you filed last year and noting the
5 month and year (either 2016 or 2017) your inventory was completed by CCRPC. Contact him if you need
6 that date. For MS4 towns, your Road Erosion Inventory report (as noted by Christy Witters) is part of your
7 Notice of Intent. As discussed at prior meetings, the MS4 submission also must contain your formal Road
8 Erosion Inventory dataset as well as a notation on which segments in which year you plan to bring to
9 standards between now and summer 2023 when your current MS4 permit ends. This planned work gets
10 reported in the Annual Report Excel workbook in the tab regarding Phosphorus Control Plan development
11 Chris noted that he has completed the datasets for three of the nine MS4s and he plans to have the
12 remaining ones completed in the next few weeks. He also noted that for MS4 outlets, they are either ranked
13 as Fully Meets (up to 11 inches of erosion, aka “rill erosion” or Does Not Meet (over 11 inches of erosion,
14 aka “gully erosion”). There is no “Partially Meets” rating for these outfalls Tom DiPietro noted that the
15 reporting form should not just list Remedy 1,2,3, 4 but also, for clarity, state on the form what those
16 remedies are so people don’t have to track down the DEC guidance document..
17

18 **7. Items for Tuesday, April 7th meeting agenda.**

- 19 a) Continued review/action on CW Service Providers RFP
20 b) FY21 UPWP: update on proposed water quality projects
21

22 **8. Adjournment.** The meeting adjourned at 12:38 p.m.
23

24 *Respectfully submitted, Dan Albrecht*
25