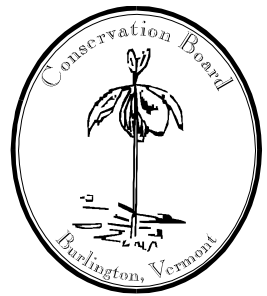


Burlington Conservation Board

645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/dpi>
Telephone: (802) 865-7188

*Zoe Richards, Chair
Rebecca Roman
Don Meals
Miles Waite
Ryan Crehan
Hannah Brislin
Caryn Connolly
Kyle Tansley
vacant*

Elizabeth Cunningham, Student



Conservation Board Meeting Public Notice

August 7, 2023 at 5:30 PM

645 Pine Street, Front Conference Room or Remote via Zoom

Zoom: <https://zoom.us/j/93330151274?pwd=M1lzb2lzTkZQYm1xRXJTMGEzMSjtZz09>

Webinar ID: 933 3015 1274

Password: 921805

Telephone: 1 646 931 3860

Agenda

- I. Minutes (5:30)** – Accept minutes from July 10, 2023 meeting
- II. Board Comment (5:35)**
- III. Public Comment (5:45)**
- IV. Update & Discussion (5:50)**
 - 1. Proposed Legacy Fund grant structure**
Review and comment on proposed administrative structure for Legacy Fund grant program
- V. Adjournment (6:20)**

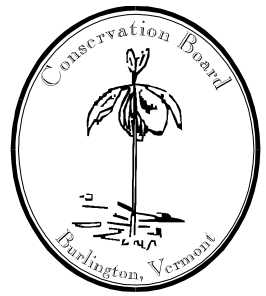
Note that agenda times are approximate only.

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Burlington Conservation Board

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Elizabeth Cunningham, Student*



Conservation Board Meeting Minutes

Monday, July 10, 2023 – 5:30 pm

Remote & In Person Meeting

Attendance

- **Board Members:** Zoe Richards (ZR), Caryn Connolly (CC), Miles Waite (MW), Rebecca Roman (RR), Ryan Crehan (RC), Don Meals (DM), Elizabeth Cunningham (EC), Kyle Tansley (KT)
- **Absent:** Hannah Brislin (HB)
- **Public:** Kelley DesRoches, Jovial King, Peter Lazorchak, Cynthia Knauf, Jess Ruben, Scott Mapes, Daniel Voisin, Graham Bradley, Peter Smiar, Cleary Buckley
- **Staff:** Garret King (Permitting & Inspections)

ZR, Chair, called the meeting to order at 5:40 p.m.

Minutes

A MOTION was made by MW and SECONDED by CC:

Adopt the minutes of May 1, 2023 as written.

Vote: 8-0-0, motion carried.

Board Comment

ZR thanked Board members for coming to the retreat last month.

Public Comment

Jess Ruben requested 20 minutes at the November Conservation Board meeting to present findings on the Barge Canal work she and others have done.

Sharron Bushor spoke about the New North End, open space lots for development, conservation vs city goals for housing, and understanding the importance of breathability within the built environment.

DM asked for clarification.

Sharon Bushor said that she has recently talked to one of the city planners about an open parcel catalog. There is presently an incomplete list.

Project Review

1. **ZP-23-253; 453 Pine Street (E-LM, Ward 5S) Derrick Davis / Kelley DesRoches**
Construct 30,000 sf health club (spa/bathhouse) and 12,400 sf retail/commercial building and associated site improvements.

The programs and services of the Dept. of Permitting & Inspections are accessible to people with disabilities. For accessibility information call 865-7188.

Kelley DesRoches, Jovial King, Peter Lazorchak, Cynthia Knauf, Scott Mapes, and Daniel Voisin appeared on behalf of the application.

Kelly DesRoches introduced and overviewed the project and changes since last Board presentation.

DM asked about space by the main building. Ms. DesRoches replied that its outdoor seating.

ZP, one story building? Ms. DesRoches, yes.

Peter Lazorchak (hydrogeology and stormwater engineering) presented methods for stormwater management. RR asked about 10 or 15 year storms. Perter Lazorchak, around 10 year storm event for the level spreader.

MW asked about the reasons for construction type. Mr. Lazorchak replied that the soil types drive the design.

DM inquired about the perforated pipe feature and the level spreader. Mr.Lazorchak explained the relationship.

RC, what is in the 50ft state buffer? Mr. Lazorchak, two discharge points are inside the 50 foot buffer. RC, did the state say anything about this? Mr. Lazorchak- someone from state did request some changes but overall agreement. Tina Heath is satisfied.

CC, is this overall improvement for stormwater management? Mr. Lazorchak, yes.

ZR, is this at the 103' elevation for discharge point? Mr. Lazorchak, most updated will be over the 103` elevation. ZR, its not draining at 103.' Mr. Lazorchak, correct, its neutral.

Cynthia Knauf, worked with Tina Heath, and she was involved in stormwater plans. Remove phragmites with herbicides, and restore with native species, normal garden techniques and not spraying in any buffer area. RR mentioned low dose Roundup for removal of phragmites.

Jess Ruben suggested that Mike Bald get involved with this work. Cynthia Knauf overviewed restoration areas, plans for the areas and maintenance.

RR, what type of plan for phragmites do you have, and what about ongoing treatment? Cynthia Knauf, we have consulted with the state, but we are unsure of how successful treatment will be. RR, one treatment, and then will you come back if needed?

DM, do you need state approval? RC, state and city can permit the work and plants to be used. Look again at what is in the 50 buffer. ZR, yes, Mike Bald may be good to work with.

RC, allowed use in buffer city vs state, seems to be all good. MW asked about the wetland delineation. Scott Mapes said there have been no significant changes.

RC asked about future plans to have a building in phase two. Kelley DesRoches said that phase two will be under a different permit.

ZP, any other questions or comments? MW asked about soils. Daniel Voisin said that the goal is to prevent any compression of the soil and to maintain current hydrology. Soil will have to be removed and managed, soil is much better than expected in many areas. Trucking will be necessary for about 82 hundred tons but unsure exactly how much. Graham Bradley will be creating a presentation to and for the superfund conditions.

MW, did any of the lines change for location of peat? Daniel Voisin, it is changing over the site but lines seem accurate as possible.

MW, as to hydrogeology, is groundwater monitoring happening? Daniel Voisin, yes we are monitoring now and going forward and 2 years post construction, using recording and modeling, we have several options for construction.

RR, noted the plans for mowing and requirements to uphold.

Jess Ruben commented on areas and plants in those areas, drainage ways to buffer areas and remediation.

MW, will there be soil remediation onsite? Daniel Voisin, no, due to our soil types. Considerations have been extensive. MW, has there been any surface water testing? Mr. Voisin, most of the monitoring has been at the superfund area and is groundwater that has been monitored and recorded.

A MOTION was made by DM and SECONDED by MW:

Endorse the proposal with a corrective action plan and removal of non-native plants inside 50'-100' wetland buffers.

Vote: 7-0-0, motion carries.

2. ZP-23-284; 266 College Street (FD5, Ward 8E) 266 Greencastle, LLC / Giri Burlington Property, LLC

Proposed renovation of existing building to construct a 6-story addition with rental housing and two levels of parking below street grade.

Peter Smiar and Cleary Buckley appeared on behalf of this application.

RR, what is first floor use? Peter Smiar, residential and maybe a coffee shop. RR, will the units be rentals? DM, will they be affordable?

RC noted that the building and site work cover most of the lot. Peter Smiar, yes, and yes inclusionary zoning will require affordable housing units. Everything is basically impervious, and stormwater treatment is currently lacking.

MW, is the old brick sewer shown? Mr. Smiar, its almost at the edge of the site, most flows to treatments, soils are quite bad, and the site has some contamination. There will be new routing of the stormwater discharge.

ZR, the city still has combined storm and sewer in this area. Mr. Smiar, yes, that is correct.

MW asked about stormwater detention type. Is it just a large cylinder? Mr. Smiar, yes, its just for holding runoff from the roofs prior to discharge. MW, what is the diameter of pipe? Mr. Smiar said that 36" is currently proposed, but changes are possible.

RR asked about green roof plantings. Mr. Smiar, said that they are mainly to address impervious requirements, but it does serve some retention of stormwater.

RC asked about the prior project proposal as compared to this one. Mr. Smiar said they are about the same, but we are working with DPW for the stormwater currently.

MW, contamination is noted. Do you know the details? Mr. Smiar said that there is some tar, but he's unsure about the details.

RC, will there be any street plantings? Mr. Smiar said that there will be 4 total tree wells. There is slightly more impervious than the last proposal. RC, have you considered heat island effect? Mr. Smiar, it may

be possible to address, but he's unsure as to what plantings can be installed, as they would be in the city right of way.

MW, will you fix the alleyway trash situation? Mr. Smiar said that additional traffic will help, and will be more visible and hopefully should mitigate the problem of others leaving trash there.

RR, is it the same entrance and exit for cars? Mr. Smiar, yes, same opening for entry and exit.

DM, what about bike parking and EV charging? Mr. Smiar, yes, there will be short term and long term bike parking. EV is under consideration but not yet finalized.

Mr. Smiar noted that the applicants are aiming for LEED gold standard.

Cleary Buckley, we have some EV charging stations included for LEED standard, and 65 parking spaces are currently proposed for 89 units.

A MOTION was made by RR and SECONDED by CC:

Approve the project as proposed.

RC recommended that additional trees be added. RR accepted that recommendation.

Vote: 7-0-0, motion carried.

Executive Session

A MOTION was made by DM and SECONDED by RR:

Enter executive session.

Vote: 8-0-0, motion carried.

A MOTION was made by DM and SECONDED by RR:

Exit executive session.

Vote: 8-0-0, motion carried.

Adjournment

7:45 PM.



BURLINGTON
PARKS
RECREATION
WATERFRONT

MEMO

Date: July 24, 2023

To: City Council

From: Dan Cahill, Cindi Wight and Scott Gustin

RE: Conservation Legacy Fund Adaptations

Request

Reallocate funding and establish a third category for the Conservation Legacy Fund. In addition to the existing funding categories for land acquisition and stewardship, include a new category for nature-based climate solution work. Present allocations are 70% for land acquisition and 30% for stewardship. As proposed, allocations would be 40% for land acquisition, 30% for stewardship, and 30% for nature based climate solution work.

Background

In 2022, the City Council unanimously adopted an addendum to the city's Open Space Protection Plan focused on nature based climate solutions. That adopted plan includes a matrix with a number of implementation strategies. With this plan and the recent correction to fully fund the Conservation Legacy Fund, there is opportunity now to enhance Burlington's climate action with reallocated monies from the Legacy Fund to support the implementation of nature based climate solutions in addition to land acquisition and stewardship. Legacy Fund monies for nature-based climate solutions work would be disbursed via a proposed local grant program.

Details are provided in the attachments. The changes requested here were approved by the Conservation Board on December 5, 2022; by the Parks Commission on December 13, 2022; the Parks, Arts, and Culture Committee on July 6, 2023; and the Board of Finance on July 17, 2023.

Attachments

- Legacy Fund memo
- Proposed revision to Legacy Fund distribution and use language
- Proposed draft grant structure outline

City Council Motion

To amend the Conservation Legacy Fund policy to create a new funding category for "Nature-Based Climate Solutions," and adjust the Conservation Legacy Fund's disbursement percentages



to 30% for stewardship, 40% for acquisition, and 30% for nature-based climate solutions work, subject to review by the City Attorney's Office.



BURLINGTON
PARKS
RECREATION
WATERFRONT

MEMO

Date: June 28, 2023

To: Parks, Arts, and Culture Committee

Cc: Burlington Conservation Board and Burlington Parks Commission

From: Dan Cahill, Cindi Wight and Scott Gustin

RE: Conservation Legacy Fund Adaptations

In February 2022 the City Council passed a [nature-based climate solutions addendum](#) to the city's Open Space Plan. This plan was adopted with unanimous Council support. The addendum was created by the Conservation Board and approved by the Parks Commission. The addendum aims to showcase, support, and grow the many burgeoning nature-based climate initiatives taking root in the city—including tree planting, heat mitigation, stormwater and flood resilience, inclusive nature connection, local ecologically-sound food production, and planting and flourishing of native species within our city.

In November and December of 2022, the Burlington Conservation Board and the Burlington Parks Commission convened discussions with City staff around review of the Conservation Legacy Fund (CLF) and its use to address and fund initiatives outlined in the [nature-based climate solutions addendum](#). The Conservation Legacy Fund was established in 2002 in support of stewardship and land conservation with the Council allocating 70% for acquisition and 30% for stewardship. At these 2022 meetings, both the Burlington Conservation Board and the Burlington Parks Commission unanimously approved reducing the percentage for acquisition and adding a nature-based solutions component to the CLF, per the following motion language:

“Move to change the Conservation Legacy Fund from the current 30% stewardship / 70% acquisition allocation to 30% stewardship / 40% acquisition / 30% NBS work allocation as a measure to be reevaluated annually.”

It is important to note that, with recently corrected funding of the CLF, monies available for land acquisition and stewardship actually increase over prior levels, even with the introduction of nature-based climate solutions work. Details are provided in the “Fund Activity and Achievements” section at the end of the memo.



With the action taken by the Conservation Board and Parks Commission, we are now preparing to bring this effort to the City Council for consideration. Action by the Council is needed in order to authorize the adaptations to the Conservation Legacy Fund resolution, which will empower the City staff to initiate and take further action toward implementing critical climate adaptation work.

In order to have an informed discussion, in this memo we will outline the background of the fund, breakdown the history of what projects the fund has supported, and lastly share the staff recommendation on an adapted framework for the operation of the fund to support continued stewardship, acquisition, and nature based climate work.

Nature Based Solutions are at the Heart of the Climate Emergency

Why consider an adaptation to the CLF that includes support for nature-based climate initiatives? A huge and growing body of scientific evidence makes it clear that nature protection is not just good for stabilizing the climate—it's the most [cost-effective, important](#), and inescapable requirement for successfully slowing the heating of our cities and planet. Burlington is part of a [national movement of cities](#) that is working to keep our urban areas cool, carbon rich in plants and soils, and habitable in the face of climate change. The biodiversity and conservation crisis and the climate crisis are one and the same.

Climate change exacerbates existing challenges we already face such as degraded water quality and lake health, but it also creates entirely new challenges we never expected to face here in Vermont—like the dangers posed by increasingly frequent and severe heat waves. Burlington is the 7th fastest heating city in the country; our average temperature has already increased 4.5 degrees Fahrenheit since 1970.

So, how can and should we leverage our CLF? Now that it is fully funded, we have an opportunity to adapt and think creatively about the fund operation. With an adapted structure, we can help support and grow inclusive community partnerships and a network of projects that have the potential to improve conservation of our rich natural areas and improve the livability of the city. US Nature 4Climate recently highlighted one of these partnership projects, [the native tree nursery at Champlain Elementary School](#), as a model of natural climate solutions.

Fund Background

In 2002 the City adopted the original Open Space Protection Plan, a City plan designed to acknowledge and reflect Burlington's values and strategies related to holistic conservation



efforts. One of the central recommendations of this plan was the creation of the CLF. In its original form this fund was created to support the acquisition and stewardship of conservation lands by the City and support the ongoing operation of the Burlington Conservation Legacy Program including:

- To fund **Land Acquisition** and long-term protection of significant natural areas, important open spaces, and urban greenspaces through public acquisition by the City and other interested parties.
- To support the **Long-Term Stewardship**, including the development and implementation of property-specific management plans, of significant natural areas and important open spaces permanently managed by the City of Burlington's Conservation Legacy Program as Urban Wilds.
- To develop and support **Conservation Education Programs** administered under the Burlington Conservation Legacy Program;

In 2022, the City adopted an addendum to the Open Space Protection Plan. This plan lays out the framework to incorporate nature based climate solutions in Burlington's approach to conservation work. With the advent of increased funding and the adoption of the 2022 addendum, we are recommending an adaptation to the rules that govern the disbursement of CLF monies.

Fund Activity and Achievements

Legacy Fund Acquisition Resources by the Numbers 2005- 2023

Total Acres Conserved	Total Properties Conserved	Matching Funds Raised	Legacy Funds Dispersed for Acquisition	Fund Balance as of 5/3/23
230	10	\$4,264,469	\$1,763,146	\$960,000

Starting in 2006, the CLF has generated approximately \$3,220,000 dollars, 30% of this has gone toward supporting administration of the city's Conservation Program through funding 70% of the Land Steward position. Seventy percent of the fund has gone toward acquisition. To date, approximately \$1,700,000 has been spent on acquisition, planning, and related acquisition costs. The current fund balance is \$960,000, of this \$40,168 has been approved but not yet spent for one active project and we have \$79,000 remaining in the administration budget. Current fund balance after approved commitments is \$840,832.

Achievements of the fund:

- Creation and funding of the Land Steward staffing position (2005)



- Creation and funding of 50% of the Conservation Field Coordinator Position (2023)
- \$1,700,000 encumbered/spent on acquisitions with \$960,000 in fund balance
- 236 acres conserved at 10 locations
- \$4.2 million additional dollars raised as matching funds

From 2006-2022, the fund has generated approximately \$190,000 - \$201,000 annually. From 2006-2022 the CLF was being credited at .43 cents on the dollar of the grand list, as of July 1, 2022 the CLF has been funded at the full 1.00 cents on the dollar of the grand list. The new funding levels generate \$561,000 annually. This adaptation brings the funding to the intended level that was a part of the original resolution.

<i>Current Funding Disbursements with previous funding level</i>		
30% Stewardship	70% Acquisition, Protection and Planning	
<i>\$57,000</i>	<i>\$133,122</i>	
<i>Current Funding Disbursements with new funding</i>		
30% Stewardship	70% Acquisition, Protection and Planning	
<i>\$168,300</i>	<i>\$392,700</i>	
<i>Recommended Funding Disbursements with new funding</i>		
30% Stewardship	40% Acquisition, Protection and Planning	30% NBS Projects
<i>\$168,300</i>	<i>\$224,400</i>	<i>\$168,300</i>

Request to the City Council

Adjust funding disbursement percentages and create a new funding category for Nature-Based Climate Solutions. CLF funds would be 30% for stewardship, 40% for acquisition, and 30% for nature-based climate solutions work.



Eligibility for this new funding category will be vetted using criteria outlined in the 2022 Open Space Protection Plan NBS Addendum. Funds will be administered and disbursed through a local grant program on an annual cycle similar to those in other cities.

Accompanying this memo is a draft of the specific adaptations to the Conservation Legacy Founding Resolution, as well as program details on how the newly directed funds will be disbursed, administered, and managed.

VI. Distribution and Use of the Conservation Legacy

Fund (original language)

- All disbursements of principal, interest, or other assets of the Conservation Legacy Fund shall only be made in furtherance of the public purposes set out in Section I and II.
- The Conservation Legacy Fund shall have 2 categories of disbursements:
 - **(Acquisition Funds)** A joint recommendation to the Mayor from the Conservation Board and the Parks & Recreation Commission shall be made on a case-by-case basis for the disbursement of Conservation Legacy Fund monies for the acquisition of land, interests in land, and associated costs identified as for permanent protection in the City of Burlington.
 - Expenditures may be made to any form of nonprofit corporation, municipal corporation, state or federal government agency, for-profit corporation, estate, trust, Partnership or individual.
 - **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning, Stewardship, and Conservation Education for inclusion in the annual budget resolution.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the Program's annual operations.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants received, and all disbursements of principal, interest or other assets of the Fund upon the recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing and expenditure rules and procedures, and any staff shall be assigned for human resource administration purposes to the Parks and Recreation Department.

VI. Distribution and Use of the Conservation Legacy

Fund (adapted language)

- All disbursements of principal, interest, or other assets of the Conservation Legacy Fund shall only be made in furtherance of the public purposes set out in Section I and II.
- The Conservation Legacy Fund shall have 2 categories of disbursements:
 - **(Acquisition Funds)** A joint recommendation to the Mayor from the Conservation Board and the Parks & Recreation Commission shall be made on a case-by-case basis, for the disbursement of Conservation Legacy Fund monies for the acquisition of land, interests in land, and associated costs identified as for permanent protection in the City of Burlington.
 - Expenditures may be made to any form of nonprofit corporation, municipal corporation, state or federal government agency, for-profit corporation, estate, trust. Partnership or individual.
 - **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning, Stewardship, Nature Based Climate Adaptation and Conservation Education for inclusion in the annual budget resolution.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the Program's annual operations.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the community wide climate adaptation work as outlined by the 2022 Nature Based Climate Solutions, addendum to the Open Space Protection Plan.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants received, and all disbursements of principal, interest or other assets of the Fund upon the recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing and expenditure rules and procedures, and any staff shall be assigned for human resource administration purposes to the Parks and Recreation Department.
- All Funds not spent in any fiscal year, will roll-over and be available for their specified purposes in future fiscal years.

City of Burlington, Vermont**Nature-Based Climate Solutions Grant Program**

- Online informational page about Nature Based Climate Solutions and the grant program
 - Include key grant details as to desired projects, annual theme, deadlines, funding levels, and guidelines as to creating and managing projects.
 - Provide link to separate application (in OpenGov)
 - Coordinate with IT to create
- Annual grant cycle (with possible exception for emergent opportunities at discretion of the Conservation Board Chair)
 - October grant opening
 - November grant submission deadline
 - January grant awards
- Anyone can apply
 - Higher score for group effort / community benefit
 - Property, benefit provided must be in Burlington
- Annual available funding is anticipated to be ~ \$160K
 - Minimum grant award is \$1.5K
 - Aim for at least 10 grant awards per annual grant cycle
 - Encourage matching funds or in-kind work (higher matrix score for matching funds or in-kind work)
 - Up-front project funding following grant award
 - Grant funds disbursed by Parks (as with current practice for acquisition)
 - Need to follow approved accounting practices
- Application structure
 - Establish grant application on OpenGov
 - Managed by Dept. of Permitting & Inspections
 - Accessible, trackable, and reportable
 - Include acquisition applications too
 - Type of grant applications considered
 - Implementation work
 - Operational work for sustained implementation
 - Planning work
 - Application criteria & scoring matrix used in evaluation of applications
 - Scoring criteria based on Implementation Matrix in Open Space Addendum
 - Consider matching funds, including in-kind work (higher score for matching funds / in-kind work)
 - Consider community involvement (higher score for group effort / community benefit)
 - Consider annual theme
- Application review (be cognizant of conflicts of interest in any event)
 - Preferred option
 - Request City Council approval of a block of funding on an annual basis and leave the grant awards to Conservation Board and Parks Commission.

- Alternative option: Same structure as exists for Legacy Fund acquisition expenditures
 - Open Space Subcommittee
 - Conservation Board
 - Parks Commission
 - City Council
- Awarded grant time limits
 - One year, from date of funding disbursements
 - Possible 1-year extension if requested by grantee prior to expiration
- Grant closure / follow up
 - Documentation provided by grant awardee to Conservation Board and Parks Commission demonstrating implementation of grant project prior to 1-year expiration (or extension)
 - Project completion report
 - Photos
 - Other?
 - Possible site visits by Parks' staff (land steward) during project implementation phase
- Grant agreement required for performance (draft under review by City Attorney's Office)
 - Executed by grantee and Parks following grant award and prior to disbursement of funds
 - Articulate grant performance expectations and what happens if work not done (i.e. request money back, impact on future grant applications, etc.)
 - Disburse funds prior to commencement of each project milestone (articulated in application)
 - Specify that photos of the project work can be used in promotion of the grant program

Nature Based Climate Solutions**Grant Application Scoring Matrix**

Successful grant applications must specifically address one or more of the six themes of [Nature Based Climate Solutions: An Addendum to the Burlington Open Space Protection Plan](#).

- Forests and Tree Canopy
- Agriculture and Community Gardening
- Water and Wetlands
- Lawns, Fields, and Small Open Spaces
- Green Infrastructure
- Equity, Inclusion, and Relationships

Within one or more of those themes, successful grant applications must achieve one or more of the strategies and actions identified in the Addendum's Implementation Matrix.

Review Criteria	Weight	Max Points	Weighted Points
Overall quality and detail of the application	5	5	25
Anticipated community benefit	5	5	25
Project feasibility	5	5	25
Matching funds	3	5	15
Project timeline to completion	2	5	10
TOTAL			100