

## Burlington Conservation Board

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## Conservation Board Meeting Minutes

Monday, October 2, 2017 – 5:30 pm  
Planning & Zoning Conference Room – City Hall Lower Level  
149 Church Street

### Attendance

- **Board Members:** Zoe Richards (ZR), Miles Waite (MW), Don Meals (DM), Ellen Kujawa (EK), Jeff Severson (JS), Matt Moore (MM), Scott Mapes (SM), Sean Beckett (SM)
- **Absent:** Stephanie Young (SY)
- **Public:** Jesse Bridges, Gil Livingston
- **Staff:** Scott Gustin (Planning & Zoning), Dan Cahill, Nina Safavi, Cindi Wight (Parks & Rec)

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

### Minutes

September 11, 2017

JS commented (need details)

A MOTION was made by DM and SECONDED by MW:

Approve minutes of September 11, 2017 as corrected.

Vote: 6-0-1, motion carried.

### Board Comment

EK, the LCBP is hosting a lake research workshop relative to implementation projects in January 2018. Call for presentations is open through 11/3/17.

### Public comment

None.

### Update & Discussion

1. Amended bylaws

SG overviewed the changes. ZR said that the 3-year term was only suggested, not mandated. MW, we could say 3-years or as needed. ZR, we don't want to be completely rigid. DM, we should set a specific timeline. Otherwise, we spend time each year trying to figure it out. We can change the bylaws if it becomes a problem. JS, there may need to be provision to allow flexibility for vice chair. SG said he can add language to that effect.

A MOTION was made by MW and SECONDED by DM:

Approve the bylaws as amended and to include language enabling nomination and election of a vice chair on an as-needed basis.

Vote: 7-0-0, motion carried.

The programs and services of the Dept. of Planning and Zoning are accessible to people with disabilities. For accessibility information call 865-7188 (865-7142 TTY).

## 2. BCLF acquisition vs. administrative funding provisions

MM overviewed the item. It pertains to the 70% acquisition vs. 30% administrative provisions in the resolution establishing the Burlington Conservation Legacy Fund. DM clarified that the 30% has a distinction between the program's operations versus administrative costs associated with conservation projects.

MM said ~ \$190K goes into the fund yearly. MW said that the language states the 30% goes to support the program's administration. MM said that there was some confusion recently about outside administrative costs associated with a conservation project. DM said it would be useful to know, as of a given time in the fiscal year, the amount of the fund spent on acquisition versus administration so we can judge a project that may be skewed one way or the other.

ZR we can't take any of the 30% and apply it to the 70% or vice versa.

Jesse Bridges said that the fund gets \$192K annually to be managed by Parks & Recreation. Of that, 30% goes to cover administrative functions. There's nothing that says, percentage-wise, what part of the 70% acquisition funds can pay for certain components of individual projects.

MW, we have a pool of money, the 70%, to apply to conservation. We have to decide how much of that can go to outside administrative costs. DM, individual projects have no effect on the 70/30 ratio. He doesn't understand that.

Dan Cahill, a landowner who wants to conserve his property without use of the 70% and related process could do so via the 30%. Doing so, of course, puts a real strain on the 30% funding.

MM reiterated that the 70% is for all acquisition funding. Mr. Bridges said that the 30% is taken off the top at the beginning of every year for programmatic costs.

MM, how can we use the acquisition funds? We have clarified that the 70% can be used for more than just the interest in real property. It can be used for appraisals, closings, and the like. Are we going to consider outside administrative costs within that? MW, we can support closing costs. What's not clear is how we handle general administrative costs of third parties.

Gil Livingston:

- A nonprofit can serve as a conservation partner;
- Expect a clear disclosure of what the array of expenses are in any given transaction;
- Every nonprofit partner has a different business model, VLT includes staff costs and articulates as much;
- Each project has complicated and multiple funding sources. There were 6 involved in the 311 North Avenue project, not including the city. Be clear about where you don't want funds to go;
- There are different costs associated with each project, i.e. due diligence, resource assessment, stewardship endowment; and
- Staff costs to make the organization work.

Mr. Livingston, there is not a direct correlation between project size or value and costs.

MM, that is very helpful. Mr. Bridges, starving the nonprofit partners is a notion that we need to push back on as a community. The people within the organizations are needed in order for them to work. They are just as important as the attorneys associated with the closing costs. Nonprofits do have overhead costs.

Mr. Livingston, consultant fees preliminary to conserving 311 North Ave was ~\$30K. You don't want your nonprofit partners wonder if their costs will be covered.

Nina Safavi stated that outside consultants are often involved, such as phase 1 & 2 ESA's and archaeological assessments.

MW, we want to avoid being so flexible that people come back a second time to see additional funding for staff costs. Mr. Livingston, were you and that partner clear at the beginning of what costs are and what will happen if costs exceed expectations? Mr. Bridges, seemingly you will have to deal with those on an individual basis.

ZR, the biggest goal is conservation. We don't have many opportunities for conservation in Burlington. We should embrace the opportunities that there are. DM, at the same time it behooves us to be good stewards of the fund. We don't want to spend it all in one place. As to VLT, it would be helpful to get info from applicants in advance (like the details provided by VLT). As to overhead, he understands that; however, he wants to know that it's reasonable. Overhead rates differ among organizations.

ZR, maybe a reference sheet would be helpful for comparison of costs and standards.

Dan Cahill, he can do a better job of providing information – to better understand the details of a particular application as it relates to general standards.

Mr. Livingston stated that an MOU is put together at the beginning of every conservation effort. DM, that might be good to include in the BCLF application form. MW concurred that the application should be amended to address this info.

JS, all funding requests should be fully transparent and afforded equal opportunity on an even playing field. Thoughts on staff time: Professional staff can create an un-level playing field as related to purely volunteer groups. An organization with professional staff can seek funding for staff; whereas one without staff cannot. Staff time is a subsidy of sorts, but not a true cost of the project. Its money we're giving to an organization as a subsidy. Organizations with staff are knowledgeable enough to know to ask for additional funding to cover staff costs. He'd propose moving towards a model where we make professional funds available to all applicants – to enable a prospective partner to work with a land trust. The goal is to allow everyone to have the chance to engage with a professional in a successful conservation effort.

MM thinks it's good when an organization accounts for staff time. He thinks transparency is paramount. Some flexibility is necessary to enable assumption of some risk by conservation partners – to have the property appraised, to have it evaluated. Risks need to be taken, and money needs to be spent in order to make things happen. He thinks we can put some parameters around staff costs. The application form needs to call for a budget. Let's nail it down at our next meeting.

MW, flexibility means talking over the details every time. DM, JS's points deserve further discussion. ZR agrees. JS, learned a lot in a short period of time about all manner of big picture things that are transpiring at our last meeting. As a board member, he should be able to explain the importance of any given component of a conservation application.

3. Conservation trails initiative  
Defer.

### **Open Space Subcommittee**

1. Trail scoping study for 311 North Avenue

Dan Cahill, Nina Safavi, Cindi Wight appeared.

Dan Cahill handed out a map depicting various trail options and site features of significance like RTE plants, wetlands, and the SFHA. Mr. Cahill noted the existing trail versus what's proposed. He mentioned the presence of mountain bikers and how to accommodate that use. DM, would you work in partnership with users in the design? Mr. Cahill, yes.

JS disclosed that Eric Farrell is a client of his. No concerns were raised as to his participation in this discussion.

Discussion ensued as to trail configuration as it joins the bike path. A cut-and-fill scenario versus a more winding path that works with existing topography were discussed.

JS, what does the development agreement require? Ms. Safavi, there has to be paved path between the development and the bike path.

JS asked about the new restoration plantings. Mr. Cahill pointed out the surrounding area with some 500+ new plantings. The area will be minimally disturbed.

DM said he'd support separating mountain bikers from other users along this corridor even if it results in two separate trails.

ZR, is this park to be an urban wild? Mr. Cahill, yes, it's to be designated. We need to discuss just what that means for this parcel. MM, the development agreement anticipates limited recreational use and the path. The city agreed to work collaboratively in finding the best location for the path. He does not see that the path needs to meet 5%. Ms. Safavi said there's reference to ADA in the agreement. That's where the 5% accessibility provision comes from.

MM, would like a primitive path option. Ms. Safavi, that's under consideration – as a stem off of the primary path. MM stated that the primary use of this parcel is not for a mountain bike trail. There should be provision for quieter, unpaved paths or places along the trail for multiple users to experience. DM, we need to keep track of erosion problems on unpaved stem paths. MW, there's no question that mountain bikers will use this. Do we work together or try to prevent that use? MM, thinks that multiple uses can be accommodated.

DM, stormwater from Cambrian Rise has a pipe that comes through the property. As part of the trail considerations, the pipe was reduced in size. He said that the pipe size needs to be calculated on the volumes of water it is supposed to convey. MW, CEA would not have approved a redesign to an undersized pipe. Ms. Safavi noted the discussion with the engineers resulted in the 36" design. It was not driven by path considerations.

Mr. Cahill, we'll continue to focus on naturalization of the property and support wildlife habitat. The property was frequently mowed under the prior ownership. JS suggested advertising Parks & Recreation's activities on the property.

Ms. Safavi reiterated the importance of ADA accessibility for this path given the extent of its use and its importance to the neighborhood. MM, there will be an accessible route through the development down to the connector. Once into the urban wild, the base assumption should be for a primitive path. We should avoid overdevelopment of the path within the urban wild. He does not think the trail has to be 5%. He is not anti-ADA, but the little stuff matters in forming the feel and experience of a trail.

JS suggested a different trail substrate within the urban reserve portion.

### **Adjournment**

The meeting adjourned at 7:30.