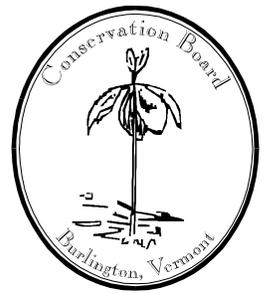


Burlington Conservation Board

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



Conservation Board Meeting Minutes

Monday, December 5, 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), Hannah Brislin (HB), Rebecca Roman (RR), Ryan Crehan (RC), Lina Swislocki (LS)
- **Absent:** Elizabeth Cunningham (EC)
- **Public:** Sharon Bushor, Jovial King, Scott Mapes, Larry Williams, Kelley DesRoches, Daniel Voisin, Dori Barton, and Nick Smith
- **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 DM and SECONDED by MW:

Adopt the minutes of November 14, 2022 as written.

Vote: 7-0-0, motion carried. (No LS yet)

Board Comment

RC provided a brief update as to the potential shoreline naturalization project in the urban reserve. Upcoming steps include an evaluation of contamination in that area of the reserve.

Public Comment

Sharon Bushor spoke to the potential changes to use of the Conservation Legacy Fund. She supports 30% for stewardship. She hopes that the proposed changes could use 25% for NBS projects for a trial period of a year or so. There are more uses for this fund that may now be priorities. She's asking to allocate those dollars at a more modest amount and possibly grow it dependent on project success.

Open Space Subcommittee

1. Conservation Legacy Fund Funding Standards

Dan Cahill and ZR presented a slide show to the Board overviewing the history of the Conservation Legacy Fund, its primary objectives (acquisition, stewardship, and conservation education), its past and current funding levels, and past and potential funding allocations for stewardship, acquisition, and now nature based climate solution work.

MW said he's supportive of the proposal, but thinks the numbers should be split 30% for NBS and 40% for acquisition. Maybe start with a trial period. He asked who can apply for Legacy Fund dollars for NBS.

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

Can he as a private citizen apply? Dan Cahill, possibly. RR said that there needs to be an aspect of the funding review process to inhibit private benefit.

DM said he appreciates the presentation. He can support the 30% NBS / 40% acquisition split mentioned by MW. He's given more thought to potential NBS project criteria: 1) Project needs to contribute to an identified NBS implementation strategy. 2) There needs to be cost-sharing. 3) The work needs to have measurable results to assess effectiveness. 4) There needs to be a format and timeline for projects. 5) There needs to be joint decision making on funding by the Conservation and Parks Boards. When the State has a grant program, he needs to provide proof of insurance. We should have a similar requirement. RR, like volunteers signing a waiver before engaging in activities? DM, was thinking more along the lines of a consultant demonstrating proof of insurance. RC thinks it can be done in a way that does not exclude a lot of folks. It's a valid concern. DM, it may discourage an individual from making a proposal, and perhaps rightly so.

HB, supports the 30% / 40% split as well. Is there already an application for this that can be used? Is there a plan in place for public outreach and education? ZR, we can lean on our city land steward to help with public outreach and education. Dan Cahill concurred – to assist with community organizing and empowerment. ZR, pointed out the north bend orchard project. Neighbors approached DPW first, it got mowed, Dan Cahill got involved and now it's a really cool open space.

HB, is there an application form and process? SG, there is for acquisition. MW, it will need to be different for NBS activities. HB, is there a plan in place for timelines?

LS, disagrees with prior comments, and doesn't see why we would limit ourselves as to supporting NBS. In looking at a map of the city, she doesn't see what additional lands might be acquired. This can be a real climate resource. RR concurs with LS. Let's try it out. We already have several years' worth of NBS work in need of funding. The original document presented to the voters was about conservation and protection. This new proposal brings with it the need to redefine conservation today. Just purchasing land does not increase the resiliency of natural and human communities. Conservation has changed, and NBS can fit within the purpose of the fund. We need to be able to address current needs.

ZR respects MW and DM's position. It does feel significant to change these things. Both have lengthy history living in the city and experience.

RC, this is a board. Not everyone will get exactly what they want. He is personally closer to Sharon Bushor's take. This should not be a fund for whomever comes along. We have time to work on and refine the framework.

ZR, we don't need to decide on an exact split tonight. We still have some procedural work to do. MW suggested that even flexible percentages could work, ones that are reevaluated every year.

DM, it would be a big mistake to change this without defined parameters in place. He noted that there are efforts nationally to conserve lands to put together bigger and contiguous blocks of habitats. What if NBS turns out to be the flavor of the month? Dan Cahill said that NBS is fundamentally conservation work.

RR, is it possible to establish ranges as recommended by MW? MW, maybe something between 25% and 40%. Dan Cahill suggested picking a number and review it annually. MW suggested making an initial change with the intent of reevaluating it every year.

A MOTION was made by DM and SECONDED by MW:

Move change the Conservation Legacy Fund from the current 30% stewardship / 70% acquisition allocation to 30% stewardship / 40% acquisition / 30% NBS work allocation as a measure to be reevaluated annually.

Vote: 8-0-0, motion carried.

Project Review

1. ZSP-22-10; 453 Pine Street (Ward 5S, E-LM) Derrick H. Davis Sketch plan review of proposed bowling alley and bathhouse.

Jovial King, Scott Mapes, Larry Williams, Kelley DesRoches, Daniel Voisin, and Dori Barton appeared on behalf of this item.

Jovial King overviewed the project. She noted the proposed buildings and the outside component of the project. Landscaping will be important to the project.

MW noted the deed restrictions on the property due to the onsite contaminants. Ms. King noted that the site is a brownfield. Behind it to the west is a superfund site (the barge canal). 501 Pine Street would be conveyed to the city. It would provide a link to the city owned land along the barge canal. Two other parcels along the barge canal to the north would be conveyed to the city as well.

CC said she read the proposal. It was very interesting. Ms. King said the bathhouse is intended as a community gathering place. She's trying to create a space for rest and relaxation. She noted the presence of several similar facilities in Canada. A café will be part of the proposal. A bowling alley is included in the proposal. The commercial building will contain office space and possibly some small retail.

Larry Williams said the bowling alley will be "duck pin" style. Its much shorter lanes than traditional bowling. Conventional bowling will also be offered.

RC, what have you found onsite? Kelley DesRoches noted the main access point would be a shared drive with Maltex. She pointed out the wetland and natural area buffer zones. Some of the work will encroach into these buffer zones.

RC, what are the earthen berms? Ms. DesRoches displayed a rendering of the project with the berms. They will be planted landscape features. MW, is it also a way to keep contaminated soil onsite? Ms. King said that it can help keep some soils onsite. She'd like to start construction on this project early next fall.

Scott Mapes said that there has been qualitative assessment of the contamination. Where is it? There's also been a fair amount of geotechnical analysis so that any construction does not interfere with the remedy in place for the barge canal.

DM mentioned all of the legal liabilities associated with 501 Pine Street.

Ms. DesRoches noted the presence of a building within one of the buffers to utilize the better soils.

MW how is this project different from prior proposals? Larry Williams said that the economic feasibility is better here. The prior projects couldn't support the additional cost. Now, the state has funding available through the BERA program to help cover these extra costs due to the contaminated site conditions. Scott Mapes concurred.

ZR, is the expectation that the site become cleaner post-construction? MW, would say yes. From a public health perspective, exposure has been controlled. If done right, it will be better. Scott Mapes, the CAP that will need to be implemented will demonstrate that folks will not be put at risk onsite. This project will help enhance the buffer zones with invasive species management.

DM is not enthusiastic about incursion into the natural area and wetland buffers. The rationale needs to be made clear. What about stormwater management for the site? Scott Mapes said that stormwater management won't use the wetlands, but stormwater management measures will be within the buffer

zone. DM, like what? Scott Mapes, we are intending to mimic the drainage patterns and are intending to use a bioswale that leads into treatment ponds that will ultimately drain to the west. DM noted that new things like light and noise could adversely affect habitat quality.

RC asked about the city sewer ROW. It sets the development back from that. Have you looked at ways to share parking with Maltex? There looks to be opportunity for shared use. Ms. King said that they are intending to share parking with Maltex. The bathhouse will have 150-person occupancy, and the bowling alley will be more. She's not sure they want to have much less parking. Ms. DesRoches pointed out the city's parking maximum limitation.

RR pointed out the encroachment into the 50' buffer. She is concerned with that. Ms. DesRoches said they are planning to revise the plans to stay out of this buffer. Dori Barton said that the existing buffer is seriously compromised by invasive species. The buffer will be enhanced with the development. Invasive species control is planned. Eradication is probably unlikely.

ZR pointed out the wildlife value of this land so close to the lake. If there needs to be development within the buffer, the applicants really need to address why and how impacts will be minimized.

RR, how will invasive species be managed? Dori Barton said we are still awaiting results of contamination studies. Those will affect management.

Dan Voisin said there is a direct contact risk with soils onsite. The mitigation of invasive species will be integrated into the CAP. RR asked if "Round Up" could be used. RC said that there are city regulations in place. RR said that manual control will be difficult. Daniel Voisin said there's a concern with use of pesticide close to the lake. Its possible to do if allowable. Its too early to decide now.

Ms. King said that this project is pretty low impact as compared to other possibilities onsite.

RC said moving out of the 50' state buffer is a great move. What can be done to mitigate impacts in the 100' buffer?

RR, is the light green on the site plan mowed area or undecided? Ms. King said there won't be much mowing going on.

MW, have you thought about increasing grade – to bring in soil? Scott Mapes, the geotech analysis will inform how much fill can be brought in. Very limited opportunity for fill onsite.

RC said that Dealer.com does not use their parking as much anymore.

2. ZSP-22-12; 284 Grove Street (Ward 1E, RL) Ireland Grove St Properties

Sketch plan review of demolition of existing residences and construction of 13 new duplex buildings.

Nick Smith appeared on behalf of this item.

Mr. Smith noted that the existing buildings were constructed in the 1990's and are at the end of their functional life. There are presently 12 single family homes and a triplex. We are proposing 13 duplexes. Inclusionary units will be provided.

MW noted that this is a pre-existing residential development. Mr. Smith said that SD Ireland purchased it from Scott Mansfield some years ago.

RC, how does existing versus proposed development compare relative to the steep slopes? Mr. Smith said that some of the units are larger. A geotechnical analysis will be done. SG noted that the project is affected by the city's steep slopes overlay.

MW asked if there is opportunity for views over the river. Mr. Smith said that possibly there may be seasonal views.

MW asked about wetlands. Mr. Smith noted there are some at the bottom of the slope, more than 150' away. We are looking to reconfigure the stormwater system to treat as much as possible. He noted the presence of a scoured stormwater outfall downslope. They will aim to repair it as part of the redevelopment. Access will be difficult. MW encouraged infiltration. Mr. Smith said about 2/3 of the site will be infiltrated.

LS asked if any retaining walls will be needed. Some of the units look pretty close to a steep slope. Mr. Smith said there's possibility to avoid basements and/or shift the units closer to Grove Street. Most of the new buildings will be located where existing buildings are located. The hope is to avoid retaining walls.

Update & Discussion

1. Intervale Deer Management

Patrick Dunseith appeared on behalf of this item.

Patrick Dunseith stated that the UVM NR 206 class worked on this project this semester. Its been worthwhile reconnecting with UVM and could be a conduit for accessing other resources at UVM. Students found the topic engaging. The main deliverables were the creation of 3 infographics and short surveys. He's looking to gauge public sentiment around this topic. He hopes next steps will continue with NR 206. It was a productive start. He'd appreciate if the Board could engage with the effort for the spring semester. He's happy to remain the point person. NR 206 can provide additional capacity but cannot steer the effort.

HB said she'd like to talk with Patrick more about this as a resident, not as a board member. ZR asked if Patrick should share the student deliverables. Its possible for the Open Space Subcommittee to play a role. Patrick said the students are doing a final presentation on Thursday and can share the info with the Board. ZR asked for info as to when and where the presentation is. Patrick said 10:25 in RM 413 of Waterman.

RR said she has some ideas for continuing the project into the spring semester. ZR asked if Patrick will join the January Open Space meeting to discuss. Patrick agreed.

2. 2023 Meeting Schedule

A MOTION was made by MW and SECONDED by DM:

Approve the 2023 Board meeting schedule as proposed.

Vote: 8-0-0, motion carried.

Adjournment

7:42 PM.