

Cornwall Conservation Commission (CCC) Meeting Minutes
Monday, January 20, 2020
12:30-2:00 pm, Cornwall Town Hall

CC Members: Bethany Barry (BB), Katherine Branch (KB), Mary Dodge (MD),
Rene Langis (RL), Mike Sheridan (MS)

Sadly missing: Brian Howlett

Visitors: Donna Marks, Jake Chaplin

Recording Secretary: KB

Old Business:

Outreach Programs

--Conserving Lands. The CCC will sponsor a panel discussion on conserving land this spring. RL reported that he will be making contact with potential speakers this week with the program most likely scheduled in late March. The focus will be on conserving land to protect natural resources but will be broader than that to also include conserving farmland. Conservation agencies might include Vermont Land Trust and/or Middlebury Area Land Trust. The CCC will announce the panel on Front Porch Forum, the Cornwall email list and other outlets.

--Summer Migrants: Cornwall Birds. The title of the interlinked programs will be: "Migration: Welcoming Summer Birds to Cornwall". The programs will consist of two presentations, bird shelf construction, and a walk. MS reported that the CCC applied for and received a grant from the Gilligan Fund to present this program, and Margaret Fowle, a conservation biologist for Vermont Audubon, will do the presentations and lead the walk. In addition, students at Cornwall School will build bird shelves using materials purchased from the grant monies and will take them home (3, 4, 5 grades). K-2 will build one bird shelf each per class and these will be mounted on the grounds of the school. There will be an evening presentation for the public and a guided walk on a Saturday May 9th (assuming that is all right with the presenter). Mindy Harvey will be in charge of the event at the school, with CCC providing tools & materials. Bird program will be part of IB curriculum at the school. The date for school program is tentatively set for Tuesday April 28 or Thursday April 30.

--Wildlife Road Crossing Documentation Project. MD reported that she contacted Laura Farrell who has worked with VT Trans in siting wildlife cameras. MD would like to mount cameras in late February/early March, if funding is received since wildlife start to move at this time. Project should be more than one year, since different species might be observed from year-to-year. According to Farrell, the cameras should be in the same place for 3 months. Landowners would need to be consulted. If funds are received, MD would consult with Greg Borah, a wildlife tracking expert, to determine

appropriate locations for the cameras. The CCC agreed that Mary will write a grant application to New England Grassroots Environment Fund for funds.

--Spring Amphibian Road Rescue. MD will ask the volunteers from last year whether one of them would be willing to lead the effort this year. The North Branch Nature Center, which is northeast of Montpelier, presented the session last year.

Swamp Reclassification Project Update. RL reported that there is an effort to refocus the group on a smaller area (rather than the entire wetlands complex), which corresponds with the significant features and natural resources identified by the State of Vermont. The Swamp Reclassification Working Group will continue its more limited work.

Conservation Fund Article/Town Meeting. BB reported that enough signatures were collected to have an Article for Voter Approval at the March 2020 Cornwall Town Meeting. The Article asks that a Cornwall Conservation Fund Planning Group study how towns in Vermont fund their conservation activities and report back on their findings and recommendations before the 2021 Town Meeting.

LUDR Working Group/Connecting with the CPC (Wednesday, 1/15/20). In the interest of time, discussion of this agenda item was omitted. MD reported that the members of the SB-PC Working Group had been sent the CCC's position paper, "Using Special Features Overlays to Protect Cornwall's Natural Resources." (appended to these minutes).

DRB: Beaver Brook Hearing. The DRB minutes will reflect MD's CCC-related comments at the January 9, 2020 DRB meeting.

New Business:

Brochure Suggestion-tabled for now.

Bulletin Board, Lending Library, Website, Wildlife Map-to be discussed next meeting

Membership-tabled for now.

Date for next meeting, Tuesday March 10th, 7-8:30. Tasty treat--MS.

Newsletter: April '20 (March: Bethany), July '20 (June: Mike), October '20 (September: Katherine)

Using Special Features Overlays to Protect Cornwall's Natural Resources

Cornwall Conservation Commission
January 13, 2020, Revised January 24, 2020

Rationale for Use of Special Features Overlays.

The 2013 Cornwall Town Plan is unambiguous in its desire to protect the town's important natural features. Goal 1 in "Nature and the Environment" states that we do the following:

Conserve and ensure the continued viability of the town's native plants, animals and natural communities.

Section 1.c of this goal calls for creation of a "Special Features Overlay Map" to guide development decisions on projects that could otherwise fragment contiguous forest blocks and other significant wildlife corridors.

"An "overlay "district is a resource-based zoning district. It is superimposed over underlying Zoning districts to limit the impacts of development on resources that are found with within more than one zoning district. Since overlay districts follow the resource, they may apply to only a portion of a parcel-allowing development of land outside of the overlay district, while protecting resources on land within the district." 1

The Conservation Commission supported the Planning Commission in its use of the Special Features Overlay Maps, and assisted in the creation of the "Ecologically Significant Sites and Priority Forest and Connectivity Blocks Special Features Overlay." The maps are based upon new and much improved natural resource data.

Selection of sites and boundaries for the Ecological Special Features Overlay.

This Overlay shows the town's 1) Ecologically Significant Sites identified in the Cornwall Ecological Inventory, and 2) Interior Forest and Habitat Connectivity Blocks designated by the state as important ecological priority areas. They represent some of the best remaining examples of connected habitat in the Champlain Valley. In addition, several of the blocks in the Ecological Overlay have been identified as Highest Priority for importance at the state and regional levels.

Several data sources were used in developing the Ecological SFO. The mapping of forest and habitat connectivity blocks is based upon the Agency of Natural Resources databases (ANR Atlas and BioFinder.) The Ecologically Significant Sites were identified in the 2015 Cornwall inventory, completed by conservation biologist Brett Engstrom.

1 Community Strategies for Vermont's Forests and Wildlife: A Guide for Local Action. Vermont Natural Resources Council, 2013.

In most instances, the boundaries of Ecologically Significant Sites and VT F&W Priority Forest Blocks are the same. They are pre-1940s legacy forest areas that hold substantial biodiversity not present in the town's newer forests. Old forests are a rarity in the Champlain Valley and of significant conservation value. Found here are rare, uncommon, or otherwise significant species or natural communities that do not occur in most Vermont forests.

The Habitat Connectivity Blocks are not legacy forests, but newer wooded areas that link the larger forests. As with the town's wetlands and riparian areas, they allow for the movement, migration, and dispersal of animals and are an essential part of an ecologically functional landscape.

The Ecological SFO delineates a connected forest landscape that plays a disproportionately significant role in maintaining plant and wildlife diversity at both a local and regional scale, one that merits preservation and protection.

The Regulatory Context.

The Ecological SFO, as is true of the other overlay districts, has a stated purpose of providing for "an additional level of review" for areas or features that have special environmental and aesthetic functions and values.

Clear regulatory standards that guide land use and development and can withstand judicial review are necessary if the Town is to protect its natural areas.

- 1) The resources that Cornwall wishes to protect must be both identified and described and this information must be easily available to applicants and property owners affected by the regulation.
- 2) Specific language indicating the desired level of protection needs to state clearly that land subdivision and development shall avoid, to the degree possible, negative impacts on the natural resources the town has identified for protection.
- 3) The development review standards used to evaluate an application must be sufficiently clear so as to be an effective guide for the applicant and the reviewing board.

If there is a potential for significant impact to habitat or species resulting from the development proposal in areas identified in the Overlay, the DRB can require an ecological impact report to be prepared prior to making a recommendation or decision on the proposal. If such a report is required, it would be prepared by an expert, specialist, or other party qualified to assess the impact of development on ecologically significant areas.

To assist prospective applicants in predicting if an additional level of review of a subdivision might be needed, oversize maps for all the Special Features Overlays (with

parcel boundaries) could be displayed at Town Hall. They will inform the landowner upfront and make the subdivision one step easier.

Land in the Ecological Overlay District is protected to the extent consistent with the landowner's right to beneficial use of property. If a property is solely within the Ecological Overlay District and there is no other land physically suitable for development, the development should be configured in such a way that it minimizes adverse impacts on the identified significant sites and forest and habitat connectivity blocks.

Including Minor Sub-divisions in the Ecological SFO.

The current LUDR Ecological Special Features Overlay was modified from earlier versions to exclude minor subdivisions from this level of review. In the current draft, landowners submitting minor subdivision applications are not asked to identify ecologically significant sites, interior forest or habitat connectivity blocks on their property that might be impacted by a subdivision. And, were these features to be present, they are not required to demonstrate that they have worked to avoid any negative impacts.

Since the large majority of subdivisions in Cornwall are minor subdivisions, the proposed LUDR removes important protection for the natural resource values that Cornwall citizens have repeatedly stated support for preserving. The removal of applicability in the current draft is a backward step in that the LUDR ignores high quality, readily available information that the DRB is obligated to use given the Planning Standard authority to give "due regard to the preservation and protection of existing features."

Were minor sub-divisions to be reinstated, the list of requirements (Supplemental Standards) pursuant to the Ecological SFO could be applied differentially to minor and major subdivisions by giving more discretionary authority to the DRB with respect to ecological values and minor subdivisions. This would require more discussion and more thought to arrive at agreement on how to protect the nature in question and how to apply fair and reasonable standards to both those proposing a small subdivision and those proposing a larger, more economically advantageous development.

In summary, Cornwall citizens have repeatedly stated that they value the town's wildlife and natural features. With the Special Features Overlays, Cornwall now has a wealth of information that can be relied upon by both applicants and the Development Review Board. With the availability of the overlay maps and other public resources, it is not a huge step for a natural resources specialist to prepare an impact analysis report. Just as one hires planners, engineers, and architects, a natural resources specialist can be part of the team, and at much less expense than the other paid specialists, for much of the information already exists at the state and town levels.

Submitted by the Cornwall Conservation Commission to the SB/PC Working Group with special thanks to Marc Lapin for his contributions to this document.

For more information on the Ecological SFO, see “Reference Document: Town of Cornwall Special Features Overlay: Ecologically significant sites and priority forest and connectivity blocks.” prepared by Marc Lapin for the Planning Commission, May 2017. For a detailed list of concerns about the lack of natural resources protection in the most recent LUDR, see Marc Lapin’s June 18, 2019 letter to the Selectboard and Planning Commission.