

## Burlington Conservation Board

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

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



## Conservation Board Meeting Minutes

Monday, May 7, 2018 – 5:30 pm  
Dept. of Public Works – Main Meeting Room  
645 Pine Street

### Attendance

- **Board Members:** Zoe Richards (ZR), Jeff Severson (JS), Matt Moore (MM), Stephanie Young (SY), Miles Waite (MW), Ellen Kujawa (EK) Don Meals (DM)
- **Absent:** Sean Beckett (SB), Scott Mapes (SM)
- **Public:** Peggy O'Neil, Caren Lilly, Gail Rose, Jason van Driesche, Marty Spaulding, Mia Hockett, Maron Blake, Will Flender, Chris Galipeau, Randy Burnett, Andres Torizzo, Joanna Grossman, Heather Fitzgerald, Emily Ryan, Joe Dery, Joe Giallanella (public comment & Champlain School), Ethan Tapper (Intervale), Russ Scully, John Caulo (44 Lakeside Ave)
- **Staff:** Scott Gustin (Planning & Zoning), Dan Cahill (Parks & Rec)

MM, Chair, called the meeting to order at 5:33 p.m.

### Minutes

Meeting minutes of April 2, 2018

MW noted on pg. 3, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence should include "and CAS" after Lamoureux and Dickenson.

A MOTION was made by DM and SECONDED by MW:

Approve the minutes of April 2, 2018 as corrected.

Vote: 8-0-0, motion carried.

### Board Comment

None.

### Public Comment

Peggy O'Neil, parent of 3 children at Edmunds, asked whether the Edmunds school project will come to the Conservation Board. Access to green space and stormwater analysis are impacted by the project.

Karen Lilly concurred with Ms. O'Neil. Wants to be sure it's on the radar.

Gail Rose spoke also regarding Edmunds. She echoed the previous comments.

SG overviewed the BCB's purview and noted that the DRB will review Edmunds. The Conservation Board will review the Champlain project due to Englesby.

DM noted that DPW will review stormwater issues in any event.

MW noted that if safety and access are concerns, contact your city councilor and plan to attend DRB as well.

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).

MM recapped the triggers for BCB review and the role of BCB in its review of projects.

ZR stated that the BCB is advisory, but that role enables the BCB to advise on a wide range of things.

JS said that whether or not a project is formally reviewed by the BCB, the enabling legislation is fairly broad. While something like the Edmunds project may not come formally before the BCB, it's something that could be discussed and commented on.

Jason van Driesche commented on the Edmunds school project. He assumes that air quality is something the BCB may consider. DM said that the Edmunds project does not trigger application review by the BCB. We are not, at present, scheduled for review of this project. Mr. van Driesche requested that the BCB weigh in on the proposed design – less kids will walk or bike and more will be driven. As to the Champlain School project, he has the same concerns. He said that the access for any new facility should be from Shelburne Street. Walk and bike access should be from Pine Street.

SY, the BCB thresholds indicate “not limited” to major impact or natural areas impacts.

Marty Spaulding said that the basement renovations and other renovations at Edmunds are on for 5/15 DRB. The driveway has been removed from the application.

MM, why is the road removed? Mr. Spaulding, we're taking time to review the design and evaluate options.

DM asked about options for public process. Mr. Spaulding said there will be meetings open to the public, including NPA's, as this effort continues.

MM asked what was applied for. SG replied COA II and requires DRB review. MM reiterated that if the project were to come to BCB, review would focus on stormwater and bike/ped matters. He suggested requesting DRB or Mary O'Neil (zoning project manager) refer the project to BCB.

DM reiterated that the DRB has the authority to grant or deny a permit. BCB is advisory.

Mia Hockett asked, even if the project is not entirely within your purview, can we enable advocacy of a young person (Maron Blake – daughter)? MM agreed. Ms. Blake said regarding Champlain, I dissent about the road. I think safety is very important. This is very dangerous for walkers and bikers and others. Not as many people will want to play on the playground anymore.

ZR asked if climate considerations are in BCB's purview. MM noted that affecting the environmental quality of the city could be considered.

### **Open Space Subcommittee**

#### 1. Property acquisition update

Defer to future meeting.

#### 2. Conservation funding

Dan Cahill appeared on behalf of this item.

MM introduced the topic. His concern is that funding for BCLF is flat-funded and not keeping up with inflation. The result is less contribution to conservation every year.

Dan Cahill said that the dedicated tax is based on the grand list. The grand list is updated, so the tax piggy-backs on it.

MW questioned the relatively small amount of activity for FY '17. Mr. Cahill replied that most recent activity was in FY '16 or is presently in the pipeline and not yet expended.

MW, additional funds will come online at the start of FY '19. Mr. Cahill said that monies become available quarterly.

JS didn't realize there was an index. Does penny for parks work differently? Mr. Cahill, they work the same, although that program is a full penny.

Will Flender, BCLF was approved as a 1-cent tax on the tax rate at the time it was adopted. Mr. Cahill said penny for parks generates about \$350K per year. Mr. Flender said that the rate is fixed. For BCLF, the net amount is fixed. Mr. Cahill said that's a different interpretation than that provided by the City Clerk's office. MM suggested clarifying with the City Attorney's Office.

DM, rather than simply assert that we want more money, it would be helpful to assemble a 5-year planning horizon for would-be conservation projects. There may be large projects coming up or now. MW, it may be hard to convince voters for additional funds given that we've not said "no" yet due to lack of funds.

SY, would changing the funding formula trigger a charter change? Mr. Flender replied that it would.

JS said that projects coming to the Board now are well crafted and well explained by Parks. That likely has something to do with our not exceeding available funds.

MM said it's not BCB's role to plan this out. We can advocate for putting together a planning horizon with Parks. Mr. Cahill said it's something that can likely be put together for next winter.

MM requested that Mr. Cahill get a final answer as to the BCLF funding mechanism.

## **V. Update/ Discussion**

### **1. Intervale Invasive Control / Floodplain Restoration Project**

Ethan Tapper, Chittenden County Forester, appeared on behalf of this item.

Mr. Tapper said that he works with property owners to develop management plans for their woodlands from 25 acres or larger. He works to elevate the quality of forest management and of forest health in the county.

The Intervale is badly overrun by invasive exotic plant species. Conceptually, along the length of the Winooski River in Burlington, the idea would be to manage these invasives collaboratively. These floodplain forests perform a number of important ecological functions. The goal of the project is to work with partners including the Winooski Valley Conservation District. He's reached out to VT Forest, Parks & Recreation, VT Fish & Wildlife, US Fish & Wildlife, WVPD, and others. The goal is to get this work done with a collaborative approach.

DM, do you know what the project would cost? Mr. Tapper, no. Grant funding may be needed just to determine the full project scope and cost.

EK, which species will be targeted? Mr. Tapper replied: buckthorn, honey suckle, bittersweet, goutweed, phragmites, and knotweed. EK said that mechanical control results in high impact. Do you know how much mechanical versus chemical control would be used? Mr. Tapper said that we'd want to use both. Mechanical is not effective unless done very diligently.

ZR, noted work she's done along the Missisquoi. Not as many invasive species there. There is concern with forest regeneration there. Mr. Tapper said that 3 biggest issues with regeneration is structural problems, invasives, and deer browse.

EK remarked that regeneration/revegetation is part of the picture here.

ZR mentioned the Burlington Wildways Coalition. We'd love to be in touch with you.

MM noted the BCLF. If there are properties that could benefit from acquisition or easement, this is an avenue that the city may be able to participate finalicially.

Mr. Tapper said that property owners include a mix of private and government entities.

## 2. Champlain School project update

JS mentioned that he works as a consultant for the school district. He'll comment as a consultant, not a Board member. MM remarked that this item is not an action item.

Marty Spaulding, Chris Galipeau, Randy Burnett, and Andres Torizzo appeared on behalf of this item.

Randy Burnett overviewed the latest project site plan. The internal roadway connection has been eliminated. Access to the new building and maintenance garage will be from Shelburne Street. Access to the existing school will remain from Pine Street.

Chris Galipeau said that proximity and impacts to Englesby Brook were evaluated early on. The riparian buffer and the wetland buffer are depicted on the site plan. He noted existing stormwater infrastructure and proposed improvements.

Andres Torizzo addressed stormwater management. Existing conditions are deficient and discharge into the brook at an eroded outfall. As part of the project, we will collect runoff from all existing and proposed impervious surfaces and treat with a new constructed gravel wetland. Mr. Torizzo also pointed out a long bioswale within the proposed parking and circulation area.

Mr. Galipeau said that he's met with Tina Heath at VT Wetlands to review the project.

Mr. Torizzo said that the project will be reviewed under the new state standards, including the associated public comment period.

MM, when will you apply for a permit? Mr. Spaulding, we'd like to have the project at Conservation Board next month.

WM, can you infiltrate? Mr. Torizzo, groundwater is just 2' down. We can't infiltrate. The conditions are perfect for the gravel wetland. MW, will it be lined and under-drained? Mr. Torizzo said that he would not choose to line it. The high water table would help to support the vegetation in the constructed wetland.

MM, have you been in touch with DPW stormwater? Mr. Torizzo said he has meet a number of times with DPW stormwater staff. MM, for the application review, can we expect stormwater details? Mr. Galipeau, yes. We'll circle back with the city departments to run the revised project plans by them.

MM, why is the new building sited were it is? Mr. Burnett, due to geotechnical analysis of the site.

MW, the gravel wetland is basically a box. Will the application depict a final design? Mr. Galiipeau, yes.

DM, as to the deleted access road, will the project work to achieve the goals? Mr. Spaulding replied that it will continue to work. Mr. Galipeau overviewed the prior design to demonstrate what's changed.

ZR noted in the original Open Space Protection Plan that it identifies the Englesby corridor as a significant natural area. Is there a way to figure out less tree removal for the pre-school building parking lot? Can the lot go on the other side of the building? The school district should consider our Open Space Protection Plan when designing this project. We should work to protect this corridor. DM concurred. Mr.

Torizzo pointed out that the parking lot location is at a high point, and water drains away from the brook. The site is essentially fill. When he first saw the plan, he felt differently than when he went onto the site and looked around.

SY would like to know if the parking lot could be moved in order to protect the brook's corridor. Mr. Spaulding said we need to consider green space for use by the school as well. Mr. Galipeau said they also want to have the parking area opposite side of the school from where the kids play.

**Public Comment:**

Joanna Grossman said that the access plan is a major reason why she's here today. She is asking the BCB to request the School District to stop all construction activities, including seeking permits and construction bids, associated with the renovation bond recently approved until such time that projects are clearly articulated. The Champlain project goes well beyond renovation and maintenance. She read a statement referring to city plans in place and seemingly in contradiction to the formerly proposed site plan for Champlain School.

Caren Lilly concurs with the BCB's comments relative to the parking lot location. What's the complete picture relative to green space at Champlain School? MM, we can look at the application before us. He referred to the capitol plan.

Heather Fitzgerald commented that this forum is really valuable. She'd love to see the BCB advise the School District to consider the big picture of walking, biking, and open space.

Emily Ryan has a plot in the community garden onsite. She said there has been a lot of online discussion about the road. MM, that road has been dropped as of now. Mr. Spaulding, our focus will be on improved drop off for students at Champlain School. The school kids do sled on the back hill. She'd like to see it stay.

Joe Dery concurs with ZR's points as to the parking location. He's happy that the through road is gone. Could the existing large parking area simply be made bigger in order to preserve some trees? We should try to limit excess paving and bringing car exhaust close to the building.

Will Flender has two design comments. He suggests that the school district try to avoid putting knotweed in place. How will maintenance access to the school building occur without a connecting drive?

Joe Giallanella commented that he's relieved that a different proposal is being made.

**VI. Project review**

**1. 18-0860CA; 9 Central Ave (5S, RL-W) Conseil St. Antoine de Padoue No. 294**

Construct retaining walls within littoral conservation zone

The applicant did not appear.

DM said he's a member of the St. John's Club but he has no involvement with the Board. He's happy to recuse if Board members think that's an issue. None noted.

SG noted that it's an administrative project. Given its location within the lakeshore buffer, BCB review is triggered. Lacking an applicant, DM described the site and the proposal. Basically, a second terrace is to be installed for an additional seating area.

MM, any concerns or questions?

DM has seen evidence of shallow ground water movement onsite. He'd have asked if provision would be made for adequate drainage.

A MOTION was made by MW and SECONDED by JS:

Recommend approval of the project as proposed.

Vote 6-0-0, motion carried.

**2. 18-0865CA; 44 Lakeside Ave (5S, E-LM) Cloverleaf Properties / Russ Scully**  
Construct outbuilding within littoral conservation zone

Russ Scully and John Caulo appeared on behalf of this item.

Russ Scully overviewed the project. The structures are stilted barns. They are within the lakeshore buffer. There are 4 barns and one pavilion. Also, gate and ramp have been installed.

DM said he has a problem with seeking a permit after the fact. MW concurs and said we should move beyond that and consider whether they are acceptable.

DM, do you have information as to the actual elevation of the building? Mr. Scully, no. DM questioned whether it's in the flood zone. SG said that it is not.

Mr. Scully said the structures are sitting on blocks. There's been no excavation. They are storage barns to store human-powered watercraft. MW, was there a need for construction equipment? Mr. Scully said a pick-up truck was driven onto the lawn, but that's it. ZR noticed that a bunch of grass had been removed. Mr. Scully said that no grass was intentionally removed. He has hydroseeded the entire area. DM, is there any power or plumbing? Mr. Scully, no, but there may be internet service.

SG noted that no trees were removed and no earth disturbance was undertaken.

ZR said that the use of the buildings seems fine, but shares DM's concerns with doing the process backwards.

JS concurs with DM's comments. He remarked about the recreational opportunities that will be made available.

A MOTION was made by JS and SECONDED by DM:

Recommend approval of the after the fact project as constructed. The BCB discourages after the fact applications and encourages the applicant to submit future applications beforehand.

Discussion:

MM, do you see what you're doing as enhancing public access to the water? Mr. Scully, yes. MM mentioned the BCLF and its intended use to acquire and conserve green space.

Vote: 6-0-0, motion carried.

**Adjournment**

The meeting adjourned at 8:08 PM.