

## Burlington Conservation Board

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Scott Mapes  
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Jeff Severson  
Miles Waite  
Damon Lane  
Zoe Richards  
Stephanie Young*



## Conservation Board Meeting Minutes

Monday, January 23, 2017 – 5:30 pm  
Burlington Police Department – Community Room  
1 North Avenue

### Attendance

- **Board Members:** Zoe Richards (ZR), Matt Moore (MM), Jeff Severson (JS), Damon Lane (DL), Miles Waite (MW), Scott Mapes (SM), Stephanie Young (SY), Don Meals (DM)
- **Absent:** Will Flender (WF)
- **Public:** Cliff Collins, David Porteous (29 Starr Farm Beach), Frank von Turkovich, Andrew Mills, Andres Torizzo, Robert Butani, Brenda Orr, [Riverwatch HOA member], (80 Colchester Ave), Kevin Worden, Doug Vehman, James Unsworth, Hannah Wingate (400 Pine Street), 3 UVM graduate students
- **Staff:** Scott Gustin (Planning & Zoning)

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

### Minutes

January 9, 2017

SM noted on pg. 4, 4<sup>th</sup> paragraph, change first sentence to "SM, its good a large volume of stormwater is being taken out of the combined sewer."

JS submitted changes in writing. They will be circulated to BCB members.

Defer acceptance of January 9 minutes to February 6 meeting.

### Public Comment

None.

### Board comment

None.

### Open Space Subcommittee

No meeting.

### Project Review

#### **1.17-0669CA/MA; 29 Starr Farm Beach (Ward 4N, RL-W) David Porteous**

Construct stone seawall, slope stabilization, and repair of stairs

Cliff Collins and David Porteous appeared.

Cliff Collins overviewed existing conditions. Wave action is eroding the shoreline and undermining the stairs down to the shore. The seawall is intended to stabilize the shoreline. It will tie into an adjacent seawall. The site is small at just about 375 sf. The duration of construction is expected to be brief. The site contractor will be required to install EPSC measures to keep things contained onsite.

MW, is there access to the beach? Mr. Collins, there is a gravel path that affords access.

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).

SM, what materials are proposed? Mr. Collins, redstone from Whitcomb's quarry.

A MOTION was made by JS and SECONDED by SM:

Support project as presented.

Vote: 8-0-0, motion carried.

**2.17-0388CA/MA; 80 Colchester Ave (Ward 1E, I) Eastern Development Corp.**  
Construct 75-unit residential building and related parking and site improvements

Frank von Turkovich, Andrew Mills appeared on behalf of this application.

SG noted the project status. It has been reviewed 2 times by BCB already. Final stormwater details are to be addressed tonight.

Frank von Turkovich said their final stormwater analysis caused them to reconsider their stormwater management. They are now proposing a treatment area just east of the new building. He prefers this location, particularly for maintenance.

Andrew Mills said they've moved away from underground treatment to an above-ground treatment area (constructed wetland). Pre-treatment standards remain the same. The design has been submitted to DPW. They were receptive to the design. State Wetlands has preliminarily indicated that the project is approvable.

DM, what was the nature of DPW input? Mr. Mills, Jenna asked for updated EPSC info. DM, was it approved? Mr. Mills, not yet.

DL, talk about the 1 or 2 paths to discharge. Mr. Mills, the discharge areas are unchanged.

MW, the smaller wetland is not a permanent pool? Mr. Mills, it will be a shallow pool. It will be lined.

DM, 2 bands the look like incursions into the wetland. What are they? Mr. Mills, they note stabilization of the slope. DM, have you applied for the wetland permit? Mr. Mills, no.

ZR, what did you find in the test pits that made you change the management design? Mr. Mills, it is clearly a fill material.

MW, so you are going from underground to above-ground? Mr. Mills, yes.

SM, have you seen the document from Watershed Consulting Associates? Mr. Mills, yes.

MW, where does the unnamed tributary go? Mr. Mills, we have not looked further into it.

**Public Comment:**

Andres Torizzo (Watershed Consulting Associates), provided comments on behalf of Bob & Susan Butani. He has some comments and questions on the latest stormwater design. The areas in the model seem inconsistent with the memo. He didn't see any drainage maps. The site balancing issue needs to be addressed. Trying to manage existing impervious surface in exchange for new impervious surfaces. He wants to know where the existing impervious surfaces are. The applicant asserts that the groundwater recharge standard can be waived. He does not see how. He has questions about modeling beyond the 10-year storm event. Can larger storm events be handled by the constructed gravel wetlands? He thinks a chloride management plan would be appropriate. This ravine is a blue-line stream on the USGS maps.

Mr. Mills, as to the narrative vs. model discrepancy, 0.123 acre is to be redeveloped. 0.27 acres of pervious will be revamped into pervious surface. The model is conservative. He's brought drainage maps for viewing. The existing buildings and walkways within the PUD are the existing impervious that will remain under the applicant's control. As for the waiver, infiltration practices are prohibited on fill sites. This is part of the state stormwater permit review for this project. He has reviewed it with DPW stormwater as well. MM, what if the waiver was not granted? Mr. Mills, we'd have to find a safe place for infiltration. JS, is the request for waiver is driven by fill soils? Mr. Mills, correct. As for larger storms, we did examine the 100 year storm. It is waivable for the state permit. JS, why? Mr. Mills, this site is less than 10 acres of impervious. MW, is the pond designed for the 10-year storm? Mr. Mills, yes. The sizing for the 100-year event is conservative so that overflow will go down the designated spillway. Mr. von Turkovich, he's happy to adopt a protocol for chloride management if the city has one. We don't have a protocol to show you tonight.

MM to Mr. Torizzo, what's the issue with chloride? Mr. Torizzo, there's no regulation yet managing how much salt is applied to a site. The constructed wetlands will not treat it. Effective management and application is key to limiting impacts. DM mentioned the chloride TMDL from New Hampshire. Keeping track of quantity of use and frequency of application are important considerations.

MM, is a stream alteration permit needed? Mr. Mills does not think so. He will check with VT Rivers Program. DM noted there are many different versions of USGS maps. More info is needed to determine if a stream alteration permit is needed. JS, the city raised this question in Environmental Court when litigating the mini-storage facility on Flynn Avenue.

Mr. Torizzo, will the applicant look at the impacts of large storm events on the receiving ravine? Will there be an increase in peak discharge? Mr. Mills, there will be a slight increase in flows at the discharge point.

SM, do you consider your discharge into waters of the state or into private infrastructure? Mr. Mills, discharging into a wetland – waters of the state.

\_\_\_\_, Riverwatch (board of directors), what responsibility does the applicant have to us downstream? MM, it may be a private matter between landowners and the stormwater permit requirements. SM, it's a valid point most properly addressed with VT DEC. If Riverwatch's stormwater inputs are affected by this project, DEC should take a look. MM, are there other drainages into the gully? Mr. Torizzo, yes, at least one other.

Brenda Orr, neighbor on Fletcher Place, is concerned about contaminants in the parking lot runoff. She is also dismayed by the very steep grade next to abutting residential properties. The soils are sandy and very unstable. She has a hard time believing that the trees to be retained along the top of the ravine can actually be retained in light of the proposed construction. There is too much impact too close to neighbors. She's concerned about chain link fencing that could be installed around the stormwater wetland. Lastly, she doesn't see why waivers should apply to this project.

MW, provide an example of a similar wetland treatment system in Burlington. Mr. Mills, there isn't one that he knows of. The permanent water is a requirement of the proposed system. SM, what about tree removal? SG, proposed tree clearing needs to be addressed as part of the application.

DM, can he presume that up to the 100-year storm, the pond will be stable? Mr. Mills, yes, the primary spillway will convey up to the 100-year storm. Geo-web will be used for enhanced stability. We will be required to certify the installation as part of the state stormwater permit.

JS, how will maintenance equipment access the facility? Mr. Mills, stabilized access is provided for in the design.

A MOTION was made by MW and SECONDED by DL:

Support the project as proposed.

Discussion:

DM, the applicant does not yet have DPW or State permits. He's a little reluctant to recommend approval. There's the issue of downstream impacts that needs to be addressed.

DL, we could condition that significant changes come back to BCB. JS agrees. We shouldn't be dictating order of permits for the applicant.

SG said there is a mechanism for revamped projects to return for review. He also said his understanding from BCB was that projects should be reviewed by DPW but not yet acted on before BCB review. That allows for BCB comment to be reflected in project design before its finalized.

DM, offers amendments:

The impact of flow volume and sediment load on downstream structures should be considered, whether by DEC or otherwise. There should be analysis of effects on downstream structures and associated mitigation if necessary. There should be no undue adverse effect. JS, he's not sure how this board would evaluate such a study. He's hesitant to require such study independent of the state requirements. If these comments are made available to DEC, they will look into impacts onto the downstream stormwater pond. DM, include a condition that the aforementioned permits be obtained.

Vote: 8-0-0, motion carried.

**3.17-0643CA/MA; 400 Pine St (Ward 5S, ELM) Howard Space Partnership**  
Demolish 2 warehouse building and construct new mixed use building

Kevin Worden, Doug Viehmann, James Unsworth, and Hannah Wingate appeared on behalf of this application.

Doug Viehmann overviewed the project site. The combined sewer runs by the site. Existing structures will be demolished. The new building will have parking underneath. Two existing residential units will be retained in the new building. Other space will be for artists' lofts. Office space will be offered in the top floor. Rain gardens will be provided adjacent to the building.

Hannah Wingate stated that the site discharges into the combined system. The separate system is some 300' from the site. If extended in the future, the project could be converted to discharge into the separate system. Nearly 1,700 sf impervious surface will be eliminated. DM, what will it be replaced with? Mr. Viehmann, grassy area. Ms. Wingate, trenches and catch basins will intercept stormwater runoff. A proposed detention tank will collect roof runoff.

Ms. Wingate noted that ½ of impervious surface is considered, as well as all existing lawn areas, in the pre-development conditions. SM noted that this is DPW precedent, not a standard. When we have projects going to the combined sewer, we're not hitting the mark at this level.

Mr. Viehmann noted that 5 bike parking spaces are required. We're providing 15. He also noted that "urban soils" will need to be dealt with. Testing will be done to determine extent of conditions. Geotech analysis is needed for foundation details.

DL, the soils should be checked to see if infiltration is possible.

SM, the 50% precedent is a pretty generous bonus for redevelopment when designing stormwater management. When you can infiltrate, do so. If the holding capacity can be increased, do so.

MW, what would a 300' extension cost to get the project out of the CS now? Ms. Wingate, doesn't know. MW, soils borings are pretty important, and they should be done before you get to us. As for the demolition, do you know if there will be issues with lead or asbestos? Mr. Viehmann, there's no asbestos. Some lead paint is anticipated. Testing will be done. Soils are the next item on the applicant's list.

DM, do you have a plan in place if all of the soils are contaminated? Mr. Viehmann, yes, worst case would cost \$250K to remove all of it and send to the landfill. That would require some project adjustments.

ZR, alleyway could use some improvement to enhance the pedestrian experience. Mr. Viehmann and James Unsworth addressed outdoor public art space and related amenities. There is a sidewalk along the building. They have tried to make the alley more inviting to pedestrians and less so for vehicles.

Kevin Worden, at DRB, we will be asking for a continuation of the parking wavier for this property. He'd like the Board's support for doing so. Mr. Unsworth clarified that the extent of the wavier would actually decrease to 41%.

DL, will the brick be salvaged? Mr. Viehmann, it's a very soft brick, but if folks want it, they are welcome to use what they can.

A MOTION was made by SM and SECONDED by DM:

Support the application and encourage the applicants to enhance their stormwater management design. Try to higher the bar from the minimum 50% baseline.

MM, commends providing three times the minimum bike parking requirement.

Vote: 8-0-0, motion carries.

**Adjournment**

The meeting adjourned at 7:52 PM.