

DRAFT

January 19, 2016

Town of Shelburne  
Natural Resources and  
Conservation Committee

RE: Vermont Railway Shelburne Transload Facility

To the Town of Shelburne:

We are writing to offer our concerns regarding the proposed Vermont Railway – Shelburne Transload Facility, which will be located near 4474 Shelburne Road, Shelburne VT. The project has only recently come to the attention of the Town of Shelburne (Town) as a result of a presentation to the Select board by David Wulfson, president of the Vermont Railway, and an application for stormwater permits provided to Town staff. Mr. Wulfson has asserted that the project is not subject to review by the Town. The Shelburne Natural Resources and Conservation Committee (SNRCC) is concerned that the project will negatively impact important and sensitive Town natural resources and that the Town has limited recourse to prevent the degradation or loss of natural resources as result of the construction and operation of the proposed facility.

The Shelburne Transload Facility is proposed as a salt storage and distribution facility. Major project components include the construction of an access road, rail spur, two 135 ft. X 350 ft. salt storage buildings, fleet fueling island facility and above ground storage fuel tank, parking for trucks and several additional buildings. The project proposes 19.34 acres of ground disturbance. Removal of vegetation including the cutting of trees has already begun. Both temporary construction and a permanent stormwater management system are proposed as part of the project but the stormwater permit application notes that the project is precluded from being required to meet Vermont Stormwater Treatment Standards. Earthwork and tree clearing is proposed to take place this winter (2015/2016) with construction of buildings and fueling facilities scheduled for the Spring through Fall of 2016 and significant tree clearing is already underway.

The SNRCC has several concerns related to the location of the proposed facility where it will directly impact sensitive natural resources and exacerbate water quality problems in the LaPlatte River. The proposed project is located in a currently undeveloped parcel that includes 6.3 acres of Core Forest<sup>1</sup>. The project area has mapped deer wintering areas, primary agricultural soils, and habitat for rare, threatened or endangered animals. The U.S. Fish & Wildlife Service identifies the project area as potential habitat for the federally-threatened Northern Long-Eared Bat (*Myotis septentrionalis*). The land to the north, west and south of the project is conserved and forms a protected corridor along the LaPlatte River that would be fragmented by the proposed development. The site is bordered on three sides by wetlands that drain to the LaPlatte River, which is on the 303(d) List of Impaired Waters and drains directly to Lake Champlain, from which the Town draws its drinking water. The majority of the site will be converted to impervious surface as result of parking, buildings and fueling facilities; additionally, Mr. Wulfson indicated he could not rule out possible future transload of other materials or items which could include propane, windmill components and other heavy equipment. According to

---

<sup>1</sup> Core Forest areas are 100 m from a zone of human disturbance. Human disturbance zones were defined as developed, industrial, or residential areas, agricultural openings, and roads. The dataset was created by the University of Vermont and can viewed at <http://map.ccrpcvt.org/ChittendenCountyVT>.

DRAFT

plans we have seen, the project does not intend to maintain a 50-foot vegetated buffer between areas of disturbance and the LaPlatte River and associated wetlands. Two wetland areas delineated within the project area will be avoided but it is unclear if these wetlands will continue to function after grading, paving and redirection of surface water. Stormwater from the facility has the potential to be contaminated by salt, fuel and other material stored at the facility or released from trucks and heavy equipment operating at the property. Nonetheless, the Vermont Railway maintains that the facility is exempt from Vermont Stormwater Treatment Standards. Without regulatory oversight, the Town will have no assurances that stormwater will be adequately treated before it is discharged to the LaPlatte River. No information has been provided about how the facility will protect against a spill or uncontrolled release of hazardous material such as diesel or gasoline to the adjacent LaPlatte River. The proposed facility location would directly impact important natural resources in the Town of Shelburne and could severely impact water quality in the LaPlatte River and Lake Champlain.

The SNRCC recognizes the need for the Vermont Railway to build infrastructure to support its operations but recommends that ecological and environmental impacts be avoided, minimized and/or mitigated. No information has been provided about alternative sites for the facility or efforts to minimize or mitigate environmental impact. The NRCC also recognizes that it is unlikely that Vermont Railway will voluntarily act to protect natural resources since so far they have shown little regard for environmental impacts and have stated that they will address concerns of the Town only if they do not affect their plans. The current situation is especially urgent because clearing of the property has already started and site work is scheduled to be completed this winter. The SNRCC would like to see the Vermont Railway project halted until the Town has had an opportunity to adequately review the project and the Vermont Railway has fully addressed Town concerns. The SNRCC is prepared to support the Town with research or in any other way it can to halt the Vermont Railway – Shelburne Transload Facility until Town concerns are addressed. Please let us know how we can help the Town mitigate this sensitive matter.

Sincerely,

Shelburne Natural Resources and Conservation Committee

Gail Albert  
Sean MacFaden  
Susan Moegenburg  
Thomas Newcomb  
Joannah Ralston  
Don Rendall  
Peg Rosenau  
Rob Scharf  
Josh Dein  
Peter Antinozzi  
Michael Regan