

5/10/2021

Re: 6086b Downtown Development Findings Application 4C0116-21H, Devonwood Cherry Street Associates, LLC and Burlington School District, Burlington

Consideration of primary agricultural soils under Criterion 9(B)

Dear Applicant:

Thank you for the opportunity to comment on the above-referenced project.

Purpose:

This review letter will aid in the District Commission’s determination as to whether any reduction in the agricultural potential of the primary agricultural soils will occur as a result of the construction of the project. Please note that this letter focuses solely on whether there are primary agricultural soils on the project site (10 V.S.A. § 6001(15)), any impact to these primary agricultural soils and whether any proposed mitigation is adequate, pursuant to 10 VSA §6093(a).

The Agency understands that this review is in the context of an application for 10 V.S.A. § 6086(b) Downtown Development findings, and submits these comments under 10 V.S.A. § 6086(b)(3).

Summary of Agency Review:

The Agency holds the opinion that the 1.77 acre project site contains:

0 acres of primary agricultural soils, as defined by Act 250. See 10 V.S.A. §6001(15).

The Agency’s review indicates the project warrants:

0 acres of mitigation necessary under Criterion 9(B). The soils on this 1.77 acre parcel are subject to **pre-existing impacts** from prior development. Moreover, these 1.77 acres fall outside the **limits of detailed soil survey** mapping (“Lss”) by NRCS, due to urbanization in this part of downtown Burlington. These 1.77 acres (“Lss”, NRCS agricultural value group “12”) are subject to pre-existing impacts and do not meet the definition of primary agricultural soils.

Process and Basis for Opinion:

This review letter is for a project generally described as Devonwood Cherry Street Associates, LLC and Burlington School District, Burlington. The Agency understands the proposed project includes “change in use of the former Filene’s/Macy’s store building into the host site for Burlington High School”, at 57 Cherry Street in Burlington’s Downtown Development District. The Agency’s review primarily consisted of a review of the following submitted materials:

- Soil mapping, ANR Atlas screenshot showing “Lss” (limits of detailed soil survey), Exhibit 12
- Existing Conditions Plan, dated 02/05/2021, Exhibit 14
- Existing Utility Plan, dated 02/05/2021, Exhibit 15

The Agency’s review of primary agricultural soils is also based on an evaluation of USDA soil survey(s), satellite imagery, the supplied site development plans, supplied ground topographic survey, soil limitations, size, location, landscape patterns and other elements of the definition of primary agricultural soil as applied to the project site. See 10 V.S.A. §6001(15)

The review and evaluation indicates:

±1.77 acres = soils with an agricultural value of 1-12 (NRCS)(total project)

±1.77 acres = soil that does not meet the statutory definition of primary agricultural soils, due to pre-existing impacts as well as a classification of “Lss” (limits of detailed NRCS soil survey).

The NRCS agricultural value group of “12” for “Lss” soil is not a rated primary agricultural soil, and moreover, the soils are subject to pre-existing impacts.

The project site contains 0 acres of primary agricultural soils, as defined by 10 V.S.A. §6001(15).

Conclusions:

Having reviewed your submission, it is the Agency’s recommendation that no Criterion 9(B) mitigation would be warranted, because the 1.77 acres of soils on this parcel at 67 Cherry Street in Burlington do not meet the definition of primary agricultural soils. *Criterion 9(B) mitigation is not recommended today.*

Sincerely,

Vermont Agency of Agriculture, Food & Markets



By: -----

Ari Rockland-Miller

Act 250 Coordinator

Vermont Agency of Agriculture, Food & Markets

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Cc: See Certificate of Service