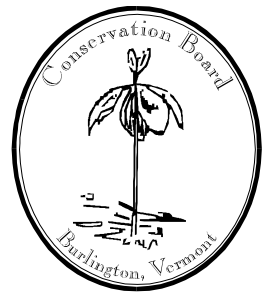


Burlington Conservation Board

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Zoe Richards, Chair
Rebecca Roman
Don Meals
Ryan Crehan
Hannah Brislin
Miles Waite
Caryn Connolly
Kyle Tansley
Elizabeth Cunningham, Student



Conservation Board Meeting Minutes

Monday, May 2, 2022 – 5:30 pm
Remote Meeting

Attendance

- **Board Members:** Zoe Richards (ZR), Miles Waite (MW), Caryn Connolly (CC), Elizabeth Cunningham (EC), Rebecca Roman (RR), Don Meals (DM)
- **Absent:** Ryan Crehan (RC), Kyle Tansley (KT), Hannah Brislin (HB)
- **Public:** David Driscoll (Killarney Drive)
- **Staff:** Scott Gustin (Permitting & Inspections), Alicia Daniel (Parks)

ZR, Chair, called the meeting to order at 5:32 p.m.

Minutes

A MOTION was made by RR and SECONDED by MW:

Adopt the minutes of April 4 as written.

Vote: 5-0-0, motion carried.

Public Comment

None.

Board Comment

SG asked if any board members have heard from the City Clerk's Office about terms coming up. No one has been contacted yet. MW said DM is up for renewal June 2022. SG will reach out to Lori Olberg.

DM asked about status of payment for Board members. SG said he'd follow up about it.

ZR mentioned the recent City Nature Celebration and the mammals in Burlington talk by Declan MacKay. She also noted the invasive species removal effort at the Interval Center this past weekend. Burlington has participated in the City Nature Challenge with iNaturalist. So far, 3,000 observations and 700+ species identified.

ZR said she's become aware of another development proposal for 501 and 453 Pine Street. It could include development with conservation land as well. MW noted that the properties are a BERA site with incentive funds available to facilitate development of the brownfields.

Open Space Subcommittee

RR noted the nature based solutions grad student work to quantify and publicize benefits for Burlington. She also noted the pollinator grant application and the anticipated collaboration with Parks as to the

Urban Forestry Master Plan. RR mentioned potential work-session meetings regarding nature based climate solutions work.

Update & Discussion

1. Killarney Beach

Informal discussion with Killarney Drive folks about their lakeshore beach

David Driscoll appeared on behalf of this item.

SG noted the permitting history about the boundary adjustment to merge Killarney and Elks beach parcels into one under Killarney ownership. Public comment was received, mostly about access to Rock Point and the ecological integrity of the beach.

ZR read Bob Popp's letter about the beach (included in the Board packet).

Mr. Driscoll said he's presently the president of KDI, Inc. (the HOA). They recently purchased the Elks beach to be combined with their beach. He asked about public comment. SG said all of the written comment is included in the Board packet online. He acknowledged working with VT DEC and is aware that the beach is a presumptive class 2 wetland. No mechanical raking of the beach is proposed. The intent is to use the site as a beach. ZR noted the opportunity to steward this unique property. She noted management resources available through the state and even the possibility of a partnership through a conservation easement.

Alicia Daniel spoke to the ecological significance of the beach. The sandy bluff and beach are globally rare. Rare ocean plants were introduced to the area due to sand and the former presence of the Champlain Sea. Mr. Driscoll asked if this was addressed with Elks. Ms. Daniel said that it had not been an issue, as Elks had not actively managed the beach.

MW asked about mechanical raking of the beach in 2021. Mr. Driscoll said that the Killarney beach was mechanically raked. We will not rake the Elks beach.

RR asked about what might need to change for it to serve as a beach and how that will be done. Mr. Driscoll said for the 30 years he's lived there, the HOA beach has served the community. He's not aware of a management plan for it. Residents participate in beach clean-up and use of it. He said mechanical raking was done once and created pushback. As a presumptive class 2 wetland, mechanical raking isn't allowed. The pools remaining when the lake level drops are left as is. The HOA is aware of the plants.

Ms. Daniel suggested meeting with Bob Popp to find out where the plants live. Mr. Driscoll asked if there are city regulations beyond applicable state regulations. ZR noted that the HOA has worked with DEC but not with Bob Popp.

MW, something like a 1-page info flyer for residents as to the plants could be helpful. Directional signs on the beach could be helpful as well. Ms. Daniel noted similar practices and methods on North Beach for similar rare plants.

ZR offered to connect Mr. Driscoll with Bob Popp and Alicia Daniel.

2. Camping in city parks

Discussion with Councilors Magee and Bergman

Councilors Gene Bergman and Joe Magee appeared.

Councilor Magee said feedback on the proposal is being solicited. Future steps include analysis by the City Attorney's Office. Following that, the ordinance will likely be modified and clarified.

Councilor Bergman said that two documents are in the packet: 1) An operational policy of Parks and 2) the draft ordinance. It will be helpful for folks to read the ordinance and to offer comments as to particular aspects.

RR asked about the Parks' operational policy. Is it part of the proposed ordinance? Councilor Bergman, no, but it is related.

CC noted they were related. She saw some discrepancies in timelines, such as how long possessions will be held onto following dispersal of an encampment. Council Bergman asked for specific examples. He said 30 days relates to notice period. Councilor Magee said the 90 day period was suggested by folks who work with homelessness.

DM said that the current draft ordinance is a huge improvement over prior iterations. He's still concerned about the provision of sanitation and clean water for drinking. If all city parks are open for camping, absence of these two things will be problematic. Why not focus on more limited areas where these items can be provided? He's also concerned about oversight and what qualifies as "exigent circumstances." It seems in some cases, the mayor alone can make the decision. It's not clear to him where the oversight it.

Council Magee said bathroom facilities and access to clean water is important for everyone who uses our parks. Montpelier has looked at this item and has run into some legal problems. The City Attorney's Office will review the proposal. Year-round access is a consideration.

Councilor Bergman, as to opening up all of the park lands, he has said that, if Parks is interested in doing that, we will listen. That's not something included in this draft of the ordinance. The posting provisions allow Parks to post against camping. In terms of oversight, the code enforcement office may play a role. Health officers and police officers as well. The Parks Commission may serve as an independent appeals board.

DM clarified his concern about oversight. Who has standing to point out problems and compel correction? Council Bergman said folks charged with administration of city ordinances would have that authority. He noted Dan Cahill's role in addressing camping that was taking place on the sandy bluffs below Cambrian Rise and having adverse environmental effects. DM suggested a little more clarity in oversight and process would be helpful.

MW said he does not see in the draft ordinance where the policy is referenced. Councilor Bergman noted the section in the ordinance.

ZR, this matter is complicated by involving two very vulnerable entities – folks experiences homelessness and the city's natural areas. Some of our most valuable areas are city parks. With climate change, we are in a biodiversity crisis. Functional natural areas contribute to our resiliency. Camping in these areas will impact them. Because of our geography, we have some of the most diverse and valuable natural areas in the state. How do we specify exactly where camping is permissible or not?

Alicia Daniel noted that plants have evolved not to grow up under their parents. They have evolved to disperse and grow up elsewhere. Plants move around the landscape over time. Demarcating them is just a snap shot of now. As to animals, they are usually looking for the same spots as people are – privacy and away from crowds.

Council Bergman appreciates Ms. Daniel's points. The draft seeks to leave open the particulars of where camping can be allowed. Councilor Magee agrees. Procedures are outlined for instances when folks need to relocate.

EC said it's difficult to determine if where exactly folks want to camp are protected areas. All city parks are protected lands. Councilor Magee said they would work with Parks' staff in establishing areas where camping could be allowed versus not. Councilor Bergman said the draft contains some parameters to

establish appropriateness versus not. The intent is to provide clear reasonable guidance for implementation and oversight.

MW, encourages establishing exclusive areas of particular environmental sensitivity. That could be periodically updated. Councilor Bergman says that is included in the draft via the posting provisions.

ZR said it degrades the experience of a natural area with extensive posting. Does it need to be posting like against hunting? There are not many folks with ecological background on staff with the city. The Parks Department has one part time person. There is a heavy burden for natural areas to prove themselves for posting. There are likely a lot of natural areas that are incredibly valuable to the city and ecologically sensitive.

EC asked about trash and littering. Responsibility should be on folks camping, but if they do not keep on top of it, who will? Councilor Bergman said he's tried to address that in the draft. Ultimately, it depends on having relationship with folks who are camping. He understands the scarcity of available resources.

Alicia Daniel noted a Green Up Day effort wherein Parks' staff had to mark an area used for camping that was unsafe for volunteers to enter for clean-up. Councilor Bergman said that circumstance is dealt with in the proposal.

SG noted a potential zoning aspect that may need to be part of it. Campgrounds are allowed in RCO-RG & A but not C (conservation). There may need to be a zoning piece of the proposal.

RR thanked Councilors Bergman and Magee for having this discussion. This is not a solution for homelessness but is hopefully a path towards improvement and compassion for vulnerable members of our community.

Councilor Magee invited further comment from individual Board members.

Adjournment

7:05 PM.