

## Burlington Conservation Board

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Scott Mapes  
Don Meals  
Jeff Severson  
Miles Waite  
Ellen Kujawa  
Zoe Richards  
Stephanie Young  
Sean Beckett



## Conservation Board Meeting Minutes

Monday, December 4, 2017 – 5:30 pm  
Planning & Zoning Conference Room – City Hall Lower Level  
149 Church Street

### Attendance

- **Board Members:** Zoe Richards (ZR), Jeff Severson (JS), Matt Moore (MM), Scott Mapes (SM), Sean Beckett (SM), Don Meals (DM)
- **Absent:** Stephanie Young (SY), Ellen Kujawa (EK), Miles Waite (MW)
- **Public:**
- **Staff:** Scott Gustin (Planning & Zoning)

MM, Chair, called the meeting to order at 5:31 p.m.

### Minutes

A MOTION was made by SM and SECONDED by ZR:

Approve the November 6, 2017 minutes as written.

Vote: 5-0-1, motion carried.

No quorum was available to act on the November 13, 2017 minutes. Defer to next meeting.

### Board Comment

DM, except for the recent addition to the agenda, there was not enough business to have a meeting.

SG noted the need for the Board to approve the meeting schedule before the beginning of the new year.

### Public Comment

None.

### Project Review

1. **18-0503CA; 92 Appletree Point Rd. (WRL, Ward 4N) Pomerleau Family Trust**  
Addition to previously approved relocated camp building

SM abstained.

SG overviewed the application. An initial zoning permit had been granted just to move the building. No triggers for Board review. The camp was moved, and an addition was built. Code Enforcement did a CO inspection and found that the building was larger. It needs a zoning permit for the addition.

ZR asked about penalty. SG explained that it's a violation, but the cure is to obtain a permit. The owners have acted cooperatively and have applied for the necessary zoning permit.

Scott Mapes, speaking on behalf of the property owner, elaborated. In the original application, an acceptable building envelope was delineated to demonstrate where the building could be relocated within. The confusion that ensued with the owners (the building was moved) stemmed from their understanding

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that they could work within that delineated area. They built the addition believing that it was acceptable within the delineated envelope. Mr. Mapes said that Code Enforcement inspected for a CO and found that the building had been expanded. The building is taller with a larger building footprint. There is no additional stormwater discharge. Total GFA is now 1,500 sf.

DM, the site plan notes a permeable driveway. Mr. Mapes said he's in conversation with Jenna Olson about stormwater management. The driveway itself is not intended to be pervious. The intent is for runoff to infiltrate into the surrounding grounds. DM thinks that reference to a gravel driveway as pervious is misleading. Mr. Mapes responded that there's no runoff coming off the site. It all infiltrates into the ground onsite.

MM asked if the driveway is included in the lot coverage calculation. Mr. Mapes said that it is included.

JS, should we add a box on the stormwater checklist relative to stormwater calculations? Would it have any impact as to the stormwater program's review? Mr. Mapes, the driveway itself is not constructed of pervious pavers, the site performs as such. He's not trying to mislead anyone. The way the driveway operates is as a pervious one. JS said that an asterisk might be helpful to clarify. His concern is how it might affect the stormwater calculation. Mr. Mapes said that it would not affect the stormwater calculation and reiterated that lot coverage includes the driveway.

Mr. Mapes said that he initially thought the stormwater program's stormwater checklist might not be needed. DM, data do exist that show gravel driveways very rapidly begin to perform as asphalt driveways. Where the runoff goes is a separate matter. He thinks the site plan should be clarified.

JS, looking for ways to more accurately characterize the proposed stormwater management measures. Maybe we could have a discussion to come up with suggestions to improve the stormwater form and convey them to Jenna Olson. Mr. Mapes, the nature of that form is to address small projects. There's not enough room to fully detail. It may be a discussion as to how this form is used.

SB asked about the parking area. Mr. Mapes pointed it out on the site plan.

MM, relocation of the camp into this building envelope was already approved. Mr. Mapes, correct. The parking and addition are new features.

DM, was an EPSC plan prepared for the relocation? Mr. Mapes, yes.

JS, when this goes to DRB, will there be opportunity for neighbors to weigh in? SG, yes.

JS thinks it would be fair game for the Board to consider if significant clearing of shrubby area was proposed, but he does not see that as a concern in this instance.

MM summarized the proposal.

A MOTION was made by JS and SECONDED by ZR:

Approve the project as presented. Recommend making a motion to the property owner/DRB that we recognize it is after-the-fact, and the Board wants to discourage recurrence in the future. Discourage after-the-fact applications.

Discussion:

DM agrees with JS. He thinks that ignorance is not an excuse for failing to get a permit. DM, the BCB reluctantly approves this because the project does not have adverse stormwater impacts. We do not condone after-the-fact permit applications.

JS withdrew his motion in favor of DM's.

ZR is concerned with the “reluctant” language. We recently approved an after-the-fact application for a concrete pad and seawall along the lakeshore without such language.

JS is comfortable with the “reluctant” language.

MM, can we deny something solely because its after-the-fact? SG, no. Its consideration of the application on its merits.

JS, we can simply explain why we are reluctant.

A MOTION was made by DM and SECONDED by JS:

Approve the application as presented. In this case, review after-the-fact made no difference in our considerations. We do not condone after-the-fact applications. We can envision scenarios wherein alterations can have impacts.

Discussion:

JS, it's within the purview of the Board to discuss after-the-fact impacts. In this case, there's not an after-the-fact impact.

Vote: 5-0-0, motion carried.

### **Update & Discussion**

#### 1. Meeting schedules

A MOTION was made by SM and SECONDED by ZR:

Approve the 2018 meeting schedules.

Vote: 6-0-0, motion carried.

#### 2. Trails Meeting

ZR gave a brief update. The summit meeting will be this coming Wednesday. We have 48 attendees signed up.

DM, did you arrange for press coverage? ZR, no. We're aiming to have this as a working meeting. DM, it may be useful to issue a press release afterwards.

SB, one day we will no longer have large tracts of land to spend the Conservation Legacy Fund on for acquisition. We should think of how we can support projects such as this trails effort. DM in such event, we will probably have to revisit the ballot item. ZR, we'll have spent about \$15K in putting this event together with funds coming from multiple sources.

### **Adjournment**

The meeting adjourned at 6:41 PM.