

TOWN OF MIDDLEBURY CONSERVATION COMMISSION

Meeting Monday, January 24, 2022 12:00 – 1:30 PM

In Person Location: Town Offices 77 Main Street, Room 116, Middlebury VT

On Zoom: <https://us02web.zoom.us/j/83454343363?pwd=bVh1b20yYzNra0hzem5OZC9jbmNWZz09>

MINUTES

Attending: Andrew L’Roe, C. Harden, C. Tate, J. Howarth

12:00 Call to Order

12:05 Citizen Comments

Chris Zeoli, the Town Tree Warden, requested Conservation Commission support for the shade tree preservation plan he will present to the Selectboard.

Town Tree warden statutes were amended in Nov. 2020 to only cover new trees that the Town planted. Now he wants to bring those older trees back under Town oversight. For example, a large cottonwood was removed from Town property (train station land) in 2021 without town oversight, and those involved did not know who had approved its removal. As other examples, three honey locust trees were damaged and now have to come down at 94 Court St. With Zeoli’s proposal, the town will have input in such cases.

This past year, the Tree Committee, which obtains grants for new plantings, planted 37 trees. The Town already covers tree pruning for liability and clearance on Town properties.

Andrew will draft letter of support and circulate it to Conservation Commission (CC) members for comment and approval. No vote was taken today because the CC did not have a quorum at the time of the discussion.

12:10 Approval of minutes

Because neither the November CC meeting nor the beginning of today’s meeting had a quorum and we did not meet in December, we have not yet approved the October minutes. A short summary of the Jan. 6, 2022 joint meeting with the Planning Commission, corrected to include all CC attendees, is attached to the end of these (Jan.) minutes.

12:15 VLT Proposed Conservation Easement ([Background information and maps](#))

Al Karnatz (VT Land Trust-Champlain Valley, Farm Project Director) spoke regarding the Conservation Project Summary and Town Contribution Request for Doug Butler and Jerry & Bernardine Butler Middlebury, Vermont. Before meeting with the Selectboard tomorrow evening, he seeks CC support for this request. CC members had previously received a copy of the request for review.

C. Harden asked about the nature of the easements. A. Karnatz responded that the properties may not be further subdivided. A more stringent forest management plan will allow the removal of a few trees but no clearcutting, agricultural uses are permitted, the agricultural shed could be replaced, if necessary, and a 50-ft buffer on each side of the brook (100 ft total) is a no-touch protection zone. The 30-acre easternmost J&B Butler property (east of Munger St) is a separate parcel and could be sold to a farmer. The easement stays with the property, regardless of the owner, in perpetuity. The property can be transferred within the family or to another owner for agricultural use. Vermont Land Trust holds a first option to purchase if the property is on the market.

J. Howarth asked whether the easements had public access provisions, noting that the subdivision just north of the property includes a small (5-6 ac) sliver of Town land (open space). No, the Butlers are not interested in allowing public access. A. Karnatz added that, when a landowner is interested in public access, an appraisal determines the additional financial incentive. J. Howarth asked about timing. Karnatz expects this project to close in late summer or early fall 2022.

C. Harden moved to support this proposal and J. Howarth seconded. Support from CC members present was unanimous. J. Howarth commented that these easements will protect some of the remaining clay plain forest and are well located to enhance conservation of forest blocks and connectors in the northern part of the Town. A. L'Roe will draft a letter of support.

12:30 Next steps and timeline for Middlebury Conservation Plan (J. Howarth)

Draft Conservation Plan: <https://conservation-plan.github.io/middlebury-vermont/>

Interactive Conservation Atlas:

<https://jhowarth.users.earthengine.app/view/conservation-atlas-middlebury-vt>

The January 6 presentation of the draft conservation plan and draft atlas to the Planning Commission was well received. Next steps are to iron out the goals and write the remaining language of the plan, with attention given to how to keep the plan forward-looking and make the goals actionable. J. Howarth seeks feedback on each section. Comments can be sent using the "Comment" box at the end of the plan file or as email to J. Howarth. For each section, are the criteria the right ones? Are the criteria sufficient?

J. Howarth would like to promote grassland blocks for their importance for bird nesting and noted that the state's model for forest blocks does not apply well to the Champlain Valley, where so much of the original forest was cleared. During this process, it will be helpful to meet with trustees of Means Woods and Batelle Woods about public access, and to obtain public comment in neighborhood meetings. "Written community standards," in the language used by the State, must involve the community.

J. Howarth hopes to have two Middlebury College students as interns this summer to continue the development of the Plan and Atlas and extend the analyses to other towns in Addison County. He commented that Earth Engine is a proof-of-concept host system that should be replaced with a more robust system in the future. His vision for keeping the Atlas up to date is for the College to support a recurring internship, which he would supervise as long as he remains on the faculty.

M. Przyperhart said that the State ANR has funds and plans to redo forest block maps and recommended checking with Eric Sorensen to find out what the updated version will include. She also mentioned that MALT's conservation committee would find it ideal if the Conservation Plan would be part of the Town Plan. MALT is likely to lean on CC for conservation guidance.

J. Howarth said the Atlas is designed so that it is not a problem to swap out different data when they become available. When asked by A. L'Roe, Howarth responded that Atlas contents can be exported as shape files, or geotiff for images.

C. Harden suggested that the CC focus on one Conservation Plan topic at a time to provide feedback and recommend actions to achieve the goals. The suggestion met with agreement. At the February meeting, we will focus on forest blocks.

1:00 Energy siting restrictions/preferred area proposal

A. L'Roe displayed a draft proposal (map) for Middlebury developed from known solar energy-siting constraints, recommended constraints, possible constraints ("go carefully"), and some green parcels ("okay for siting").

Discussion: The known constraints (off-limits for solar panel siting) are well defined. J. Howarth recommended removing all protected lands (e.g., easements) from solar siting, noting that new VLT easements do not permit solar field development.

Rare species data from the state are generalized and do not identify the species, making it challenging to work with rare species layers. For example, current data do not differentiate between roosting and feeding habitats for bats, even though bats can feed, but not roost, in solar fields.

The site of the proposed 2.2 MW solar field west of route 7 south is in an area with no other known constraints except that the southern portion of the location contains prime agricultural soil.

A. L'Roe's draft map was based on readily accessible (older) data. J. Howarth can generate a similar map based on newer data (including viewshed areas) in the Conservation Atlas.

Next steps: A. L'Roe will work with J. Howarth to update the map before the next CC meeting. After approval by the CC, it will be sent to J. Murray, the Energy committee, and the Planning Commission to represent the conservation viewpoint for energy siting.

Other Business:

Feb. 28th is town meeting day. If possible, the CC should have a presence. A. L'Roe will check whether there is to be a physical meeting. J. Howarth could make a brief presentation about the Conservation Atlas.

Next monthly meeting: **Monday, February 21, 2022 (President's Day)**

1:30 A. L'Roe adjourned the meeting.

Summary of Middlebury Conservation Commission participation in Joint meeting with Planning Commission, 7:00 pm Thursday January 6, 2022

Conservation Commission members in attendance: Andrew L'Roe, Jeff Howarth, Carol Harden, Chris Brooks, Charlotte Tate

The main agenda item was the presentation by J. Howarth of the current draft of the Conservation Atlas for Middlebury, which he has been developing with assistance from Middlebury College geography students. This interactive, digital atlas, based on high-resolution data, will be a key component of the Conservation Plan for the town. As he demonstrated the numerous layers, his commentary revealed the extensive analysis and effort that has gone into this product, such as making apparent the similarities and differences among three separate wetland delineations and noting places where the state's hydrographic data differ from the hydrology on the ground. The Atlas maps forest blocks and habitat connectors, which will be required by Act 171 to appear in the next Town Plan. J. Howarth shared the URL of the draft of the Conservation Atlas with meeting participants.

Response to the Conservation Atlas from members of the Planning Commission and Development Review Board was very positive. J. Howarth and his students were complimented on their work, and participants were enthusiastic about the value of this tool for planning. The Planning and Conservation Commissions will continue to discuss how resource information and a full Conservation Plan can be incorporated into the Town Plan either as an appendix and/or as separate proposals such as a Forest Blocks & Habitat Connectors section, an Energy Siting map, or River Corridor protections, to inform upcoming Town Plan updates by the Planning Commission.