

Burlington Conservation Board

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Scott Mapes
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Jeff Severson
Miles Waite
Damon Lane
Zoe Richards
Stephanie Young*



Conservation Board Meeting Minutes

Monday, October 7, 2013 – 5:30 pm
Planning & Zoning Conference Room – City Hall Lower Level
149 Church Street

Attendance

- **Board Members:** Damon Lane (DL), Will Flender (WF), Zoe Richards (ZR), Jeff Severson (JS), Stephanie Young (SY), Scott Mapes (SM), Matt Moore (MM), Miles Waite (MW)
- **Absent:** Don Meals (DM)
- **Public:** Allen Lipzak (Urban Reserve), Frank von Turkovich, Brian Dunkeil, Tom Papp, Kelli Brooks, Beth Brodie, Sarah Deshaw, Linda Tarr-Whelan, Peter Ireland, Brigit Frank Bozek, Laura Caputo, Kate Ahmann, Doug Brooks, Sasha Dietschi, Matt Dubois, David Schaffer, Miriam Black, Brooks Elder, Valerie O'Reilly, Martha Stevens, Gay Amend, Robert Herendee, M. Joy Hubbard, Rod Scott, Carol Ode, Steve Lipman, Getty Courture, Paul Kampner, Eric Bradford, Jen DeBedont, Jasmin Pobric, Peter Ireland, Elizabeth Searles, Elen Cooper, Cliff Cooper, Alice Rudd, Thea Knight, Tincke Russell, Greg Paradis, Michelle Clark, Jon Dorwart, James McGinniss, Jeff Temer, George Webb, Bella Nadworny, Kirstin Juliano-Llanos, Chintana & Carl Ahlumd, Rich Ranalso, Greg Paradisio, Bob Harradine (South Forty Solar, LLC) Erik Hoekstra, Justin Dexatratur, Peter Smiar (237 North Avenue), Patrick O'Brien (140 Grove St)
- **Staff:** Scott Gustin (Planning & Zoning), Jesse Bridges, Nick Warner, and Dan Cahill (Parks & Recreation), Megan Moir (Public Works)

MM, Chair, called the meeting to order at 5:30 p.m.

Update & Discussion

1. Discussion with Nick Warner about potential for fill within the Urban Reserve

Nick Warner and Jesse Bridges appeared on behalf of this item.

Jesse Bridges noted that there is an opportunity to receive some fill from offsite as part of a remediation effort in the Urban Reserve. MM asked what sort of review would be entailed. SG said that it would require BCB and DRB review as it is located in the UR. ZR, which came first? Fill or thinking about doing fill? Mr. Bridges said that fill is needed for shoreline stabilization and trails improvements regardless of the present opportunity. ZR assumes that fill will be appropriately stabilized to remain out of Lake Champlain. MW, what will the retaining walls be made of? Nick Warner said that some kind of rock construction will be used. He said that the project team is confident that no volatiles will leach into the lake. JS asked where the fill would come from. Mr. Bridges said it would come from Browns Court. Nick Warner said that the fill from Browns Court is fill itself. Allen Lipzak (environmental geologist) said that the fill material from Browns Court is typical urban fill. It contains some PAH typical of surrounding soils in Burlington. Not much of anything else is contained in the soils. The soils at Browns Court are a bit cleaner than those at the Urban Reserve. JS requested seeing PAH data relative to the normal levels in Burlington. MM, generally, the Board is supportive of better managing the Urban Reserve and improving the recreational uses there. The other item is naturalizing the shoreline if possible. He asked how putting the fill soils here may impact future recreational uses. Will placing this fill impact naturalizing the shoreline in place of the sheet piling that's there now? What about stockpiling the soils at the Flying A site while the uses of the UR are hashed out? Mr. Warner said that the fill would not obstruct uses. Removing the sheet piling would be a major change. He said this work would be a continuation of work that was started some 15 years ago. Mr. Bridges said that the sheet piling is a part of the deep water port. MW suggested seeing a

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cost/benefit analysis as to this project versus taking the fill to a landfill. MM would like to see a trails layout as well. ZR, the shoreline outside of the deep water port could be naturalized. WF, what's the anticipated lifetime of the sheet piling that's there? Mr. Bridges said that an analysis of the sheet piling revealed that it is in good condition and not in need of replacement anytime soon.

2. South Forty Solar

Frank von Turkovich and Brian Dunkiel appeared on behalf of this item.

MM went over procedures. Two minutes for speakers. Try not to restate. Stormwater and wetland impacts are the items to be considered per the City Council resolution.

MW is a consultant for Strathmore and recused himself.

Brian Dunkiel offered some clarification. They are at the very beginning of the development of a solar facility. A conceptual plan has been done and enough information has been garnered to enter into a power purchase agreement with BED. The agreement had to be approved by the City Council. Now, we can begin on designing a project. After the project is designed, South Forty Solar will have to provide a 45-day notice letter with items to be addressed per the standards of the Public Service Board. That feedback will occur before a petition is filed with the PSB. He went on to say that state rules relative to stormwater, wetland, and Act 250 will need to be considered.

Frank von Turkovich said that this BCB meeting was scheduled before the City Council resolution. He's spoken with a lot of immediate neighbors and has attended a number of NPA meetings. He said he's happy to hear feedback on preliminary matters.

Mr. Dunkiel said that the project is located on Flynn Estate lands on a parcel of about 40 acres. The solar facility would be about 2.4 megawatts and would consist of fixed panels. ZR, this property has a contentious history. It seems that wetlands are an ongoing concern. Mr. von Turkovich said the property is located in the New North End and is surrounded by largely suburban development. Previously, two residential development efforts had been pursued. The first was approved and the second was denied. Today, no housing project is planned. About 25 acres would be left as is if the solar installation goes in.

SM, how much of the acreage to be developed would be cleared? Mr. von Turkovich said about half of the land would need to be cleared. SM asked about the Environmental Court orders. He'd like to see how proposed stormwater management has evolved. JS, it would be helpful if a subsequent BCB meeting could be coordinated prior to the 45-day notice period. Mr. Dunkiel said that the 45-day notice period is not a limitation of what comments can be made and addressed. SY, will new transmission lines be needed? Mr. Dunkiel, details are not yet worked out. SY, how much benefit will the project have relative to GHG emission reductions? Mr. von Turkovich said that it's a significant benefit. He'll present a chart to the Board when the analysis is done.

ZR encouraged the applicant to make a compelling argument as to why this site makes sense for a solar development.

Mr. von Turkovich said he'll plan on coming back to the Board when additional details are worked out. He's interested to hear tonight's input.

Kelli Brooks, 46 Muirfield, handed out flyers this week. She said she's trying to save the trees behind her house. Lake Champlain is very close. About $\frac{3}{4}$ of the land is forested, and about $\frac{1}{2}$ is wetland. It provides wildlife habitat. It also has social values such as open space in close proximity to surrounding development. Getting out of an unfortunate investment is not justification to clear the land and install a solar farm. Why can't we spend public funds to pay for the land? Why not partnership with other conservation organizations to conserve the lands? Utilize the funds from that conservation to install somewhere else.

Greg Paradiso, before any decisions are made, a full wetlands impact and stormwater management study needs to be done. There are a lot of stormwater drainage issues in the area already. He wants the impacts to be considered.

Bob Harradine, BED electric commission, he's seen wildlife on the property. He's in favor of renewable energy. Concerns relate to lighting, noise, fencing, road upgrades, grass cutting, and buffer vegetation. Will the panels be solar trackers or fixed?

Linda Tar Whelan walks the area several times per week. She encourages Board members to visit the property. It's a significant resource for surrounding neighbors. The relationship between the developer and neighbors has not been easy or trusting. Is this approval something that could be flipped into housing development in the future?

Carol Ode doesn't think the choice is housing or solar. Neither is an option. What are the benefits of wetlands in this location? Once trees are cleared, must the project be built? Could a decision be made to not build the solar facility once the trees are cleared? Solar energy is her favorite kind of energy, but this is not the best place to put a facility.

Paul Kempner said actions speak louder than words. There is a justifiably contentious history here. Stormwater, wetlands, and wildlife are all concerns.

Sarah Deshaw said resident access to open spaces is a benefit of living in Burlington. Concerned about clear cutting.

Beth Brody, what about health concerns? WF, we've been asked just to look at stormwater and wetlands. Will there be a 45-day notice for folks signing in tonight?

Eric Bradford said nothing makes this the right place for a solar installation. The only reason for this proposal is the lease that the developer holds.

Sasha Dietschi said that stormwater runoff is a persistent problem. It's a very important item to consider. What about assessing the property for conservation? It's an environmentally valuable site. MM, the city does have a conservation fund. Its intended to be a piece of the pie within a team to conserve land. It is a voluntary arrangement if landowners want to pursue it.

Doug Brooks, the PPA specifically says the power will be good, but it leaves the suitability of the site to another body. Part of the reason not all of the property is wooded is because of illegal clearing. As for GHG, he doesn't see a clear benefit. This development is very close to neighboring homes. Once this land is cleared, it will be cleared forever. A housing development may ultimately end up here.

Carl ____, Muirfield, stormwater impacts are a big concern. He's most alarmed by the scale of the project. Why is such a large project proposed within a residential neighborhood? He has a young daughter, he's concerned about electromagnetic radiation from the facility.

Alice Rudd, the lease here runs out in 2080. Who in 2080 will be responsible for undoing the damage done? The developer will get to walk away.

Brooks Elder, appreciates the opportunity to access the property. There are a number of species there such as woodcock. CRP should be looked into for conserving the property. This is an opportunity for the city to highlight wildlife habitat and conservation.

Tom Papp, Strathmore HOA, pointed out the city's tree retention regulations. The PSB process will likely bypass these standards. If the forest will be removed, is there a bond to require reforestation in the future? He noted the significance of the forested areas. He has major concerns with the PSB process. It's mostly pre-filed testimony. Very close proximity of homes to proposed solar panels.

ZR asked about why the Board review is limited to just wetlands and stormwater impacts. SG responded that the Council resolution to approve the Power Purchase Agreement included language specifically seeking Conservation Board input on wetland and stormwater impacts. The language was added at the meeting wherein the resolution was approved.

___ Allen, what type of materials will the panels be made of? If there is contamination, how will that be cleaned up?

George Webb, some on Sunset Cliff are totally against the project and others feel that something is going to be done for a return on investment. If the solar panels don't go through, then housing development may. If this project does go through, we need to look at setbacks. They should be about 150' to keep a buffer zone for neighboring residences. All of the trees along the Curtis Avenue sewer line should be retained.

Jeff Temer, Strathmore Board, said we've seen some intense episodes of rain. There has been significant flooding. Removal of the trees will reduce the uptake of water. This property is a good candidate for conservation. He noted the close proximity of the proposed solar panels to neighboring homes. Too close. Solar panels will be placed directly at the end of Nottingham Lane. From an aesthetic standpoint, it would be beneficial to improve the end of Nottingham Lane with a cul-de-sac.

Laura Caputo, when the DMV was redeveloped, a number of neighboring homes suffered flooded basements. Burlington is appealing because of its green spaces. Please consider not developing the property.

Peter Ireland, if stormwater is not adequately addressed, Strathmore homeowners will be adversely impacted.

MM recapped the process. The developers have a conceptual idea at this point. Specifics will be available upon the 45-day notice. The Board would like the developer to return so that it may comment on the details per the City Council resolution.

SM left the meeting.

Project Review

1. 237 North Avenue

Erik Hoekstra, Justin Dexatratur and Peter Smiar appeared on behalf of this item.

Erik Hoekstra overviewed the project. The site is currently entirely impervious. A mixed use retail/residential building is proposed. Some impervious area is being removed. Underground pipes and tanks are proposed for stormwater storage.

DL, will greenbelt be restored? Mr. Hoekstra said that one curb cut would be closed and the concrete slabs in the green belt will be removed.

ZR, are the proposed stormwater improvements as good as they can be? An 11% reduction seems pretty modest. Mr. Hoekstra said that the site contains fill soils, primarily coal ash, over the old Burlington ravine. The intent is to minimize site disturbance. Peter Smiar said that the pipe will connect to the back catch basin. Peak flows will be less than existing conditions. The pipe will primarily hold stormwater and control its release. He noted that the 11% reduction applies to all storm events.

WF said he's concerned about airborne particulates, or being tracked offsite, during construction. Mr. Hoekstra said phase 1 and 2 environmental assessments have been done. A CAP is currently being put together.

ZR asked about a green roof. Mr. Hoekstra replied that its cost prohibitive.

MW, are there soil gas issues to consider? Mr. Hoekstra replied affirmatively.

WF, is a parking waiver sought? Mr. Hoekstra said that a 4-space parking waiver is requested. WF, what about bike parking? Mr. Hoekstra pointed out the short term and long term bike parking facilities.

SY, what is the timeframe for rooftop solar? Mr. Hoekstra said it will be built to be solar ready. Installation will be dependent on finances.

DL said that ground source heat pumps are even more efficient than air source heat pumps. Mr. Hoekstra said that the air source are more economical.

WF moves to support the project and the parking waiver. DL seconded.

Vote: 7-0-0

2. 140 Grove St.

Patrick O'Brien appeared on behalf of this item.

Patrick O'Brien overviewed the project site. He noted that one of the two entrances has been deleted so that an open channel for Centennial Brook could be provided. He's consulted with Barry Cahoon at the River Management Program at DEC who supports the change. He also noted that doing so will strengthen the wildlife corridor that goes through the area. Mr. O'Brien said that a split rail fence will be installed to delineate the project boundaries. Of the present coverage, only about 35% will remain coverage.

Mr. O'Brien went on to talk about this property's place within the wildlife corridors assessment done for the WVDP. Some of the land (about 8 acres) may be conveyed to the Park District. MW said the Park District may not want the land until at least a phase 1 environmental assessment is done.

Mr. O'Brien said that lighting will be done to minimize spill into abutting wooded areas. He stated that the development will stay out of the wetlands onsite. The proposed stormwater management plan will include conventional stormwater ponds and rain gardens. The rain gardens are proposed as depressions in yard area to collect and infiltrate runoff. MW suggested not calling them rain gardens. Whatever doesn't infiltrate will be collected into the stormwater system. A state stormwater permit will be needed. MW asked if the stormwater ponds would be wet. Mr. O'Brien replied that they would be.

Mr. O'Brien touched on bike parking. Both long term and short term spaces will be provided within the buildings. Numerous bike racks will be provided throughout the project site. MW asked if there will be an HOA. Mr. O'Brien replied that there would be. Footprint lots will be provided under each of the buildings.

MW, will there be project phasing? Mr. O'Brien replied that there would be, but it will be built as soon as possible.

MM, will there be a sidewalk connection? Mr. O'Brien replied that there will be. It will extend into South Burlington. There is already a sidewalk in Burlington that connects all the way to Winooski. The crosswalks will be improved.

WF, will the culvert be oversized? Mr. O'Brien said that no new culverts are proposed. There is a relatively new box culvert onsite. JS, what are the present erosive conditions from the stormwater pond outlet to the river? Mr. O'Brien replied that there are just a few feet separating the two. JS, is there gullying at the outfall? Mr. O'Brien replied no. MW, a stormwater narrative with pre- and post-stormwater flows should be provided at the next meeting. Having your stormwater engineer present would be helpful.

MM, what about construction EPSC? Mr. O'Brien noted the proposed EPSC plans. MM said that satisfactory plans are not always implemented in the field. Mr. O'Brien said that he will be the onsite

coordinator for this project. MW, does Ireland have a stormwater permit now? Mr. O'Brien replied that they do. MW, have they ever been out of compliance? Mr. O'Brien replied not that he's aware of.

JS observed that the present project plans lessen proposed cut and fill. Mr. O'Brien concurred. MM would like to see more detail relative to potential for infiltration. What is the infiltrative capacity of the soils onsite?

WF, are there any contaminated soils onsite? Mr. O'Brien, not that he's aware of. The site was a borrow pit, then it became a concrete batch plant.

MM, what about recreational access to the Winooski River? Mr. O'Brien said that a trail for access remains proposed. He also said that the WVPD may want 3 parking spaces for access to the trails onsite.

MM asked if there is a requirement for open space as part of a PUD. SG replied that open space is required only insofar as the lot coverage limits apply.

DL said the changes from sketch to now are good.

Minutes

Minutes of October 7, 2013

A MOTION was made by MW and SECONDED by WF

Accept the minutes of October 7, 2013 as written

Vote: 6-0-1

Board Comment

Schedule accepted by acclamation.

Public Comment

None.

Open Space Subcommittee

No meeting today. MM noted Burlington College's master plan is now available.

Adjournment

The meeting adjourned at 8:40 PM.