

January 17, 2013

VIA FIRST CLASS MAIL AND EMAIL

Vermont Public Service Board
112 State St., Drawer 20
Montpelier, VT 05620-2701

Re: Missing material from ANGP Filing
[no docket number assigned yet]

Dear Sirs,

This is a request from the Monkton Tree Warden to find the petition by Vermont Gas Systems (VGS) for a Certificate of Public Good as incomplete and return it to VGS for resubmission for the following reasons:

The removal of public shade trees, fences and other vegetation in the ROW, and possibly an additional 20 feet, will disrupt the aesthetics of the Monkton Boro's village center and thereby eviscerate the community adhesion the village center provides for town residents. The Boro will not only never look or feel the same again, the Town will suffer from the loss of revenue from reduced property values, the increase in the environmental impacts from stormwater runoff and air pollution in the Boro village center, and a reduction of our community's overall well-being.

In evaluating the second part of the Quechee Analysis, whether the adverse effect is undue, Mr. Buscher does not include the Monkton Town Plan *Objective 1.1 - To preserve the small town character of the village centers (Monkton Ridge and Monkton Boro) and of the rural areas* in his analysis. Trees and other roadside vegetation directly contribute to the "character of village centers". Mr. Buscher himself specifically mentions "2 large trees at the intersection of Boro Hill Rd in the center of Monkton Boro [whose removal] would have a negative effect to the character of Monkton Road." Furthermore, the following cultural resources reference is also missing from his analysis: "Today these unpaved rural roads, often **tree lined** with historical stone walls and old foundations, are recognized by many residents as a fundamental asset that should be preserved."

The testimony of Michal J. Buscher inadequately accounts for the loss of canopy cover and significant trees along Davis Road, Pond Road and Monkton Road. Extremely vague terms such as "minimal clearing" and "limit clearing" and references to "locations where important trees and vegetation are likely to be impacted and possibly removed" are used by Mr. Buscher that indicate a very different outcome than that prescribed for the Project in the testimony of John Heintz. The engineering testimony of Mr. Heintz states that "In areas where construction will parallel a public road ROW, VGS will utilize a 20-foot ROW on private land adjacent to the road ROW where possible. If obtaining a ROW on private land is not possible, the pipeline will be located in the public ROW and the construction crews will utilize the road as work space. The entire ROW will be **cleared of vegetation** in order to allow for construction. After completion of construction, the entire ROW area will be graded back to its previous contours and restored consistent with the Erosion Prevention and Sediment Control plan (provided as an attachment to Exhibit Petitioner JAN-9)." The public road ROW extends beyond the paved surface into the vegetated roadside. Clearing vegetation within the public ROW and 20-foot ROW on private land will have significant aesthetic impacts that are inadequately accounted for by Mr. Buscher.

The petition fails to recognize that under V.S.A Chapter 33 Section 2508 a tree warden or his

deputy or a person having the written permission of the tree warden are the only people authorized to cut or remove a public shade tree and that a public shade tree shall not be felled without a public hearing by the tree warden unless it is hazardous to public safety or infested by a pest. This state statute was created based on the understanding that trees provide important benefits, such as shade and beauty. There are several public shade trees along Davis, Pond and Monkton Roads that Vermont Gas Systems plans on removing without recognizing the important public process established to protect and care for these natural assets.

The petition does not adequately address the social, ecological, and economic values of the public shade trees and other roadside vegetation within the public ROW and on private land to be removed. For example, the 43 inch diameter at breast height (DBH) red maple (*Acer rubrum*) shade tree in the Monkton Boro at the intersection of Boro Hill Rd and the Monkton Rd:

- Significantly reduces the homeowner's energy costs associated with heating and cooling.
- Absorbs pollutants like ozone and sulfur dioxide, intercepts particulate matter like dust, ash and smoke, and releases oxygen.
- And annually intercepts an estimated 6,300 gallons of stormwater.¹

Furthermore, the presence of trees has also been shown to positively affect property values². Many more of these trees that will need to be removed within the public right-of-way and on private land provide similar benefits.

The petition does not provide adequate detail on how the aesthetic, ecological, social and ecological impacts listed above that result from extensive roadside vegetation removal will be mitigated. Only a couple of mitigation plantings along Pond Road are mentioned related to screening the mainline valve and replacing young trees planted between the road and the parking lot; trees that were planted by community volunteers in celebration of Arbor Day.

The petition does not adequately address impacts to trees during construction. Soil compaction is not the only potential construction-related impact but is the only one mentioned by Mr. Buscher. Digging can sever or injure tree roots and equipment can cause mechanical damage to the above-ground stem; injuries that provide an opportunity for infection by pests and pathogens. The petition is missing the reference to the industry accepted tree care standard, ANSI A300 (Part 5)-2012 Management of Trees and Shrubs During Site Planning, Site Development, and Construction that will be employed to "preserve" roadside trees. Mr. Buscher defines the critical root zone as the area under the drip line of the tree but he does not recognize that this way of specifying the critical root zone does not account for trees that have a columnar or narrow canopy. Further, the critical root zone needs to be established as the 'Tree protection zone'. There is no mention of what process will be used to determine which trees will be preserved. If there are trees that are being considered for preservation then a health assessment should be completed first. Further, there is no consideration of the impacts of grading on the soil condition. Will the preserved trees' roots be able to access this area if it is really compacted? If mitigation plantings are to be placed within this graded area then structure of the soil will be key.

The petition should also include what other practices will be employed if the tree protection zone cannot be protected fully, i.e. mulching or bridging around trees. There is mention of using an air spade, but there is no specification of how the roots can be cut. Root pruning tools, not

¹ These benefits were calculated using the U.S. Forest Service iTree Design calculator <http://www.itreetools.org/design.php>.

² Morales, D., B. N. Boyce, et al. (1976). "The contribution of trees to residential property value." *ASA Valuation* (23): 26-43 and Morales, D. J., F. R. Micha, et al. (1983). "Two methods of valuating trees on residential sites." *Journal of Arboriculture* 9(1): 21-24.

excavation equipment, should be used. There is no discussion of irrigating trees during the construction and post-construction period. This is important when trees roots are pruned, as specified in Mr. Buscher's report. In order to preserve shade trees they not only need to be protected during construction but VGS needs to do what is necessary to make them live.

I respectfully request that the PSB require Vermont Gas Systems to address these fundamental issues before proceeding with this petition.

Thank you.

Regards,

Caitlin Cusack

CC:

Monkton Select Board

Monkton Conservation Commission

Hinesburg Select Board

New Haven Select Board

enclosures