

Burlington Conservation Board

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Rebecca Roman
Don Meals
Ryan Crehan
Hannah Brislin
Miles Waite
Caryn Connolly
Kyle Tansley
Lina Swislocki
Elizabeth Cunningham, Student



Conservation Board Meeting Minutes

Monday, November 14, 2022 – 5:30 pm
Remote & In Person Meeting

Attendance

- **Board Members:** Zoe Richards (ZR), Miles Waite (MW), Caryn Connolly (CC), Don Meals (DM), Kyle Tansley (KT), Lina Swislocki (LS), Rebecca Roman (RR), Ryan Crehan (RC), Elizabeth Cunningham (EC)
- **Absent:** Hannah Brislin (HB)
- **Public:** Sharon Bushor, Joe Weith, Brian Leet, Jesse Beck, Marty Spaulding, Randy Burnett, Dave Marshall, Andres Torizzo, Josh Robinson
- **Staff:** Scott Gustin (Permitting & Inspections), Dan Cahill (Parks, Recreation, & Waterfront)

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

Minutes

A MOTION was made by RR and SECONDED by DM:

Adopt the minutes of September 12, 2022 as written.

Vote: 7-0-0, motion carried. (no RC yet)

Board Comment

CC said the AVCC meeting was amazing, very useful. She noted an interesting session with the state climatologist. RR noted ZR and Taj Schotland were speakers as to nature based climate solutions.

ZR mentioned the recent city council nature based climate solution field trip including the Champlain Elementary School.

ZR also noted the White House's "opportunities to accelerate nature based climate solutions" recently posted guidance.

SG mentioned progress with the Riverside Avenue HMGP buy-out.

Public Comment

Sharon Bushor commented on the Legacy Fund item. She noted the present parameters are 70% acquisition and 30% stewardship. As proposed, 30% would be used for acquisition and 40% for other projects. Conservation Board should make clear what the 40% could be used.

Project Review

1. ZP-22-546; 52 Institute Rd (Ward 4N, I) Burlington School Dept.

Demolish and remediate existing high school and construct new high school.

The programs and services of the Dept. of Permitting & Inspections are accessible to people with disabilities. For accessibility information call 865-7188.

Joe Weith, Brian Leet, Jesse Beck, Marty Spaulding, Randy Burnett, Dave Marshall, Andres Torizzo, and Josh Robinson appeared on behalf of this item.

Brian Leet overviewed the site plan and highlighted landscaping, circulation, and bike parking. Total parking is 362 spaces onsite. Its within 2 or 3 spaces of existing conditions. All buildings but the wood chip building will be removed.

Dave Marshall overviewed existing conditions. He noted the Arms Forest to the north of the High School site. He noted the steep slopes on the site plans. Mr. Marshall pointed out the existing drainage conditions. All stormwater runoff north of Institute Road is directed westerly of the track. The receiving area is mapped as a class 3 wetland. The applicants are working with the Army Corps as to use of this area for stormwater management.

RR, the entire area north of Institute Road drains into this area? Mr. Marshall, yes. Mr. Marshall noted the presence of several specimen trees on the property. He also noted the natural resource overlay district to the north of the development area. Limited impacts are proposed.

Andres Torizzo addressed stormwater management. He evaluated existing site conditions to establish a baseline. A regenerative stormwater conveyance is proposed. It is intended to regenerate the eroded gully west of the track. The school is large enough to be subject to the state's 3-acre site standards. Only a ½ acre of new impervious surface is proposed.

DM asked why the existing outfall has failed. Mr. Marshall said the transition area between the concrete outfall and the native soil behind is what failed. Erosion undercut it. DM asked if anything will be installed to keep folks away from the new system. Mr. Marshall said no new fencing is proposed. There's an existing fence between the track and top of bank. There's not a lot of human activity in the area.

CC asked if the proposed sand is intended to trap some of the runoff. Mr. Torizzo said the sand bed will be built above the water table. Water will rise and fall within the system but should not result in any flooding. CC asked if planting will be focused on the slopes or also within the bed. Mr. Torizzo said no plantings will be within the sand bed as designed. Annual O&M should keep the sand beds clean and functional.

DM, will there be a forebay to capture sediment? Mr. Marshall, yes.

RC asked about the area of impact to the class 3 wetland. Mr. Torizzo, about 6,500 sf. RC, what's the distance to the lake? Mr. Torizzo, said it's several hundred feet from the naturalized portion of the system to the lake.

ZR asked about the specimen trees, including a few very large oak trees. Mr. Marshall said he was referring to trees within the campus, not where ZR is referring to.

RC asked about prior rain garden designs. Mr. Torizzo said that based on soil characteristics, they'd be of limited benefit. Mr. Marshall said that erosion of the existing outfall was examined as part of design of this proposed system.

MW asked about the prior stormwater iteration, was there a plan to infiltrate at all? Mr. Torizzo said that gravel wetlands were part of a prior design.

DM asked if anyone has considered monitoring for this system and whether that could integrate with the school as an educational opportunity? Marty Spaulding pointed out that there is an educational component to the state's 3-acre rule. Mr. Torizzo said he can speak to his contact about this item.

RC asked about the planting plan and an emphasis on native plantings. Lots of plants are proposed, but many are non-native ornamentals. A lot of ornamentals can become invasive. He recommended focusing on native species. Mr. Marshall said that the city arborist made a similar comment.

RR asked about system performance for larger storm events. Mr. Torizzo said that runoff is reduced for storm events up to the 100 year event.

MW asked about site remediation. Josh Robinson spoke to the item. Remediation and demolition will be executed by phases. All of the contaminated material will be excavated and taken offsite.

DM asked where the contaminated materials will be taken. Mr. Robinson said that it will need to be disposed of as remediation waste at a TASCAs-approved lined landfill. He noted there are landfills in Ohio and Pennsylvania that meet these standards. MW encouraged managing soils onsite to the extent possible. MW asked if known contaminated materials will be cut out and disposed of and the rest handled as regular construction waste. Mr. Robinson said that was considered and was found to be infeasible.

A MOTION was made by RR and SECONDED by MW:

Recommend approval subject to the following conditions:

- Consider educational opportunities focused on the stormwater system and funding through "Green Schools."
- Include only native species in the proposed landscaping plan.
- Integrate monitoring capabilities into the stormwater outfall.

Vote: 7-0-0 (LS had left)

Update & Discussion

1. Conservation Legacy Fund

Funding eligibility and opportunities

Dan Cahill provided some background. About a year ago, it was found that the Legacy Fund was not fully funded. Now that it has been corrected to full funding, we have the ability to think about opportunities to help enable some activities related to the Nature Based Climate Solutions Addendum. The proposal is a 30/30/40 split for stewardship, acquisition, and NBS implementation. RR said that actual dollars for acquisition and stewardship will increase as proposed.

DM says he gets the point, but does not buy it. Why not consider the additional monies as that much more for acquisition? Mr. Cahill said that there is presently \$500K sitting unallocated in the fund right now. The history of the fund has included about \$108K per year. Part of the Legacy Fund helps build the legacy of implementation work in the community. DM said that he understands the philosophical underpinning of the fund already exists for acquisition and stewardship. The emphasis has been on acquisition. Its what the voters supported. He asked about the level of oversight as proposed for the nature based climate solutions. He shares Sharon Bushor's concern that this is another way to siphon legacy funds elsewhere.

Mr. Cahill said the fund has retained its healthy balance due to oversight. There is not currently a mechanism in the community to sustain work called for in the Nature Based Climate Solutions Addendum. He pointed out a number of large scale conservation successes involving the Legacy Fund. There remain a number of smaller scale conservation opportunities. Its going to take community buy-in and participation to succeed with these smaller scale spaces within the community. ZR noted the three goals cited in the original Legacy Fund resolution: Acquisition, Stewardship, and Education. We've done very little on the educational aspect. We can't just acquire land with no plan for ongoing management.

We need to account for the need for species regeneration. Parks has been doing an admirable job with very limited capacity. We should be able to provide seed money for stewardship activities beyond Parks.

DM said he's concerned with the radical changes to the percentages. We need to have a rigorous review process if we are going to get into issuing grants from the fund. ZR agreed that we should put more analysis into what the percentages ultimately may be. The numbers are based on some of this analysis.

RR said that potential acquisitions have been considered in the proposed changes.

MW noted that the stewardship monies will about double. Is additional staff anticipated? He doesn't want the acquisition to get forgotten – perhaps with a dedicated staff person. He agrees that we need a rigorous process for awarding grants. ZR asked where the fear of running out of money comes from. There are community partners that can help us get through shortfalls if they occur – such as was done for the land at 311 North Avenue. There is a real lack of funding for implementation work. We are struggling at conservation. How can we change things to be more effective?

RC, buy land, no more is being made. Land is not getting any cheaper. He thinks what is proposed makes sense and requested providing the legacy fund resolution distributed to the Board members.

MW stated that acquisition is tangible. The potential projects are fuzzy at the moment.

DM, the overarching criteria should be a measurable effect for possible projects receiving Legacy Fund monies. He's afraid of someone asking for monies for un-measurable ideas.

CC, agrees with both ZR and DM. Part of the issue is that the amount of money going to education is doubling. Perhaps establish a limit for the initial trial. Perhaps annual goals are established. Its important to at least start a trial – even at a small scale.

Dan Cahill said that the Open Space Addendum will provide the framework for what's fundable and what's not. We have an initial educational project to bring to the Board.

DM noted that leveraging funds should remain part of the mix. The Legacy Fund should not be 100%.

RC suggested looking at what other communities with similar funds have done. RR mentioned AVCC's "tiny grant" program for reference.

ZR wants to be sure we don't just use old criteria that have not worked in the past. DM said there's opportunity to coordinate with new regulatory standards such as the shoreline standards. He agreed with CC's suggestion as to themed annual goals.

Dan Cahill recapped that the process needs to be fleshed out more. DM requested that percentages be dialed back a bit. MW agreed.

RR asked how the proposed percentages were arrived at. Mr. Cahill said that historic funding expenditures for acquisition and stewardship were used for reference. He also said that a number of community groups are working towards implementation work and lacking resources.

RR recapped: More info as to what's behind the proposed numbers and the known existing need. DM requested seeing a couple different funding scenarios and a NBS wish-list.

Adjournment

7:36 PM.