

Conservation Board Meeting Minutes

Monday, July 1st, 2024 – 5:30 pm

Remote Meeting

Attendance

- Board Members: Zoe Richards (ZR), Miles Waite (MW), Hannah Brislin (HB), Caryn Connolly (CC), Rebecca Roman (RR), Leslie Spencer (LS), Kyle Tansley (KT), Ryan Crehan (RC)
- Absent: Don Meals (DM), Elizabeth Cunningham (EC)
- Public: Sharon Bushor, Missa Aloisi, Brett Brosseau, Ernie Pomerleau, Andres Torizzo
- Staff: Garret King (Permitting & Inspections) Megan Moir (Division Director of Water Resources)

ZR, chair, called the meeting to order at 5:33 p.m.

Annual Organizational Meeting

Nomination and election of Chair:

Nomination- Rebecca Roman, Motion by CC and 2nd by MW

Election- Rebecca Roman Vote all yes

Nomination and election of Vice Chair:

Nomination- Caryn Connolly, Motion by MW and 2nd by RR

Election- Caryn Connolly Vote all yes

Nomination and election of Long Range Planning Committee representative

Nomination- Ryan Crehan, Motion RR and 2nd by ZR

Election- Ryan Crehan Vote all yes

Minutes

June 3, 2024 minutes

Comments

MW: page 2 contamination, “if you can determine that there’s contamination associated with a former tank, there may be coverage up to 1 million” should be revised to “a former petroleum storage tank”

RR: Thank you, any other edits or changes? Can we get a motion?

A MOTION as amended was made by MW and SECONDED by RC:

Motion to approve the June 3 minutes as amended.

Vote: 8-0-0, motion carried

Board Comment

MW: This will be my last meeting here as I have been appointed to the DRB and will have my first meeting there on the 16th, it has been great working with you all and it has been a good time. Now going to DRB I will still see all the same projects just further down the line.

ZR: Can we work to try and fill that spot you are leaving, and do you know of anyone that will be able to fill your spot and your expertise?

MW: I have a few in mind, and I will work to find someone and provide suggestions.

RC: I think that we as a board should take a look at our city wetland regulations due to changes at the federal level. Can we discuss the city’s wetland rules? I see some things that would be good to go over our rules to come up with recommendations.

RR and ZR: Sounds like a good idea, how should we go about this?

RC: We can have a discussion and then work to make it a reality. Scott may be able to help us facilitate this process.

ZR: I agree Scott will be the point person on this work.

RR: Any public comments?

Public Comment

Sharon Bushor: First, congratulations Rebeca for your new appointment and thank you Zoe for your time as Chair. For Miles, are you looking at projects that are here today again when you move to the DRB at your first meeting? I know you are looking at finding a replacement but Paul Bierman is a professor in my ward, and I think his name is one that can be included in your consideration. Lastly thank you for looking further at our wetlands. If we look at our how we should also look at the state level and then compare how we align up against the state, I think typically we have better regulations than the state requires. Do we need to reconsider the regulations in the neighborhood code and how we missed protection for mature trees? We should look at how we should have things in place to prevent removing trees or getting permits to

remove trees. Proposed projects have had tree removal, and we should consider retaining trees. Thanks again all for all of your work. Stormwater is not always addressed, but mature trees play a part of this in our regulations. That is all I have to say on that. Thank you for all of your hard work.

ZR: This work should start to get covered in open space sub-committee work and discussions.

Project Review

5.1 ZP-24-148, 49-55 Chase Street

Applicants Missa Aloisi and Brett Brosseau appeared for this item

MW: Is this a full review or is this just a partial one?

GK: This is a full project review, both subdivision and development proposed.

Brett: Missa can present the overview for this project.

Missa: Current site overview shows that there are 3 existing buildings and there is space for additional development under the new zoning regulations. We are looking to densify in a reasonable manner. We are proposing a new subdivision and additional development to add to what is there. We are proposing two new 2-unit additions and then a new 4-unit building. Shared parking is also included. The Rumsey Lane building will be pulled closer to Rumsey than currently depicted as required by zoning. From meeting with neighbors, the biggest concerns we heard was about trees, we are trying to retain trees while removing smaller shrubs and brush, only removing the trees necessary to create the parking area. We are aware of the birds and aim to keep screening for the neighbors. We are also required to include 3 additional shade trees around the parking area that are not depicted in these drawings.

MW: Do you have an engineer plan for this project and are you working on the stormwater management aspect for this project?

Brett: Yes, we are currently working on that stormwater plan and are expecting to have that information ready for DRB

MW: Please in the future bring the stormwater management documents to us so that we can see and review this project with better understanding. Do we have drawings of elevations or how stormwater might flow on the property?

Missa: Our site is currently quite flat, and the site never has standing water. We have never witnessed runoff flowing into neighboring properties even during the largest storms. The soil and site seems to be a capture area.

CC: There may be a groundwater issue, and where is this water draining to, and flooding into the basement. Have you considered how to address this?

Missa: No basement is proposed, and we are proposing a stone drip-edge to catch additional water. We are intending to keep everything on site. We are currently working with engineers to

create a detailed site plan to show this. We have seen that our property is the low spot and is the capture area. We are also thinking about some grass swales if needed or cisterns if the engineers would recommend it.

MW: You have good partners, but I expect you will have to have some sort of detention basins to manage the water for the project.

Missa: We have a large parking lot already, and overall we are not changing impervious surface amounts by a large margin.

RC: Have you altered your plan from hearing comments from the neighbors about trees?

Missa: Yes, we have some additional landscaping, and we are also including 3 new trees for the parking area. We are only removing 5 leaning box elders but will be adding 3 new trees.

ZR: Do we want to move forward with this application as we see currently, or do we want to see a full stormwater plan before moving this forward?

MW: I do not think that we should allow this project to proceed, as we do not see a full stormwater plan. We have not done this in the past, and I do not see why we should make an exception. I think that we should ask the applicants to come back.

RR: Garret can you remind me to why this application was sent to Conservation board?

GK: This was sent to conservation board because it qualifies for Major Impact review, creating 5 or more units in a RL district.

RR: Thank you.

MW: Also in the packet, there is a public comment that had noted a bunch of things that the application is missing.

Brett: Garret, why was I not alerted to this document from the neighbor?

Garret: This was a public comment that was submitted today, around noon, and was uploaded as a comment for the board in line with standard practice. You can view them in the packet.

ZR: This is standard for us. We get a public comment by email, and we just attach it to the packet.

Brett: Yeah that's fine, I just didn't get a notification that would have alerted me to that.

MW: Can we put that item on screen?

Brett: Is there a summary for these items? We have already had a meeting with the neighbors, and we are the first in this process. As you can imagine, this process has not been smooth. So in all fairness, these types of responses are great, but for us already being behind I can't go through this right now. Can anyone summarize this so I can give feedback?

ZR: I would not say you need to go through this. It is just a public comment no different as if someone came here and was just speaking it.

CC: I would like to say in the past when we had projects, they usually do have a lot more detail about drainage and what type of plantings with species planted and things like that. It seems like your package is missing a lot of details we usually have when we make recommendations on projects.

Brett: Okay, here is the thing, when we went into this project we thought this was going to be a much shorter project. Without getting specific, things have changed rapidly, and coming into this meeting we were understanding where we were with stormwater and wastewater. We had no idea what the conservation committee was. We just learned of this last week. Kind of understanding we need a stormwater and wastewater plan and hustled under the impression that we would get here and go through these meetings and the DRB along with the approval process contingent on the stormwater plans getting reviewed. So that is the context of how we came into this.

Missa: I also want to note that if these were three separate properties the conservation board would not have gotten triggered. And I could have made a stormwater plan myself. We are trying to get these through in a way that would get us to meet our deadlines. We are now following the process as things are included all at once. If we spread this out then we would have never had to be here at this meeting. Now delaying this process will delay the next meeting and our construction process. We are on the learning curve here and are trying to do well and capture everything, but if these were individual we wouldn't even be here. Why do we have to have this level of review and get punished for doing this all at once? We may be able to get you the plans by next week.

RR: It sound like it has been a frustrating, maybe confusing, process. We see people here for comment. We have Megan Moir here that may want to comment on this project.

Megan Moir: Because you are changing surface coverage and water connections, this is confusing. Please reach out to me tomorrow as well. We are seeing new things, and if you reach out to me we can work this out. This is something new, so if we work on this in person, then it may be best.

RR: Any further questions or comment?

RR: Neighbors are concerned about trees and tree cover. You have three trees for shade but the current drawings do not show these shade trees by the parking lot. One is quite small and wouldn't provide shade. You have space and could provide more trees.

Missa: Yes, these are items that we are aware of, and we have this in our plan, but it is not in this current drawings that you have today.

RR: You may want to even go beyond this and add additional trees.

Missa: We have two on the north and one on the south but are also limited by snow. More trees might not be possible.

MW: Have you thought about plans for runoff and erosion mitigation during construction? Erosion prevention and sediment control measure are not evident.

Missa: I typically do these plans with all of the necessary information and will follow the guidelines, but for this project we are waiting on the engineers.

RR: It seems like there is more that we would like to review for this development. And just for the applicants' context, we are usually looking at stormwater and landscaping plans and native plants as well as everything environmentally focused, as the name conservation board implies. So without the plans, lots more questions are coming up.

Missa: I was not told this information. These items were not listed on the last list I was given, and that these things would be needed for review. I would have included all of this information if I was told. I feel that staff has not communicated these requirements, and we were not provided a detailed list by staff. I think we could have had all this laid out if we were given the whole list with all of these requirements by staff, but this was not done. I could have shown how we have a silt fence and swales, and stone drip catches. Now that I wasn't told, we are going to be delayed.

ZR: I feel that we would have not been able to review this unless we had all the information including stormwater plans. Just the landscaping plans alone would have not worked. I understand that you could have provided some of them, but it sounds like you were not in a place to provide all of them.

RR; we understand you are frustrated.

Brett: Not just frustrated, but actually we are spending money and this is wicked frustrating because we took over that property as a complete dump with dead animals and drug dealers. Things like this make managing properties very frustrating as we could have left it and got tenants anyway. This is very frustrating as we are willing to do whatever it takes, but the information is not coming to us. We can do any process. Us having to figure this out on our own creates additional cost, and we could just leave it if it becomes too difficult as we will still get rents. We don't want to do that as that is not how we like to manage our properties, but this type of activity will force us to. So whatever we have to do for next meeting I would like Garret to make sure we have exactly what we need so I don't feel like we are wasting our time because we are paying to be here.

RR: It sounds like you are in a position to get lots of help so we will make a motion.

MW: I think that we should motion to revisit this application.

A MOTION was made by CC and SECONDED by ZR:

-Come back to the next meeting with all necessary plan planting/landscaping, erosion, stormwater plans, and wastewater. We recommend more native plants and trees.

-LS: Friendly amendment, better and additional shade trees.

Vote: 8-0-0, motion carried.

5.2 ZP-24-263, 1074 Pine Street

Applicants Ernie Pomerleau, Andres Torizzo appeared for this item.

Ernie Pomerleau: We have been working on this for a long time and are the owners. We are working with the city, and state, 8 years in the making along with regional planning and our neighbors Champlain Housing. We are working on combining our lands so that we can do this project. This in an impaired waterway of Potash Brook. We have had incredible cooperation and are now shovel ready.

Megan Moir: This is in an impaired watershed area that is identified by the state based on TMDLs. It has been studied to get a new flow regime to support macroinvertebrates, which are the bugs that live under rocks that then support fish. This urban stream may be able to meet the requirements of a class-B waterway after this project. The regulations requires us to manage flow, mainly the highs and lows, some streams dry up and others wash out. The city is required to develop a flow restoration plans. Plan for this project and the city is working with South Burlington on this project for flow restoration. The state has established a 3-acre requirement for projects. This Pomerleau project is working with grants and we are working to have the best process that we can. This project is more unique as it will be a gravel wetland. This type of project will be best to remove phosphorus. While the city does not have land in this project we are collaborating with CHT and Pomerleau to pull state funds. We are working though the city to give us a grant that will be a total of 2 million dollars of ARPA funds for this project. The environmental bonus will be much greater than any potential impact.

Andres Torizzo: This is essentially a proposed gravel wetland designed to manage the whole shopping center area and half the CHT impervious. We are working with a large scale project that manages runoff coming from impervious surface that gets lots of use, meaning high levels of contamination. The existing area is highly degraded, and we have gone through the Army Corps of Engineers for some of this work. Everything existing is so heavily degraded that any work we do will likely be an improvement. We do have a new outlet pipe that is in the bank of Potash Brook and replaces the current pipe. This will be our disturbance to the brook, and we have an erosion control plan that we have provided. We are putting in a stone that is interlinking and a stabilization plan with vegetation designed as a wetland seed mix. A new path is also going through the area, and we are attempting to work with them in this process. The review is mostly the new outfall pipe.

MW: Are there any underdrain plans where you can get some of this stormwater back underground, or is the stormwater just going through the proposed system.

Andres: We did some soil work and the conditions were found to be heavy soils and are not good for drainage or absorption. We think it is best to just treat the stormwater as proposed.

Megan: In order to treat the water, it is required to sit. We were told that is it best to have the infiltration and has to comply with the flow restoration plan. Base flow was of less concern, more focus was controlling the peak flow.

MW: Currently work is underway. Will this new wetland be visible from this new path?

Andreas. Yes, all this work and the new wetland will be visible.

ZR: Can we have any sign or information to tell the story of this project so that the public is able to know what this work is being done and how great of a win this project is?

Andres: Yes, that sounds like a good idea. We will take a look to see what we can do.

RC: What is the wetland seed mix?

Andres: It is planned to be a native seed mix and is from Vermont wetland supply that we are hoping to buy, but I do not have the exact details today.

RR: Any further comments, hearing none, we need a motion.

A MOTION was made by MW and was SECONDED by ZR:

- Motion to approve as presented.

Vote: 8-0-0, motion approved.

Open Space Subcommittee

No meeting today.

Update & Discussion

Review of draft letter to the Mayor as to shoreline naturalization in the urban Reserve.

RR: We talked about the urban reserve and collaboration with the city to make a full management project for the urban reserve. We wanted to write a letter to the Mayor to do a project in the urban reserve but not the entire urban reserve. The easement does not mention the management plan as a requirement. It may just be a VHC policy.

RC: We have looked at the shoreline and naturalization part of the urban reserve. We talked with Cindi at Parks, the Parks Commission and planners, CEDO and the Mayor's office so that we can all work together in this process. There is no guarantee of a fast track, but we made progress.

RR: Any further questions, hearing none we can adjourn.

ZR motion to adjourn MW 2nd

Adjournment

7:00pm.