

## TOWN OF MIDDLEBURY CONSERVATION COMMISSION

Monday, March 27, 2023

1:00 – 2:30 PM

In Person Location: Middlebury Town Office. Also available on Zoom

### MINUTES

[Approved on April 24, 2023]

A L'Roe called the meeting to order at 1:05 pm.

In attendance: A L'Roe, J. Howarth, C. Tate, M. Anderson, C. Brooks

Minutes of the February meeting ([February 2023](#)) were unanimously approved

#### **New Business**

M. Anderson has [drafted a letter of support to the VT Natural Resources Committee](#) at the request of Bernie Paquette, who is organizing support for a Vermont Invasives [Management] Day. A. L'Roe will send the draft to the Commission and send it to Mr. Paquette.

There was a question about the extensive clearing on Munson Rd north of the airport. This was a project undertaken by the Airport and subject of Act 250 hearings. A.L'Roe volunteered to look into the details.

Another question arose about the [expanded access road now visible on Google Engine/Maps imagery](#) on the new farm/large residence property off Painter Hills/Solitude Way – part of the reasoning for the new private road/long driveway that was cut and blasted through the Forest District was that the existing access was through a neighborhood and crossed class II wetlands.

#### **Activities and Updates**

A. L'Roe briefly reviewed the [Proposed Activities List](#) and asked members to review and update things they would like to take on. The Conservation Commission poster was well-received at Town Meeting and is now located in the Town Office lobby.

The AVCC [Tiny Grant application](#) is due March 31st, it sounds like we probably won't have time or pressing need to put together an application, but members could try to think of ideas for next year/other town funds.

A.L'Roe provided updates on a possible amphibian rescue/transport from the old town reservoir in late April/ early May. He has spoken with the Town Department of Public Works planner about organizing people and equipment to catch and move frogs/newts/turtles and eggs to nearby water

bodies off Ellen Drive. He will meet with E. Cherington to discuss logistics in the next couple weeks and will provide more details about timing and request for assistance at the next meeting.

The Addison County River Watch Collaborative Forum will be held **Tuesday, May 2nd from 7:00p-9:00pm** at Champlain Valley Unitarian Universalist Society (CVUUS) sanctuary.

The Commission is invited to give a short presentation related to streams in Middlebury and the importance of Stormwater. A L'Roe will be unable to attend due to another function but would love to have volunteers [C. Harden has volunteered to assist].

### **Review of conservation presentations to Planning Commission- J. Howarth**

([Goals/Strategies/ Implementation sheet](#) from Overview meeting)

J. Howarth is going to continue discussion with PC about Grassland identification and prime bird habitat conservation – his class is using updated landcover data and criteria from VT ANR. They have identified areas that have:

- At least 20 acres of grassland (non-forested or developed) area, and
- Low Perimeter-to-Area ratio (more round than long and narrow, reduces predation from edge)

They are trying to pick up all important areas without picking up lots of false positives.

J. Howarth found that within Middlebury only a handful of priority areas meet those definitions. One is the College 5MW solar development site off South St Ext. Others are north of South St Ext (also college property), an area south of Middle Rd west of Halladay Rd (privately owned but under [MALT Berthiaume Conservation Easement](#)), and south of 3 Mile Bridge Rd (privately owned but under [MALT Seeley Conservation Easement](#)). But there probably aren't delayed mowing restrictions (until August 1) which [VT F&W recommends](#) to protect nesting birds. (i.e. Bobolink, Savannah Sparrow, Eastern Meadowlark, Grasshopper Sparrow, Upland Sandpiper, Vesper Sparrow.). Next steps would include contacting landowners and asking about lease restrictions.

A.L'Roe: the Jackson property in Cornwall (to be transferred to the College) has had mowing restrictions due to owners' concern for grassland birds – unknown if that will continue or applies to other College properties.

M.Anderson: Is late mowing regulated or voluntary, and is it compensated through any programs?

C. Tate: there is a lot of incentive to get hay mow in, especially since the winter length/prices are unknown and unpredictable.

M. Anderson: In addition to mowing, grassland bird population declines might be related to insect population declines due to use of pesticides.

J.Howarth: There are lots of issues going on. Grassland birds are an interesting conservation target because there's little evidence here of large-scale burning or clearing historically, so there probably

weren't many (if any) populations of these grassland bird species in Middlebury, but European colonization and wide-scale clearing led to population boom (possible from populations moving in from further west), which has been declining as forest cover returns.

### **Topic for next PC meeting discussion (4/6): River Buffers and Riparian areas**

J.Howarth pointed out that there are a number of different protections for riparian areas in current town zoning, almost entirely based on flood hazard reduction:

- Special Flood Hazard Area ([p120](#), Middlebury Zoning and Subdivision Regulations) – based on FEMA's flood insurance maps of the “100-year flood” areas (1% annual chance of flooding- in process of being updated)
- [Fluvial Erosion Hazard \(FEH\) zone](#) in East Middlebury, adopted in 2013
- 50 foot setbacks from Class II wetlands
- Minimum [100 foot buffer areas](#) along the Otter Creek, Middlebury River and Muddy Branch (downstream from Vt. 116/Case Street)
- Along other streams on town maps, there are (rear) Setbacks, which vary by Zoning District (Zoning here, [interactive map here](#))

(Definition: “Setback – the required distance which a building or other structure must be from lot lines or other features specified in the ordinance. The rear setback requirement also applies from structures to any streams”)

[Residential Districts](#)= 10 or 20 foot setbacks

[Rural and Conservation Districts](#)= 25 foot setbacks

Middlebury has not adopted the VT ANR River Corridors for protection, which includes the “meander belt” potential of larger streams or rivers and an additional buffer of 50 feet (the buffer is just 50 ft from the bank on small streams) (For more, see

[https://floodready.vermont.gov/flood\\_protection/river\\_corridors\\_floodplains/river\\_corridors](https://floodready.vermont.gov/flood_protection/river_corridors_floodplains/river_corridors))

J. Howarth and his class compared restrictions to the state-identified River Corridors. They show that there's a lot of overlap and existing protections. Generally the ANR River Corridors are wider, but in some places the Middlebury Zoning buffer is actually wider. There are some gaps in the state corridor mapping where there are ponds or lakes (which have no corridor or zoning buffers) and wetlands.

Setbacks from Class I wetlands are at least 100 feet ([Middlebury Zoning Section 665 language](#) appears incorrect on this) and 50 foot setbacks from Class II wetlands – regulation is from the State. There is only one Class I wetland buffer area within the Town of Middlebury – part of the [400 foot buffer](#) extending from Beaver Meadows wetland in Ripton/Bristol (extending to near Abbey Pond in Green Mountain National Forest).

J.Howarth: An important part of the message is that we need to recognize the Flood Zones and Riparian areas as resources for habitat and wildlife movement, not just potential flood hazard risk. He is working towards creating a single overlay including Grassland blocks, Forest Blocks, and Riparian areas to set a priority Conservation District for conservation acquisition priorities and limited development.

Next time we'll talk more about wetlands and combining [Jurisdictional](#) and Advisory wetlands maps, plus vernal pools.

**Adjourn:** A. L'Roe adjourned the meeting at 2:28 pm.

The next monthly meeting will be on **April 24, 1pm**