

Burlington Conservation Board

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*Miles Waite, Chair
Zoe Richards
Scott Mapes
Don Meals
Jeff Severson
Matt Moore
Ellen Kujawa
Stephanie Young
Ryan Crehan*



Conservation Board Meeting Minutes

Monday, December 3, 2018 – 5:30 pm
Planning & Zoning Conference Room – City Hall Lower Level
149 Church Street

Attendance

- **Board Members:** Zoe Richards (ZR), Ryan Crehan (RC), Jeff Severson (JS), Stephanie Young (SY), Ellen Kujawa (EK), Don Meals (DM)
- **Absent:** Matt Moore (MM), Miles Waite (MW), Scott Mapes (SM)
- **Public:** Keith Wagner, Jeff McBride, Richard Eastman, Dave Marshall, Bill Godisman, Scott & Fran Rathke (65 Oakledge)
- **Staff:** Scott Gustin & Meagan Tuttle (Planning & Zoning)

ZR, Vice Chair, called the meeting to order at 5:32 p.m.

Minutes

Meeting minutes of November 5, 2018

A MOTION was made by JS and SECONDED by EK to accept the November 5 minutes as written.

Vote: 5-0-0, motion carried.

Board Comment

SG mentioned the status of permit reform and its impact on the BCB. Planning & Zoning is being split in two. Planning staff may join CEDO. Zoning staff will relocate to Pine Street to work with trades and code enforcement staff in a new permitting department. The BCB's advisory role to the DRB and the PC will not change. Meetings will likely be relocated to the DPW facility.

Public Comment

None.

Project Review

1. 19-0395CA/CU; 65 Oakledge (WRL, 5S) 65 Oakledge Trust

Construct single family home with accessory dwelling unit, associated site improvements included.

Keith Wagner, Jeff McBride, Richard Eastman, and Dave Marshall appeared on behalf of the application.

SG overviewed the lakeshore buffer trigger. All or most of the property is affected by the riparian and littoral conservation zone that extends 250' inland from the 95.5' elevation along the lakeshore. The buffer zone addresses tree clearing and stormwater management.

JS said he has worked with Dave Marshall in the past. He doesn't think it's a conflict of interest. He asked if others thought so. None did.

Dave Marshall overviewed the project and its setting along the lakeshore. He pointed out existing open and wooded areas and the location of the prior and proposed home. Mr. Marshall pointed out a class 3 wetland on the property. VT DEC has reviewed it and considers it to be insignificant. No wetland impacts

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are proposed anyway. Project plans have been revised to pull pavement away from the wetlands and to improve stormwater management. The new home is larger than the prior home. It will include a partial green roof. Several trees will be removed, but there will be a net increase in trees onsite following project completion.

DM asked about the roofing. Keith Wagner pointed out roof and deck areas on the site plan.

Mr. Marshall said that all of the roof runoff will be directed into a new roof garden designed to handle the 2-year storm event. The rain garden is not under-drained. There is provision for overflow.

ZR asked for clarification of under-draining. DM responded that typically it's done to avoid infiltration due to poor or contaminated soils.

Mr. Marshall pointed out an at-grade green roof over subterranean space.

Mr. Wagner overviewed the proposed landscaping. A "special" pavement will provide access to the front door. He pointed out the variety of new trees to be planted and touched on the proposed rain garden plants. Effort is being made to retain as many trees as possible.

ZR asked about tree removal. Mr. Wagner said that 16 of 69 trees within the lakeshore buffer will be removed. Most are 6" – 8" cedars. ZR asked about views from the lake. Mr. Wagner said that most of the trees along the lakeshore will be retained.

DM, will the new retaining wall be obscured by existing trees? Mr. Wagner, yes.

EK, how many new trees are being planted? Mr. Wagner replied 45 new trees. Typically, they will be 4.5" – 5" caliper at the time of planting.

RC, what is presently where the new retaining wall is proposed? Mr. Wagner said that it is a wooded slope. The project design includes more level yard space. The retaining wall is to hold the slope. Onsite stone will be used to build the wall.

DM, will the deck include gaps between the boards? Jeff McBride, yes. DM, what is the "special" pavement? Mr. Wagner said that it may be pigmented. It will not be pervious.

Mr. Marshall said that in order to create a basement, rock will need to be removed. He noted DPW's blasting procedures for neighborhood notice and pre-blast survey work.

DM, is everyone on city water in this area? SG said he believes so.

JS, what is the volume of bedrock to be removed? Dave Marshall, about 2,000 yards.

ZR, did the prior home have a basement? Mr. McBride, no.

JS, are blasting professionals licensed? Mr. Marshall, no site licensing. There are federal standards for handling explosives.

RC asked about the lakeshore setback relative to the prior structure. Mr. Marshall said that it is closer than the prior home. As proposed, it's about 100' to the lakeshore.

DM, why is the proposed location as it is? What would be involved in moving the structure back? Mr. McBride said that the mass is being shifted in order to afford improved lake views through the present clearing. The zoning setbacks significantly constrain where the building can be located.

RC, did you consider new shrub plantings along the lakeshore? Mr. Wagner said that lawn presently runs to the lakeshore. That condition will not be changed.

ZR, do the surrounding homes have basements and have they experienced blasting before? Mrs. Rathke said that the neighboring homes do not have basements.

ZR is not concerned with the stormwater management. She's concerned with the proposed blasting. What is the duration? How loud will it be? Will there be significant impacts to the lakeshore?

Richard Eastman said it would be about a 2 week process, including the drilling and blasting work. The company that will do the work has been doing it for 50 years. They blasted in the basement for the Burlington Free Press. They are Maine Drilling and Blasting.

DM said that he worked in a building while blasting was underway for a new elevator. He said the sound of the horn was louder than the blasts.

ZR said that blasting a big hole in the ledge along the lakeshore is a permanent alteration. Noise is a short term disruption.

SY, how far out would the vibrations be felt? Mr. Marshall said that it's determined by the size of the explosive charge and the rock.

JS, the upper level of rock is blasted and removed, then the lower level of rock is blasted and removed. He feels that a plan subject to DPW review and protections in place and an experienced blasting team may provide sufficient safeguard.

Mr. Marshall said that multiple safeguards are built into the blasting protocol. Monitoring will be ongoing for the duration of blasting activity.

ZR asked about the status of the city stormwater review? Mr. Marshall, it's not yet been approved.

SY, it seems like all of the monitoring is geared towards neighboring homes. Is there anything planned along the lakeshore? Mr. Marshall said that can be addressed.

Scott and Fran Rathke, neighbors. Scott Rathke said his home was built in the 1930's. The connecting pipes are probably pretty old. We have a slab foundation. How can the water and wastewater pipes be inspected pre- and post-blasting? Mr. Marshall said that the pipes can be surveyed with camera internally. Fran Rathke, are there other options besides blasting? Mr. Marshall said that the size of the rock makes use of mechanical hammers inefficient. It takes longer and is very noisy. Fracking is also possible but would take significantly longer (6-8 weeks). Drilling noise would necessarily extend longer. Mr. Eastman said that other techniques have not been ruled out; however, blasting seems to be the best alternative.

Mr. Rathke asked about radon. Mr. Marshall said that he can't comment as to the presence of radon. It's there or it's not. The proposed work would not create radon. We can do a radon survey of your home before and after blasting.

Mr. Rathke, what will be done with the resultant rock? Mr. Marshall said that some of it will be used onsite. Mr. Eastman said that the rock could be processed for onsite use.

DM asked about dust management. Mr. Marshall said that it will be controlled with water.

Mr. Marshall asked about performance standards relative to construction activity. SG said that the DRB review will require an articulation of proposed days and hours of construction. Blasting in particular should be addressed as part of that.

Mr. McBride said that the basement has been downsized from the original plans. The basement is relatively small and will contain mechanical equipment rather than have them outside or elsewhere in the house.

Bill Godisman, neighbor, asked about water quality impacts on the lake. If there is fracturing of rock out to the lake, are there water quality implications? DM, such as? Mr. Godisman said that the activity could let water into spaces where it previously was not. DM, in order for there to be a water quality impact, there needs to be a source of contamination. If there is no source of pollutants, he doubts there would be an impact as to water quality. He has no idea if there are any contaminants in this area.

JS, based on what he's heard tonight, he doesn't think there's significant potential for extending fractures out to the lakeshore.

JS, to DM, a standard phase 1 site investigation may be an appropriate recommendation in this case.

EK, the Board is concerned with buried tanks and the like, blasting, and potential for vibration related fish kills.

Discussion of potential next steps: approve as presented, approve with conditions, and require a second review with BCB.

A MOTION was made by DM and SECONDED by JS: (reflects discussion below)

Approve subject to the following conditions:

1. Conduct a phase 1 environmental site assessment for pollutants in and under the soil.
2. Conduct a radon survey in neighboring dwellings pre- and post-blasting.
3. Assess potential blast influence on terrestrial and aquatic wildlife.

If there's a red flag as to any of these conditions, the project is to return to BCB for additional review.

Discussion:

SY, what's the threshold? DM, significant impact. The burden would be on the applicant to demonstrate the evaluation and results. If the DRB deems them to be significant, DRB would send the project back to BCB.

EK, amend the motion to address impacts to aquatic and terrestrial wildlife. Combine 3 & 4.

RC is looking for ways to mitigate effects on wildlife associated with construction such as use of biodegradable, wildlife friendly construction best management practices.

JS, the phase 1 should not just be limited to results of blasting. If there are any contaminants or buried tanks, they should be addressed.

JS noted concern with lawn chemicals that may runoff towards the lake. DM noted that it is already regulated by the city. JS said the regulation mostly addresses notice to neighbors. DM said he's not sure we can address it because it's not a change in use. The lawn is already there.

ZR would be interested in seeing the results of the evaluations. DM, we can ask DRB to report back to us as an FYI in any event. If there are significant impacts, refer the issue back to BCB for review.

DM, each one of these requires time. We will not have an answer for the DRB in two weeks. He suggested tying the conditions to pre-construction. JS said that a phase 1 could be done within a reasonable amount of time. DM concurred and noted that a literature review relative to condition 3 could be done in a similar timeframe.

Vote: 6-0-0, motion carried.

Update & Discussion

1. Municipal Development Plan

Meagan Tuttle appeared on behalf of this item.

Ms. Tuttle acknowledged ZR's comments that were provided before this meeting. Consider Burlington's sustainability goals and better ways to recognize current uses in the land use map. ZR mentioned, for example, that much of Rock Point is noted as "civic" although it has some of the most significant natural areas in the city. Enhance the readability of the maps. Ms. Tuttle asked if Board members had any additional comments. No additional comments were provided. ZR said she thinks the draft is a great improvement.

Ms. Tuttle said that the Planning Commission is having a public event for the MDP update this coming Wednesday.

Adjournment

The meeting adjourned at 7:17 PM.