

Town Of Marlboro Conservation Commission Meeting Notes

Monday, June 12, 2017, 6:30 PM

Town Office, South Road

Present: Ashley Bies, Marcia Hamilton, Sue Burt, Nat Waring, T. Wilson, Kevin Kennedy.

1. Update on revisions to proposed Wildlife Road Crossings accepted by the Planning Board.

Nat requested a copy of the most up-to-date wildlife crossings map. Ashley said he will pass Nat's request for extra hard copy map handouts along to the Planning Commission in advance of tomorrow evening's hearing (June 13).

Ashley noted that no patch of forest in Marlboro is large enough to sustain even a single individual of a wide ranging species (such as bear, moose, bobcat, fisher, or otter), let alone a viable population. As such, wildlife road crossings are essential for the short term survival of Marlboro's wildlife, and connections North to Newfane and then West through Dover to the National Forest are necessary for long-term survival (not only in Marlboro but throughout the region).

Ashley pointed out that there is an adjusted wildlife crossing on Auger Hole with Alexander and Collins Road that allows contiguous areas for wildlife to move.

On Hogback Mountain there is another wildlife crossing adjustment on Old Hogback Road to complete wildlife connections across Route 9.

Another change was on Lower Dover Road near what is now the Jenson's Farm. The crossing was shifted back northward to its original borders based on feedback from Sue. Sue wants to be clear that the current crossing is marked according to what she believed it was originally. Adam Gebb, Sue and Ashley will do a site visit with the map as soon as possible, ideally this weekend (June 17~18).

The wildlife crossing on Town Hill Road had been reduced from its original size; that has been returned to its original size.

The same was the case with the upper Lucier Road crossing.

The North Pond Road crossing was extended a short distance southward to include the main wildlife approach route to the road where the beaver pond adjoins the roadway.

The lower Lucier Road crossing was extended to include the two locations where Pond Brook crosses South Road and adjacent areas of high wildlife activity.

Another crossing was added at the top of Moss Hollow Road near Marlboro College.

The Ames Hill Road crossing was extended a short distance to connect with nearby private conservation land.

The Adams Cross Road crossing was extended to include the far western end of Pool Farm Road to allow wildlife movement South into the adjoining wildlife habitat area.

Otherwise, the additional adjustments were to change angles of crossings to work better with the surroundings.

Sue noted that despite the fact that most crossings have been marked since 2012, the first she heard of this was a month ago. T. noted that he'd seen the markings go up and come down over the years but didn't, until he received a mailing recently, know what they were for.

Nat asked if other towns in the area have been doing wildlife crossings; Ashley said no.

T. asked if the tags represented the outer boundaries of the crossings. Ashley said the orange and white ones should be the only ones for officially proposed wildlife crossings, and that green and red flags were used to mark potential revisions (both those proposed and accepted as described above and others that were under consideration). T. said there are more tags than those representing the boundaries as he sees them on the map being reviewed. Ashley said many of these may have been put up by some other organization and not be associated with road crossing boundaries.

T. said that in looking at the map, one crossing is on almost the whole of the developable land on the Jenks Farm, and that another crossing impacts developable land on Dell's property. Putting a further restriction on the development process for land in these areas may cause family concern.

T. said he is skeptical of the size and the scope of the restrictions that are being proposed, with no clear set of standards by which the Development Review Board could decide someone could or could not do something. Ashley said that the intent of noting these crossings, to his understanding, is not to prohibit development, but make people aware of the crossing, and requiring a conditional use permit, which he acknowledged can be more time-consuming to get. T. said there are no standards or examples of the accommodations that can be made.

T. noted that protecting the ability of wildlife to move between forest areas in town is a critical priority.

Ashley's understanding is that if someone wants to build on a wildlife crossing, they will be asked to consult with the Conservation Commission on what areas would be least damaging to be built on.

Nat said that he's been told that the original data on wildlife crossings was lost when a computer crashed. Nat asked if the data is available upon which the wildlife crossings were based. Ashley said that the data he has collected is. He said that there are some notes available but he isn't sure how much.

Nat is concerned that if a developer is prevented from developing a piece of property that has been limited in use as a part of this process, the developer will sue the town, costing the

town legal expenses, and that the town would likely lose. Ashley said that he has heard that the Planning Commission has reviewed its proposed zoning language and consulted with the Vermont Natural Resources Council, and has determined that the zoning approach and language being proposed is appropriate and does not constitute a liability threat to the Town.

Nat expressed concern that if the Development Review Board prevents someone from building on an area because it is a wildlife crossing and the landowner protests and asks for data proving it, the DRB would have incomplete data to substantiate wildlife use of crossing. Ashley said that the intent and structure of the Planning Commission's language is not to prevent development but to encourage that it consider how to minimally impact wildlife movement habitat, and that, while wildlife activity data is partially available and continuing to be gathered, Vermont considers all riparian areas to be wildlife road crossings by definition and that zoning does not require in-depth data to substantiate each zone.

Ashley noted that the New England standard is that a wildlife crossing be a minimum of 1,500 feet long, but almost all of the proposed wildlife crossings in Marlboro are considerably shorter to balance wildlife habitat and human activities. He added that the DRB cannot prevent a landowner from developing based on the proposed Wildlife Overlay Districts, but rather require a Conditional Use review process to minimize a landowner's development plan's impacts on wildlife.

T. is concerned about putting the DRB in the position of making decisions on development based on Wildlife Road Crossings for which there isn't a complete dataset.

T. said that it looks like it could be 5-8 percent of the road frontage of town affected, and road frontage is the most valuable land in town.

Ashley noted that the Conservation Commission's role is only advisory; that it can set no rules. But the DRB could issue a conditional use permit based on CC findings, which could shape the form that development takes within the Wildlife Overlay Districts.

Ashley said that the Wildlife Road Crossing Overlay is 500 feet on each side of each road, to bridge between the Wildlife Habitat Overlay which begins at 500 feet from each road.

T. said that the wildlife overlay, in combination with the wildlife crossings, is going to make large landowners nervous.

2. Discuss prospects for coordinating and connecting conservation areas within Marlboro.

Ashley noted to T. that his family owns a large area of land and said that the Conservation Commission is wondering if T.'s family would be open to considering protecting the land if adjacent landowners did the same, in order to create large protected tracts for wildlife movement. T. said that some of it is already protected in the Jenks Foundation, and that the family is considering adding more to it. He said there is land along Jenne Road that he and his family are considering creating a corporation with a governance structure to oversee the land. He added that it would be very unlikely that they would further complicate an already complex process by getting the town involved.

3. Coordinate CC representation at Tuesday's 5p PB public hearing on proposed zoning. Ashley said he will be in attendance.

4. Schedule our next meeting.

Marcia noted that the official meeting day of the CC is the first Monday of the month. She said that it's fine to move it to accommodate holidays, but that we should try to stick to it.

5. Agenda items for next meeting

Ashley and Kevin agreed that a good focus of the next meeting will be to develop an information sheet about wildlife crossings and other issues the CC is working on that can be shared with new members as well as with the general public.

Respectfully submitted,

Kevin Kennedy