

TOWN OF MIDDLEBURY CONSERVATION COMMISSION

Monday, June 27, 2022

12:00–1:30 PM

In-person location: Middlebury Town Office; also on Zoon.

MINUTES, approved on July 25, 2022

A. L'Roe called the meeting to order at 12:05 pm.

In Attendance: A. L'Roe, C. Harden, J. Howarth, C. Tate, M. Anderson, Chris Olson
(Addison County forester)

The minutes of the May meeting were approved. C. Tate moved and J. Howarth seconded approval.

Citizen Comments

C. Olson commented that spongy moth is present in the county. He mentioned that the Current Use Program, which he administers, has recently been extended, with "Reserve Forest Program" as a new UVA (Use Value Appraisal) enrollment category. Reserve Forest, still being codified and entered into the manual, will give credit for maintaining the ecological integrity of a forest. It will have acreage limitations and can be reversed to allow timber production.

Asked about the duration of UVA enrollment, he noted that these are not "forever easements," but rather liens that run with the land. The benefits and obligations can be discontinued by the landowner, but the lien remains with the title until the property is transferred. C. Olson offered to send A. L'Roe a copy of a four-page document about the UVA program, noting that the current version may not already have information about the Reserve Forest option.

A. L'Roe forwarded a citizen's inquiry about removing invasive species (buckthorn) from the Battell Woods. The Conservation Commission does not oversee forest management, so L'Roe recommended that Travis Hart at ANR lead an educational walk-through. In a brief discussion of who has responsibility for forest management on Town lands, C. Olson pointed out that details of the deeds for different Town lands differ. In the case of the Battell Woods, the trustees would need to be involved.

Conservation Commission (CC) Response to the Zoning Bylaws proposal

The Conservation Commission will send a letter to the Planning Commission to respond to proposed changes in Middlebury's zoning bylaws. A. L'Roe will draft the letter and circulate it to CC members first. Most proposed housing-related changes fall outside this commission's purview, but CC members agreed that the CC should be involved early in the planning/design process for new construction projects to make all parties aware of conservation concerns and of how a particular site or site plan fits into the broader landscape. It will be important to strengthen language about Forest Blocks in the Town Plan.

The Conservation Commission does not support efforts to remove Flood Erosion Hazard areas from zoning. A. Sheldon, in a June 24 memo to the CC, provided updated information about current state-level regulations:

...S226 was enacted this session and goes into effect July 1, 2022, changes the requirements for Neighborhood Development Areas. The relevant change for Middlebury as we consider changes to the Fluvial Erosion Hazard Area in East Middlebury is that: If the neighborhood development area includes flood hazard areas or river corridors, the local bylaws shall contain provisions consistent with the Agency of Natural Resources' rules required under 10 V.S.A. § 754(a) to ensure that new infill development within a neighborhood development area occurs outside the floodway and will not cause or contribute to fluvial erosion hazards within the river corridor....

With her permission, A. L'Roe will attach a copy of the FEH page of her memo to the letter to the PC.

Consideration of a forest property for sale on the Middlebury-Salisbury border.

The second page of A. Sheldon's memo to the CC called attention to a forested property now for sale and stimulated discussion. If the property were to be purchased for conservation, what payment models would be available? Would it be possible to purchase a property with Middlebury's Conservation Fund then turn it over to the federal government to add to the National Forest, potentially recouping some of the purchase price? Alternatively, would forest district language in the Town Plan be more effective in protecting properties such as this one? Should the Conservation Plan add a risk (of development) category that goes beyond considering the intrinsic natural value of a site to compare the risk of development at one site to similar threats at others? In this example, the (Pratt Road) property is already zoned as Forest and therefore is not eligible for development involving more than four houses, with 2-acre maximum area for building/clearing.

A. Sheldon was unable to join the meeting, so A. L'Roe will reach out to her to learn what she would ask of the CC in this situation. With sale of this property listed as "pending," no other action was taken at this meeting.

Conservation Plan Draft

A sub-group composed of J. Howarth, A. L'Roe, and C. Harden met to discuss the framework and contents of the Conservation Plan. Based on that discussion, an updated draft plan was put into a google file [[Link](#)]. The new draft adds an introduction that expresses overall conservation goals, summarizes the current conservation status of Town lands, and lists the tools available for conservation. Each section contains restated goals and adds recommendations for actions to achieve those goals.

In a discussion of the Conservation Plan, new suggestions were offered:

- Align town forest districts with forest blocks > 10 acres.
- Add UVA as a tool.
- Add links to relevant State documents.

And challenges encountered in the process of developing the Conservation Plan revealed:

- Forest delineation follows cadastral boundaries, but river corridors are defined by natural features.
- Act 171 puts wildlife mostly with forest, but wildlife conservation also involves grasslands and river corridors.
- Developing recommendations for agriculture is especially challenging. Conflicts are inevitable and it is tricky to support local farmers and local ecosystems at the same time. Dairy farmers claim to require the use of neonicotinoids, but those harm bees; hayfields are important nesting sites for birds, but mowing must occur, not just when the birds are ready, but when weather, labor, and equipment permit. C. Tate's description of haying practices revealed the complexity of relationships and community-strengthening interactions involved in supplying local farmers with hay and maintaining grasslands.
- The Forest Block concept is designed to prevent habitat fragmentation but the approach is not a good fit for the Champlain Valley. J. Howarth added a bar graph to the draft plan that compares >10-acre forest blocks of each forest type with soil type (proxy for pre-Colonial land cover). His data provide evidence in support of a restoration-based approach to conservation in the Champlain Valley, especially for clayplain forest.
- Not all forest blocks are equal: Some are particularly valuable for reasons of being old, representing an underrepresented forest type, or being located in a place critical for wildlife habitat connections.
- How to help local decision makers, including at the College, re-frame thinking of land use to support non-human as well as human species.

Conservation Plan Action Items:

- J. Howarth will advance the work on habitat connectors/ wildlife corridors for the July meeting.
- Each Conservation Commission member should work with this new draft, add comments, and edit text before the July meeting.

Energy siting restrictions proposal update

The working group –C. Brooks, J. Howarth, C. Harden – had discussed the option of presenting energy-siting recommendations from a positive perspective (identifying most recommended sites) but became uncomfortable when that involved targeting specific parcels for solar arrays. Guidance on energy siting is still needed. CEAC has put out a climate action plan, however it is not site-based. Current CC thinking is that energy siting guidance should be part of the Conservation Plan and (as originally drafted) should identify sites that are not appropriate due to (a) state regulations or (b) important other values of those sites.

Draft of Forest Blocks section for Conservation Plan

A. L’Roe had begun to draft language for the Forest Blocks section of the Conservation Plan but stepped back because the State is revisiting forest blocks and updating them based on newer data. J. Howarth now serves on the State Conservation Design Steering Committee – he will keep the CC informed as that process progresses.

1:35 A. L’Roe adjourned the meeting.

Next monthly meetings will be on July 25 and (tentatively) August 29, 2022.