

Calais Selectboard & Conservation Commission
Joint Special Meeting
Friday, July 22, 2016

Present: Selectboard Members Denise Wheeler, John Brabant, Rose Pelchuck, Scott Bassage; Conservation Commission Members Stephanie Kaplan, Drew Lamb, Julie Hand, Stephanie Kaplan, Richard Maizell.

Others Present: Janice Ohlsson, Jon Ramsay (Vermont Land Trust), Paul Rose, Renee Carpenter, Eric Sorenson, Cathy Kashanski.

Call to Order: Denise Wheeler called the meeting to order at 7:06 p.m.

Discuss and review Armstrong Farm easement with Jon Ramsay, Director, Farmland Access Program, Vermont Land Trust (VLT): Jon Ramsay reviewed this endeavor to date.

- VLT has an agreement to purchase the Armstrong Farm for \$350,000, the appraised value of the property as of fall 2015.
- VLT has started the process of finding a buyer for the property; the value as a conserved farm is \$180K;
- VLT plans to raise \$170,000 (easement value) plus the costs associated with the project. Through the Federal Farmland Protection Funds grant, VLT will seek half of the easement value (half of 170,000 = 85,000; this is federal Natural Resource Conservation Service (NRCS) grant funding; also will seek State River Corridor Easement grant money from the Vermont Agency of Natural Resources (ANR) Department of Environmental Conservation (DEC): approximately \$40,000; hoping to raise approximately \$40K through private fundraising; Jon noted that the possibility exists of an additional \$10K from another source.
- Jon stated that the VLT is seeking \$35 – 40K grant from the town.
- Vermont Housing and Conservation Board (VHCB) funds might be available as well.
- In summary, Jon stated, the VLT is looking for funding sources from local, state, and federal for this project; looking for the support of the community – the two primary funding sources are community support and NRCS. The State River Corridor Easement grant application will be submitted in the fall (this funding is not a certainty yet).

Jon reviewed the process to date and the timeline:

- The application goes to VHCB next week;
- around October 2016, VLT expects to have completed RFP (request for proposals) process and have an idea of the buyer.
- VLT hopes to have a pre-closing in the winter.

Stephanie Kaplan asked at what point does VLT know where the funding is coming from? Jon explained that this happens in phases, over time. VLT is accustomed to following such a timeline. A back up plan: VLT has signed an agreement with Ella and is prepared to step in with a contingency plan to purchase the property should a buyer not be approved as expected within the timeline.

Stephanie explained the Conservation Commission had met previously and begun to look at the easement document, but had questions; she had sent some of the questions to Jon in advance to prepare for tonight's discussion. She stated the Commission is very much in support of this project. The Commission would like the town to have more involvement in the easement and would like to discuss and explore ways to have the town more involved. She asked if, conceptually and hypothetically, if

some big changes are going to occur with this property, can the town be a partner in the decision making? Jon asked what does that involvement or partnering look like? John Brabant suggested VHCB, VLT and Town of Calais all being easement holders together.

Jon R. explained that a lot of expertise goes into stewarding these easements; there is typically not another co-holder and all previous farm easements have been VHCB and VLT held. John B stated that ANR is going to be providing funding and be given some rights and some say. However, the Town of Calais is expected to provide some funding, but have no rights or say. Stephanie asked if there is a way to add verbiage in the easement to give some voice to the town. Discussion followed around subdivision of the property. Jon stated that a subdivision is not something the next landowner will be allowed. Because this property is minimally meeting the requirements of Federal Farmland protection funds, will not be a candidate for subdivision.

Could whoever buys the property be allowed to lease the property to another party? Jon responded, yes, for a period of time. Jon has heard concerns about the possibility that the property might become "over built." He assured the Board and the Commission that a larger, commercial venture would not fall under the umbrella of the easement. Jon stated that an agricultural structure is allowed in the easement. Agriculture is exempt from the town's zoning regulations. Stephanie asked for clarification about commercial activity on the property. Jon stated that any type of commercial activity needs to be subordinate to the agricultural use of the property. Some discussion followed about town zoning regulations and how they would apply to this property. Stephanie reiterated the desire to have a Calais representative be part of the review board for changes to the property.

Paul Rose stated that the town Planning Commission has talked and focused on zoning ordinances that would restrict large scale production of GMO crops, in addition to ordinances regarding taking water from the water table for brewing or bottling, etc. Jon Ramsey stated that water/ brewing concerns would fall under commercial use and, therefore, would not be allowed according to the easement. GMO crops are not limited by the easement.

Stephanie stated that VLT policy is "we don't tell farmers how to farm." However, the Town of Calais has been working toward limiting GMO crops and/or pesticides.

John Brabant stated that, historically, the problem with this property is that in the spring the fields are under water. Therefore, "Roundup" is sprayed and contaminates the surroundings. He expressed concern about milkweed being destroyed which affects monarch butterflies. Stephanie asked that Jon R. make it a priority that the next landowner not have GMOs and/or pesticides on the property. Jon spoke about the process for reviewing proposals; he stated that the decision about the buyer is made by committee. Jon reminded those present that VLT is looking for the incoming buyer to be financially viable and to have the wherewithal and experience to actually carry out the proposal. Jon suggested taking the top tier proposals to individuals from the Selectboard and the Conservation Commission for feedback, not decision making. Denise said this would satisfy some of the concerns that have been voiced. Stephanie asked that VLT more directly address these types of concerns going forward.

Jan Ohlsson asked how do you market the land? Could you market it in a way that states that the first priority will be for non-GMO or non-pesticide use? Jon said the RFP is already in the works; he reminded those present that they are seeking an operation that fits within the means of the property.

Jon had shared a copy of the RFP with the Selectboard and Conservation Commission. Jon stated the land is certified organic at this time.

John B. asked what if there was an agreement between a couple that wants to purchase the property and refurbish the home and a neighboring farmer who wants to lease the land? Jon said finding affordable farmland is a challenge to new and beginning farmers and the responses coming in seem to be from new and beginning farmers.

Richard Maizell asked what gets in the way of having Calais involved in the easement? Past practice, experience and expertise, Jon said, and the desire to be consistent across the board. He noted that there can be a difference between being responsive to the community and having “co-ownership.” The best thing to do is to have an easement that everyone feels comfortable with. Richard stated that the town desires to be aware and to have a voice, even if the town does not have a right to approve or deny changes to the property.

Stephanie stated that VLT is concerned with agriculture but not with aesthetics. The townspeople are concerned with aesthetics. Jon suggested that, in the easement under Purpose 1 (a lot of the stewardship decision making process is driven in this section) could consider adding verbiage (such as “scenic vistas”). Richard said he believes it to be in VLT’s best interest to include the town in some of the decision making. Jon suggested some type of “memorandum of understanding” or “side agreement” that is separate from the easement but also addresses the town’s concerns. Jon will explore this; Richard and Stephanie agreed to work with Jon on this issue.

Stephanie asked for clarification in the provision about renewable energy. Jan Ohlsson mentioned the town plan addresses this issue. Jon explained the intent of the language in the easement – that incidental extra energy may be sold. Jon will suggest a change to the easement to refer back to earlier language that clarified this issue. The land will not be used to create, with the purpose to sell, renewable energy. Drew Lamb asked about “sand extraction” and some discussion followed.

Stephanie asked for clarification about wetland protection zone. Jon clarified that, over time, if some movement of the river created change, the language in the easement allows for changing of buffers as the river changes; therefore the wetland protection zone could change. Jan asked, Could you add “due to natural changes...” to the language, to make that clear? Richard asked for clarification about timber harvesting within the buffer. Stephanie asked to keep language consistent (re: units of measurement “rods” versus “feet”).

There was discussion about beavers. Stephanie would like language in the easement that asks for all manner of management short of killing the beavers. Stephanie stated that ANR suggests killing them; she shared that the Conservation Commission does not like that option for management.

Discussion followed about land value, property value, and building structure value. Richard asked, Appendix B & C are referenced in the document. Where are these? Cathy Kashanski asked about recreation trails. Jon explained public access along Pekin Brook, as opposed to a land owner wanting to create his/her own trail on the property. Stephanie brought up Cathy’s question about water/stream management. The intent of River Corridor Easement is to allow the water/stream to exist. How can the document allow the landowner to manipulate the water/stream. Jon stated that any manipulation to the

water/ stream would be initiated by the Department of Environmental Conservation. Eric Sorenson asked whether the easement could include language such as “in accordance with any other local and state regulations...”

Paul Rose shared a proposal for creating a bio-retention pond. He stated that the property on the George Road side would be ideal for a bio-retention pond. The upper field could be a site for solar panels. He shared an idea for a huge community garden on the property, spoke about farmers working the land on the other side of the road and shared possibilities for funding. Stephanie responded that a contract is already in place between VLT and Ella Armstrong. Storm water retention was discussed in light of the subject of bio-retention pond. John B. and Cathy stated they did not think bio-retention is appropriate for streams of this size on this property. Paul suggested that this be discussed at the next Selectboard meeting.

Jon intends to submit the application to the VHCB next week. He asked that in October when he goes before the VHCB, that a Selectboard and/or Conservation Commission member attend with him.

Denise explained the Conservation Commission does not have a quorum present tonight. Stephanie would like to share tonight’s discussion with the Commission at their next meeting on August 3rd. The Selectboard will include on its August 8th agenda discussion and/or action re: Armstrong easement and town contribution.

VLT is hosting open houses for prospective buyers of Armstrong farm on Aug 11 (10-2) and Aug 20 (10-2). Proposals are due by September 12th.

Stephanie asked Jon to get in touch with her about the side agreements as discussed tonight. Jon may be available on August 3rd for the Commission meeting; he will have more specific information about the issue of side agreements.

The meeting adjourned by consensus at 8:50 p.m.

Respectfully submitted,
Lisa Stoudt, Calais Selectboard Recording Secretary