

TOWN OF MIDDLEBURY CONSERVATION COMMISSION

Monday, January 18, 2021

12:00 – 1:30 PM

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MINUTES

Present: Jeff Howarth, Andrew L'Roe, Molly Anderson, Amy Sheldon, Judy Wiger-Grohs, Carol Harden

12: 00 Call to Order

12:05 Citizen Comments- None

12:10 Approval of minutes ([December 21, 2020](#))

Motion: M. Anderson, Second: Carol Harden, Unanimously approved

12:15 Staff Updates

J. Howarth met with J. Murray today, first meeting since meeting with the Planning Commission. Asked two main questions, Short-term- anything coming up that the Conservation Commission should know about/be involved in? And Long-term: what are things to be working on with PC

J. Murray is looking for feedback on property adjoining Means Woods- looking for language to take to Selectboard for purchase of wooded section of property just to west of Means Woods property owned by Town of Middlebury.

M. Anderson- makes sense to conserve, but what's the opportunity cost?

A. Sheldon- definitely yes, already trails there, logical extension. It's an excellent use for the town Conservation Fund

A. L'Roe- would support protection, connects forest pieces, along with existing field margin and woods (also has seen turtles crossing Seminary St)

(M. Anderson sees them next to/crossing Halpin Road)

(J. Wiger-Grohs has turtle crossing signs)

J. Howarth- will tell J. Murray that the original language holds: we are in support of acquisition/easement of properties adjoining existing protecting lands.

A. Sheldon: Move to support the town's acquisition (in Fee) of the section of the property adjoining Means Woods. Second: J. Howarth

Approved Unanimously

J. Howarth reports that town planner J. Murray expressed interest in having the Conservation Commission play a more active role in reviewing sub-divisions, particularly in the Ag district. She needs language to help mitigate impacts on conservation value and make conservation regs more transparent as people ask for permission to build. She wants to strengthen the Town Plan, as well as contribute to zoning language.

J. Howarth has talked with J. Murray about conservation values of a block of old clayplain forest and properties along Muddy Branch, coming over past Halpin Rd and Happy Valley and up to Chipman Hill. The old clayplain forest was likely cleared in the past, but has been growing back for at least 100 years.

J. Howarth asked J. Murray about larger projects the Conservation Commission can work on. Asked about river corridor planning and preferred solar siting mapping, J. Murray felt this was not as high a priority as their work identifying scenic views, wildlife corridors, wetlands and other sensitive habitat areas, and forest blocks. Additionally, she is unaware of any instances where a preferred energy siting plan, as part of an enhanced energy plan, has earned a community substantial deference before the PSB. A. Sheldon says that Bennington was able to stop a large development on the basis of their energy plan.

[update from A. L'Roe: In Addison County, no proposals have tested the weight of the "Substantial Deference" provided by an adopted Enhanced Energy Plan before the PUC (vs. the weight of "Due Consideration"). Last summer the Encore company had a 5 MW project proposed for Salisbury, but the town's recently approved Enhanced Energy Plan prohibited facilities of that size. The Planning Commission and Selectboard reviewed their plan and chose to support the siting of this new array, after visiting the site and concluding that the array would be completely screened.]

A. L'Roe noted that current Enhanced Energy Plans are already approved in Leicester, Monkton, Salisbury, Starksboro, Vergennes, Weybridge (and awaiting final voter and Selectboard approval in Bristol, New Haven, Panton, Shoreham, Salisbury, Whiting). [An Energy Section is mandatory in the town plan](#) (“including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.”), but an enhanced energy plan with preferred siting area is voluntary for the town (see <https://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards>)

Town staff expressed continued interest in identifying Scenic Viewsheds- A. L'Roe asked if the Commission felt it could complete a viewshed map soon?- it seems like a first cut would be relatively easy, could start with A. Sheldon's class project, separate and update some of the maps. A. Sheldon will send GIS layers to J. Howarth, and the Commission will continue to discuss at the next meeting.

12:25 Conservation Commissioner updates

J. Wiger-Grohs had a question about acknowledgement of Native lands in the Conservation Plan, and has spoken with an Abenaki person at Middlebury College who has sent a letter to the town indicating that all land in Middlebury belongs to indigenous people.

J. Howarth: Contacted state archaeologist with questions about Abenaki land use in Middlebury - Do we have evidence for indigenous agriculture, fishing, and fire in what is now town? The State has an inventory of archaeological evidence, but this is a fragmentary record, mostly from road projects. Indigenous corn has been found recently at a site in Weybridge - any floodplain in Middlebury may have been cultivated, at least temporarily. Off the floodplains, likely old growth-like forest and indigenous hunting ground land tenure.

A. Sheldon- we had to do a full archaeological assessment for the Middlebury River site- so many projects have had to do assessments- but what are we trying to get at?

J. Howarth- for him, acknowledging and understanding that Native peoples had an effect on land cover and community types that existed before European settlement. We need this piece since we are using soils to reconstruct pre-agricultural communities (can't just assume that the area was entirely Old-Growth forest).

M. Anderson- there is a bill proposed for the state of Vermont to provide funding to support indigenous land purchases, maybe go even farther- do we think that the College would be willing to give back some of its land? Perhaps for farming land/food security?

J.Howarth- in discussions over Breadloaf Conservation Easement, the College emphasised fiduciary responsibility to the Trustees (and the Easement required payment from an outside source), so it seems unlikely

12:45 Conservation Plan Discussion

J. Howarth- working on section with fine filter challenges. Can't get species lists or locations from Biofinder, so he contacted State biologists and received Threatened/Rare/Endangered species lists and layers (with promise not to distribute). Will make a helpful (but still masked) map based on the seasonal patterns of habitat use by rare species that highlights habitat types and corridors between those areas. Thinks this might help make connectivity components of the plan less abstract. J. Howarth will make a map highlighting bats, salamanders, turtles... open to requests/recommendations.

J. Howarth will try to finish the Conservation Plan draft and to distribute it before next meeting.

A. Sheldon will share viewshed layers with Jeff and we will continue to discuss for next time

L'Roe's conservation plan (Michael Pollan-esque) "Summary Rules":

Fragment LESS, Conserve MORE, Mostly LOWLAND FORESTS

J. Howarth- Following (and as part of) the Biodiversity Planning, another priority should be making Recreation/Trails recommendations- e.g. the formation of a trails taskforce, ways to build connections and loops off the TAM (e.g. Creek Rd/South St extension)

1:20 Set Next Agenda & Meeting Date

February 22th- Noon to 1:30pm

1:30 Adjourn

Motion: A. L'Roe, Second: M. Anderson, Approved