

Natural Resources Committee

DRAFT Minutes

Mar 9, 2016

Committee Members: Barrie Bailey, Nick Causton, Colin Davis, Peter Grant, Stan Grzyb, Wendy Sue Harper (Chair), Arabella Holzpfel, Ed Payne, Ron Payne, Paul Wagner, Kent Wright

Present: Barrie Bailey, Wendy Sue Harper, Stan Grzyb, Arabella Holzpfel, Ed Payne, Ron Payne, Paul Wagner

Staff: Kevin Behm

Guest:

Wendy Sue opened the meeting at 6:10. The December 9th minutes were approved. (Stan motion, Arabella 2nd, Ron abstained).

Ron Payne introduced himself as the Delegate representing the Otter Creek Audubon Society. He is replacing Diana Carter who moved out of the county.

Water Quality funding DEC/CCRPC

Kevin explained some of the initial tasks under the Clean Water Initiative. Road maps have been prepared displaying a potential road erosion model developed by DEC and Stone Environmental. The model weighted several factors including, closeness to streams, slope, soil erodibility and additional variables to predict the potential for erosion on gravel roads in the state. Kevin and Josh (ACRPC Transportation Planner) provided the maps to Road Foreman at their recent county meeting and asked the foremen to review the potential erosion locations. Kevin and Josh noted that the locations may not actually be eroding or they may be a known problem area that is properly maintained. Additional sites could also be a problem that are not called-out in the model. The foremen were asked to review and edit the maps.

Kevin said soil particles that erode can carry phosphorus which enhances algal growth and affects water quality. Paul stated that the particulate phosphorus attaches to clay and is bound-up in the soil and the more reactive dissolved phosphorus originates from upland forested areas where clay soils are not prevalent. He felt upland erosion is possibly a large contributor of phosphorus and the farms are always considered the problem. Wendy Sue agreed that phosphorus does attach to clay particles but that there is more opportunity for erosion in the low slope areas as the stream channels wind back and forth. Kevin said that the maps were welcomed by the road foremen and they were also concerned about water quality and were hopeful that additional resources and money would be available to fix some of the problem areas. Ed agreed that the towns will need financial help to make some of the needed improvements. Kevin said that the new municipal permits would likely prioritize repairs in locations that directly influenced streams and watercourses. The Committee felt that the Road Foremen's group should be strongly involved in any effort to prioritize projects.

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Other – kame terrace

Barrie asked why the Committee had decided not to include kame terraces as a natural resource feature that deserved protection in the recent changes to the Regional Significant Land Use Map. Wendy Sue stated that the Committee had observed that the occurrence of kame terraces mostly overlapped with the potential sand and gravel locations so it was initially decided to add text to the legend to identify the co-occurrence of kame terrace deposits. This decision confused the Plan Re-Write Committee that was revising the entire Future Land Use Section. Since potential sand and gravel locations and kame terraces weren't exactly coincident they felt it was confusing to associate them without additional text added to the Natural Resource Section of the Plan. As the Natural Resource Section was not open to amendment the NRC Committee decided to wait to add a paragraph on kame terrace characteristics and habitats and to differentiate them from sand and gravel resources in a future revision of the Natural Resource Section. Barrie thanked the Committee for including the remainder of the suggestions from the Salisbury Conservation Commission but had hoped that kame terraces had been included as well.

Forest Bill – H.789 – Forest Integrity

Kevin brought the Committee's attention to draft legislation intended to include policies and maps addressing contiguous forest land under the land use element of regional plans. The Committee reviewed the text and was concerned with the definition of a 'Forest Block' being based on forest land comprising "...at least 10 percent stocked by forest trees of any size...". This seemed to be difficult to delineate without a professional forester's assistance and may change throughout the term of a regional plan. Barrie stated that forest fragmentation is a serious concern and contiguous forest land was needed to maintain biodiversity. Paul was concerned that this was another mandate from State government that makes it more difficult to build anywhere. Kevin noted that the NRC had included a discussion of contiguous forestland and associated policies the last time the Natural Resource Section was amended.

NOTE: The version of H.789 that passed the House contained this revised definition of Forest Block –

(34) "Forest block" means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands or other natural features that do not themselves possess tree cover, and uses exempt from regulation under subsection 4413(d) of this title.

PSB Docket 8302 – Chelsea Solar (Bennington Plan)

Arabella asked about the agenda item concerning the Public Service Board denying a solar array permit application based on language in the Bennington Town Plan. Kevin

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briefly identified the document he prepared containing the PSB Board Discussion (Part VII). of the Docket. The PSB essentially found that -

“The Town Plan language for the Rural Conservation District creates four specific requirements: (1) only limited residential development is permitted,⁴² (2) no development may be sited in prominently visible locations on hillsides or ridgelines,⁴³ (3) any development must utilize earth-tone colors and non-reflective materials on exterior surfaces of all structures,⁴⁴ and (4) any development must minimize the clearing of natural vegetation.⁴⁵

The Project violates three⁴⁶ of these four specific requirements in the Town Plan for development in the Rural Conservation District. First, Chelsea Solar is not proposing a limited residential development. Second, while Chelsea has developed an extensive visual screening plan, the Project would remain visible on a hillside above the Vermont Welcome Center. And third, the Project calls for clear-cutting 10.6 acres of a densely forested and undeveloped 27-acre parcel. These proposed actions would violate this clear, written community standard in the Town Plan, and we therefore conclude that the Project fails the Quechee test.

(PSB Docket 8302 p 56-57)

It’s important to note that the Bennington Plan’s requirements for this land use district were clear and authoritative and specified mandatory actions. The requirements were not advisory or specified as ‘should’ but used actionable language. Arabella asked if the Committee could receive a copy of the full decision. A copy can be downloaded here – <http://54.172.27.91/Downloads/energy/Bennington-Town-Plan-2015.pdf>

The Committee adjourned at 7:10.