

**CONSERVATION COMMISSION  
MINUTES  
September 20, 2017**

**MEMBERS PRESENT:** Byron Quinn, Al Alessi, Bethany Powers, Lea Kachadorian, Lynn Peterson, Cyndy Kozara  
**MEMBERS ABSENT:** Bo Gibbs  
**OTHERS PRESENT:** Stacie Pearson, Jack Facey, Bill Emmons, Marty Bannick, Howard Klum, Michael Brands

**I. OPENING OF MEETING**

Vice-Chair Alessi opened the meeting at 7:05 pm. Chair Quinn arrived shortly after.

The Town Planner introduced Howard Klum. Mr. Klum recently purchased the historically significant Apple property on Route 12, home of the nation's first ski rope tow. Mr. Klum is very interested in the Conservation Commission and hopes to attend many of the meetings.

**II. MINUTES**

The July 19, 2017 minutes were approved as submitted.

**III. NEW BUSINESS**

**A. T-4758-17 Stacie and Keith Pearson**

The application is for Conditional Use & Conservation District Overlay approval to replant riparian vegetation. The property is located on River Road and is zoned Residential 5 Acres / Conservation District.

Ms. Pearson and her attorney, Mr. Facey, presented the application. Mr. Emmons assisted the presentation.

The application had been continued from the July 19<sup>th</sup> meeting to allow time for the Department of Agriculture to determine if the land in question met the State's agricultural exemption as a farming use. The State sent two staff members to look at the property. In an email received on August 23, 2017, the State noted the property is not exempt per agricultural use definition.

The Town Planner showed Mr. Facey the emails received from the Department of Agriculture. The emails had been forwarded to Mr. Facey at the time of the decision.

**Conservation Commission Minutes**

**September 20, 2017**

**Page 2**

The land owners believe the use is agriculture. Mr. Facey noted that an exemption for agricultural uses is stated in Section 403 B.1 Riparian Water Quality and therefore a permit is not required.

Mr. Emmons, a Pomfret farmer, will be haying the field in the future. He currently cuts hay and grazes cows on the Pearson's abutting Pomfret property. Mr. Emmons has also worked the land of the neighboring Woodstock farm, Maplefield Farms for many years. This farm also has a large amount of agricultural land bordering the Ottauquechee River.

Mr. Emmons is well versed in riparian issues as a long time board member of the Two Rivers Ottauquechee Regional Commission. As a member of an Upper Valley agriculture conservation group, he is very familiar with the State's Required Agricultural Practices (RAP) rules which were updated in December 2016.

Ms. Pearson read a letter from her husband and herself addressing the issue. Their main intent is to restore the fields to a farm like situation, either haying the fields or grazing livestock and not to improve views of the river as was noted in a recent newspaper article. Thirty years ago the area was one big farm. They only have the best of intentions in restoring the farm fields. Section 403 B.1. Riparian Water Quality exempts agriculture and forestry uses. They feel they have done no wrong.

The Town Planner read the Town Zoning Regulations definition of Agriculture which references V.S.A. Title 24 Chapter 117 Section 4413 (d) for the State mandated exemptions. In this instance, the State Department of Agriculture determined the use of the property in question not to be an agricultural use.

Mr. Emmons stated the use will be an agricultural use as it will be hayed. The tree removal was part of the process to make a better hay field, especially the vegetation removed along the small brook at the center of the property.

The Town Planner noted at the time of the tree and vegetation removal within the riparian buffer the field was not an agricultural use. If the State had determined the use to be agricultural, it would have to comply with RAP. RAP prohibits the removal of trees from a sloped area. Numerous trees were removed, the Town Planner counted thirty stumps removed at the top of the river bank.

The bottom line is the trees should not have been removed from the river bank. The trees fall within the RAP's 25' riparian buffer. RAP also prohibits removal of vegetation from sloped areas.

Mr. Bannick, Upper Valley Chapter of Trout Unlimited, addressed the CC.

Trout Unlimited planted 1000s of trees along the Billings Farm riverbanks which are located at the west end of River Road. At first, permission was granted to plant trees within 15' of the riverbank although 35' had been requested. After the substantial damage caused by Tropical Storm Irene, the farm asked that the tree planting be extended to the full 35' from the riverbank to increase the riparian protection. Trees both stabilize a river

**Conservation Commission Minutes**

September 20, 2017

Page 3

bank and enhance fish habitat via filtering stormwater and shading the water surface. The group is now working to create an in-stream habitat project with the farm.

Sue Greenall, State riparian specialist, is working with the Woodstock Inn golf course to plant trees along the Kedron Brook is to improve the riparian buffer.

Mr. Bannick recommended planting Red Osher, a riparian tree that grows to six foot tall. It holds the riverbank in place but is not too tall and protects distant views.

Ms. Pearson asked about the small stream riparian area that had been excavated and riprapped.

Mr. Emmons noted that the State 2016 RAP allows grazed vegetation to be used in lieu of riparian vegetation within the 25' buffer area. No manure is allowed to be stored in this area.

The Town Planner stated the Town's Zoning Regulations require a 50' buffer along each side of smaller streams. However, since the field is to become an operating hayfield and therefore an agricultural use, the RAP rules could apply.

The CC noted agreement.

The applicant agreed to create a replanting plan for the river riparian area and to comply with the RAP rules as they apply to the small stream riparian area.

The CC makes a recommendation to the Town Development Review Board which in turn makes the official decision.

The Town was hoping to have planting completed this year before winter sets in.

Mr. Emmons stated only trees were removed along the river, not the roots. All other lesser vegetation remains. Therefore, the river bank should be stable through the spring when the trees could be replanted. The smaller stream banks have been planted with grass seed which is maturing well, thus creating a stable environment.

The CC agreed with Mr. Emmon's assessment.

After discussion, the CC agreed to continue the application to the October meeting whereby a riparian planting plan for the river area would be reviewed. The plan should include both shrubs and trees.

**B. Sequestered Carbon Via Forestry**

Mr. Peterson gave a brief overview of sequestered carbon. As a former instructor at the Harvard medical school he related the development of sequestered carbon in trees to that of medical research. The process is in its infancy with many unknowns. Medicine goes through evolutions that guide research which in turns creates new accepted medical

**Conservation Commission Minutes**

**September 20, 2017**

**Page 4**

procedures.

Carbon dioxide is infused into trees as a natural process. With controlled trials, this process can be better understood. Over the years, carbon has become recognized as the key element when discussing control of climate change.

William Keeton, UVM forestry instructor, gave a talk at the Billings Farm Museum in August concerning his work with the National Park to study carbon sequestration.

If Climate Change was a medical disease, it could be called Carbon Excess Disorder.

Testing is required in medicine and environmental science needs to follow this lead.

Mr. Ralph, Sustainable Woodstock, noted education is important. Referring to previous discussion of riparian tree removal, each tree would have +/-30 years of carbon storage. That carbon will now be released and cease to be stored in what one could consider to be a very environmentally favorable way.

The control of carbon is key to controlling climate change.

Mr. Peterson and Mr. Ralph wish to educate the community on the value of trees as it relates to carbon storage. Vermont has a strong start with carbon storage due to the predominance of forests.

Mr. Alessi asked if the CC could sponsor a speaker on carbon sequestration and then what would be the next step?

Mr. Peterson felt finding a parcel of Town land, such as the Town Forest in South Woodstock, that could be tested. Carbon measurement needs to be done, but currently there are no set standards. He would like to find a group of 20-30 interested individuals to work with. UVM has many interested professionals that could help.

Mr. Ralph noted large companies are interested in carbon sequestration programs that offset their carbon use. The carbon tax concept is a means of paying for carbon capture to offset carbon production.

Chair Quinn, sugar maple producer, stated there are 56 trace minerals in maple syrup, when asked about carbon content in the syrup.

There are Northeast Kingdom farms using forests for carbon storage. A recent conference in Burlington had 400 attendees from all over the nation that discussed the issue.

It was noted that soil hold 30-60% of carbon.

**Conservation Commission Minutes**

**September 20, 2017**

**Page 5**

Mr. Peterson would like the CC to support a speaker and to move this forward.

The CC agreed and will continue to work on the topic with a potential speaker early next year.

Mr. Ralph stated there should be a tax on carbon. The tax would provide more incentive to store and assess carbon storage. Mr. Ralph also recommended that the CC read Mr. Peterson's letter to the Vermont Standard addressing the issue.

**C. Village Zoning Rewrite**

The Town Planner stated the rewrite of the Village Zoning Regulation has just begun. Of main interest to the CC will be the rewrite of the Riparian Buffer regulations within the Village. Due to the location of the Ottauquechee River and the Kedron Brook, the riparian buffer impacts a great many homes in the Village. The overwhelming majority of the riparian area is developed. This creates issues. Reducing the buffer area to 50' may help. Another point of discussion is to adopt grandfathering clauses from the State's model River Corridor regulations. The model sets standards of development for existing structures within riparian areas.

**D. Town Zoning Rewrite**

The Town Zoning Regulations were adopted by the Selectboard and became effective in August. Currently the regulations are being printed and should be available for distribution soon.

**E. Village Tree Report**

The Village Tree Warden's Tree Report was emailed to the CC. The report recommends 15 trees be purchased for planting around The Green and in front of the St. James Church "mini-green". The Economic Development Committee collects 1% of all sales generated within the Town and Village of Woodstock. The money is to be used to enhance the community economic well being. Being a tourist town, The Green is very important to the visual quality of Woodstock. Keeping the landscape in shape with the proposed tree planting should meet the EDC standards for the grant. The Tree Warden is asking for \$20,000 to plant 15 trees. After discussion, the CC agreed to support the grant request. However, they also mentioned the Selectboard and Trustees need to budget for proper maintenance of the trees as well.

**E. Riparian Buffer Violations**

The Farmhouse Pottery riparian vegetation replanting is to start this week. Once completed the access road will be removed to restore the bank to its natural contours.

**Conservation Commission Minutes**

**September 20, 2017**

**Page 6**

**IV. OTHER BUSINESS**

Hunter Melville wishes to place a geothermal heating unit on this Fletcher Hill Road property. Drilling the typical well associated with geothermal systems does not work on this site. The heat/coolth transfer pipes would be placed in a serpentine formation 7' below ground level. The site is somewhat restricted in size and he would like to be able to use 25' of the area below the 50' riparian buffer zone. Once the excavation and installation process is finished the surface would be restored to the existing condition, a lawn. There would be no removal of trees or other shrubs in the process.

After discussion, the CC agreed a permit would not be necessary as long as all vegetation is replaced to its original condition and that the placement of the system does not impact the ground water flow.

**VI. NEXT MEETING**

The next meeting is scheduled for October 18, 2017.

**VII. ADJOURNMENT**

The meeting was adjourned at 9:50 p.m..

Submitted by,

Michael Brands, AICP  
Town Planner