

Town of Calais, Vermont

CHARTERED 1781

Calais Conservation Commission Meeting Minutes

Wednesday, October 2, 2019 at 7 pm at the Calais Town Office

Present: Stephanie Kaplan, Larry Bush, Drew Lamb, Neal Maker, Pat Johnson, Mark Brown

Absent: Julie Hand

Guests: Michael Loignon, Noreen Bryan, Katie Lane-Karnas

1. Call to Order: Stephanie called the meeting to order at 7:00 pm.
2. Public Comment: None.
3. Review, Additions/Changes to Agenda: None.
4. Approval of Minutes: Neal Maker made a motion to approve the minutes of the July 17, 2019 meeting; Pat Johnson seconded. The motion passed 6-0. Drew Lamb made a motion to approve the September 4, 2019 minutes; Larry Bush seconded. The motion passed 6-0.
5. Fund Balance: The Balance is currently \$69,846.31.
6. Shoreland Zoning: Noreen Bryan has been working with and instrumental in continuing the Calais Lakes and Streams Committee (“CLSC;” an informal committee, rather than a Town organization appointed by the Selectboard). The CLSC met last month with the purpose of reviewing the Calais proposed shoreland zoning revisions, and drafted a letter communicating their appreciation and comments for the drafting body (Planning Commission, “PC”). The PC has been planning to bring proposed zoning changes to public hearings ahead of Town Meeting 2020. The CLSC and Conservation Commission are coordinating with recommendations to the PC, to allow the PC to make any changes before it agrees with before the final draft and public hearings.

The CLSC used to create and send a newsletter to all Calais households, the publication of which was discontinued after the Selectboard ended funding. The final newsletter’s survey had 11% response, a fairly positive rate, with 100% of people responding indicating that conserving streams and ponds in Calais is “very important.” The Committee continues to be active and interested in seeing the shoreland zoning process to completion. One of the challenges is that there is a statewide Shoreline Protection Act enacted a few years ago; at that time Calais had existing shoreland zoning (more stringent than that being created by the state). State legislation was not intended for towns like Calais; now, residents have to comply with both Town zoning laws and the State statute, which can be very dense and confusing for the lay person. Noreen and the Conservation Commission reviewed the CLSC’s comments that were penned in a draft letter to the Commission.

Stephanie commented on the importance of clarity in dealing with zoning legislation—so any landowner with shoreline property can understand what to do and what not to do and what is expected of them. However, when reading the proposed Shoreland zoning - bringing her perspective as an attorney and conservationist - Stephanie has concerns about significant confusion, with more clarity needed. Noreen commented that the CLSC reviewed the proposed zoning and while they appreciate the progress of the PC, they have identified two areas for improvement: content changes based on science, and sections that are unclear or ambiguous (with language like “as needed”). The question of state enforcement and oversight, or local enforcement by the Calais Zoning Administrator, was discussed. Stephanie provided updates on the ongoing communication between her and the Chair of the PC.

Noreen and the Conservation Commission discussed the main comments that resulted from the CLSC’s review:

- *Shoreland Areas Across Public Highways*: If a public road goes through the shoreland district, such as the road on Number 10 Pond, none of the land on the other side of the road needs to conform to the state standards. The zoning as drafted by the PC, in contrast, would have shoreland districts extend beyond roadways, “where appropriate.” The CLSC questioned the use of the “where appropriate” language, which lacks clarity and leaves too much discretion in the zoning administrator or DRB.
- *Conditional Uses for Cleared Area*: The group discussed the lack of limitations to clear cutting in the state law, and the percentage defined in the Calais proposed zoning. Discussion included possible limits to upland areas and a chart identifying the importance of coverage to different species (for the purpose of habitat protection as well as protecting water quality)—some species needing hundreds of feet of coverage. Implications for erosion were discussed as well. (The group confirmed that shoreland regulations apply to ponds and lakes; streams and rivers are addressed differently.)
- *Conditional Uses for Slopes*: The group discussed their preference that shoreland protection stay with a maximum 15% slope and NOT move to 20%. 15% is already quite steep with a high potential for erosion.
- *Dimensional Standards*: The group discussed the lack of understanding of implications of the shoreland overlay district in areas such as around Curtis Pond, where once the overlay goes into effect, the standards shall be applied concurrently with the underlying districts; when standards differ, the stricter standards shall apply. The overlay shoreland district around ponds may be essentially lacking in or void of a district because the existing shoreland district has been removed, and an “overlay” doesn’t include the standards such as dimensional standards for the underlying district. If an “overlay” lays over another zone, nothing defines what the standards for the underlying zone would be. The overlay would be a district on top of the existing district; implications of “rural residential” versus “village district” should be considered in advance of the shoreland overlay going into effect. The group discussed gaining clarity on this fuzzy issue from the PC and possibly the Zoning Administrator.

Drew Lamb made a motion that the Conservation Commission add its signatures in support of the letter that the CLSC created regarding draft shoreland zoning comments. Mark Brown seconded, and the motion passed unanimously. The Commission additionally intends to complete its own review of the proposed shoreland zoning and provide additional comments to the Planning Commission at a later date. Stephanie will call Jan Ohlsson to learn what the PC's time frame is.

7. Fall Foliage Walk: Larry has communicated with Eric Sorenson, who is excited to lead the walk. Eric is attending in his capacity as a resident of Calais (rather than as a state employee). ORCA Media is considering filming the hike, and the Commission will notice the hike as a public meeting (a quorum will be in attendance). The trail map is now available on the town website. The Fall Foliage Hike will meet at the Old West Church and enter the trails at the public entrance on Old West Church Road.
8. Member Reports on Conferences: Larry reported on the Conservation Summit, sponsored by the Association of VT Conservation Commissions. Membership is a nominal amount, and the group decided to look into joining it. Membership may facilitate communication or coordination among Vermont commissions.
9. Ash Tree Inventory; Emerald Ash Borer: The Commission's roadway data collection of ash trees covered 73 miles of Calais roadways. Neal updated on how the grant has worked out with CVRPC, and the group reviewed the Calais Draft Ash Tree Management Plan (drafted by staff at the Central Vermont Regional Planning Commission). The CVRPC draft included standard language and ash trees and EAB and calls for the CC to fill in the details that the CC will decide on.

The group considered next steps, such as determining questions needing to be answered (such as, *How much money does it cost to cut down an ash tree?*). A couple of roads with a large number of ash trees stand out on the maps that resulted from the inventory work. Mark appreciated that the maps are accessible to colorblind readers, using symbols rather than just color-coding. The group considered public outreach, including a public forum similar to one held in Greensboro that focused on appreciating ash trees. There will be a need to survey town buildings and town cemeteries for ash trees of significant size. The group considered how grant moneys can be used for tree planting, and types of trees; Pat will contact nurseries for purchasing trees before the grant timeframe closes, and Stephanie will confirm grant expenditure timelines with Joanne. Questions for the future:

- *Do roadside ashes get cut, and if so, how will it be decided which to cut?*
- *Should a public meeting be called to discuss an ash plan?*
- *How should the road crew be involved, and how can their input be sought?*

The next meeting will include brainstorming ideas for Calais's plan, based on review of the just created CVRPC draft Ash Tree Management Plan.

10. Other Business: The Commission noted that there will be an Open House of the North Calais Memorial Hall on Saturday at 1pm and future business will include reviewing the status of NCMH Association's progress in creating an advisory group that must include

members of the Conservation Commission.

11. Adjournment: Stephanie Kaplan made a motion and the meeting adjourned at 9:07 pm.

Date: 10/5/2019 Respectfully Submitted, Katie Lane-Karnas, Secretary

Approved by the Commission at the 11/6/2019 meeting