

Meeting Minutes
Natural Resources and Conservation Committee

7:00 PM
Wednesday, April 14, 2021

**Attending: Gail Albert, Don Rendall, Jon Cocina, Bob Paquin,
Fred Morgan, Sean MacFaden, Mike Schramm, Chandler Noyes**

- Call to Order: 7:05
 - Gail, Don, Bob, Sean, Chandler, Mike
 - Jon & Sean joined shortly later
- Confirm audio/video & address technology questions
- Identify minute taker – Chandler taking notes
- Review and Approve Agenda
 - Don moves, Bob seconds; 5-0
- Review & approve March minutes
 - Gail suggested one minor grammatical edit.
 - Don has one clarification to add with second bullet stating, which is as follows: “Don stated he had updated his regulatory language proposals to the PC but he proposed one issue differently than the committee motioned last month. He asked whether it should be mandatory for previous provisions on a property to be brought by the applicant or by the DRB (the former is what Don proposed to PC, the latter is what the NRCC had motioned)? (This pertains to what happened with the Rice Lumber property. Original permit was for four homes. Updated proposal was a new subdivision with the addition of an apartment complex.) Committee hopes that previous decisions should be part of the decision-making process.”
 - Changes moved by Bob, Don seconds; 6-0
- Public comment (for items not on agenda)
 - No public comments
- Development Review
 - Discussion of Precourt project – Joined by Brian Precourt
 - Property at 3871 Shelburne Rd; owned by Precourt Investment Company
 - PUD approval in 2010 to use barns for commercial storage... proposed project in process of amending this PUD
 - Want to add conditional use for construction services
 - Property has building with 3 residential units & 2 barns (“long barn & “short barn”)
 - Proposed addition to “short barn”; 3,400 sq ft addition for equipment & storage for B&R Developers

- Enlarging parking lot as well & moving 5 parking spots... increase in total impervious surface 6,500 sq ft (including barn addition)
 - Sketch Plan approval from DRB
 - Staff notes indicate requirement for landscaping; Brian indicates property already has significant landscaping, including mature trees and rare species (American Chestnut), that will remain.
 - Further indicates DRB regs say that existing landscaping can be used. Investing additional resources to put up more aesthetically appealing wooden structure rather than pre-fab structures e.g. the storage units next door, that have minimal landscaping with poor screening. DRB agreed with Brian's argument re: being able to include existing landscaping.
 - No stormwater retention/detention proposed. Under 10,000 sq ft of impervious surface of town regs. Starting at 31,000 sq ft + 6,500 sq ft below state regs of 1 acre.
 - Driveways are 70%+ crushed stone... no paving proposed.
 - No comments from Don. Bob likes Brian's idea of "blending" in the barns with the scenery (i.e. the wooden structures instead of pre-fab). Jon asks about driveway; Brian indicates no changes to existent driveways. Mike: any clearing? Brian indicates no trees will be cut down for new parking spaces... may need to remove one spruce, one oak near building; however Brian is trying to design building such that the oak remains. Mike: where are the new trees going to be planted? Brian plans on putting cedar trees to provide screen of moved parking area. Sean indicates that we all appreciate Brian's effort to not remove vegetation from the site. Gail asks about old foundation that exists from previous property owners. Brian indicates that the foundation is not usable because it is located in the setback.
 - Bob moves to submit letter outlining our comments & approve as presented; Don seconds; 7-0
- Organizational meeting /election of officers– moved to 7:40
 - Gail: does anyone want to put themselves forward for officer position? No volunteers.
 - Gail: does anyone have any suggestions on how to move forward?
 - Don & Gail willing to stay as co-chairs; want others to come forward if they would like.
 - Bob: with loss of Dean's aid for the foreseeable future, stability (i.e. no changes) could be helpful. Bob suggests we should take turns for who is secretary. Gail – should
 - Bob moves to retain Gail as chair; Mike seconds; 7-0
 - Mike moves to retain Don as vice chair; Bob seconds; 7-0
 - Sean expresses thanks to Gail & Don for all the work they have put in over the last many years and continue to put in as co-chairs.
 - Gail expresses thanks Peg for her time on the SNRCC
 - Bob motions to rotate the notetaker & volunteers for May; Gail seconds; 7-0
 - Mike: what level of detail for notes required if Zoom meetings are all recorded? Gail appreciates being able to have substantive notes when presenting at other meetings.
- CCRPC Forest Integrity Project – Joined by Taylor
 - CCRPC has < \$1,000 for Forest Integrity project
 - Taylor indicates that Sean would create a "Shelburne-scale" map layer. Given that Dean is out, minimal budget, and contract ending in June... can have some "high level" conversations, but won't be able to have CCRPC draft any new language for regulations.
 - Focus on South Burlington's model
 - Sean indicates have the data and are able to map forest blocks with high degree of precision; can isolate individual trees. Right now, shows forest parcels that are 25+ acres. Statewide scale (500 acres?) is much larger than what occurs in Shelburne. Forest

blocks are more rare in Shelburne; most of forest block removed for agriculture in the past. So, how can we incorporate this into planning? Need to develop a way that doesn't limit property owners but also takes into account being able to protect these forest blocks.

- Gail: Some of the blocks must cross already developed properties... how can we protect trees on properties that aren't currently being developed? (e.g. change in owners and new owners cut down some existing trees).
- Taylor wants to make sure that we don't spend resources duplicating regulations that already exist. Maps made by Shelburne resident (Pam?) that show wetlands; significant natural communities (rare compositions of vegetation grouped together); ENT species, forest patch (layer developed by Sean) with < 20 acre & > 20 acre layers; 100 year floodplain; river corridors (are regulated in Act 250) no development within 50 foot buffer.
- Taylor: Many land use layers. Where is the community "calling for development"? Must consider this when looking at drafting new natural resources protections e.g. urban vs suburban vs rural areas; less stringent in urban area, more stringent in rural areas.
- Demonstration of different layers in mapping software. Comparisons to South Burlington's forest blocks & areas deemed high-priority by the State.
- Taylor asks that we check out & familiarize ourselves with the maps. Bob thinks this is a good idea so that we can have informative questions / comments for our next meeting.
- Taylor also asks that if we have very specific questions, to compile our questions in advance to pass on to him, so that he can be prepared for the meeting ahead of time.
- Taylor: Vermont is a "Dylan's Rule" state—so municipalities are limited in certain natural features they can regulate, including forest blocks... rather, it is generally determined at the State Legislature level. South Burlington is going to be the first municipality in the state to regulate forest blocks. Urges caution; Shelburne should follow South Burlington's model if we want to move forward with attempting to regulate forest blocks.
- Gail: Does South Burlington expect a negative response? Taylor indicates that SB was expecting some given new regulations; but, most responders generally okay when they had a better understanding of what the SB regulations would actually imply (e.g. forestry & ag activities still okay).
- Mike: Do our forest blocks happen to already exist in areas already protected due to other existing elements? Sean: Had previously done this analysis with older sets of data. A lot of the forest blocks that stand out are already protected (e.g. around Shelburne Pond, Shelburne Bay Park, LaPlatte). Some of this comes down to a map scale issue; we are talking about 20 acres right now, but does this threshold then indicate smaller forest blocks aren't important? Certainly there are smaller, important parcels.
- Taylor: Many similarities with South Burlington's data. Took many years to generate their proposed regulations. Shelburne's PUD rules are "very suburban" in how they are written; so, they can actually limit how to protect natural features. For example, Shelburne's 50-foot setback in the Village; PUD rules ask for lots of information on natural resources on a property, but don't actually give guidance on how to protect them. Gail indicates that the Town has received a lot of feedback that the PUD rules are too strict, need to loosen up. Taylor suggests focusing on trying to protect the most important areas; may need to be more relaxed in already developed areas.
- Taylor: Next meeting we can talk about different approaches to regulation. Will create a memo of recommendations for us to move forward with.
- Gail: How should we move forward without Dean's help? Sean & Bob indicate we should review South Burlington's proposed regulations before moving forward.

- Regulatory reform and related bylaw changes— 8:40
 - Don: Planning Commission will be voting on proposals during their next public hearing. Doesn't appear that any of his suggestions made it to the first item. PC had spent significant amount of time discussing rare & endangered species—unsure if this will make it. Does sound like several of the commissioners believe that we do need to support protections of rare & endangered species. How stringent will they end up being (i.e. large vs small subdivisions)? Even getting protections in large subdivisions would be a positive move forward. Hoping that new definition of Open Space & getting SNRCC involved earlier be taken up in later considerations.
 - Bob indicates we need to stay on top of our progress. Gail & Don indicate some PC commissioners may be skeptical of new regulatory protections for rare & endangered species. However, majority moderate to strong support.
 - Sean notes that while the focus has come to rare & endangered species, that Shelburne doesn't actually have that many of them...

- “No Mow May” – 8:50
 - Gail indicates that Select Board supports the idea of No Mow May. No Mow May is an initiative to not mow during the month of May, because this is a time of high amphibian and insect activity. Suggestion that town chooses some town property to not mow during May (e.g. Town Green, by the Post Office); but others not feasible (e.g. sports fields, school playgrounds).
 - Mike suggests another spot not to mow could be field by Shelburne Bay Park (area in between trails and boat launches).
 - Bob mentions that we could try and suggest that homeowners take a sectional approach for those that may be a little hesitant (e.g. not mowing the backyard, but still maintaining the front).

- Lamprey barrier project – 9:00
 - Gail reached out to the ANR folks but has not heard back with any updates.

- Conservation Projects – 9:01
 - Peter Ewing attended DRB two sessions ago with attorney. Frustration due to process of reappraisal being dragged out. No longer interested in continuing conservation efforts with VLT. Peter felt that VLT never reached back out to him. VLT, Bread & Butter made statements at meeting indicating how important the preservation of that land is. Bread & Butter indicated they would be willing to pay what Peter had been asking; however Peter not interested. Peter & family believe their new plans for the property are more beneficial for the family. New plan does away with Open space Plan (essentially), offering homeowners association protections; yet, this offers no permanent protections for the future.
 - DRB tabled final decision. Site walk at property scheduled for 5:30pm on Tuesday, April 20th. Next DRB meeting to discuss project on Wednesday, April 21st. Site walk is available for anyone to attend.

- Other Business 9:12
 - Agenda ideas for May
 - Path committees would like to meet in May. Gail will reach out and see if we can meet in June instead. Sean suggests that we could join one of the Paths committee meeting (third Monday of the month at 6:30pm); or just have a special meeting between us both. Gail will reach out about SNRCC joining Paths April meeting

(Monday 19th).

- Update on Selectboard committee process
 - Nothing new.
- Adjourn – 9:29, or upon completion of discussion
 - Bob moves, Chandler seconds; 6-0 (Jon left partway through meeting).