

## Burlington Conservation Board

149 Church Street  
Burlington, VT 05401  
<http://www.ci.burlington.vt.us/planning/>  
Telephone: (802) 865-7189  
(802) 865-7195 (FAX)

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



## Conservation Board Meeting Minutes

Monday, September 10, 2018 – 5:30 pm  
Planning & Zoning Conference Room – City Hall Lower Level  
149 Church Street

### Attendance

- **Board Members:** Zoe Richards (ZR), Don Meals (DM), Jeff Severson (JS), Matt Moore (MM), Miles Waite (MW), Ryan Crehan (RC)
- **Absent:** Scott Mapes (SM), Stephanie Young (SY), Ellen Kujawa (EK)
- **Public:** Kevin Worden, Bren Alvarez, Hannah Wingate, Russ Scully (44-50 Lakeside Ave)
- **Staff:** Scott Gustin (Planning & Zoning)

MW, Chair, called the meeting to order at 5:35 p.m.

### Minutes

Meeting minutes of August 6, 2018

A MOTION was made by DM and SECONDED by ZR to accept the August 6 minutes as written.

Vote: 6-0-0.

### Board Comment

MM said he's been getting email from AVCC that he's forwarded to MW. He also mentioned an upcoming Parks & Recreation conference in Lake Morey. DM mentioned that our contact info should be revised to reflect the new Chair, MW.

MW asked for update on open meeting law litigation. SG said it's been appealed to the VT Supreme Court.

MM provided some background for the open meeting law litigation for the benefit of new member RC. It stems from a complaint by JS about an alleged open meeting law violation at the January 2017 meeting. The complaint was heard by the Board and then appealed to the courts.

### Public Comment

None.

### Project Review

#### 1. 19-0202CA/MA; 44-50 Lakeside Avenue (ELM, 5S) Lakeside Ovens, LLC

Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation.

SG overviewed the project and noted that it's major impact application. It's on the lakeshore. The riparian and littoral conservation zone affects the project site. The conservation zone establishes standards for tree clearing and stormwater management.

Kevin Worden overviewed the development site. He noted the urban fill present on the site. Wetlands on the property have been reviewed by VT DEC and were found to be class 3. Review by the Army Corps is

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pending. The wetland is created by water flows across the site. The water table is high, and hydric soils are present. No stormwater treatment takes place in present conditions.

Russ Scully noted that the proposed use will be office/co-working. Up to 500 employees are anticipated. We've evaluated various parking and circulation scenarios. We are aiming to retain as many trees as possible. He noted that the Beach Club will use some of the proposed parking. The focus will be on small spaces with short term leases for use of incubator and accelerator spaces.

Mr. Worden pointed out the removal of impervious surface between the buildings and the lakeshore. We are looking at converting some existing lawn area to meadow. He noted the existing trees to remain. Few will be removed. Mr. Worden addressed the work that will be done to correct the existing curb cut along Lakeside Avenue. He addressed the proposed stormwater treatment plan. Pavement will be reduced in front of the building. Circulation will be placed behind the building. Below ground tanks will be installed and will discharge to new gravel wetlands in several locations onsite. Mr. Worden pointed out areas of pervious parking spaces. MM, are these spaces needed to meet the minimum parking requirements? Mr. Worden said that they are required. SG clarified that the parking proposed is more than the minimum requirement. Russ said 369 spaces are proposed, and 375 is the maximum limit. ZR asked why not shoot for the minimum? Mr. Worden said that paved parking is below the minimum. The additional pervious spaces bring the number past the minimum.

RC asked for area of the pervious spaces. Mr. Scully said 133 are proposed. Mr. Worden noted 21K sf.

ZR, what's driving the relocation of the circulation aisle from one side of the building to the other? Bren Alvarez replied that doing so improves the view from the building out to the lake. ZR said that the view from the bike path is presently pleasant open space. The project trades that public view with the private view of the building occupants. ZR mentioned the state shoreland protection act. It was put in place to recognize that our lakes have a wide array of values, economic, public views, etc. This proposal will result in significant changes. The property has some flood plain forests and habitat.

MW said that a lot of boaters and paddlers will have an improved view inland from the lake. Mr. Worden noted that the state shoreland standards are more prescriptive than the city's littoral conservation zone standards. Ms. Alvarez noted the limited tree clearing proposed as well as the new plantings that will be installed. ZR reiterated that this project will result in a dramatic shift. She'd like to see a compromise position.

MM asked for the 250' distance from the 95.5' elevation. Mr. Worden pointed it out on the civil plans. He reiterated that there will be a slight reduction in impervious as a result of this project.

RC, some of the wetlands will be converted to parking lot. How are you compensating for that? Mr. Worden, because we are so close to Lake Champlain, the standard practice is to provide for water quality and flow control. With nothing downstream here, the focus is on water quality. That's being achieved with the proposed gravel wetlands.

MM, can you speak to how the constructed wetlands by Moran have worked? Mr. Worden said they are working well. We've designed and installed a number of these gravel wetland systems. The present wetlands function largely to be a filter for runoff. JS said he agreed with the wetland assessment – that the existing wetlands have been created by runoff flowing into this lower area onsite and that their function as a filter is not especially significant.

DM asked about the proposed at-grade connection to the bike path. Mr. Worden said it would be open to the public with some limitations across the private property.

JS said he shares ZR's concerns. How the state classifies the wetland does not preclude us from weighing in. He's comfortable with the assessment that's been done. He said the improvements to stormwater outweigh the small loss. He thinks there's benefit as viewed from the lake. There is a trade-off here.

Mr. Worden said that this parking lot has been designed similarly to one designed for a state park. The permeable parking spaces won't read as pavement. If guard rails are installed, they will be wooden.

DM concurred with the assessment of improved views from the lake. Perhaps visual screening from the bike path is desirable. Doing so may preclude any views at all. Mr. Scully said that consideration has been given to replacing the chain link fence with something like a hedgerow. DM asked if they've experienced success with grass-pave. Mr. Worden said he's only seen limited success – in particular for overflow spaces. He said that concrete pavers with pea stone may be better here.

MM noted that the site plan depicts an easement for the city's bike path. How wide is it? Mr. Scully, does not know. MM, would be curious to hear what the bike path interface with the property will look like. Mr. Scully replied that he's spoken with the mayor about that and what various iterations of the path may look like as its reworked in the South End. There are a number of factors to consider involving natural characteristics and the built environment. MM said wouldn't it be great if the experience along the bike path could be improved. Mr. Scully said there's some room to potentially widen the bike path. Doing so may affect stormwater and wetlands.

Mr. Worden said the bike path easement is not specific – it refers to the extent “as plotted.”

MM, how are you thinking of public access to the water? He pointed out the private access. Mr. Scully said we open the site to public use for a small fee. It was successful this summer. Most folks came from the bike path. We will host public events and establish a café open to the public. MM asked about public access to the shore. Mr. Scully said he is in conversation with insurance as to further public accommodation. A mowed path will provide access along the waterfront. MM said that what's designed in this proposal doesn't appear to permanently take away potential for improved public access.

MW asked about bike parking and bike storage. Ms. Alvarez pointed out several outdoor locations for bike parking onsite. MW, will the wastewater be connected to the city system? Mr. Worden replied that it will be. Extra storage capacity will be put in place. A new water line will be installed. MW asked about a reference to “coal tar” in the test pit analysis. Mr. Worden clarified that it refers to asphalt.

Ms. Alvarez said that geothermal is being considered for heating and cooling of the building. Another test injection well is planned. Areas of rooftop are being analyzed for PV.

RC said that the northwest corner of the proposed parking lot makes him nervous. The lake level can come fairly high. Wave action on top of that is a concern. He said it makes him think of coastal areas where parking lots are falling into the ocean. Are there other ideas such as underground or rooftop parking? Mr. Worden said that parking has been reduced from prior iterations. The water table precludes underground parking.

JS said he doesn't see how subsurface parking could practically be done in light of the water table.

A MOTION was made by MM and SECONDED by JS:

Recommend approval for project as designed so long as the applicant works in good faith with the city as to revamping the bike path where it runs across the property and improving public access.

Discussion: MM, what's proposed does not preclude future improvements for public access and use. JS said that this private parcel includes excellent public access. It provides significant additional opportunity for the recreating public.

Vote: 5-0-1

### **Adjournment**

The meeting adjourned at 7:11 PM.