

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
April 14, 2009, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Tom Vos and Steve Rauch; Commissioners Darrel Eisenhardt and Bob Henney were present. Burlington High School Representative Ashley Kennedy and Catholic Central High School Representative Lauren Celano were present. Commissioners John Lynch and Bob Schulte were excused. Town of Burlington Representative Phil Peterson was absent. Also present were Building Inspector/Zoning Administrator Patrick Scherrer, City Planner Patrick Meehan, and City Engineer Tom Foht.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Alderman Rauch seconded to approve the minutes of March 10, 2009. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use Application submitted by H. James and Sons, Inc. for property located at 808 McHenry Street to use as a borrow pit for the Burlington Bypass project, Phase 2.

- Mayor Miller opened the Public Hearing at 6:32 p.m. There were no comments. Alderman Vos moved and Commissioner Eisenhardt seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use and Site Plan Application from H. James and Sons, Inc. for property located at 808 McHenry Street to use as a borrow pit for the Burlington Bypass project, Phase 2.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if the reclamation plan to restore the property has been finalized with property owner and SEWRPC. Mayor Miller stated they are currently working on the plan which may include a potential land swap.

- Patrick Scherrer questioned if a cash deposit should be required to insure the restoration will be completed. Alderman Vos agreed there should be some guarantee the land will be put back to the original state. Mayor Miller stated there is financial bonding in place to guarantee remediation.
- There were no further comments.

Alderman Vos moved and Commissioner Henney seconded to approve a Site Plan and Conditional Use permit for 808 McHenry Street, subject to Kapur and Associates' March 25, 2009 and Patrick Meehan's March 16, 2009 memorandums to the Plan Commission which state:

Based upon the foregoing analyses and findings, it is recommended that the Conditional Use Permit for the subject property be granted by the Plan Commission subject to the following conditions:

- The maximum borrow pit area shall be 5 acres.
- That the City Engineer determine whether the data and materials submitted by the applicant meet all requirements for the submittal of a restoration plan (including a final grading plan) and woodland mitigation plan.
- That prior to the issuance of the Conditional Use Permit, the woodland mitigation plan be submitted to City staff and that documentation (by letter to the City of Burlington from SEWRPC) be provided to the City that the woodland mitigation plan has been approved by SEWRPC.
- That a separate financial surety shall be posted with the City in a form acceptable by the City Attorney covering 125 percent of the implementation of the woodland mitigation (if not already covered by the financial bonding through Liberty Mutual as mentioned in the letter to the City from H. James and Sons, Inc. dated March 5, 2009). All of the requirements of Section 315 34G shall be met by the applicant with documentation of all required financial sureties which will enable the City to perform the planned restoration of the site in the event of default by the applicant.
- That the setbacks for the borrow pit (meeting the setback requirements of Section 315-15(C)(10) of the City Zoning Ordinance) be indicated on a Site Plan drawing of the subject property (as applicable to Brookview Avenue) and submitted to the City staff.
- Pursuant to the requirements of Section 315-137(C)(16) of the City Zoning Ordinance, stormwater management facilities (if any) and stormwater calculations (if required by the City Engineer) need to be submitted and reviewed and approved by the City Engineer.
- That a survey be taken after the restoration of the site to assure that the drainage and site has been adequately restored to prevent issues offsite.
- That a copy of the SEWRPC approval letter to clear, grub and remove borrow material from an environmental corridor shall be provided to the City prior to any construction activity.

OTHER MATTERS

- Commissioner Henney stated he has noticed complaints in the newspaper regarding trash scattered on commercial property and if the city can implement regulations on it. Mayor Miller stated Patrick Scherrer has been out recently working with the commercial properties to have their properties cleaned up. He further stated that it is typical after a winter to have debris in the yards after the snow melts. Patrick Scherrer stated he has spoken with property owners and given them ten days to clean up their properties.

ADJOURNMENT

Alderman Vos moved and Commissioner Eisenhardt seconded to adjourn the meeting at 6:40 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator