

Calais Conservation Commission Meeting Minutes
Calais Town Hall + Zoom
September 29, 2021, 7:00 pm

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

Guests: Katie Lane-Karnas (recording minutes), Noreen Bryan, Galen Whittaker, Scott Bassage, Tracy Sudhalter, Tom Blachly

1. Call to Order: The Chair called the meeting to order at 7 pm. She reminded that this meeting was added after the previous meeting was abruptly ended due to a lightning storm.
2. Agenda revisions or additions: Tracy Sudhalter introduced herself. She just moved to Calais from NH where she had served on her town's conservation commission; she has been working in the field as a wetlands and wildlife biologist for nine years. Tracy has expressed interest in serving on the Conservation Commission and is joining the meeting this evening; the Commission welcomed her.

The Chair added a note to discuss landscaping.

3. Approve minutes: Neal Maker moved and Larry Bush seconded to approve the minutes of the September 8, 2021 meeting. The motion was voted and passed unanimously.
4. Conservation Fund Balance: The current balance is \$44,978.18.
5. Shoreland Zoning Regulations: The Conservation Commission had sent notes in February 2020 to the Planning Commission (PC), in response to the proposed shoreland zoning regulations. Stephanie has communicated with PC Chair Jan Ohlsson trying to understand if (all or part of) those changes were incorporated to the most recent draft on the website, and where the work stands. This year the PC focus was unexpectedly diverted to the work needed for updates to the Town Plan because of the village re-designation for North Calais. (This was initiated by the Memorial Hall renovation.)

Noreen Bryan, member of the Calais Lakes and Streams Committee, explained that the Committee has outstanding concerns about the shoreland revisions. From her understanding, the PC Chair noted that the version currently posted on the website is what they plan to go forward with. The group wondered if this is a final proposed version, but Stephanie understood that changes contributed by Conservation Commission and Lakes and Streams *would* still be considered for incorporation.

The state passed a VT shorelands protections act in 2014; shortly after, Calais started working on those requirements, which was then stalled because of public objections to some of the provisions. Noreen reiterated that Lakes and Streams has noted substantial concerns that have not yet been addressed, which they wish to be raised with the PC; if the Conservation Commission agrees, they would like the Commission's support going forward.

Noreen explained that on a zoning map, one can see the district type (residential, historic, etc.; and “shoreland” is one). The proposal does not include the overlay district, “shoreland,” which includes limitations to landowners within that district, the purpose of which is to add protections unique to Vermont shorelands. Scott Bassage commented that overlay districts, as implied, *add* to existing districts (but not taking anything away). For example, a “rural residential” district can also have a “high altitude” district designation (qualified by altitude). Noreen emphasized that the shoreland district designation is being abolished, removing important protections to shorelines. The Commission discussed a joint meeting of Lakes and Streams, Conservation Commission, and PC.

Noreen explained that the new act prohibits any *new* development in the area of shoreline; it only allows 100 square feet be openly cut. However, most people who live in the shoreland district live in grandfathered, non-conforming structures. There is a concern that conditional use in the law would give the DRB the discretion to allow expansion of the development of existing, non-conforming structures. Noreen continued that these structures, when they were built, did huge damage to the water buffer zones; she cautioned against allowing any expansion beyond the existing footprints. Most of the Calais lakes and ponds’ shorelines are at this time roughly 50% developed. She questioned the value of the Shoreland Protection Act if the existing, non-conforming structures, which already occupy approx. 50% of the shorelines, are allowed to expand in footprint. Larry noted that the Calais DRB has currently allowed expansion of houses’ footprints on Curtis Pond.

The Chair will check whether the first round of feedback points were or were not incorporated into the most current draft. All agreed to focus on the issues outstanding, based on the February 2020 posted draft. All hoped a collaborative discussion could occur in advance of any public hearing and that PC responsiveness to the expressed concerns is desired. Stephanie will request a meeting with the PC. Members committed to being prepared to decide whether to endorse what the Lakes and Streams Committee has prepared at the next meeting and in the interim will comb through the most recent PC draft to understand if any of the Conservation Commission concerns were addressed in it.

6. Phragmites: Noreen explained that phragmites are a very large non-native species that threatens to choke out other species and take over the marshes on both sides of Kent Hill Road, at the WEC property and at the culvert on the south side. It has existed here in Calais for some time, but the areas are relatively small, and the opportunity to remove them still exists. They ruin habitats for all the wildlife and other plants and have no utility. Noreen suggested addressing phragmites this year by cutting and bagging the plumes, and addressing the bigger WEC growth area.

Stephanie talked to WEC who is interested in going out to look at them; Noreen, Julie, Larry, and Neal planned to meet with WEC at the location. Tracy shared evidence about spraying sugar water on the roots of recently cut phragmites to inhibit growth and offered to join them.

7. Chapin Town Forest: The Selectboard had a site visit at the Forest last night. Selectboard member John Brabant highlighted a resident’s concern about hikers not respecting property

boundaries (inadvertently) unless there are well-marked trails, and suggested sequencing parking lot construction following trail construction.

Scott Bassage suggested marking property lines for hikers to be aware of the boundary. Neal attended the meeting last night and explained the Road Commissioner identified another potential parking spot that would be a little bit off Chapin Road, a bit easier to build, requires cutting a few less trees, and is a bit more level than the former identified spot. The Road Commissioner identified where the road needs material and some trees need cutting to improve the road for more travel, especially in springtime.

Tom Blachly, Trails Committee Chair, attended the site visit last night. He raised questions about where trail locations might be planned and who will survey/flag it. The next step may be a warned meeting for the Trails Committee to go look at it and learn how traversable it is. Drew Lamb, Eric Sorenson, and Brett Engstrom may be invited as they know it well. Tom planned to warn this as an item on the Trails agenda and to ask Paul Hannon if he would be willing to survey and mark the forest boundaries. Consideration of safety during hunting season is necessary. It may be valuable to have direct communication to adjoining neighbors ahead of all activities.

8. Fall Foliage Walk and Town Forest: Larry explained that it is scheduled to start at 9:30 am this Sunday, parking just beyond the Old West Church, featuring copies of the new map that has been created. There will be two different guided walks to choose from, led by Steve Killoran of the Trails Committee and Larry Bush of the Conservation Commission, and Larry described the destinations. The Commission hopes to encourage public use and enjoyment of the forest.

Stephanie raised the question of the future of this forest and suggested coming up with some scenarios to present to the town. She summarized that Larry has proposed modeling this forest as an the only old growth protected forest in Calais; Neal has proposed a model forest managed for a variety of uses. Members discussed how to proceed with engaging community feedback about the future of this forest. The group recalled that discussion about a plan was derailed when COVID-19 hit. Larry, Mark, and Neal agreed to meet as a subcommittee to develop a plan.

9. Shade Tree Plan: Neal reminded that we are trying to comply with the new Tree Warden state statutes; the big part is defining at the Town level what constitutes a “shade tree” on roadsides. Neal’s drafted “Calais Shade Tree Preservation Plan” defines a shade tree on roadsides as 6” diameter at breast height and therefore subject to the restrictions laid out in the Plan and the state law. Neal will add a statutory reference to the ordinance that explains the state law: if a tree is a “shade tree,” before cutting the Tree Warden must be contacted; they post notice around town and flag the tree; there is a waiting period and if nobody objects, it may be cut; if someone objects, the tree goes to the Selectboard for a decision. Neal will check on next steps for the process of the Town adopting this as an ordinance. The Commission will return to review this next meeting, which is after Neal attends a tree warden summit that will discuss this topic.

10. Emerald Ash Borer (EAB): Stephanie proposed sharing information with the community regarding new insecticide information that has emerged about the treatment options for ash trees in addressing the emerald ash borer. Neal commented that there is some promising research about survival ability of some species of ash (white) over others (green and black); potentially, some trees will survive. Mark agreed that this is important information to make the community aware of, especially in light of neighboring towns taking the approach of cutting down all ash trees. So far Calais has not collected any EAB samples in our traps even as neighbor towns have identified them there. Stephanie will look into information from the Community Forestry website to share on Front Porch Forum.
11. Landscaping: The Commission previously discussed having East Hill Tree Farm plant landscaping trees at the Town Office and Town Hall (using grant monies). Nicko at East Hill Tree Farm is out of crab apples and Julie will check with nurseries to see if they are available elsewhere (delivery and labor included). A local landscape architect may be approached this spring about creating a landscaping plan at the Town Hall.
12. Other business: None.
13. Public comment: None.
14. Adjournment: Larry moved to adjourn at 9:04 pm; the motion was seconded and passed unanimously.

Date: 10/2/2021 Respectfully Submitted, Katie Lane-Karnas
Approved by the Conservation Commission at the 11/3/2021 meeting