

DRAFT
Calais Conservation Commission Minutes
Special Meeting Regarding Funding For Pete Johnson Conservation Easement
9/24/2015 - Calais town office

Present: Matt Barewicz, Larry Bush, Julie Hand, Stephanie Kaplan, Drew Lamb, Neal Maker (recorder), Grant Orenstein

Guests: Gus Seelig (VT Housing Conservation Board), Toby Talbot (Calais Selectboard), Eric Sorenson, Tim Maker (Calais Energy Group), Rowan Jacobson, Nick Emlen, John McCullough, Donna Fitch, Betty Busch, Bill Davis

Proceedings:

- Meeting called to order at 7:03 pm.
- Stephanie began by providing an overview of the town's involvement in the Pete Johnson conservation easement project:
 - Jon Ramsay of the Vermont Land Trust (VLT) first met with the Conservation Commission in July of this year to give an overview of the project and to ask for the Commission's support. He requested letters of support from the Commission and the Selectboard, and said that a token contribution of around \$1000 from the town Conservation Fund could help to secure funding for the easement from the VT Housing Conservation Board (VHCB). He indicated that the easement negotiations were complete and that there was not an opportunity for the town to give input into the content of the easement.
 - Jon Ramsay met with the Selectboard on August 24 to discuss the project and ask for Selectboard support in the form of a letter. The Selectboard had some questions and asked Jon to come to the next meeting with Pete Johnson to answer questions about the project.
 - Jon Ramsay and Pete Johnson attended the September 14 Selectboard meeting. Gus Seelig, executive director of the VHCB was also present and said that the project was a priority project for the VHCB, and that the board would expect the town to contribute significantly to the project by giving $\frac{1}{4}$ to $\frac{1}{3}$ of the town's Conservation Fund (which contained \$74,655.17 as of 8/31/2015).
 - This expectation was new to the Commission and the Selectboard, so the Selectboard – wanting to follow the Conservation Fund Guidelines and require the Conservation Commission to make a recommendation to the Selectboard, asked the CC to discuss it at a special meeting and make a recommendation about how much, if any, to contribute. The decision needed to be made quickly, because the VHCB meets on September 29th to decide on how to disperse this year's funding money. The Commission needs to make a recommendation to the Selectboard at their September 28th meeting so the funding can be resolved in time.
- Stephanie noted that there are some competing uses for the town conservation fund, including a land purchase that is in negotiations and is confidential at this time, and for which the Selectboard previously indicated its support for spending \$40,000 from the fund (in an earlier round of negotiations). Also possibly competing is the

conservation of the Armstrong Farm, which is in early stages and for which funding may be needed, but likely not until 2017. Finally, Stephanie noted that there might be value in preserving money in the fund so that the town is well positioned should an important conservation opportunity come up in the future.

- As a further consideration, Stephanie spoke to the Conservation Fund Guidelines, which are approved by the Selectboard and stress the town's active involvement in funded projects to make sure they best support town goals. Stephanie felt that the town would have benefitted from having input into the easement negotiations, especially related to the areas of Pete's property that are excluded from the easement, the possibility for public access to riparian areas on the property, and the possibility of more active streambank restoration on the property.

- Gus said that he had not been aware of the size of the Conservation Fund until the just before the Selectboard meeting and regretted the fact that the town was not involved earlier. The VHCB usually expects significant funding support from towns. Gus shared some specifics about the project and why it is a priority for the VHCB:
 - Conservation of the property was discussed with the former landowner some years ago, but efforts were unsuccessful until now and the VHCB wants to get a conservation easement in place while the opportunity exists. Pete Johnson and the VLT probably started the easement planning process two years ago and the VHCB deemed the project a priority this year. The appraisal for the project is approximately \$1000/acre, which is lower than other easement appraisals because some easement areas on this property would be difficult to develop.
 - The most important aspect of the project to the VHCB is protecting the soil resource. The easement would conserve 29 acres of prime agricultural soils and another 52 acres of soils of statewide significance. Prime soils are highly productive, uncommon soils. The VHCB also values working with Pete, who has been a leader in reinventing the VT agricultural economy.
 - The easement, as negotiated, would define protected agricultural land and prevent development on it, keep the included forestland forested and require a management plan for it, and exclude any type of management, farming, or development in a defined Surface Water Protection Zone (SWPZ) along the Kingsbury Branch of the Winooski River. The riparian area in the SWPZ is largely alluvial shrub swamp, which floods regularly and is dominated by alder shrubs that provide streambank stabilization. As Gus understands it, leaving that area alone is the best way to keep a strong, ecologically functioning streambank.
 - Gus has separately discussed with Stephanie the other project currently under negotiation between the landowner and the CC, which he is allowed to do confidentially under statute because of his position, and although he has not seen it he believes it to be an important project. However, he thinks there is potential for the VHCB to help with funding of that project and does not see it as a reason not to fund the Pete Johnson project.
 - The VHCB has received an application for funding for the Armstrong Farm, though Gus does not see that project as a conflict to the Johnson project either. The Armstrong Farm is a lower conservation priority, will be more difficult to secure matching federal funds for, and cannot move forward before a farmer is found to purchase the property. It will be at least two years

before an easement can be purchased on the farm. But he realizes it is a farm of local importance, for which there is a separate pool of money.

- Members of the Commission questioned Gus about the project.
 - Stephanie wondered what would happen if the town chose not to contribute funds or postponed a contribution until they could provide input into the easement terms. Gus could not say what the board of the VHCB would decide, but suggested that the town contribute some significant amount, even if it is less than the VHCB would normally expect. He suggested that a \$15,000 contribution would signal real town support and said that at that level he would recommend to the board that they fund the project. Gus did not think that a token \$1000 contribution would strengthen the case for funding the project and he believes that there is a real risk that if the project were postponed it may not end up happening. Gus stressed that conservation depends on taking advantage of opportunities when they are present.
 - Stephanie asked about the areas of the property that were excluded from the easement and Gus explained that a 'farmstead complex' is often excluded (13 acres in this case) and that the 48-acre parcel being excluded on the west side of Route 14 did not have a large conservation value. A conservation easement is a negotiation between the landowner and the Land Trust, and he feels that the value of the conserved land makes up for the exclusions.
 - Matt asked if the easement will allow for the construction of farm worker housing. Gus did not know for certain.

- The Commission asked for public input.
 - Donna, Nick, Eric, and Bill voiced support of funding the project. They all agreed that money in the Fund should be used when worthwhile opportunities come up and that the project should be seen as a priority. Nick noted the importance of protecting productive soils and promoting agriculture, and Eric agreed, pointing out that the prime soils are also very vulnerable to development because they are conducive to building septic systems. Eric also pointed out the value of the riparian area on the property as one of the most important wildlife corridors in town. He feels that this project is valuable, as is the unidentified conservation project, which he has been involved in and knows, and the Armstrong Farm project. He doesn't see any problem with depleting the Conservation Fund if those projects get completed.
 - Nick asked if the Johnson property is enrolled in Current Use, and Donna confirmed that it is.
 - Tim shared that the Calais Energy Group and the Vermontivate group have been cooperating to find a place for a park-and-ride in East Calais and had approached Pete Johnson about it with no reply. If easement negotiations were to get reopened on the project, he would like the opportunity to discuss that possibility. Gus said that he does not see much chance of that being added to the easement so late in negotiations.
 - Rowan wondered if Pete was planning on opening a retail operation on the farm, like Merrill Legare had. Gus did not know, that Pete said he was considering it but had not yet decided.

- Commissioners shared their thoughts on funding the project.
 - Matt said that it was unfortunate that the request for funds was so last minute and that it took the Commission by surprise. He thought it sounds like a great project, and wondered how much we would need to contribute to make sure it was successful while preserving as much of the Fund as possible. He suggested one approach; to contribute 1/3 of the Fund, as requested, but after removing the \$40,000 that is expected to go toward the unidentified project. That approach would mean contributing \$11,000 to the Johnson project. Matt also noted the possibility of migrant workers on the farm and the potential for migrant farm worker housing being built there. Poor housing conditions for migrant workers have been a problem elsewhere in Vermont and he hopes it won't happen on this farm.
 - Julie agreed with the notion that the town should use the Fund when good opportunities are present instead of saving it and not getting anything done, but she does feel there are some unanswered questions about the project and wishes the Commission could have more time in which to make the decision.
 - Larry agreed with Matt that the request was very last minute. He supports contributing \$15,000 to the project, but believes that public access is important and would like the town support to be contingent on it being included in the easement. Gus replied that Pete is open to allowing public access, probably in the form of a 1-rod easement along the streambank, but is unable to manage the public access. They would probably need a provision that he could shut off access if problems arose with it.
 - Grant felt that the decision was too rushed and questioned the importance of town funding to the success of the project.
 - Neal wondered how spending money from the Fund would affect the town's negotiating position on the unidentified project and Larry followed up by asking if the town is limited to spending only a portion of the Fund on any given project. Stephanie replied that she thought as long as the Fund still had \$40,000 when the unidentified project goes through, the town would be able to use that amount. Neal reiterated the high conservation value of the Johnson project and voiced his support of it.
 - Drew was especially concerned about how the 48 acres of excluded land on the western edge of the property might be used in the future. He would have liked the town to have had a voice in that aspect of the project, and would like to see it included in the easement, but still supports the project as it stands.
 - Stephanie said she had mixed feelings about the project. She was disturbed that negotiations for the project went on for two years without anyone reaching out to the town for their input. She stated that she is uncomfortable with some aspects of the project, including the 48 acre exclusion and the huge benefit that Pete Johnson is getting from the easement while still retaining large areas he can develop. She also wondered where Gus came up with the \$15,000 contribution number he recommended. He replied that \$15,000 is about 20% of the Conservation Fund balance and he sees that as an amount that would convey real town support to the board of the HCB.

- Toby said that, as a member of the Selectboard, he would support contributing \$15,000. He suggested that the Commission could make their recommendation to

the Selectboard contingent on a public access provision and also noted that contributing to the easement would not preclude the Commission from working with Pete in the future on conserving the remaining excluded land.

- Larry moved that the Commission recommend to the Selectboard that \$15,000 be contributed to the Johnson project from the Conservation Fund and urge the Selectboard to make the contribution contingent on securing a 1-rod public access easement on the property. Matt, Larry, Julie, Drew, and Neal voted in favor of the motion, Grant was opposed, and Stephanie abstained. The motion was carried.
- Meeting adjourned at 8:46 pm.