

## Burlington Conservation Board

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Zoe Richards  
Stephanie Young*



## Conservation Board Meeting Minutes

Monday, December 1, 2014 – 5:30 pm

Planning & Zoning Conference Room – City Hall Lower Level  
149 Church Street

### Attendance

- **Board Members:** Zoe Richards (ZR), Jeff Severson (JS), Scott Mapes (SM), Matt Moore (MM), Miles Waite (MW), Don Meals (DM), Stephanie Young (SY), Damon Lane (DL)
- **Absent:** Will Flender (WF)
- **Public:** Shane Mullen & Steve Guild (234 College St), Frank von Turkovich, George & Norma Webb, David Maughan, Maury Kost, Jennifer Murphy, Peter Ireland, (0 Sunset Cliff), Harris Roen, Eric Farrell, Owiso Makuku, Alicia Daniels, Gil Livingston, Bob Heiser (Burlington College)
- **Staff:** Scott Gustin (Planning & Zoning)

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

### Minutes of November 3, 2014

DL mentioned he was present at the November 3 meeting.

A MOTION was made by MW and SECONDED by DL:

Approve as corrected.

Vote: 7-1-0, motion carried

### Board Comment

None.

### Public Comment

None.

### Open Space Subcommittee

No meeting today.

### Project Review

1. **15-0451CA/MA: 234-240 College St (DT, Ward 3) Sisters & Brothers Investment Group**  
Demolish rear portion of building, construct new 5-story addition at rear for 9 units. Results in change from 19 to 25 residential units for a net increase of 6.

Shane Mullen & Steve Guild appeared on behalf of this application.

Shane Mullen overviewed the project. The idea is to shave off the peak flows from the one year storm event to the extent feasible. The site is 100% impervious. Drainage flows to a rear catch basin which connects to the old stone sewer that was placed in the ravine years ago. Due to the proximity of other buildings and the unclear nature of the soils, the proposed stormwater management will utilize a "blue roof." The roof of the proposed addition will capture stormwater, hold it, and control its release. For the 1

year storm event, water will pond to about 1 inch. Anything more will overflow down the roof scuppers. He said the peak flow reduction will be achieved for the 1, 5, and 10 year storms.

SM, is the peak flow simply being slowed down rather than being removed? Mr. Mullen said that is correct. MW, does the roof drain connect to the catch basin? Mr. Mullen, it will daylight on the ground surface. From there it will flow towards the existing catch basin. SM, is there any opportunity for infiltration before discharge into the combined system? Mr. Mullen said he would be uncomfortable introducing more groundwater into this area – fill soils and proximity to other buildings. SM said that the soils around the YMCA are fairly decent and sandy. MW asked if soil borings had been done. Steve Guild said not yet, but they will be.

DM, did you consider a green roof when considering the blue roof? Mr. Mullen said no. The proposed blue roof will require lower ongoing maintenance. Also, the additional water absorbed by the green roof would have been comparatively negligible. MW, has there been any consideration of harvesting rain water? Mr. Mullen said doing so would be interesting but he doesn't see any nearby applications for irrigation with captured runoff. MW, what about flushing toilets? SM said doing so in Burlington may run into difficulties with building code compliance.

MM asked about the feasibility of underground detention and infiltration. Mr. Guild said no soils analysis has yet been done. MM said that most projects before the BCB have some idea of what the soils are. Mr. Mullen said that even if the soils are good, he'd be reluctant to infiltrate due to the close proximity of other buildings and utilities. MM said if the applicant is committed to doing a geotech analysis, the door should be left open to creating a pervious surface to provide some degree of infiltration. Mr. Guild pointed out that there is no room for green space behind the building addition. There is a driveway on another property behind it. JS encouraged evaluation of infiltration following the soils analysis.

A MOTION was made by MW and SECONDED by ZR:

Approve the blue roof as proposed and request that soils information be forwarded to the Board when the geotechnical analysis is complete.

Vote: 5-1-2, motion carried

**2. Review of Keystone Development Corp. VT revised Wetland Permit application for solar installation**

0 Sunset Cliff Rd, in relation to potential solar utility installation.

Frank von Turkovich and Shane Mullen appeared on behalf of this item.

MW abstained from participation.

MM noted that the wetland permit application has been amended. We are now in a 15-day comment period. ZR asked if the Board's prior comments are still in effect. SM said he would assume they don't apply to the revised application, but he is not entirely sure.

Frank von Turkovich said he thinks the prior comments remain on file. He noted that changes to the application were made to address a number of comments from the BCB and others. He's confident in the accuracy of the wetlands map and delineation. Shane Mullen said the delineation reflected on the map was done this past spring. Mr. von Turkovich said that the map reflects some boundary changes. In general, they are more encompassing.

Mr. Mullen said that comments from the BCB, including those about vernal pools, were considered and reassessed. He said no vernal pools were found. ZR asked how that's possible. Mr. Mullen said a follow up site assessment occurred in May. They looked for amphibians and their eggs. JS said that the wetland was found to provide habitat for uncommon species. SY noted species such as wood frogs and Jefferson salamanders were thought to be present. ZR, it would be very helpful to have the folks who did

the assessment present to speak with. May seems pretty late to do a vernal pool assessment. Mr. von Turkovich said he could provide a response from his experts. JS said an email could clarify the methodology.

DM, on the top of page 6, it refers to the number of piles and area of impact. The numbers don't add up. Mr. von Turkovich said the total number of piles go beyond what's in the wetland area. Also, the size of the piles has changed. DM said the numbers should be looked at and corrected if need be.

SM asked if we are submitting comments on this project's wetlands permit application or not. MM said we are not required to submit any additional comments to DEC. The applicant is here to address questions we have. From here we can decide whether to comment or not.

SM has questions relative to stormwater and related runoff coefficient numbers. SM, what's the total area being cleared? Mr. von Turkovich said that about 10 or 12 acres would be cleared. He's concerned that the stormwater model does not sufficiently address the impacts of canopy clearing. Mr. Mullen said that the proposed stormwater management system accounts for the canopy clearing and its impacts on runoff. He noted that the surface area of the proposed detention basin is almost 2 acres. JS mentioned that the site plans included in the permit application depict the stormwater detention basin, but there is no mention of it in the wetland permit application. Mr. Mullen replied that an operational stormwater permit is not required. A construction general permit, however, will be obtained.

MM said it seems to him that the total numbers between the original and revised applications are significantly different. Mr. von Turkovich agreed. MM noted for example, its gone from 84 sf to 23,000 sf of wetland impacts. Mr. von Turkovich said that the updated delineation included some new area. Also, the former director of the VT Wetlands Program classified much of the open field as former agriculture. Now, the application reflects actual vegetation in this area.

SM, has your geotechnical report found that piles in these soils will be okay? Mr. von Turkovich said that his soils consultant is confident in the pile driving method.

Mr. von Turkovich said that he hopes the BCB's interest goes beyond the wetland permit application. He'd like the Board to look at this project holistically. He hopes the Board feels the proposed utilization of this property for solar power generation is a net gain.

JS, did BED require a 2.5 megawatt facility? Mr. von Turkovich said no. JS, did you consider a smaller facility? Mr. von Turkovich said that various sizes have been considered – larger and smaller. This proposal seems to be the best fit for this property.

George Webb, supports solar use for this property. His main concern was its appearance from the road, but the applicant has met with him to address his concerns. Solar is an alternative energy that VT is pursuing.

David Maughan, will there be a general discussion among the Board members? MM, not decided yet.

Maury Kost, main concern is with the amount of clearing that will be done. Her understanding is that some 6 acres of 12 will be cleared. Mr. von Turkovich said that most of the pine trees will be removed from the 10 acre stand. Ms. Kost, what about along Curtis Avenue? Mr. von Turkovich said he'll keep as much of that vegetation intact as possible.

David Maughan, the community is concerned about the aesthetic impact of the project. Any development will have to consider reducing visual impact. This is the last large "natural" parcel in Burlington. MM said that aesthetics are not within the purview of the BCB.

Peter Ireland, Strathmore, has the Board seen Sheila McIntyre's recent report? SG said the Board has seen information from her from previous project review this past spring. Mr. Ireland said she's done a more recent one and will have it sent to the Board.

JS said that open space and aesthetics are considered under the wetlands permit application.

DM asked what, if any, open meeting law requirements will affect Board comment and how they go about doing it. SM, we can comment and submit them to SG for submission to DEC. SG said that sending written comments reflecting tonight's discussion is ok. Sending along new information or getting into an email discussion would not be ok. As individuals, Board members can comment to DEC as they wish.

SM, his comments remain as previously stated. He'd add one further. The structural support system could significantly change if the goetech report precludes using piles in these soils. This should be raised as a concern to DEC. SM is concerned that the model does not sufficiently support pre- and post-clearing development runoff due to change in vegetation.

DM, not sure if comments from prior review remain. SG said the Board could simply reiterate them. If they've been addressed – great. If not, they are reiterated for further consideration.

ZR asked what the other issues were. MM noted impacts to wetlands and buffers. Calculation of very minor impacts. This appears to be addressed in the revised application. JS said he disagrees that this item has been addressed. MM went on to note other concerns related to hydrologic modeling. We've heard tonight that the stormwater management system was not in the original application, but we've seen it before.

ZR, do we keep our comments as is or revise? DL, let's invite JS's comments and then decide.

DM to SM, the question of post-construction monitoring. SM, that was from prior comments. He does not care to revisit it tonight. He's heard from the applicant that he is not interested in doing it. This is a way to find out if their modeling is accurate or not. DM, every applicant runs the same model, but we don't ask them to do post-construction modeling.

JS said the application significantly underestimates the degree of wetland and buffer impacts. He believes the additional acreage is not just square footage. There are undo adverse impacts relative to stormwater and flood storage capacity, surface water quality treatment, and wildlife functions. The application does not take into account the vast majority of impacts to the wetland that will take place with the proposed clearing. The application primarily addresses fill and pilings. A large area of wildlife habitat will be removed. Ditto stormwater detention and surface water. The application is supposed to show how impacts to these wetland functions have been minimized. He noted that BED buys power from rooftop installations up to full solar arrays. He also noted that BED is at 100% renewable energy now. This project will not improve BED's portfolio. MM said this concern goes beyond what the BCB is considering tonight. JS pointed out the application contains no information supporting why a 2.5 megawatt facility is necessary. There's no demonstration as to why a smaller project is not feasible.

SG summarized, the application does not sufficient address:  
Stormwater  
Water quality  
Wildlife habitat  
Underestimates actual scope of impacts to wetland functions  
Does not address why a smaller system is not feasible

DL said the project could be virtually any size. SY, is Sec. 12.4 getting at making projects smaller or just reducing impacts?

DM, if the structural support system had to change, would it require a new permit? JS, depending on the degree of change, it could.

MM said he feels the revised application more accurately reflects the scope of impact. A technical assessment of the impacts is beyond this Board's capacity.

Board members agreed to send the bullet list along to DEC.

## **Update & Discussion**

### **1. Burlington College**

JS recused from this discussion. MM said his employer could be involved in a project here, but is not yet involved. He is not presently involved.

Harris Roen attended a meeting with "The Friends of Burlington College" last week. The meeting was aimed at saving the College and also conserving the property. He said that he noted to the group that there is support from the BCB to do a conservation project here. SM, someone needs to approach the Board through the CLP with an application. MM, there's been no application. There is no secret that this property is of interest to the BCB. MW said the BCB's interest has always been in the North Ave/Bike Path trail. MM concurred. Mr. Roen noted the rare pine-oak-heath-sandplain forest.

Eric Farrell said if the college receives an offer to fully conserve the property, his offer to buy the property is off the table. Mr. Roen said that Trust for Public Land does projects of this size. He thinks the Board should be more proactive in pursuing conservation of this property, rather than just waiting for an application. ZR said that this is a very rare property in Burlington and provides connectivity among large adjacent green spaces.

Alicia Daniels brought along a letter she sent to the Mayor relative to the values of this property (to be placed on record).

ZR would like to be involved if the Mayor's Office is going to pursue use of the BCLF. MM said he was at a meeting with the Mayor a couple of weeks ago. He noted the Board's interest in conservation of part of the property. He also said he'll attend the Parks & Rec meeting tomorrow for further discussion.

DM, is somebody trying to assemble a conservation bid of ~ \$7 M? The city's BCLF cannot cover this amount. Mr. Roen said there's no a lead person at the city level for this, and it's a problem. ZR said we're not necessarily looking at a development/no development option. It's unlikely we'll get \$7 M together in the allotted time.

Gil Livingston and Bob Heiser of Vermont Land Trust (VLT) appeared.

Gil Livingston said VLT is trying to figure out what the community wants and is looking to speak with as many folks as possible. The \$7 M price tag is just for development rights. It does not include right of public access or fee simple ownership. Mr. Livingston has met with CHT, the Mayor's Office, Parks & Rec, and others. Looking to have a collaborative effort. He has not heard substantial interest in complete conservation and fee ownership. Most of what he's heard involves a balance between open space and development with a range of housing opportunities. Community gardens and a small neighborhood park have been mentioned as well.

ZR, what do you envision the public process to be? Folks may feel the 60-timeframe is not possible, and all is lost. Mr. Livingston said that a meaningful process within 60 days is infeasible and unfair to Eric Farrell. The process should focus on defining attributes that are of import to Burlington. What is the appropriate balance between development and conservation?

MM noted the trails-alternatives assessment that has been done and also the wildlife habitat and corridors studies. He's tried to communicate the Board's interests to decision makers. We have a real estate deal between two parties, and there is some public interest involved.

ZR, could we request that a rep from the Mayor's Office attend the Board's next meeting? It would be nice for us to be on the same page.

Mr. Roen said it may make sense for another design charrette to take place – like the one done in 2001.

MM said he's happy to pursue a more active role with the Board. ZR suggested an open space subcommittee meeting prior to the next BCB meeting. Mr. Roen said he'd bring this up with the Planning Commission. DM said a joint letter with Parks & Rec Commission may be best. MM asked SG to invite someone from the Mayor's Office to speak with the Board. SM said we should promote the city's interest in the property.

**2. Follow-up relative to stormwater performance standards and work group**

SM, MW, and DM volunteered to participate. ZR happy to participate as well if Megan would like.

**3. Proposed "Major Impact" changes**

SG noted Major Impact thresholds may be increased. Doing so is intended to limit major impact review to those projects that may actually have a significant impact on city services and facilities. This change, however, would likely reduce the number of projects coming before the Conservation Board. Presently, major impact review is a threshold for Conservation Board review.

DL said the Board may need to define an alternative review threshold.

SM noted the Board needs to know more about the potential form based code. Board thresholds could be embedded in that. He asked if the Board could have a presentation relative to that. SG said he'd invite David White to do so.

SM sees the stormwater working group being able to establish performance standards that may enable the Board to move away from Chapter 26 review. We'll have helped Megan develop the standards and run the show.

**Adjournment**

The meeting adjourned at 8:02 PM.