

## Burlington Conservation Board

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Will Flender, Vice Chair  
Scott Mapes  
Don Meals  
Jeff Severson  
Miles Waite  
Damon Lane  
Warren Cornwall  
David Scherr*



## Conservation Board Meeting Minutes

Monday, June 4, 2012 – 5:30 pm  
Planning & Zoning Conference Room – City Hall Lower Level  
149 Church Street

### Attendance

- **Board Members:** Damon Lane (DL), Miles Waite (MW), Jeff Severson (JS), Warren Cornwall (WC), Matt Moore (MM), David Scherr (DS), Will Flender (WF)
- **Absent:** Don Meals (DM), Scott Mapes (SM)
- **Public:** Eric Farrell, Peter Smiar, (North Avenue & Appletree Point Ln) Stacey Lessor, Robert Freeman (Venus Ave)
- **Staff:** Scott Gustin (Planning & Zoning)

MM, Chair, called the meeting to order at 5:35 p.m.

### Minutes

Minutes of April 2, 2012

By way of email, SM noted the following corrections to the April 2 minutes.

Page 2 first paragraph: SM at the request of the project engineer, met with Peter Smiar to review and discuss the project stormwater system. SM noted that the system as proposed does not capture the runoff from the entire block but only captures portions of the proposed new parking areas.

Page 2 second paragraph: SM recommended specific EPSC measures be employed to protect the greenbelt especially along Pine Street. For instance, in addition to routine and regular street sweeping that IF the green belt is envisioned to be trampled by construction vehicles and/or activities the grass and topsoil be removed and replaced temporarily with gravel and then upon completion of work that the green belt be fully restored.

Page 2 second paragraph: Sentence starting with "But" should be replaced with: SM encouraged the developer to promote as much infiltration as the site has capacity to accept especially in the design of the surface pavers and under drain systems.

A MOTION was made by JS and SECONDED by MW:

Accept the minutes of April 2, 2012 as amended.

Vote: 3-0-3

### Board Comment

Warren Cornwall said that the new configuration for the City Hall Park farmers' market is much improved.

SG noted the bike parking project, OSPF RFP, and the Annual Report.

MM noted the idea of having a consent agenda for small low impact projects. Things like tonight's seawall application and the home addition application may be appropriate for consent items.

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WF asked if the Board would accept if he and MM recommended items for consent when reviewing draft agendas. Board members concurred. May be able to save some applicants a trip to the Board. DL was concerned with the possibility of a Board member taking an item off of consent and resulting in an additional month delay. I noted that agendas are posted the Wednesday before the meeting. If a Board member objects to consent approval, there is time to notify the applicant.

**Public Comment**

None.

**Open Space Subcommittee**

MM, no meeting today. Will have a meeting before our next BCB meeting.

**Project Review**

**1. 12-1066CA/CU: 71 Crescent Beach Dr (WRL, Ward 4) Andrew Kaplan**

Review of proposed seawall

The applicant did not appear.

A MOTION was made by WF and SECONDED by DL:

Recommend approval as proposed.

Vote: 7-0-0

**2. 12-1061CA/CU: 148 Venus Ave (RL, Ward 7) Stacey Lessor/Robert Freeman**

Review of addition to single family home

Stacey Lessor & Robert Freeman appeared on behalf of this application.

SG overviewed why the project is before the BCB. The property is located within the buffer zone of the Mt. Calvary Maple Swamp natural area and, therefore, triggers review by the BCB. JS noted that the natural areas boundary needs to be updated to reflect the permitted Venus Avenue development. Stacey Lessor commented that this process has entailed significant project delay.

A MOTION was made by WF and SECONDED by WC:

Recommend approval as proposed.

Vote: 7-0-0

**3. 12-1138PD: 70 Appletree Point Ln (WRL, Ward 4) Staniford Farms, LLC**

Final plat review of 30-unit planned unit development

Eric Farrell and Peter Smiar appeared on behalf of this application.

JS recused himself from this application.

DL asked about the changes. Eric Farrell said there are 4 duplexes now and just 30 units.

SG noted the two BCB preliminary plat conditions: 1) copy of State wetlands permit (or application) and 2) draft of HOA documents governing mowing within the wetlands buffer.

Mr. Farrell noted that one of the cottages at the end of the road has been eliminated. Another home has been deleted in favor of providing a pavilion for community use. He noted the proposed utility work and upgrades for the existing homes on the lane. He also noted that the inclusionary housing requirement is 25% and is reflected in the final plat plans.

MM asked about the connection to the bike path. Mr. Farrell showed where connections are provided. Mr. Farrell also stated that the landscaping plan reflects desired screening requested by neighbors.

JS noted that the ponds are manmade and are fairly manicured. Mr. Farrell overviewed the pond rehabilitation work done last year.

Peter Smiar addressed the proposed stormwater management plan. Stormwater will be collected and directed into a new stormwater pond. Discharge will be directed into the existing ponds onsite. The system will be set up for maintenance with a vactor truck via the catch basins rather than with an excavator in the stormwater pond.

MM, what's the status of the wetlands permit application? JS replied that it will be submitted within the next two weeks. The current project design has just over 100 sf of wetlands impact because the state has deemed the ponds to be wetlands. There is one outstanding question with the state pertaining to a proposed berm along one end of the ponds to prevent sheet overflow onto neighboring properties. JS offered to send the BCB a copy of what he sends to the state. Folks at the state are very familiar with this site. JS stated that assessment of wetlands impacts includes water storage during floods, water quality protection, and for erosion control. It's not essential for wetland-dependent wildlife. The ponds themselves might be better for waterfowl if they were within treed surroundings.

Peter Smiar addressed the mowing proposal within the wetland buffer. The edge of the wetland buffer will be demarcated on the ground with sections of split rail fence to keep folks from mowing their backyards into the buffer zone. WF noted a concern for HOA modifications within the wetlands or buffers. Mr. Smiar stated that the covenants address this and articulate what can, and cannot, be done in these areas.

MW, what's leaving the property insofar as stormwater impacts on neighboring properties is concerned? Mr. Smiar replied that the pond provides retention for the 10-year event. Drainage goes into the ponds and then through swales into Lake Champlain. Flows from the site will be reduced. JS noted that the project cannot utilize the lower pond for stormwater retention.

WF, are you getting rid of the surface water pipe by the bike path? Mr. Farrell replied, yes.

MW asked if the ponds are spring fed. Mr. Smiar said that there is consistent overland drainage and ground water seepage into the ponds.

A MOTION was made by WF and SECONDED by MW:

Recommend approval as presented.

Vote: 6-0-1

**4. 12-1157MA/CA: 1189 North Ave (NAC, Ward 4) EF Farrell, LLC**  
Major impact review of 38-unit addition to Thayer School building

Eric Farrell & Peter Smiar appeared on behalf of this application.

MM and JS recused from this application.

Eric Farrell overviewed the site and the associated projects that have been built or are under construction. This latest proposal is to build a residential addition to the Thayer School building. Stormwater infrastructure is in place and will not change.

Peter Smiar noted that the building footprint will be rearranged somewhat. There are no other impacts related to stormwater. Mr. Farrell pointed out that additional building footprint area is offset by an equivalent reduction in surface parking area.

DL, has the use of the building changed? Mr. Farrell replied yes. The commercial space is being changed to residential. The DMV is not returning. He's not been able to get commercial tenants to occupy the space.

WC, are you seeing much interest in bike infrastructure for folks using the spaces? Mr. Farrell replied that bike infrastructure is provided for all of the units.

DL noted that this site is within good biking distance to downtown but is long for a walk.

WC asked about car parking. Mr. Farrell stated that he has 1+ space per unit.

A MOTION was made by DL and SECONDED by MW:

Recommend approval as presented

Vote: 5-0-2

### **Update & Discussion**

#### **1. Natural Resource Overlay project review procedures**

SG explained the reasoning behind the drafted changes to the bylaws. He noted that the permitting system has been integrated with GIS. Now, for every permit application, we can see if it's in the Natural Resource Protection Overlay district. We are seeing many applications on properties affected by the Overlay; however, few of the applications actually have potential for impacting the protected resource. As the rules are written, everything in the Overlay, from windows to siding to new construction, requires Conservation Board and Development Review Board review. The intent behind the Overlay rules is to provide in-depth assessment of project proposals that actually have some potential for impacting the protected resources. The bylaw changes as proposed would eliminate application types (i.e. windows, siding, etc) that have no reasonable potential for impact on the protected natural resource.

DL was surprised to hear about how recently Venus Ave was permitted. JS pointed out that Birch Court was extended through the wetlands in the late 1980s, just before the state wetland rules. He noted that there are some state rare tree species in the area, including black gum. DL asked about the opposition to the Venus Ave application. JS responded that it was largely focused on the fact that it was a Habitat for Humanity project.

A MOTION was made by MW and SECONDED by WF:

Approve the proposed changes to the BCB bylaws.

Vote: 7-0-0

### **Adjournment**

The meeting adjourned at 7:02 PM.