

Agenda
Warren Selectboard
Tuesday, August 13, 2013
7:00 PM

✓ 7:00 PM – Warren Acquisition – Property 1189 VT Route 100, Warren – Subgrant Agreement

✓ 7:25 PM - 911 & Dog Ordinance – Gene Bifano & Jeff Campbell

7:45 PM – Dept Public Works Project Updates – Barry Simpson

- ✓ Covered Bridge Contract Proposal Dubois & King
- ✓ Municipal Building Handicapped Access Roof Resolution
- ✓ Flat Iron Road
- ✓ Other DPW Projects

✓ 8:00 PM – Approval of Minutes

✓ 8:05 PM – Approval of Payroll Warrants 23,230.13

✓ 8:10 PM – Approval of Accounts Payable Warrants 326,883.62

8:15 P M – Other Business

- ✓ Sign off final payment Plunkton Road Bridge
- ✓ Selectboard Consideration for Late Homestead filing fee.

Minutes of August 13, 2013
The Warren Selectboard
Warren Municipal Building
7:00 PM

Members Present: Andrew Cunningham Chair, Bob Ackland, Vice Chair & Anson Montgomery.

Members Absent: Colleen Mays & Matt Groom.

Others Present: Bob Baron, Dotty Kyle, Eric Brattstrom, Rudy Elliot, Barry Simpson, Rachel (VR), TV 44/45, Charlie Snow, Quayl Rewinski, and Cindi Jones.

7:10 PM – Meeting Called to order by Mr. Cunningham.

7:11 PM – Warren Acquisition – Property 1189 VT Route 100, Warren – Subgrant Agreement – Mr. Cunningham started the discussion off by stating that FEMA had finally approve the FEMA buyout of the Quayl Rewinski property, 1189 VT Route 100, Warren VT. Mr. Cunningham inquired about the process of the acquisition experience from Ms. Rewinski. She commented that it has been a long process and a lot of work. There was discussion about the use of the property after the property was demolished. Some thoughts were to create a park, another was a community garden. The board welcomes any thoughts and ideas on its use. Demolition of the property would not take place in 2013 but in 2104 as the Town has 18 months from the signed agreement for demolition. The Town would be retaining ownership of the property and there is no Town share involved with the purchase.

Motion by Mr. Montgomery to approve the acquisition and have the Chair sign the sub grant agreement to acquire the 1189 VT Route 100 Property, second by Mr. Ackland. All in Favor: VOTE: 3-0.

7:15 PM – 911 & Dog Ordinance – Gene Bifano – Mr. Bifano came to the board to discuss some thoughts on amending the two ordinances. The current ordinance calls for a \$5.00/day fine for not complying with the ordinance. Mr. Bifano commented that the 911 ordinance violation could be treated as criminal or a civil expense. A civil expense would have a fee structure that a ticket would be issued and it would be handled through the judicial bureau. As a Warren Volunteer fireman and an ambulance person, a home that does not have a 911 number that is visible on the house, delays the emergency response personnel in providing, fire, medical, or police in responding timely. There would be a fee structure associated with it for the first offense, and then if not done, a fine and the ticket is sent to the judicial bureau. The board and people in the audience commented that providing education to people is the first step before ticketing. Over the years, Mad River Ambulance, The Town of Warren, and the Valley Reporter have printed and sent notices out to help encourage people to do put their 911 address on their homes. Mr. Bifano suggested that in the Road Curb Cut Permit Access, there could be a mandatory stipulation that before you get your road access permit, there must be a number on the house. The Town could also purchase 911 kits that they could sell to homeowners. Ms. Kyle suggested hiring a summer intern to go to door to door and hang something on the door encouraging get you 911 numbers on your home. Mr. Ackland commented that better education is needed to before putting a fee schedule in place.

Dog Ordinance – The dog ordinance would be the same fee structure and idea as the 911 as a civil offense. Mr. Montgomery commented that it would be hard to enforce and there is no mechanism to Manage it. He felt that the current ordinance works. The board agreed that more education is needed. Mr. Bifano encouraged the board to look at the sample model of the dog ordinance on VLCT's webpage.

8:00 PM – DPW Barry Simpson – Project Updates

Campanelli – Water Line – Mr. Campanelli explained that he has a right of way to his water line that goes under the Town road up the hill through Mr. Paquin's land to a spring. Mr. Cunningham commented that Mr. Campanelli would need to get a Road Access Work Permit to work in the Town's right of way. The Work Access Permit spells out exactly what Mr. Campanelli is allowed to do. Mr. Campanelli commented that his intent is to upgrade his water supply and will be presenting a proposal to the town on improving the ditch and the bog of water that is about 130' from his house. Mr. Campanelli would like to get a drawing confirming the distances of the sewer line and the distances with the depth of the sewer line. He also would like to know what sewer fees would be if he hooked onto the town sewer. He plans on presenting a detailed plan with his costs to the Selectboard.

Covered Bridge Transportation Enhancement Grant – Mr. Simpson presented to the board a contract from Dubois and King for the planning and engineering of the Covered bridge abutments. The total engineering fee is \$66,700. Wendy Pelletier from VTRANS has approved the contract proposal and is satisfied with the proposal.

Motion by Mr. Ackland to accept the Dubois and King proposal, second by Mr. Montgomery.
All in Favor: 3-0.

Municipal Building Roof – Mr. Simpson explained the old concept on what should be done on the Municipal building roof. Mr. Montgomery commented to find a solution and do it without all the details. Mr. Cunningham commented that the first design as what was originally proposed seems to be the answer. He did like Mr. Snow's design and Mr. Snow volunteer to work with Mr. Johnson on the design. At the same time, the storm drains around the building should be flushed at least twice a year.

9:00 PM – Flat Iron Road – Mr. Simpson presented a letter from Mr. Dollmeyer requesting that the Town rebuild the stone wall. Mr. Simpson also present to the board a map of the original water flow pattern of the brook and its present course is closer to the road than the original course. The movement of the river has placed a disadvantage to the Town. He presented photos of the road before and after the repair that was done from Irene Flooding. The Town's stone wall was started where it wasn't disturbed from the 1998 fix. The contractor started up on the shoulder of the toe and it provides more area for the water to swirl and the work did not reduce the flow. Mr. Dollmeyer's wall he built back in 1998 is vertical and some of the boulders have washed down into the stream, channeling water around them. Mr. Ackland commented that the board should draft a letter using Mr. Simpson's research. Mr. Montgomery felt that there was no proof or evidence that the Town did anything wrong and the Selectboard didn't find that he has and compelling proof. Mr. Montgomery will draft a letter and circulate to the board.

9:15 PM - Approval of Minutes for July 23, 2013 – Motion by Mr. Montgomery to approve the Minutes of July 23, 2013, second by Mr. Ackland. All in Favor: VOTE: 3-0.

9: 20 PM – Approval of Accounts Payable – Motion by Mr. Ackland to approve the accounts payable warrants as presented for \$326,883.52, second by Mr. Montgomery. All in Favor: VOTE: 3-0.

9:25 PM – Approval of Payroll Warrants – Motion by Mr. Ackland to approve the payroll warrants as presented for \$23,230.13, second by Mr. Montgomery. All in Favor: VOTE: 3-0.

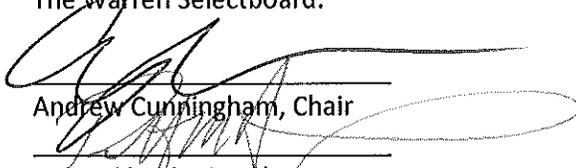
9:30 PM – Selectboard Consideration for Late Homestead Filing Fee – The board received a letter from a taxpayer regarding the penalty for Late Homestead Filing. Taxpayer indicated that there was a lot of miscommunication from the State regarding filing the Homestead form as a year ago the State had sent notices to taxpayers saying they did not have to file it every year. This year the State changed it back to filing every year.

Motion by Mr. Ackland to waive the Homestead Late Filing Fee for this year only, second by Mr. Montgomery. All in Favor: VOTE: 3-0.

9:40 PM – Motion to adjourn by Mr. Ackland, second by Mr. Montgomery. All in Favor: VOTE: 3-0.

Minutes Respectfully Submitted by,
Cindi Jones, Warren Town Administrator

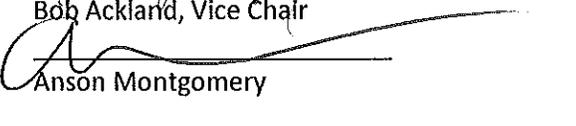
The Warren Selectboard:



Andrew Cunningham, Chair



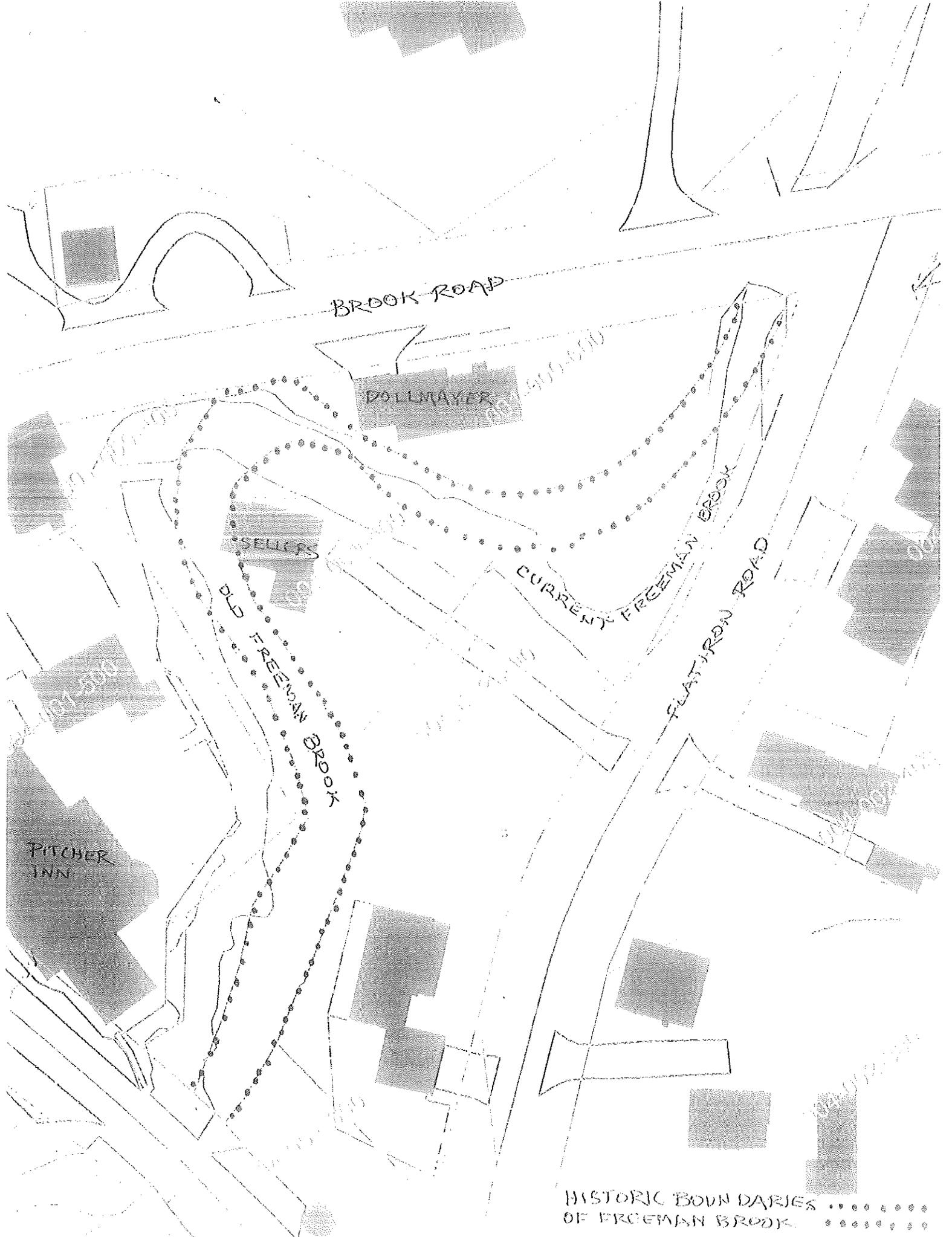
Bob Ackland, Vice Chair



Anson Montgomery

Matt Groom

Colleen Mays



BROOK ROAD

DOLLMAYER

SELLERS

OLD FREEMAN BROOK

CURRENT FREEMAN BROOK

FLATIRON ROAD

PITCHER INN

HISTORIC BOUNDARIES OF FREEMAN BROOK

Technical Basis

By armoring the stream bank with a vertical stone wall, the Town has displaced a water volume with a stone volume. The pre-1998 profile (1:1 slope) allowed higher volume water flows to be dispersed across a wider channel, allowing lower water heights and lower water speeds. From classical physics:

$$\text{Mass Transfer} = m' = \rho * v * A, \text{ where } A = w * h, v = \text{velocity}, \rho = \text{density}$$

Water is incompressible, therefore $\rho_1 = \rho_2$; canceling out of both sides of the equation.

The width constriction of the channel results in (1) increased height of water flow, (2) increased water velocity, or (3) some combination of both.

The effect can also be shown graphically; as before 1998 and after 2011. The two views are cross sections of the stream at location "C" (see Figure 1), where the channel is at it's narrowest. The view is perpendicular to flow direction, looking upstream. (Note: The graphics are approximated, not to scale, and for illustrative purposes only):

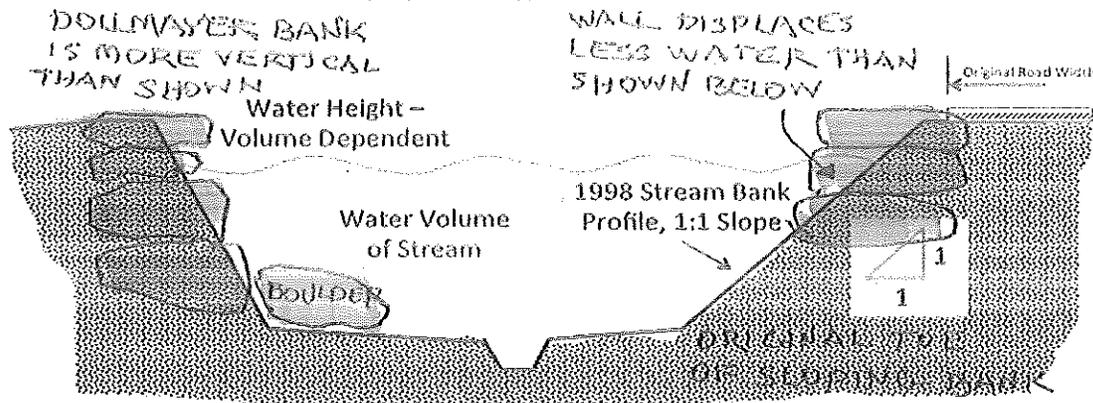


Figure 2: A cross section at Location "C", showing the 1998 Stream Bank Profile.

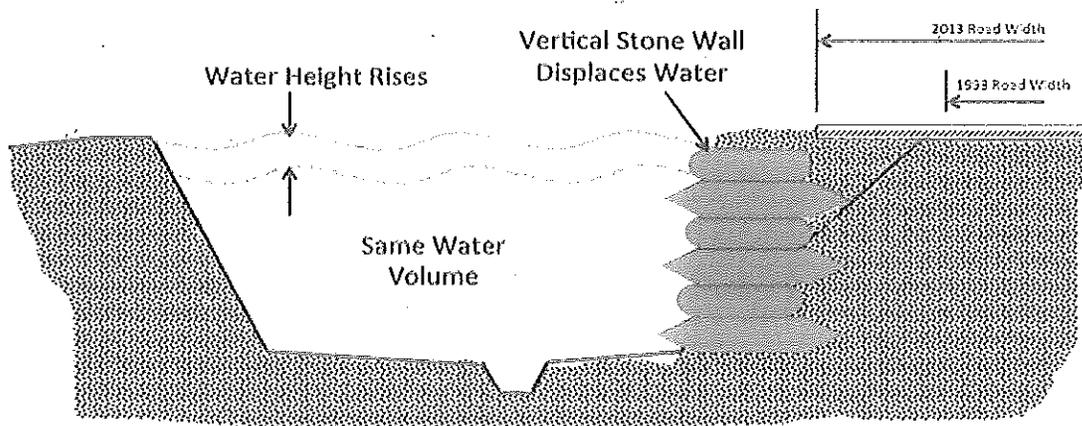
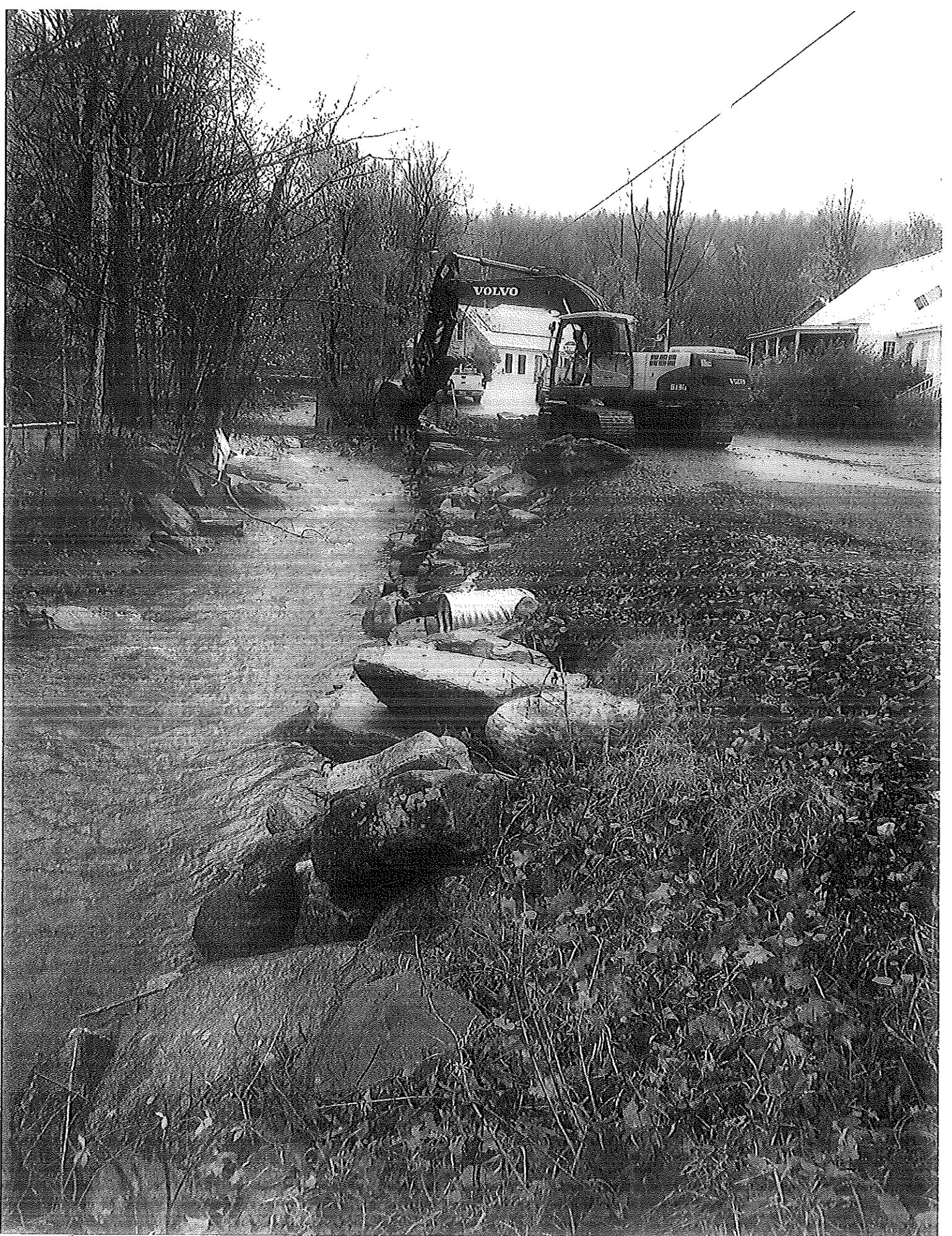


Figure 3: A cross section at Location "C", showing the 2011 stone wall. The wall displaces water volume.



BEGINNING OF POST-TRENE RECONSTRUCTION

RECONSTRUCTED BY TRENE WALL RECONSTRUCTED AFTER FIRE

NOT ALTERED BY TRENE

TOE OF SLOPE PRIOR TO TRENE

RECONSTRUCTED AFTER FIRE

TOE OF SLOPE PRIOR TO TRENE

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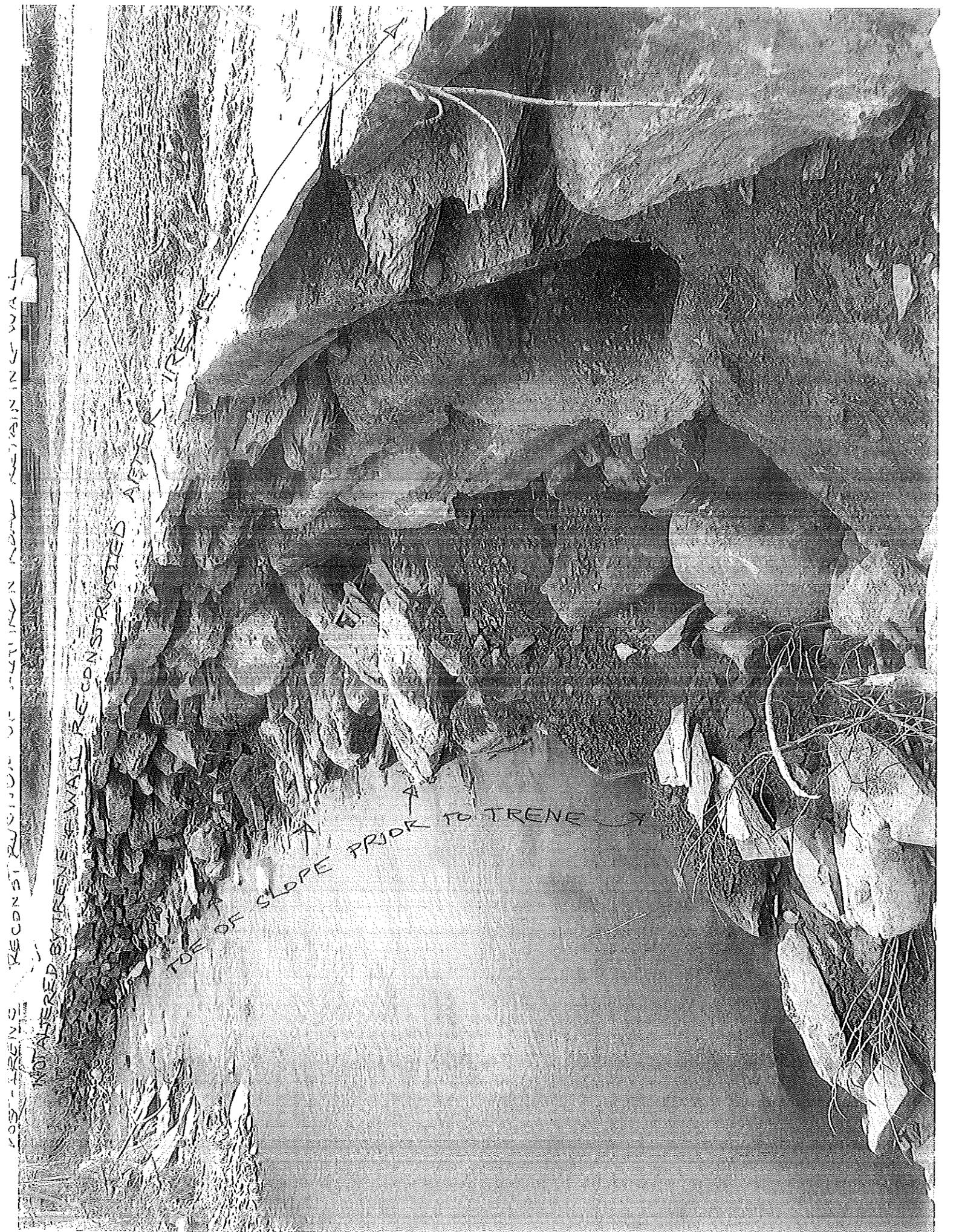
RECONSTRUCTED AFTER FIRE

TOE OF SLOPE PRIOR TO TRENE

RECONSTRUCTED AFTER FIRE

TOE OF SLOPE PRIOR TO TRENE

RECONSTRUCTED AFTER FIRE



02 August 2013

Town of Warren Select Board
P.O. Box 337
Warren VT 05674
email: selectboard@warrenvt.org

Re: Repair of Freeman Brook Stone Wall; extending southwest from the Brook Road Bridge, along Flatiron Road approximately 150 feet, to Sellers Right-of-Way at stream corner, at property corner (Town Parcel 004-002-200, MDS Holdings, Inc.)

Ref: Town of Warren Parcel 001-000-600, Stephen Dollmeyer (76 Brook. Rd.; "the property")

Dear Select Board Members,

This letter requests that the Town of Warren ("Town"), reconstruct or replace the vertical stone wall ("wall") between Freeman Brook ("brook") and the Flatiron Road with a solution consistent with the pre-1998 embankment. The existing wall was constructed in current form as a response to Tropical Storm Irene in October 2011. As constructed, the wall represents a level of armoring that negatively impacts my property.

I also request that the Selectboard provide me with a response within 30 days, indicating what actions will be taken to mitigate the armoring, and what steps the Town will take to implement the action plan.

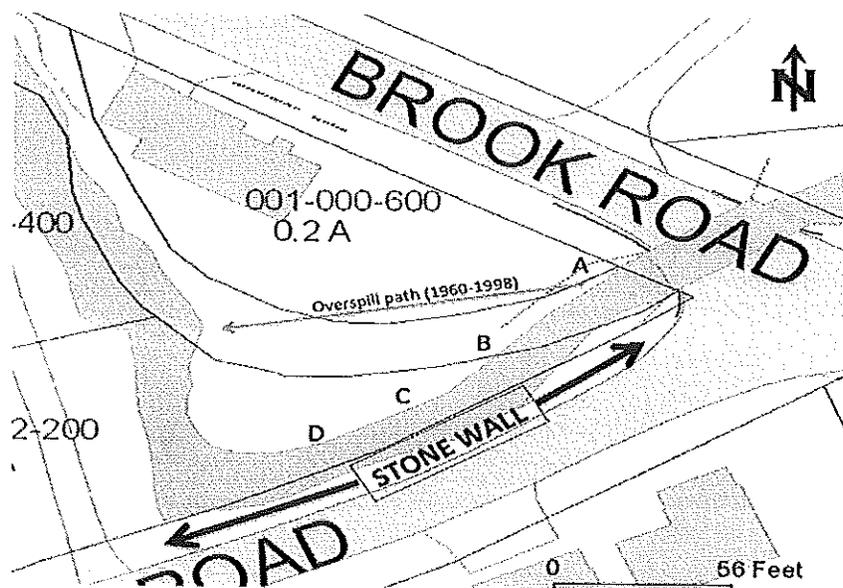


Figure 1: The subject stone wall along Freeman Brook at Flatiron Road is approximated by the arrows and text. The A-D indexing and "Overspill path" are referenced within the "Background" section of this letter.

Background and Historical Basis

A summary history regarding the relationship between my property (001-000-600 in diagram) and Freeman Brook along Flatiron Road:

- The dwelling at 76 Brook Rd. was built circa 1860-1870 on the property boundaries that have essentially remained the same as they are today. The town has a large, framed photo of the property in the Town Building (now Town Library), showing men standing in the existing yard, with the Mobus residence and barn prominent in the background (Mobus property now owned by Kinny Perot).
- In 1927, a significant flood event occurred at the subject area. According to witnesses to the event, the brook ran down Brook Road and Flatiron Road, and over the eastern side of the property. The house (at what is now 76 Brook Rd.) was unmoved, unharmed and otherwise not affected, as was the property area and Freeman Brook stream boundary.
- Between 1927 and 1960, when Brook Road was paved, there were high water events in the area, but no reports of any significant flooding, or damage to the property requiring any investment to protect the property against the brook.
- In or around 1960, the State of Vermont replaced the Brook Road steel trussed bridge over Freeman Brook at the eastern corner of the property with an 8' x 20' rectangular concrete culvert. The culvert bridge remains to this day.
- Subsequent to the 1960 bridge construction, high water events would occasionally result in some brook overspill to the eastern side of the property, shown in the diagram as "Overspill path". Between 1960 and 1998, there was no damage to the property. The previous property owner, or myself, were able to shovel or rake some amount of gravel that the water had deposited in the yard. None of the localized overspill caused damage that resulted in any additional investment to protect the property.
- In or around 1979-1980, the Town established an embankment for Flatiron Road with a fill of medium sized (6" diameter – 24" diameter, approximate) river rock. The rock embankment was sloped at approximately 1:1 (45 degree angle) from the edge of Freeman Brook up to the new pavement on Flatiron Road.
- While there had been ad hoc stone construction and repair prior to 1979, the full embankment along this section of Freeman Brook represented the first time that the traditional stream channel was physical constrained to allow two-lane traffic on Flatiron Road.
- Subsequent to the 1979 construction, the river rock embankment protected Flatiron Road, and indirectly, the property. High water events (e.g. 1993, the Montpelier City Flood) still resulted in limited overspill onto the property, particularly along the overspill path, but again, no significant damage was incurred.

- During the period 1979-1998, it was possible for persons, including children, to access the Freeman Brook stretch along Flatiron Road simply by walking down the rock bank. This was particularly useful during the, "Fishing Derby on Kid's Brook", held every June. Importantly, the sloped bank allowed safe access from the road to the stream.
- In June of 1998 there was a significant high water event, with Freeman Brook re-establishing it's historical channel along Flatiron Road, substantially removing the Town's river rock embankment and undercutting Flatiron Road. The event qualified for Federal Disaster funding, and FEMA provided financial relief to the Town and various property owners, including myself, to rebuild previously existing stream banks.
 - The Town re-established Flatiron Road protection with a semi-vertical stone wall (contractor: Fred Viens). Fill was added above the new stone wall, and Flatiron Road was repaved. The new wall profile allowed additional road width, therefore Flatiron Road was widened approximately 12"-18", the new pavement extending toward the stream channel.
 - FEMA provided for a contractor to re-establish my property's stream bank, where it was prior to the event. That work, at locations "A" and "B" (see diagram), was performed by Harvey's Plumbing and Excavation, under the direction of others. There was erosion at locations "C" and "D" that undercut the bank on my property side, but no repairs were performed at that time.
- After a review of the 1998 reconstruction (myself, Wayne Kathan, Brian Kingsbury (Town of Warren) and Barry Cahoon (State of VT)), Mr. Cahoon requested that the Town mitigate and "slope back" the Town's stone wall along Flatiron Road, to match what was in place, prior to the 1998 event. Some large stones were exchanged, though no reconstruction or rebuild ever took place.
- In 2004 the Town installed an innovative, decentralized wastewater system in the village. I voluntarily elected to join the program. The septic tank effluent pump (STEP) sub-system for the property was connected that July.
 - During construction, the septic tank was installed approximately 12" too high, per the engineered design. After consulting with the Town's contractor (Todd Chagnon), the Town's wastewater system design engineer (Kevin Camara, Forcier-Aldrich) and the Town's representatives (Mike Cunningham, Barry Simpson), a decision was reached to raise the level of the property in the full surround vicinity of the tank by 1-2 feet, and add a swale through the yard, aligned on the existing overspill path.
 - Chagnon, then Francis Viens, added large stones as "vertical flakes" to the stream bank locations "C" and "D" (see diagram) which replaced undercut earth and providing a boundary for the added fill from the septic tank leveling effort.

- In July 2009, prior to departing my residence for a work assignment, I was able to meet at the property with Patrick Ross, P.E., of the State of Vermont's Agency for Natural Resources (ANR) and review the stream situation. I explained the history of the Flatiron Road section of Freeman Brook (I had originally contacted Barry Cahoon, Mr. Cahoon referred me to Mr. Ross) and Mr. Ross offered his position on the matter. At that time, both the Town's wall on Flatiron Road and my stone "flakes" had slumped. I expressed my concern regarding the nature of any new construction to the stream banks, the encroachment and water displacement, if and when the next high water event occurred.
 - Mr. Ross explained the State's position on such events, and suggested that the Town would have to re-construct any "armoring" to the bank in accordance to what was in place before. He also suggested that the Town might have to work under the road surface and lose some amount of road width to do so.
 - Mr. Ross also indicated that any solutions should be comprehensive, shared by both parties on either side of a waterway. I understood this to mean that both the Town and myself might have to concede some land or bank, and that neither party could fortify their bank to the detriment of the other.
- No high water events occurred during the period 1998-2011 which resulted in any overspill on the property.
- In August 2011, Tropical Storm Irene resulted in significant flood damage across Vermont. As with the 1998 event at Flatiron Road, TS Irene re-established Freeman Brook's historical channel. The Town's wall was substantially degraded, and Flatiron Road undercut. My property required investment; redistributing a large volume of sand and debris that had been deposited in the yard. The house and property boundaries remained intact. There was some new scouring, undercutting the bank at locations "C" and "D" (see diagram). The stone "flakes" from the 2004 work had slumped into the streambed or moved downstream.
- In October 2011, after instruction from Mr. Ross of ANR to repair the wall/bank, "as it was before" the Town elected to construct a vertical wall to armor Flatiron Road. The armoring was extended to the height of the road surface. The road surface was repaved, slightly wider than it had been after the 1998 repaving. The new width was, again, extended in the direction of the stream side of the road.
- On July 4, 2013, heavy rainfall resulted in some localized high water, including to my property. The overspill path once again contained high flow emanating from the bridge.
 - The Town's armoring of Flatiron Road displaced water onto my property. However, as the wall itself occupies the historical stream channel, the wall was undercut and sunk some amount. That height discrepancy was filled in and leveled with crushed granite ("stay-mat") within the past three weeks.

Technical Basis

By armoring the stream bank with a vertical stone wall, the Town has displaced a water volume with a stone volume. The pre-1998 profile (1:1 slope) allowed higher volume water flows to be dispersed across a wider channel, allowing lower water heights and lower water speeds. From classical physics:

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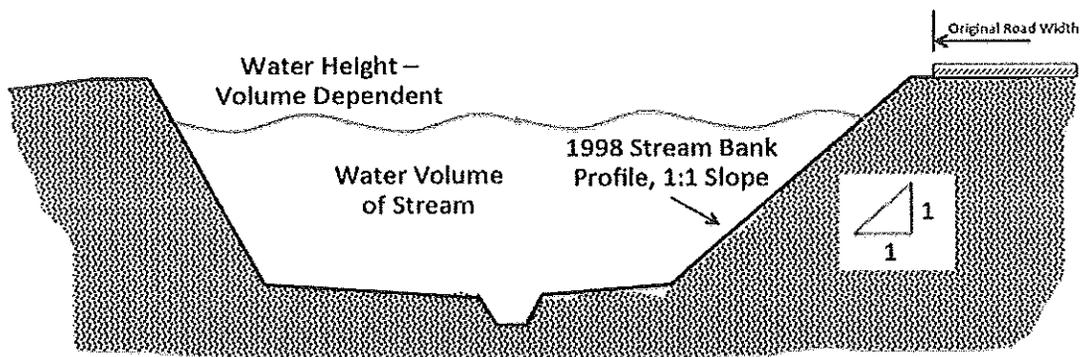


Figure 2: A cross section at Location "C", showing the 1998 Stream Bank Profile.

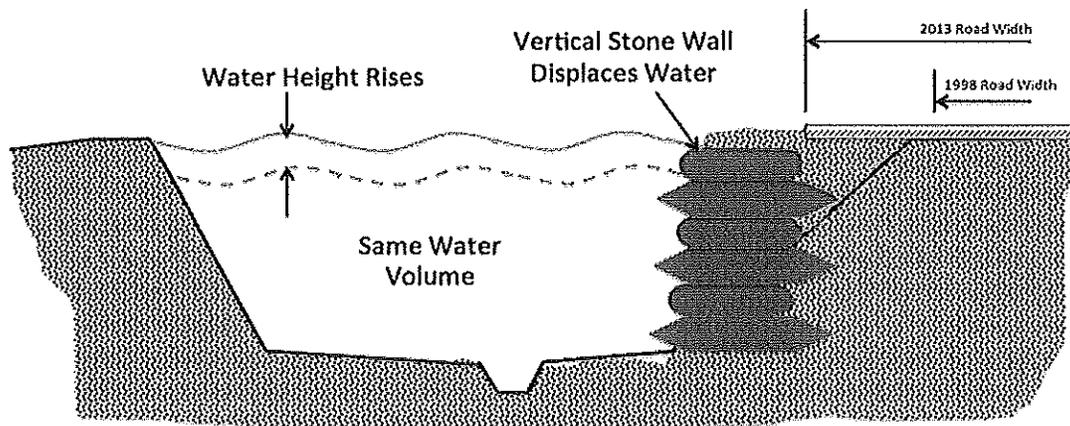


Figure 3: A cross section at Location "C", showing the 2011 stone wall. The wall displaces water volume.

Summary

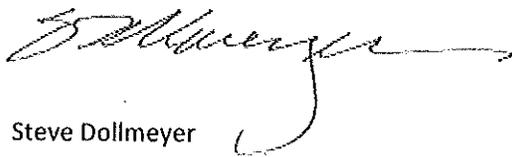
Downstream of Brook Road, the traditional channel of Freeman Brook is along the stream-facing side of Flatiron Road. High water events have repeatedly incised, scoured and damaged the Town's various rip-rap solutions supporting Flatiron Road. Therefore, the Town has constructed substantial, vertical stone walls in 1998 and 2011 to armor the road against Freeman Brook. However, in doing so, the Town of Warren has constricted the volume of water historically allowed to flow within Freeman Brook channel along Flatiron Road. The Town's armoring of Flatiron Road has negatively impacted my property and is causing damage in excess of historical behavior. It is my understanding that settled Vermont Riparian Law holds that no party may create any negative impact to adjacent or downstream parties. I therefore request that the town take immediate action on this matter to mitigate future high water damage and the possibility of a compensable event. Specifically, this request asks the Town to:

- **Remove the vertical stone wall along Freeman Brook (constructed in 2011).**
- **Re-establish the pre-1998 stream embankment profile with a 1:1 slope, along the full length of the subject area.**

This request is consistent with and Town of Warren public safety and emergency response programs. There are hydrological and civil designs and construction techniques that permit the 1998 embankment slope, which has a greater ability to resist and disperse future high water events than the existing vertical wall does. These techniques may include, though are not limited to, the use of gabions of different shapes and sizes, traditional stone layup, or some combination thereof. A design consistent with the 1998 profile is also safer for pedestrians and allows children to access the brook, either for fishing or other recreational purposes.

Thank you for your consideration. I look forward to your reply.

Sincerely,



Steve Dollmeyer
1951 Sagewood, Unit 225, Reston VA 20191
76 Brook. Warren VT 05674

Copies sent via electronic delivery

Cc: Cindi Jones, Town Administrator, Town of Warren Select Board
Barry Simpson, Town of Warren, Director of Public Works, Road Commissioner
Patrick Ross, PE. State of Vermont Agency of Natural Resources