

Third Wildlife Corridor Workshop
Brandon Planning Commission
March 14, 2013

Planning Commission Members Present: Anne Bransfield, Marty Feldman, Linda Stewart, Jeff Guevin

Others present: Charlene Bryant, Linda Berry, Paul Marangelo, Kate McCarthy, Lou Faivre, Natalie Steen, Tegari Shuman

Goal for the Wildlife Corridor – Jeff Guevin, Anne Bransfield, Kate McCarthy-VNRC:

Kate McCarthy, Sustainable Resource Manager for VNRC, has been working with the Planning Commission and Nature Conservancy to understand the corridor and to help preserve the corridor. Ms. McCarthy is a land use planner and was present to discuss the town plan. In Vermont, municipal planning is optional and if a town chooses to plan, they would lay out the conditions in the town such as utilities, historic buildings, etc. Goals would be developed with the objective to attain the vision. This process brings people together to talk and lays out a roadmap for action. According to statutes, a town can only implement what is in the town plan once developed. Doing an overlay of a wildlife corridor would require a change to the town plan. The next step would be the implementation of the plan. This could be done by regulatory options and or non-regulatory options, such as the development of a conservation commission or inclusion of informational items in tax bills. The most successful outcomes are a mix of both regulatory and non-regulatory actions. The Vermont Planning law is a very permissive statute that allows for creativity.

Ms. McCarthy stated the zoning bylaws would regulate the uses in the town at a basic level, i.e. the length of driveways, height of buildings in the downtown area, etc. The zoning options used in this corridor could regulate the way the area looks with all development required to comply. A definition of natural resources would have to be outlined and handled in a certain way. One could also have standards for uses. This is a rural area that allows for some light industrial use, however, the zoning could indicate that it would have specific criteria. Ms. McCarthy noted the standards are a checklist to make sure the uses pass the test. There could be a conservation zoning district development and each district would have specific guidelines that go with the districts, i.e. the size of lots, but it would have to be a balance with the landowners. Ms. McCarthy stated the corridor would be connecting two areas to create connectivity for the animal crossings. Similarly, another zone less applicable to the crossing area could be a forest district. That district would be aimed towards keeping the forests less fragmented and help maintain the areas the animals are coming to and from. This district would probably be larger lot sizes. Ms. McCarthy advised that it is important to include a purpose when talking about zoning districts. The purpose of the forestry district could be to maintain land lots that are viable for forest products, while protecting habitat or a conservation district could be developed to protect the wildlife and headwater areas.

There is an option called an overlay district that is a district that goes over the top of an existing district. This is mostly rural residential and the overlay district could be placed over just those areas that need protection. It would still be rural residential with 2-acre lots and all underlying items would remain the same, but the overlay district would mean before taking any action, some extra items could be added to the checklist. The overlay would provide restrictions to minimize the impact and give the most space possible for the animals to move. Within the wildlife crossing, it may request to build as close to the road as possible, leaving as much space as possible for the corridor to be viable. It could also ask to minimize the impact on the ability for animals to cross

and would be another layer of what is already required. It was questioned whether this would be optional and up to the landowner. Kate McCarthy stated once the overlay district is developed, it would become a regulatory issue and may constrain where one can build on a parcel. This becomes a personnel decision on the direction of the town. Ms. McCarthy stated it could be done administratively and could be done by conditional use. The map is based on modeling and some towns that have overlays specify that a homeowner needs to consult with the VT Fish and Wildlife Department. A consultation with a third party would happen before the zoning process.

Lou Faivre stated it is understandable that if someone purchases a large parcel of land, they would likely not want to build right near the road. Kate McCarthy stated designing development could be built to minimize the disruption. She stated building roads has impacts on water quality and a change of mobility for animals. Lou Faivre noted that animals do travel some manmade roads, such as logging roads. Ms. McCarthy stated it is also dependent upon how much traffic takes place on the roads. Mr. Faivre stated there may be some opposition to restrictions and that is why there needs to be an on-the-ground look. It was noted that some towns require the applicant to hire out and many towns are writing in requirements to have a consultation with Vermont Fish and Wildlife.

Linda Berry asked if the restrictions would be publicized. Linda Stewart advised they would be in the zoning maps. It was noted that in purchasing a piece of property, it is the responsibility of the purchaser to determine what the zoning regulations are for the property they are planning to buy. All regulations would be part of the zoning bylaws and there could be potential circumstances eligible for a variance. Kate McCarthy suggested the Town of Brandon could develop a flyer outlining the zoning bylaws. In terms of educating the buyers, the zoning administrator would play a large part in that process. Options are currently being considered for the town plan. Natalie Steen questioned whether the town plan sets the goals for the zoning. Kate McCarthy stated the town plan has a section that sets the zoning in the right direction. Adopting a map would be really important, particularly in Act 250 issues. The town would want to have very clear policies on conservation and protection, and to clarify what it means to conserve or protect. Jeff Guevin advised the general feeling of the Planning Commission is to do something within the language of the town plan that would offer more protection than what is now in place. If there is interest in putting more detail in the town plan, or ramping up, the Planning Commission would need to do more work on the town plan. Ms. Steen stated it appears the best process to consider would be the overlay district and questioned what the ultimate goal of this meeting was. Anne Bransfield stated the Planning Commission hoped to come to a consensus of the direction to move forward with the Wildlife Corridor. Kate McCarthy advised that leading up to formal hearings; there could be more public meetings held to obtain more feedback from the public. Linda Berry asked if a person has a large area of land that is not used for anything, would there be restrictions. Ms. McCarthy stated there may be a need for some specifications of temporary uses for the overlay districts.

Jeff Guevin stated a draft purpose would be developed to minimize impact on mammals in the corridor from New York to New Brunswick. Paul Marangelo volunteered to review the language and titles of the document. Some suggestions for changes in the town plan could involve roads, culverts, taxes, funding, and resources. There could be restrictions on private developments. Standards for town roads could be developed, which could involve taxes and maintenance costs. There could also be discussion of whether there should be more paved roads or less paved roads in Brandon. The Wildlife Corridor talks about big mammals such as bear or moose, however, other animals migrate as well. The town may want to consider having culvert standards to help facilitate migration. Tax stabilization is also a tool that could help limit subdivision and establishing a town

conservation fund could assist in these efforts. Lou Faivre asked if the fund would be a line item in the town budget. Jeff Guevin advised there could be a number of ways to structure a conservation fund, such as the implementation of a fractional tax. Mr. Guevin stated some of the items suggested could be implemented as stand-alone statutes or ordinances; and some could be a line item in the budget. There is also the potential for obtaining grants.

Kate McCarthy stated towns have the option of developing a conservation committee that would be an advisory group and could be an adhoc group or a formal committee of the town. This committee could help update the town plan by doing the research for the Planning Commission. It could also be an advocate for natural resources in the community and could possibly do wildlife tracking. They could go door to door to discuss the concept or host community meetings. It was noted that typically conservation committees do the work in reviewing standards and developing language for the town plan and could be a great resource. They could potentially also handle easements and be in charge of a conservation fund, if one is developed.

Anne Bransfield asked if the suggestions sound too restrictive. Marty Feldman stated the Planning Commission has been discussing an overlay district and he is in favor of this concept, as it appears to be the best option and would be a vehicle for additional considerations when triggering a building permit. Lou Faivre suggested starting with an explanation to the landowners in the Planning Commission's efforts to obtain acceptance of an overlay district. Jeff Guevin noted the vast majority of clearing is within 500 to 1000 feet from the road in Brandon. Kate McCarthy stated the town could limit the building envelope, which is the surrounding area around the home. She stated some municipalities also have standards concerning substantial improvements. Existing development would be grandfathered, but conditions of the overlay could be required in doing substantial improvements. Mr. Guevin asked if there is a way to encourage land cover and how restrictive does the town want to be. Ms. McCarthy advised there can be regulations for clearing land during development, but she has never seen any laws that require trees to be cut or maintained. The community would need to decide what the maximum cleared area would be required. Ms. McCarthy suggested starting with the development of a few basic regulations.

Conclusion – Jeff Guevin, Anne Bransfield:

Anne Bransfield asked how people felt about proposing an overlay district, which would be developed and discussed at another public meeting. Linda Stewart stated the Planning Commission will also be reviewing what other communities have been doing. Natalie Steen stated it would be good to have something to review and comment on. Ms. Bransfield advised the Planning Commission will be doing another public meeting to discuss the proposed overlay district.

Respectfully submitted,

Charlene Bryant
Recording Secretary

Process of Developing a Wildlife Corridor

Zoning Regulates Use, Form & Patterns

- . Standards Checklist
 - For all development
 - For certain uses

- . Conservation Zoning District
 - A new, specialized zone
 - Different standards

- . Forest District
 - Usually higher elevation
 - Larger lots
 - Clusters

- . Overlay District
 - Special, additional
 - Rules/standards
 - Consult with a 3rd party
 - o Before zoning
 - o After zoning (site specific)