

## **Environment Committee Meeting Minutes December 4, 2008**

Attendees: Vicky Taplin (Chair), Jean Shorett, Ruth Fort, Sam Black, Sally Kelly, Missy Goldberg, Michael Payne, Tom Heath, Linda Wright, Coralee Hoffman, Joan Rood, Tamara Harris

### **1. Discussion of draft guidelines for conservation easement program (led by Sally Kelly):**

Four years ago, the Town passed a resolution to accept conservation easements or land donated by residents, with the goal of protecting green space, preventing overbuilding, and preserving the green and leafy character of the Town. Eligibility criteria and guidelines have not yet been written. The Council has directed the Environment Committee to draft program guidelines for a conservation easement program. Under a CE program, property owners would agree to restrict a portion of their lot as open space for the benefit of the Town, and receive a tax benefit for doing so. The restriction would be filed with the deed to the property and would run with the land, binding all future owners of the lot. The donor of the easement would continue to own the land and would have the duty to maintain it. The Town would have the duty of inspect the land periodically to ensure that it is being maintained as open space.

The Committee discussed the first draft of eligibility guidelines for the program. These guidelines would identify the types of property that could participate in the program, and those the Town would say no to. The draft guidelines identify as desirable areas that:

- Are established green spaces that need protection/preservation
- Have potential to become public green space
- Have particular features that make them important or useful with regard to other environmental factors, such as trees, water management, wildlife, etc.
- Have potential to be re-developed in ways that would increase density, and thus diminish green space
- Have “buffer” potential, as we deal with intrusions at our borders, or within the Town
- Have value in preserving planning principals that are intrinsic to the Town’s history and character

Among the questions and concerns raised by the Committee were: Would the Town want an easement for land located at the back of a residential lot? Would it be impractical to monitor is access were difficult? Would the Town attach requirements that trees not be removed and that they be maintained properly? Should the Town worry about invasive species on easement property and whether they will grow unrestrained? Should owner have to post bond for maintenance of easement property? Should the Town encourage groups of adjacent neighbors to donate easements that together make up a larger parcel, thereby protecting even more green space? How does the donation of an easement affect setbacks and FAR calculations on a lot?

Other issues raised concerning the mechanics of a conservation easement program were: tax advantages to donor; costs to donor; whether the Town should partner with an experienced land trust in running the program; how to maintain compliance with conditions of easements through successive property owners; whether Town should offer a package of services to assist potential donors, such as help with appraisals and surveys.

There was consensus that the Committee should look for examples of other conservation easements to help residents understand what they are, keep the requirements as simple and clear as possible, and consult a lawyer and public communications expert to help put the program together.

**2. The Committee approved the minutes from the November 20, 2008 meeting.**

**3. Tree Subcommittee update (led by Tom Heath).**

At the November 12<sup>th</sup> Town Council meeting, Vicky Taplin and Tom Heath raised the issue of whether Town funds could be used as part of an incentive program to encourage planting of canopy trees on private property, contributing to the cost of the trees or their installation, for example. In response, the Town attorney has indicated that Town funds can be used for this purpose. The Tree Subcommittee will put together a proposal for an incentive program.

The Tree Subcommittee has been scheduling regular tree walks with the Town arborist, Tolbert Feather, to assist in developing the annual planting list for the Town right-of-way, and to raise various concerns about trees in the Town. The Subcommittee also serves a liaison function between staff and residents when there are objections to trees selected for the right-of-way. This fall, there were two such objections handled by the Tree Subcommittee. As of fall, 2007, the Town no longer allows residents to veto trees planned for the public right-of-way, but it has taken time for residents to realize that the policy has changed. The Subcommittee is assisting in this process, and trying to change the tenor and thought process about trees, helping people to see that trees are good for us as individuals and for the environment.

The Tree Subcommittee has considered using the Town's tree dedication program (the "plaque program") as one way to build enthusiasm for planting canopy trees in the public right-of-way, and perhaps on private property also. The Subcommittee is looking at whether the plaque program guidelines need to be revised. Currently, they are quite narrow. If they were broadened to allow dedications to pets and nonrelatives, and perhaps revised in other ways, and then promoted, the program could be used to get more people to participate in planting canopy trees. People dedicating a new tree could be honored in some way -- asked to sign a special book at the Town office for example, or featured in the Town Forecast.

Jean Shorett mentioned that there is a program through the County that recognizes "champion trees." She has just such a champion -- a Siberian Elm -- on her property at 7107 Oakridge Ave. Jean will send the Committee information about the County

program, and we may want to think about how to promote this in Town as another way to increase boosterism around our wonderful old specimen trees.

**4. Discussion of draft RFP for tree inventory and tree canopy planning (led by Vicky Taplin).**

The Committee reviewed a draft RFP, prepared by the Tree Subcommittee, for professional services in completing a tree inventory for the Town and setting tree canopy goals and objectives for the future. Subjects discussed were: how much information about individual trees in Town has already been collected by the Town staff; phasing of tasks; budget; how to identify appropriate consultants; vetting the RFP; how the RFP fits together with the goal of increasing tree stock by 130 trees per year (as stated in the Climate Control Committee's Climate Action Plan); and the interplay between this effort and the solar initiative in Town. There was consensus around next steps: Jean Shorett will put together a list of deliverables; the Subcommittee will interview Tolbert Feather to determine which of the tasks outlined in the RFP he may be able to provide; the Subcommittee will develop some budget options for this work -- high, medium, and low, with phasing opportunities spelled out. Committee members should send Vicky feedback after they have had a chance to read the RFP more carefully.

Respectfully submitted,  
Tamara Harris