

DRAFT
Calais Conservation Commission Meeting Minutes
Town Hall + Zoom
Wednesday, November 3, 2021, 7:00 pm

Present: Stephanie Kaplan*, Larry Bush, Neal Maker, Julie Hand*, Mark Brown

Guests: Randy Koch*, Scott Bassage, Katie Lane-Karnas* (recording minutes), Noreen Bryan*, Steve Killoran*, Tracy Sudhalter*, Denise Wheeler*

1. The Chair called the meeting to order at 7 pm.
2. Agenda revisions or additions: The Chair noted discussion will be added regarding a report on the Fall Foliage walk; from Julie about nursery purchases; from Neal about roadside ash cutting.

Larry reported that a small but enthusiastic group met at the Old West Church, in the rain, for the Fall Foliage walk co-sponsored by the Conservation Commission and Trails Committee. Two routes were offered, that highlighted the new trail markers.

Julie made inquiries about planting crab apples. The only place still selling them this year was Elmore Roots Nursery; there was very little choice remaining, with only very mature (and costly) trees available. This will be delayed until next year.

Neal reminded the group about previous discussion about having the road crew cut the most dangerous ash trees while doing routine maintenance. After a meeting with other Vermont tree wardens, he asked the Selectboard chair to add this topic to a meeting agenda and get more proactive about this effort. (Optimally, when the road crew is working in an area, they can assess any large ash trees that are leaning into the road and take them down then.) Ash trees are now exempt from the tree warden statute (because we are in an EAB infected area). Neal noted the practice has been road crew has never cut roadside trees without contacting him first. Neal will also communicate this to the public on Front Porch Forum before it begins.

3. Approve minutes: Larry Bush moved to approve the minutes of September 29, 2021; Julie Hand seconded. The motion was voted and passed 4-0 (Stephanie had temporarily stepped away).
4. Revised Shoreland Zoning: Noreen Bryan joined the last meeting and this one as well. There has been some email correspondence between the Planning Commission (PC), the Calais Lakes and Streams, and the Conservation Commission. The Chair reiterated the importance of these three full Town groups sitting down together in the same place to discuss concerns, to get on the same page.

Noreen explained there are five areas of concern about the revised shoreland overlay district. She noted that based on the email communication between L&S and PC, which she has shared with the Conservation Commission, she is not clear if there is a difference of opinion, or if there

is an administrative miscommunication. First, *what* district will the land in the current shoreland district be in? The land in the current Shoreland District is obviously all in the Shoreland District. (The email communications with PC are unclear.) She asked why is the PC doing an overlay at all, rather than just leaving the Shoreland District as one of the zoning districts? It creates a more complex consideration about what may or may not be done by a landowner and is overall confusing.

Larry thanked Noreen for all the work she has done on this at each stage, especially bringing clarity to each iteration of the proposed revisions. He noted the PC draft is not done well, is incomplete, and confusing: overlays can't overlay over nothing. Larry agreed the meeting between these groups should be scheduled, with these very specific issues on the agenda. The Chair noted the PC will be motivated to have a proposed plan that is well supported at a public meeting; she will contact the PC to set up a meeting.

The Conservation Commission sent their feedback/proposed revision to the PC in February 2020, including an unaddressed specific issue about lake and stream edge mowing (and Lakes and Streams has amplified this concern). Noreen reminded the group about a previously discussed concern about the regulations' allowance for existing structures in the shoreland to be expanded, with the qualification of the Calais DRB's (highly interpretive) judgment and approval. She explained the potential implications of this lack of constraint to development in the buffer and questioned the integrity of shoreland protection's intention and practical application. The Chair noted the apparent political intent of allowing the 67% developed parcels on the shorelines already developed to continue to be expanded.

5. Chapin Town Forest: The Trails Committee meeting planned at the forest last weekend was cancelled due to rain. The Chair discussed the issue around who is in charge of decisions around town forests. Denise Wheeler noted the last Selectboard meeting included a warned item for discussion on this item (October 25). The Selectboard decided against a parking lot for construction at this time. This was the Selectboard intent recorded in their minutes on October 25:

The Chair noted that the initial request was for a parking lot, but

1. *We are not going to take any action at this time to approve a lot;*
2. *We would like the Conservation Commission and the Trails Committee to coordinate on conclusions on trails;*
3. *Thank you to Paul Hannan for his donated surveying work, and the expectation of the Board is to have the Town forest boundaries blazed at some point by next spring;*
4. *All are encouraged to return to the Board with feedback about the traffic and parking over the next year.*

Denise (emphasizing she is not here representing the Selectboard but as a single member) reported that the Board wanted to see if a problem exists as trails are developed, and address it from there. Katie is searching the minutes from 2008 to locate information about how the Board charged the Trails Committee's parameters. In contrast, the Conservation Commission's work is established by state statute. Larry noted Eric Sorenson has been the Town's go-to environmental expert on everything including trails construction, and should be invited to every meeting in a forest. The Conservation Commission has a lot to be responsible for in

terms of occurrences in a town forest, where there are potentially rare species and other important natural resources. In other words, there are questions about creating trails at this point in the season and the Conservation Commission must be consulted, and Eric should be consulted.

The Chair will communicate with the Trails Chair to determine specific processes about creation of trails in any Town land. Denise said she received a question about whether hunting is allowed in Town forests; our game warden said an ordinance would be needed (no state statute guides this answer). There seems to be no Calais ordinance that prevents it. A number of members noted they have seen hunters each year; that may change as more neighbors around the Town forests choose to post their lands.

Scott Bassage commented about his experience visiting the Chapin Town Forest in the past, along with other naturalists.

6. Bliss Pond Town Forest: The last meeting, discussion was raised about how to move forward with the planning process for the future of Bliss Pond Town Forest. The subcommittee meeting date plans were interrupted but they do plan to get together to develop a proposal.
7. Tree Ordinance: Neal sent around the most recent version of the Shade Tree Preservation Plan (ultimately, the Selectboard holds a public hearing and then adopts this Plan; following that, the Selectboard goes through the process to adopt an ordinance). Neal has met with the Road Commissioner and the Operations Manager, who worry that the plan will slow down road work by mandating a 15-day warning period before cutting many roadside trees. Under the state's tree warden statute, the town cannot ease or eliminate this warning period without removing oversight on trees altogether. Toby asked the group to reconsider the issue of trees being close to the road, that trees that get nicked by the plows are a safety hazard, so he suggested a standard of removing shade tree qualifications on certain roads based on travel. Neal noted they are concerned about making their jobs harder and he is having trouble finding a compromise.

Larry Bush moved that the Conservation Commission approve the Shade Tree Preservation Plan as presented by Neal Maker; Mark Brown seconded. Discussion ensued. The Plan shall include returning to reapprove every five years. Language shall be added to clarify that relevant municipal bodies should be consulted before cutting (for example, the Cemetery Commission for cemeteries; the Selectboard for the Town Office; Conservation Commission for right of ways at the town forests etc.).

Larry and Mark withdrew the motion; the Commission decided to send questions to Neal and asked him to return again with a final Shade Tree Preservation Plan for approval at the next meeting. The group discussed language details and edits in the Plan.

8. Other business: The next meeting was planned for December 1, 2021.
9. Public comment: None.

10. Adjournment: Larry Bush moved to adjourn at 8:33 pm. The motion was seconded and passed unanimously.

Date: 11/7/2021 Respectfully Submitted, Katie Lane-Karnas
Approved by the Conservation Commission at the //2021 meeting