

Shelburne Natural Resources and Conservation Committee

Minutes, Regular Monthly Meeting, 9/13/23

Committee Members in Attendance: Don Rendall, Sean MacFaden, Chandler Noyes, Fred Morgan, Gail Albert, and Christine Bevacqua.

Town Staff in Attendance: Aaron DeNamur.

Others in Attendance: Tracy Beaudin, Jim White, Ray Gonda (South Burlington), Kate Lampton (Charlotte Land Trust, former Shelburne Planning Director), E.F. Jewett, Don Porter (chair of Shelburne Finance Committee), Persis Worrall, Mike Schramm, Sarah Ray, Cathy Phillips, Rosemary Sadler and Donna Fialkoff.

1. Call to order, 6:36pm
2. Agenda
 - a. Don moved to approve, Gail seconded (all in favor).
3. Minutes from August 2023
 - a. Don moved to approve, Sean seconded (all in favor).
4. Public Comment
 - a. None
5. Ray Gonda, South Burlington Natural Resources and Conservation Commission (former chair)
 - a. Ray spoke about his experience with the South Burlington NRCC. There is a hierarchy of responsibilities from the DRB and Planning Commission to the SBNRCC. Working groups must be less than the commission quorum (it can't be a standing sub-committee). If any work is to be completed regarding policy development, working groups are essential.
 - b. Arrowwood produced a forest-block study for South Burlington. The SBNRCC informed the Planning Commission. 144 forest blocks (>4 acres). Ray advocated for some form of protection for all blocks, even if couldn't be complete protection. But he and another member were in the minority. Eventually, the top 25 were identified for regulatory protection. Prioritization is important for land acquisition\easements, which Ray believes is the best approach to environmental protection. Otherwise, lawsuits and\or pushback are inevitable with any type of regulatory protection.
 - c. Ray highlighted South Burlington's PUD requirements for habitat blocks. If a proposal includes an identified habitat block, a conservation PUD can be used, which protects 70% of the block.
 - d. Don Porter asked about South Burlington's land acquisition approach. There is a fund in South Burlington that is supported by a 2% proportion of the tax rate (?). Properties are not publicly identified during acquisition efforts because that leads to speculation, complicating the conservation effort.
 - e. The South Burlington Land Trust is an important player in land acquisition\protection. The land trust is a really an advocacy group; it does not control the funds that South Burlington sets aside for land conservation.
 - f. Paul Conner, the head of the South Burlington planning department, would be best able to summarize the effects\benefits of the forest-block approach to environmental protection.

- g. Jim White asked Paul whether he's noticed any trends with legal pushback to South Burlington's forest-block policies. Paul has noticed no particular trends but suggested that pushback will only intensify as undeveloped land becomes rarer.
 - h. Tracy asked whether South Burlington has a local-option tax. It does (1%).
6. Kate Lampton, Charlotte Land Trust (and former director of planning and zoning in Shelburne).
- a. Kate has been a town and conservation planner for most of her career. In Shelburne, she helped 5 conservation projects that resulted in land acquisition for establishment of a conservation easement.
 - b. The Charlotte Land Trust is about 35 years old and holds 16 easements. It works closely with the Vermont Land Trust and the Lake Champlain Land Trust. It is also involved in conservation projects in which it doesn't ultimately hold easements. Usually projects less than 50 acres in size become CLT easements; larger projects are usually held by VLT.
 - c. Kate displayed a map that shows lands conserved in Charlotte, by easement, town conservation agreement, or public ownership (19% by CLT, 28% for all types of protection). Charlotte has had an open space fund since the 1990s. Like Shelburne, Charlotte used to add to its fund using a proportion of the tax rate but now the annual allocation is based on a flat sum.
 - d. CLT also raises its own funds, which helps leverage funds from other entities.
 - e. CLT is currently working on a new strategic plan. There is a hierarchy of conservation tools, with easements/acquisitions at the top of the hierarchy. CLT considers land to be truly protected when an easement is in place, in perpetuity, with specific rights and restrictions.
 - f. CLT monitors all of its properties every year. BDRs (baseline documentation report) are developed as soon as property is conserved.
 - g. A stewardship endowment is established for every project, based on a sliding scale (the landowner is responsible for these funds). These funds help with monitoring and easement defense (rarely necessary but could occur over time).
 - h. The Land Trust Alliance is great source of information on establishing and maintaining land trusts.
 - i. Kate recommends that, before establishing a land trust, individuals and towns need to understand the issues affecting environmental protection and all of the tools available for land stewardship.
 - j. Kate also mentioned that CLT is not an advocate in town planning or development review. Instead, it is a resource that all citizens can access when questions arise about land conservation.
 - k. Jim White asked Kate when CLT would enlist the help of wildlife biologists and other specialists when evaluating potential conservation projects. Kate indicated that she often performs a first level analysis of potential projects, using available maps and inventories. When more information is necessary, CLT hires an ecologist that provides an initial professional assessment, focusing on both the property's individual characteristics as well as its landscape and regional context. CLT always works to understand the merits of a conservation projection before committing to it. It occasionally hires a forester if there's a notable forest component, but usually Use

Valuation Appraisal (current use) documentation suffices. It also regularly consults with colleagues at VLT and LCLT.

- i. Initial consultation with specialists usually costs \$1,500-\$2,000. The BDR is usually funded by the CLT (so it doesn't come from the stewardship endowment).
 - m. CLT also focuses on bargain sales, where possible (requires a charitable contribution from the landowner).
- 7. Arrowwood Forest Block Analysis
 - a. Is a ranking\selection mechanism feasible? Don indicated that the goal would be to provide a forest-block map that must be considered during development review. Should all blocks be included or only a subset? How do you choose?
 - b. Aaron suggested that a mandatory consideration of all 44 identified parcels would not find a favorable audience with the Planning Commission; some type of reduced set would likely be necessary. But how?
 - c. Persis Worrall suggested that any decisions on what and what not to include must be based entirely on science, not what is perceived to be politically acceptable.
 - d. Chandler suggested that we should present all 44 blocks to the Planning Commission and then discuss how they should be considered in the regulatory process.
 - e. Don asked Aaron what would be the Planning Commission's hesitation in including all 44. Aaron suggested that the fear of takings lawsuits and housing scarcity would be the major concerns.
 - f. Christine mentioned that there are forest blocks in the town's growth areas that cannot be developed, such as the LaPlatte River and Munro Brook corridors.
 - g. Gail and Don highlighted the need for incentives that would guide landowners toward conservation (e.g., break on tax rate).
 - h. Chandler highlighted the need for density incentives, such as conservation PUDs.
 - i. Aaron recommended that we discuss this issue with the Planning Commission, in a joint meeting (4th Tuesday in October).
 - j. Mike Schramm suggested that the SNRCC present the 44 blocks as committee's official recommendation to the Planning Commission, which would be a starting point for discussion with the Commission. Sarah Ray and Jim White concurred.
 - k. Jim White asked whether there's any type of mechanism that encourages collaboration with adjacent towns on forest blocks that span town boundaries. The Champlain Valley Regional Conservation Partners is one forum for such discussion.
- 8. PlaceSense Zoning\Subdivision Bylaw Revisions
 - a. Next chapter bylaw draft (Article 4 – Site Design Standards) will be discussed by the Planning Commission on 9/14
 - b. Includes many public works issues
- 9. Town Budgeting
 - a. SNRCC budget request
 - i. What should be the request for a contribution to the Open Space Fund? Last year's allocation was \$50,000.
 - b. Don Porter mentioned that the Capital Improvement Plan is currently being discussed by the Planning Commission.

- c. Don Porter also suggested that the committee should develop a long-term vision. Bonding or a planned line item in the annual budget are options.
 - d. Fred and Chandler suggested that \$60,000 would be reasonable a reasonable allocation; Gail suggested \$75,000.
 - e. Don motioned for \$67,500; no one seconded. Gail motioned for \$70,000, Don seconded. Chandler motioned for \$60,000, Fred seconded. \$60,000 approved (Sean, Christine, Fred in favor)
 - f. Regular committee budget
 - i. Aaron indicated that each committee's budget will itemized separately this year
 - ii. Jim White suggested that wildlife crossing signs are a good idea
 - iii. Chandler mentioned printing costs for invasive species brochures
 - iv. Gail moved, Don seconded. \$5,000 annual budget (all in favor)
10. Invasive species project.
- a. Chandler described frogbit suppression efforts on the LaPlatte River; more than 60 lbs of frogbit were removed during a recent trip along the mouth of the river.
11. Other Business
- a. Aaron indicated that, to be in compliance with statute, the committee should be renamed as a conservation commission. This is especially true given we have advisory roles. Aaron suggested that we bring this up with the Selectboard. Fred moved that the committee rename itself as a conservation commission. (Fred moved, Gail seconded, all in favor).
12. Adjourned, 9:12 pm (Gail motioned, Christine seconded, all in favor).