



**US Army Corps  
of Engineers**®  
New England District  
Vermont Project Office  
11 Lincoln Street, Room 210  
Essex Junction, Vermont 05452

# PUBLIC NOTICE

**Comment Period Begins:** October 24, 2017  
**Comment Period Ends:** November 24, 2017  
**File Number:** NAE-2016-02311  
**In Reply Refer To:** Angela Repella  
**Phone:** (802) 827-2893  
**E-mail:** Angela.C.Repella@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Snyder-Braverman Development Co., 4706 Shelburne Road, Suite 6, Shelburne, Vermont 05482 and South Burlington City Center, LLC, P.O. Box 2204, South Burlington, Vermont 05407. This work is proposed in wetlands along Market Street in South Burlington, Vermont. The site coordinates are: Latitude 44.464118° N, Longitude -73.176355° W.

The work involves the placement of fill in a total of 53,238 square feet (1.22 acre) of wetlands adjacent to an unnamed tributary to Potash Brook in conjunction with the construction of an integrated, pedestrian-oriented, mixed commercial and residential growth area that will function as a “City Center” in South Burlington, Vermont. The work will involve the construction of residential, commercial, and municipal buildings including utilities, above and below ground parking, transportation infrastructure, stormwater treatment, pedestrian paths, and a water quality improvement project.

The applicants are proposing to construct four commercial buildings, one municipal building, and eleven residential buildings. The residential buildings are expected to include 543 units. The work will involve the construction of an extension to Garden Street. The water quality improvement project consists of constructing two pond-wetlands to address untreated stormwater from offsite.

The work is shown on the attached plans entitled “South Burlington City Center,” on thirteen sheets, and dated “Sept. 29, 2017.”

The project has been designed using the best available measures to avoid and minimize adverse impacts. To compensate for unavoidable impacts to waters of the U.S., the applicant proposes to make a payment to the Ducks Unlimited – Vermont In-Lieu Fee Program.

## **AUTHORITY**

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899  
 Section 404 of the Clean Water Act  
 Section 103 of the Marine Protection, Research and Sanctuaries Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general

**CENAE-R**  
**FILE NO. NAE-2016-02311**

environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (Corps), is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The Corps will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

**ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

**NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

**ENDANGERED SPECIES CONSULTATION**

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

**OTHER GOVERNMENT AUTHORIZATIONS**

**CENAE-R**  
**FILE NO. NAE-2016-02311**

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, license or assent from State.
- Permit from local wetland agency or conservation commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.


**COMMENTS**

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Angela Repella at (802) 872-2893 or (978) 318-8639.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

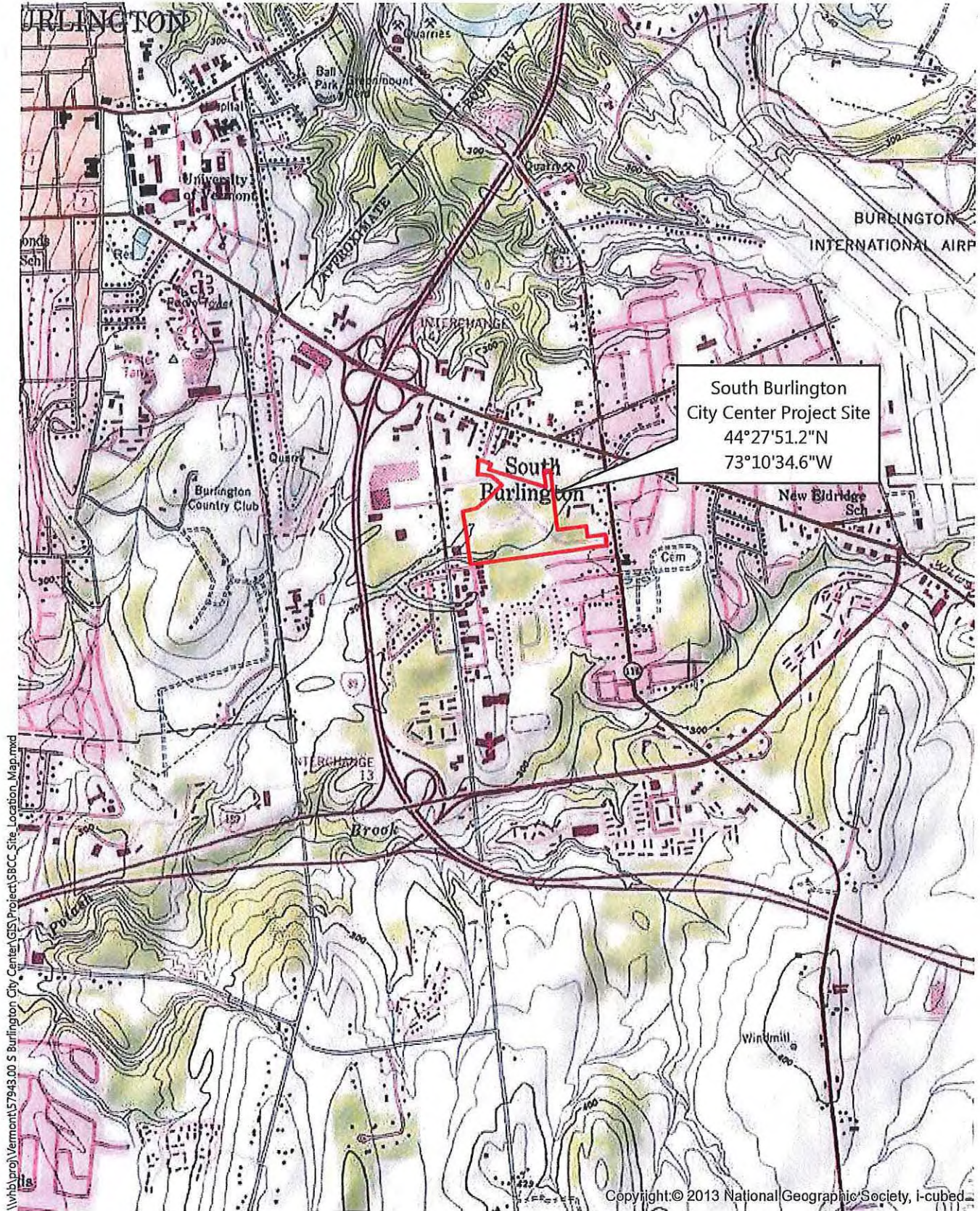
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**Frank J. Delgiudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

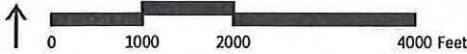
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_



\\vhb\proj\Vermon\57943.00 S Burlington City Center\GIS\Project\SBCS\_Site\_Location\_Map.mxd

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South Burlington City Center

| South Burlington, VT

**Legend**

South Burlington City Center Project Area

**Site Location Map**

Sources:  
USGS Background from National Geographic (2013);  
VCGI (Vermont Center for Geographic Information-  
Various); Approximate Project Area by VHB (2017)









vhb.com



40 IDX Dr  
 Building 100 Suite 200  
 South Burlington, VT 05403  
 802.497.6100

**Legend**

-  PROJECT PROPERTY BOUNDARY
-  WETLAND
-  WETLAND BUFFER
-  LIMIT OF PERMANENT ESTABLISHMENT
-  LIMIT OF TOLERABLE ESTABLISHMENT
-  WETLAND BUFFER



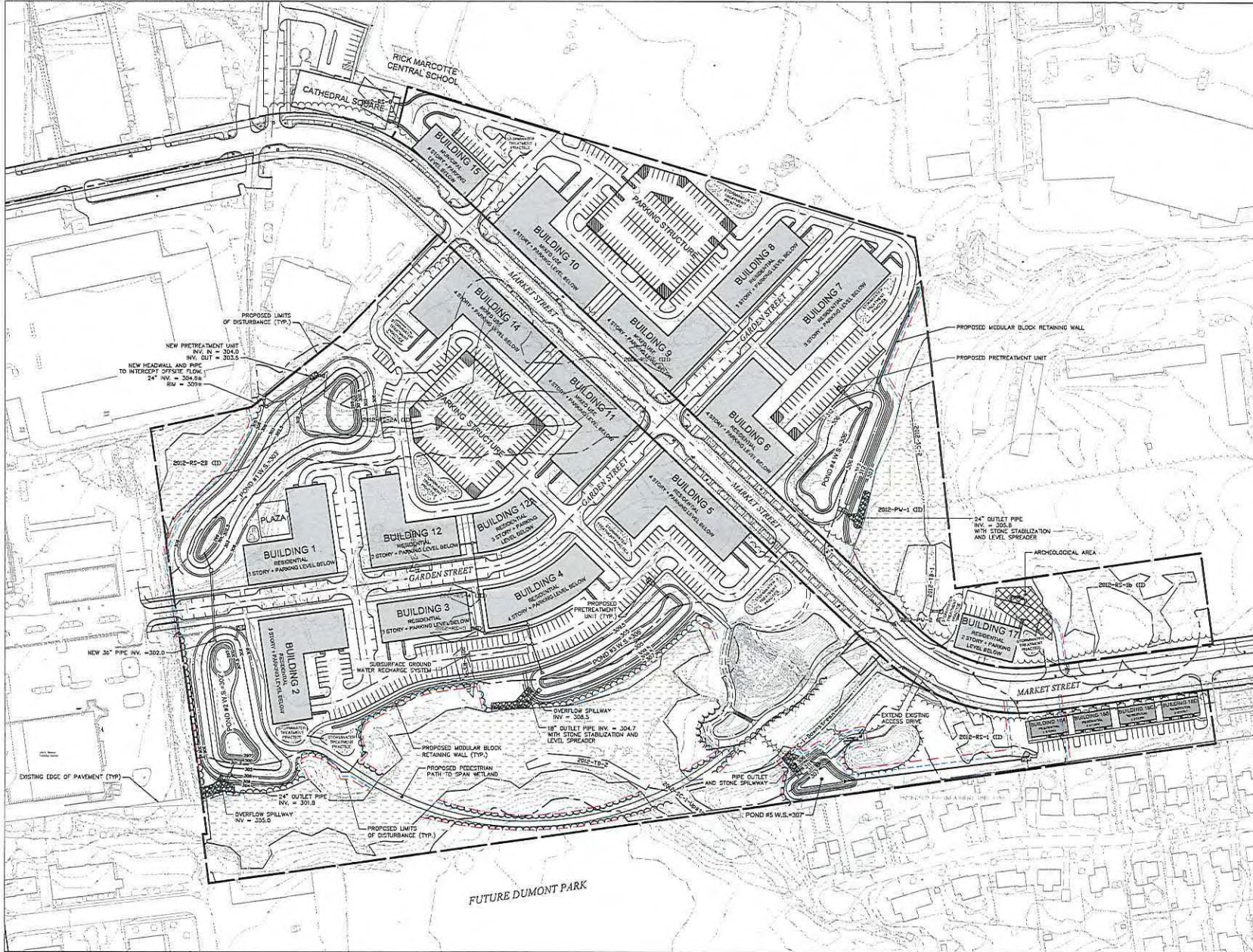
**South Burlington City Center**  
 South Burlington, Vermont

NO.	DESCRIPTION	DATE	REVISION

Wetland Permitting      Sept. 29, 2017

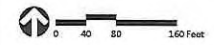
Not Approved for Construction  
**Existing Conditions Plan**

Sheet Number  
**W1.01**  
 Sheet 01 of 01  
 Project Number  
 57943.00



**Legend**

	PROJECT PROPERTY LINE
	PROPERTY LINE
	PUBLIC RIGHT-OF-WAY
	LIMIT OF PERMANENT DISTURBANCE
	LIMIT OF TEMPORARY DISTURBANCE
	WETLAND BUFFER
	WETLAND



**South Burlington City Center**

South Burlington, Vermont

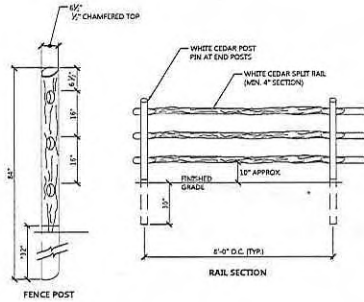
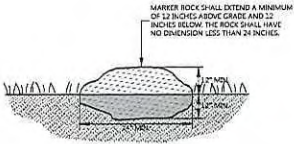
Rev.	Description	Date	Author
1	2012 Final Wetland Area Buffer Limits	02/02/2017	PH

Wetland Permitting Sept. 29, 2017

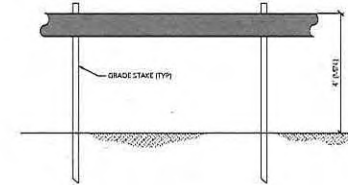
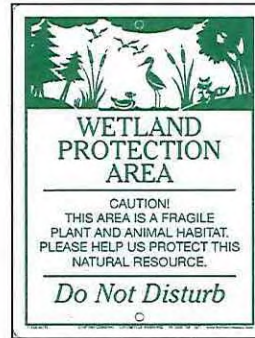
Not Approved for Construction  
**Master Plan**

**MP-1.00**

Sent Friday, September 23, 2017 12:00:00 PM To: CDD; From: Patrick; Subject: South Burlington City Center; Date: 9/23/2017 12:00:00 PM



TREAT THIS SECTION OF POST WITH A WOOD PRESERVATIVE AS SPECIFIED BY THE FENCE MANUFACTURER.



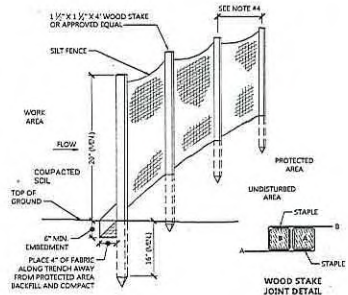
- NOTES**
1. BARRIER MESH TAPE OR ROPE SHALL BE INSTALLED ALONG THE FRONTIER OF THE PROJECT AREA TO DEMARKATE THE LIMIT OF DISTURBANCE. NO EARTHWORK OR STORAGE OF MATERIALS SHALL BE CONDUCTED BEYOND THIS LIMIT WITHOUT PRIOR APPROVAL FROM THE ENGINEER.
  2. USE 1" ORANGE BARRIER MESH TAPE OR 1/2" YELLOW POLYPROPYLENE ROPE.
  3. WITHIN 50' OF WATER RESOURCE AREAS USE 2-4 ROWS OF TAPE OR ROPE. BEYOND 50' OF WATER RESOURCE AREAS USE 1 ROW OF TAPE OR ROPE.
  4. TAPE OR ROPE MAY BE FASTENED TO STAKES, TREES, OR OTHER APPROPRIATE FIXED OBJECTS.
  5. PROJECT DEMARKATION SHALL NOT CROSS ACTIVE ACCESS ROUTES (E.G. ROADS). PROJECT DEMARKATION MAY CROSS RESOURCES AREAS WITH EXCEPTION OF LARGER WATER BODIES WHERE IT IS NOT FEASIBLE OR ADVISABLE.
  6. PROJECT DEMARKATION SHALL REMAIN IN PLACE AND BE MAINTAINED/REPLACED AS NEEDED UNTIL FINAL STABILIZATION IN THE AREA HAS BEEN ACHIEVED.

**Demarcation Boulder** 9/17  
N.T.S. Source: VHB LD

**Split Rail Fence** 1/16  
N.T.S. Source: VHB LD\_460

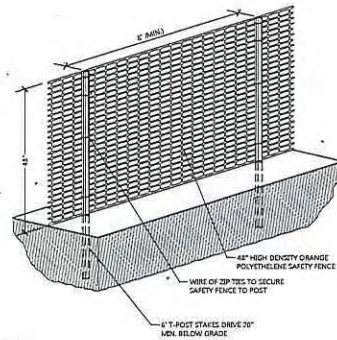
**Wetland Protection Area Signage** 9/17  
N.T.S. Source: VHB LD

**Barrier Mesh Tape or Rope** 08/16  
N.T.S. Source: VHB LD\_VT



- NOTES**
1. WOVEN WIRE FENCE REINFORCEMENT IS REQUIRED WITHIN 50 FT SLOPE OF RECEIVING WATERS.
  2. WHERE REQUIRED FENCE SHALL BE WOVEN WIRE, MIN. 14 GAUGE WITH A 6" MESH OPENING SHALL BE USED.
  3. FILTER CLOTH SHALL BE EITHER FILTER 9, MIRAFI 100K, STABILDEX T14EN OR APPROVED EQUIVALENT.
  4. POST SPACING FOR WIRE BACKED FENCE SHALL BE 30 FT. MARK FOR FILTER CLOTH FENCE WHEN ELONGATION IS +50%. POST SPACING SHALL NOT EXCEED 4 FT. FOR FILTER CLOTH FENCE WHEN ELONGATION IS +50%. POST SPACING SHALL NOT EXCEED 4 FT.
  5. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY 4 INCHES AND FOLDED.
  6. PREFABRICATED UNITS SHALL BE GEOTAIL, ENVIROFENCE OR APPROVED EQUIVALENT.
  7. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN SEDIMENT REACHES HALF OF FABRIC HEIGHT.
  8. SILT FENCE SHALL NOT BE USED TO DEMARKATE LIMITS OF DISTURBANCE.

**Silt Fence/ Reinforced Silt Fence Barrier** 08/16  
N.T.S. Source: VHB LD\_650-VT



- NOTES**
1. CONSTRUCTION/SNOW FENCE SHALL BE INSTALLED WITHIN 50' OF A WATER RESOURCE (STREAM, BROOK, LAKE, POND, ETC) UNLESS THE AREA IS SINGLY WOODED, IN WHICH CASE 2 TO 3 ROWS OF ORANGE BARRIER MESH TAPE OR ROPE MAY BE USED.
  2. CONSTRUCTION/SNOW FENCE SHALL NOT CROSS ACTIVE ACCESS ROUTES (E.G. ROADS). CONSTRUCTION/SNOW FENCE MAY CROSS RESOURCES AREAS WITH THE EXCEPTION OF LARGER WATER BODIES WHERE IT IS NOT FEASIBLE OR ADVISABLE.
  3. CONSTRUCTION/SNOW FENCE SHALL REMAIN IN PLACE AND BE MAINTAINED/REPLACED AS NEEDED UNTIL FINAL STABILIZATION IN THE AREA HAS BEEN ACHIEVED.

**Construction/Snow Fence** 08/16  
N.T.S. Source: VHB LD\_651-VT



**South Burlington City Center**

**South Burlington, Vermont**

NO.	REVISION	DATE	BY

Wetland Permitting Sept. 29, 2017

Not Approved for Construction



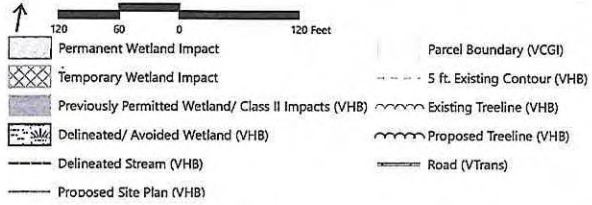
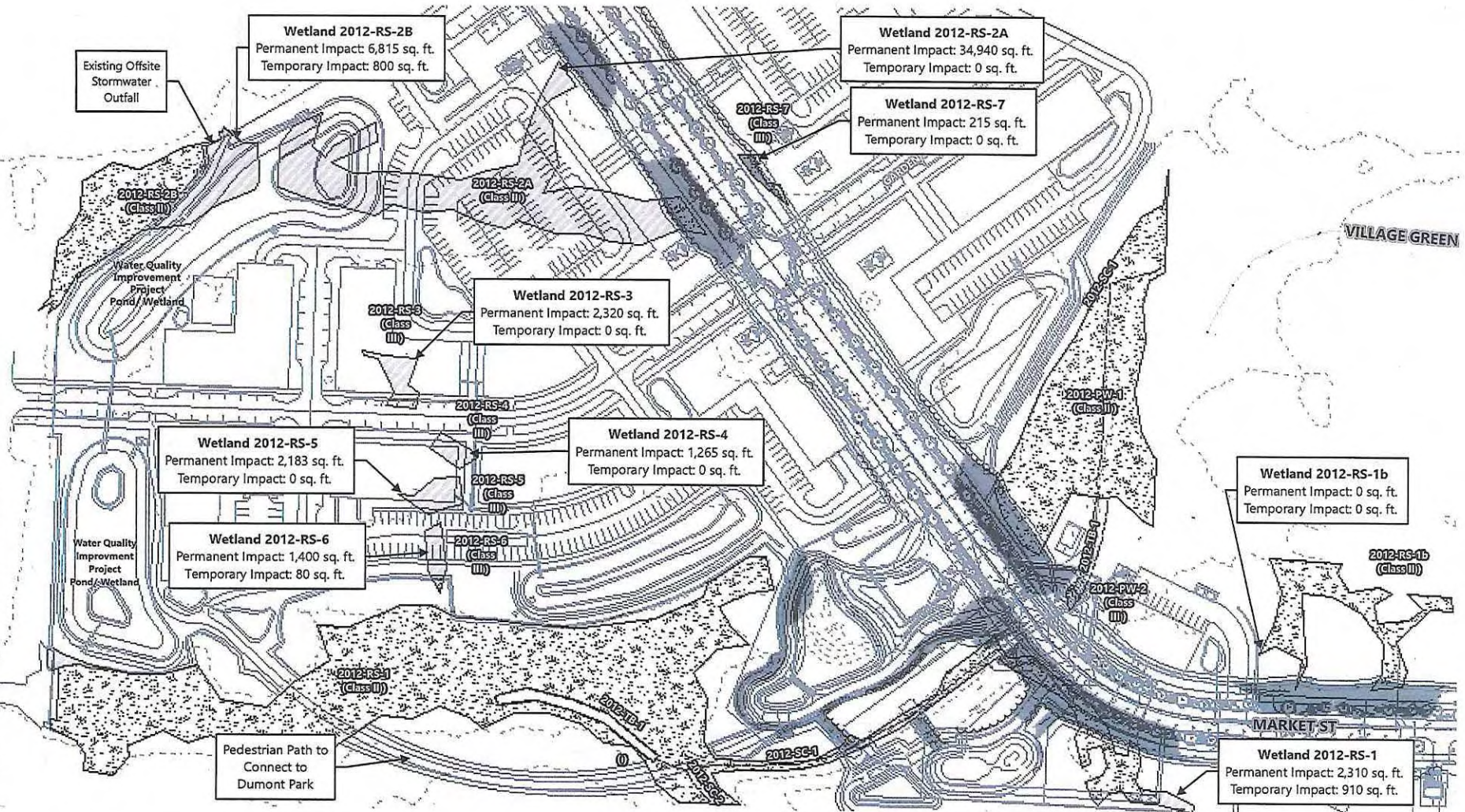
Drawing Number

**W3.00**

Scale

Project Number  
57943.00

\\w001water\projects\457942003\_S Burlington City Center\GIS\Project\Impacts\September 2017\04\_ Exhibit\_1\1x17\_Sep2017\_2.mxd\p1.mxd



**South Burlington City Center**

South Burlington, Vermont

Source:  
VCGI (Vermont Center for Geographic Information - Various Dates);  
VTrans (Vermont Agency of Transportation - 2017);  
VHB (Site Plan Dated September 25, 2017).

**USACE 404 Wetland Impact Exhibit**

Sept. 29, 2017





South Burlington City Center  
 Snyder-Braverman Development Company and South Burlington City Center, LLC  
 Section 404 Individual Permit Application  
 Summary of Wetland Impacts  
 Prepared by VHB

Sept. 29, 2017

Wetland ID	Cowardin Classification <sup>1</sup>	Delineated Area (Sq Ft) <sup>2,3</sup>	Functions and Values <sup>4</sup>	Proposed Wetland Impacts		TOTAL IMPACTS (SQ FT)	Proposed Impact Type
				Permanent Impacts <sup>5</sup> (Sq Ft)	Temporary Impacts <sup>6</sup> (Sq Ft)		
2012-RS-1	PEM, PSS, POW	123,100	GW, FF, F, STP, NUT, SS, W, H, V	2,310	910	3,220	Permanent fill/ grading for site preparation for construction of parking for residential building, and construction of a portion of the operational stormwater treatment practice (pipeline from pretreatment unit to the stormwater treatment pond) and permanent operational maintenance (mowing) of 10-foot wide corridor; temporary impacts from installation of EPSC measures during construction
2012-RS-2A	PEM, PSS	35,870	GW, FF, STP, NUT	34,940	0	34,940	Permanent fill/ grading for site preparation for construction of residential & commercial buildings, associated above and under ground parking, and stormwater treatment system
2012-RS-2B	PEM, PSS	23,360	GW, FF, STP, NUT	6,815	800	7,615	Permanent fill/ grading for construction of water quality improvement project pond
2012-RS-3	PEM, PSS	2,320	-	2,320	0	2,320	Permanent fill/ grading for site preparation for construction of residential building and extension of Garden Street
2012-RS-4	PEM, PSS	1,265	STP, NUT, W	1,265	0	1,265	Permanent fill/ grading for site preparation for construction of residential building and sidewalk
2012-RS-5	PEM, PSS	2,183	GW, FF, STP, NUT, W	2,183	0	2,183	Permanent fill/ grading for site preparation for construction of residential building and associated surface parking
2012-RS-6	PEM, PSS	1,603	GW, FF, STP, NUT, W, V	1,400	80	1,480	Permanent fill/ grading to construct surface parking area and retaining wall
2012-RS-7	PEM, PSS	926	GW, STP, NUT	215	0	215	Permanent fill/ grading for site preparation for construction of commercial building
<b>TOTAL PROPOSED IMPACTS (SQUARE FEET):</b>				<b>51,448</b>	<b>1,790</b>	<b>53,238</b>	
<b>TOTAL PROPOSED IMPACTS (ACRES):</b>				<b>1.181</b>	<b>0.041</b>	<b>1.222</b>	

<sup>1</sup> Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitat of the United States. U.S. Fish and Wildlife Service. FWS/OBD-79/31. 103pp.

<sup>2</sup> Wetlands delineated per the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northeast and North Central Region. U.S. Army Corps of Engineers. 2011.

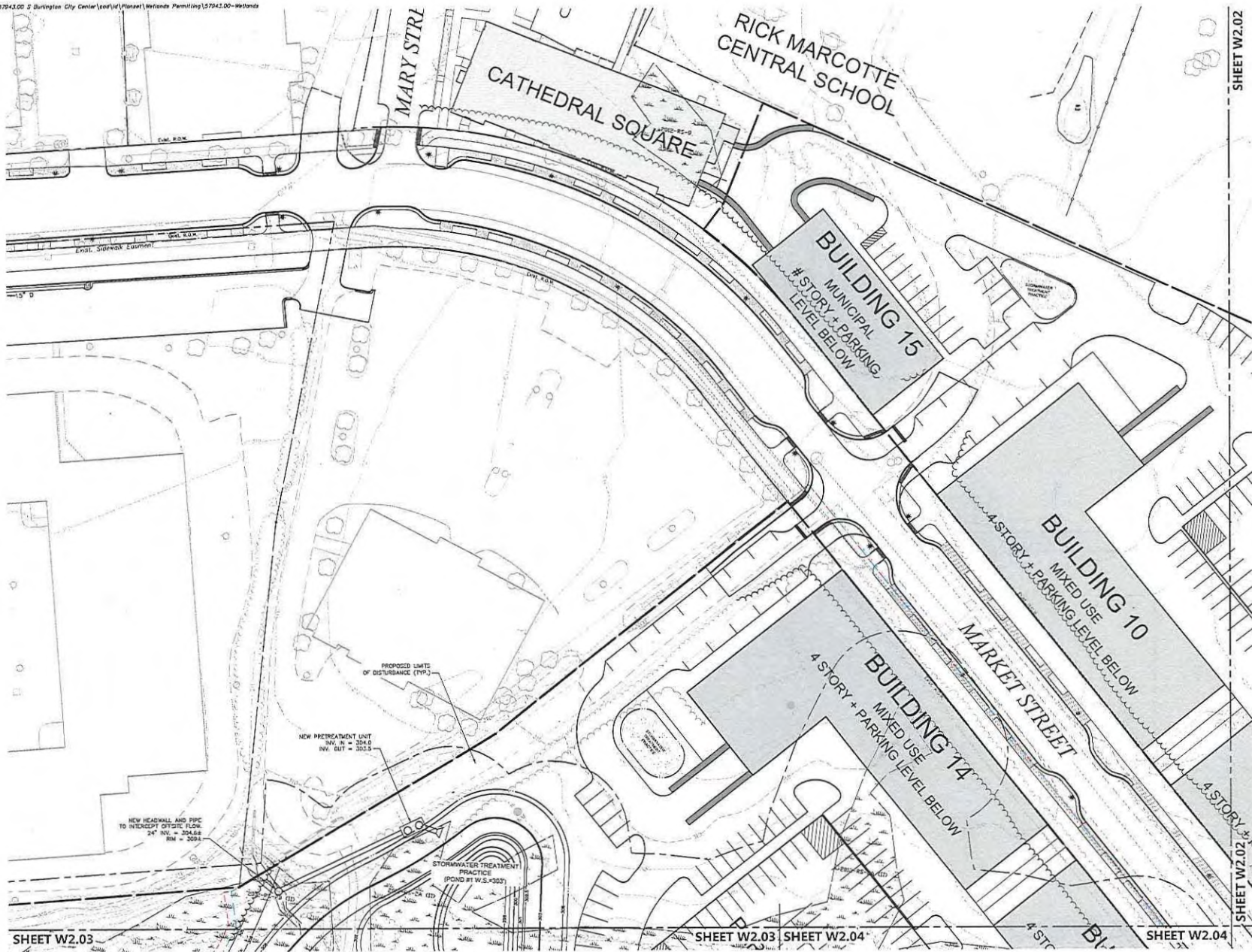
<sup>3</sup> Areas of delineated wetlands within the project boundary from survey of wetlands and located by VHB GPS data collections.

<sup>4</sup> Functions and Values from PEA Assessment (2006) and updated by VHB in 2017, U.S. Army Corps of Engineers (USACE) - New England District. 1999. The Highway Methodology Workbook: Supplement: Wetland Functions and Values - A Descriptive Approach. NAEPP-360-1-30a. Functions and Values are codified as follows: GW=Groundwater Recharge/Discharge, FF=Floodflow Alteration, F= Fish and Shellfish Habitat, STP=Sediment/Toxicant Retention, NUT=Nutrient Removal, PE=Production Export, SS=Sediment/Shoreline Stabilization, W=Wildlife Habitat, R=Recreation, ES=Educational/Scientific Value, H=Heritage/Uniqueness, V=Visual/Aesthetics, and RTE=Rare, Threatened, or Endangered Species Habitat.

<sup>5</sup> Proposed Permanent Impacts would result from grading and the permanent placement of fill within wetlands during construction of the project.

<sup>6</sup> Proposed Temporary Impacts would occur from installation of erosion prevention and sediment control measures during construction.





**vhb**  
 vhb.com  
 40 IDX Dr  
 Building 100 Suite 200  
 South Burlington, VT 05403  
 802.497.6100

**Legend**

	PROJECT PROPERTY LINE
	PROPERTY LINE
	UTILITY LINE
	WETLAND BUFFER
	WETLAND



**South Burlington City Center**

Market St  
 South Burlington, Vermont

NO.	DATE	BY	REVISION

Wetlands Permitting      Sept. 29, 2017

Not Approved for Construction  
**Large Scale Master Plan Set  
 for Wetland Permitting**

**W2.01**

SHEET W2.03

SHEET W2.03 | SHEET W2.04

SHEET W2.04

SHEET W2.02

SHEET W2.02

SHEET W2.01

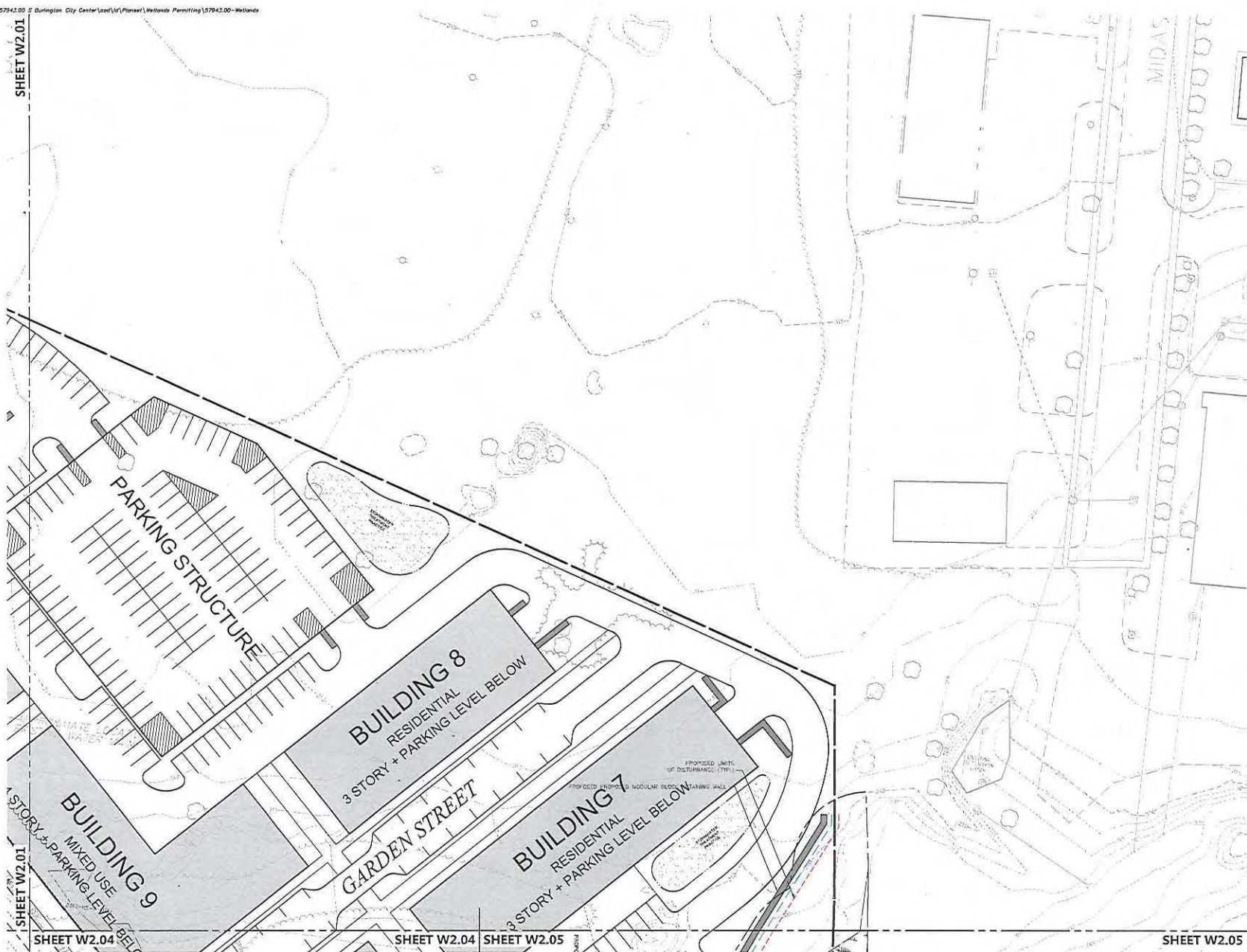
SHEET W2.01

SHEET W2.04

SHEET W2.04

SHEET W2.05

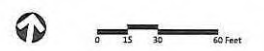
SHEET W2.05



**vhb**  
 40 IDX Dr  
 Building 100 Suite 200  
 South Burlington, VT 05403  
 802.497.6100

**Legend**

	PROJECT DISTURBANCE LINE
	PROJECT CORE
	PUBLIC RIGHT-OF-WAY
	LIMIT OF PERMANENT DISTURBANCE
	WETLAND + WETLAND BUFFER
	WETLAND



**South Burlington City Center**

Market St.  
 South Burlington, Vermont

No.	Revised	Date	Notes

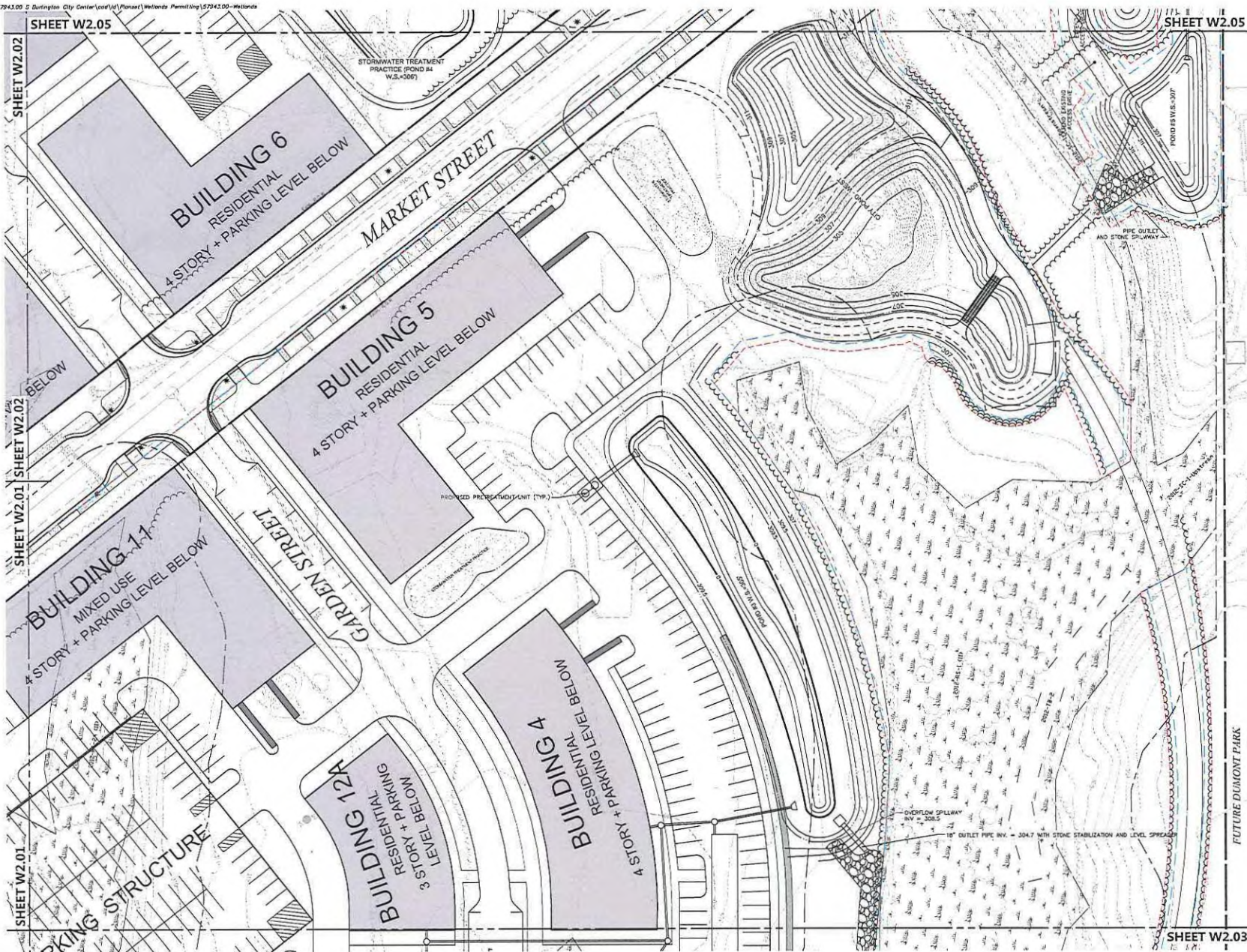
Wetlands Permittng      Sept. 29, 2017

Not Approved for Construction  
**Large Scale Master Plan Set for Wetlands Permittng**

**W2.02**

Sheet Number: 57943.00

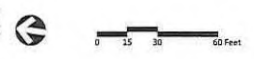




**vhb**  
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 Building 100 Suite 200  
 South Burlington, VT 05403  
 802.497.6100

**Legend**

	RIGHT-OF-WAY LINE
	PROPERTY LINE
	PUBLIC RIGHT-OF-WAY
	WETLAND BUFFER
	WETLAND



**South Burlington City Center**

Market St.  
 South Burlington, Vermont

DATE	DESCRIPTION	BY	CHECKED

Wetlands Permittng Sept. 29, 2017

Not Approved for Construction  
**Large Scale Master Plan Set  
 for Wetlands Permittng**

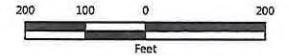
**W2.04**

Project Number  
 57943.00



**South Burlington City Center  
South Burlington Vermont  
USACE Section 404 Permit  
Project Abutters Map**

Sept. 28, 2017  
Sept. 29, 2017



**Legend**

- Project Abutters (VCGI)
- Project Parcel (VHB)
- Delineated Wetland (2012) (VHB)
- Class II
- Class III
- Non-Jurisdictional
- Delineated Stream (VHB)
- VHD Stream (VCGI)
- Road (VTrans)



Sources: South Burlington Parcels from VCGI (2006); VHD Streams from VCGI (2010); Roads from VTrans (2010); Delineated Streams, Delineated Wetlands by VHB (2012), Project Parcel from VHB (2017).

