



Ben Traverse, Ward 5 City Councilor
Burlington City Council
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(802) 357-2055

June 20, 2022

Burlington Development Review Board
Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

Re: ZP-21-800, 501 Pine Street

To the Development Review Board:

I greatly appreciate the DRB's consideration and approval of recent developments along the Pine Street corridor that have reinforced the South End's role as a creative space for entrepreneurs, small businesses, makers, artists, and new food and beverage concepts. I understand and respect that, last year, the DRB approved a project similar to the food truck café proposed for 501 Pine Street. There have been three important developments since then, however, that I'd like to bring to the DRB's attention as it considers the current food truck café application and other projects in the area.

1. **Re-Zoning** – because 501 Pine Street is within the Enterprise-Light Manufacturing (“E-LM”) zone, the character of the surrounding area is referred to by City staff as a space for accommodating manufacturing and similar industry. There are very few manufacturing businesses in the E-LM, though, particularly in the area surrounding 501 Pine Street. Over the years, the DRB has received testimony from City staff and local business leaders, among others, explaining that manufacturers are unlikely to establish their businesses in the South End to the extent once contemplated. Accordingly, the City entered into a memorandum of understanding and recently started a public engagement process to re-zone a portion of the E-LM, including that encompassing 501 Pine Street, to allow for new residential and commercial uses in this area.¹ While I recognize the DRB must apply existing zoning ordinances, expanded residential and commercial use in this area is

¹ The memorandum of understanding may be accessed at :

https://www.burlingtonvt.gov/sites/default/files/MOU_Innovation_District_Zoning_Amendment_FINAL_Executed_12142021.pdf

broadly incorporated within the standards of the City's municipal development plan, which the DRB should also consider in its deliberations.

2. **Parking and Circulation, and Pedestrian Access** – this week, after decades of delay, the City will recommence construction of the Champlain Parkway. The 501 Pine Street parcel is along the route designated for the Parkway, which is designed to improve the flow of traffic along this major arterial. The project application before the DRB includes a short one-way driveway (with two curb cuts on Pine Street) and just three parking spaces designated for food pick-ups/deliveries. I trust the DRB will properly inquire into whether these aspects of the project will result in traffic backing up onto Pine Street, impacting vehicles, bicycles, and pedestrians. Additionally, because of the absence of onsite parking for eat-in diners, the DRB should consider where customers travelling by car will park and then access the site as pedestrians.

3. **Natural Features** – immediately to the west of 501 Pine Street is a publicly owned parcel currently designated as a right-of-way for the Champlain Parkway. The Parkway will never be built on this parcel, as the road will be routed to Pine Street via Lakeside Avenue. My understanding is that the recommencing of Parkway construction may soon create opportunities to re-purpose the publicly owned parcel as something other than a right-of-way. As referenced in the above-mentioned memorandum of understanding for rezoning the E-LM, a number of interested parties are invested in the publicly owned parcel becoming a new City park. Moreover, I expect the DRB will soon consider recently announced plans for developing the parcel to the north of 501 Pine Street, which have demonstrated a commitment to integrating the development with surrounding natural spaces. For the area of 501 Pine Street that is outside the footprint of the pending application, some stakeholders are interested in exploring whether this space may be conserved as an access point for a future public park. Accordingly, I respectfully disagree with any finding that there are no natural features for the DRB to consider in reviewing this application.

Thank you for your consideration of this letter. I trust the DRB will appropriately review the application and reach a sound decision.

Sincerely,

Ben Traverse

Ryan Morrison

From: Jess Yepeth Perla Rubin <yepeth@gmail.com>
Sent: Tuesday, June 21, 2022 11:51 AM
To: Ryan Morrison
Subject: Concerning: . ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler
Establish a food truck/container kitchen café. (Project Manager, Ryan Morrison)

You don't often get email from yepeth@gmail.com. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Ryan Morrison,

please share this with the board this eve.

There are a myriad of reasons why the proposal for a food truck on 501 Pine street is not only irresponsible to the environment but also dangerous to the human community. Below are a list of concerns that need to be addressed before this idea would have any reasonable merit under the scrutiny of environmental scientists and neighborhood community organizers.

- 1. STORMWATER:** Stormwater runoff from southend crosses the land here and change in permeability will impact the site's ability to catch, filter, and redistribute that water. Any construction will disturb the existing soil conditions and malffect the rest of this fragile urban wild, including toxins that are currently held in stasis. Given the significance of the Pine Street Barge Canal in Burlington's stormwater system, it should be considered carefully whether paving and covering over the .12 acres of this site could have an adverse impact on stormwater retention and processing. When an area that permeable (currently with trees & soil) is replaced with impermeable surface (pavement), this puts more pressure on the surrounding landscape to absorb, filter, and redistribute the stormwater.
- 2. TREE COVER:** Existing trees (26-30 black locust, green ash, cottonwood....) are critical to the existing soil stability, carbon sequestering, and stabilizing toxins (phytosequestration) . Cutting trees will impact water retention and any stump removal will disturb the subsurface levels. The peat layer below the surface holds the NAPLA like a sponge, therefore any release of these affects the current mitigation balance. Many of these ash trees are laden with seeds and a valuable source of genetic stock for when the ash bore disease has passed through the area. Removing these trees would be removing important living libraries.
- 3. LIABILITY:** Superfund site liability is not to be taken lightly. There are many regulations that need to be adhered to since there are 56 toxins of concern at this site. Currently everything is held in place but developing the site will expose these toxins and would need to have a specific approved mitigation plan that ensures the surrounding ecosystem and

human community is not malaffected by these toxins. BRILLA will need to be consulted and compliance needs to be spelled out to be evaluated. There is a serious threat from this proposed development to create a MIGRATION OF TOXINS. Given the documented presence of hydrocarbons and heavy metals in the soil at 501 Gatehouse and given the 56 “contaminants of concern” identified by EPA at the Pine St. Superfund Site, there is significant potential for excavation on the site – even the 2-4 feet of digging mentioned in the application – to cause migration of toxins down gradient to Lake Champlain.

4. NEIGHBORHOOD COMPATIBILITY: To have food in an art district on a superfund site does not make any sense in terms of safety nor in terms of consistency with the neighborhood orientation. This area of 501 Pine is actually slated to be moved into conservation zoning, with the help of the new owner, connecting 24 acres of current RCO zoning at the Barge Canal. Leaving this area untouched is the most consistent and responsible action concerning this future plan for the contiguous parcels.

5. LIGHT POLLUTION: Research indicates lights threaten the insect population who are the foundation to the trophic web. This location is not appropriate to turn into another lit up venue with light pollution as there are robust insect populations from the adjacent wetlands that need to be protected. Even with lights that conform to the DAB’s guidelines, the evening activity of the food containers will increase the light pollution in the area and will risk negatively impacting flying insect populations which in turn affects the bird and amphibian populations.

6. HISTORICAL SIGNIFICANCE. The Pine Street Barge Canal is an area of historical significance. The site of the proposed development is precisely where the Burlington Gas Light Company manufactured gas plant was located for 60 years. The wetlands to the west and north were hunting/fishing/gathering grounds for native Abenaki residents. The canal itself contains several sunken 19th century canal sailing barges, vestiges of Burlington’s once-thriving lumber mills.. The industrial, natural and indigenous heritage of this area will be documented and honored in the future municipal park. It is not clear at all how the proposed food truck/container café fits into this picture.

7. SAFETY FOR FOOD SERVICE.

The Phase II Environmental Assessment of the site conducted in 2021 by the Nobis Group found levels of vanadium, a toxic heavy metal associated with the manufactured gas plant, that exceeded Vermont Non-Residential Standards in all soil borings at 501 Gatehouse. There were also significant amounts of polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPHs) present though not exceeding Vermont’s *Non-Residential* Standards. It is concerning that this area is not safe for a food service business.

8. TRAFFIC FLOW ON PINE STREET. Has there been a traffic study to determine the impact of the proposed development on traffic flow, already congested on Pine Street and/or the future Champlain Parkway? How will turning cars into the food container area affect bicycle and

pedestrian safety? Will parking for the food service area overflow on to Pine Street, with people crossing in mid-block to get to the west side? This small project could have big consequences for car drivers, cyclists and pedestrians, not to mention residents of Jackson Terrace across the street.

Thank you for sharing these concerns and taking them into serious consideration for the well being of the ecosystem and human community.

Sincerely,

Jess (Yepeth Perla) Rubin
(she/her/they) in unceded Abenaki territory
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