



Calais Lakes and Ponds WORKING GROUP

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CONSERVATION, A WAY TO PROTECT VERMONT'S LANDS AND WATERS – *What Exactly Does It Mean?*

The heart of conservation work is simple: making sure Vermont's best land remains undeveloped and unsubdivided—in other words, intact and available for all of the ways Vermonters have always connected to and made their living on the land. For some, land conservation has meant being able to buy their first farm. For others, conservation helped them pass their land on to their kids with the knowledge that a portion of the Vermont landscape will always remain intact. In countless communities across the State, conservation has saved swim holes, protected lake shores, and preserved the view that says to many, "I'm home." There are many organizations which help individuals conserve their land. One of these is the Vermont Land Trust (VLT), a private, non-profit organization. In the last 32 years VLT has worked with approximately 1,500 landowners to conserve land. Here are answers to common questions.

What does it mean to “conserve my land” or put my land “in the land trust”?

Generally, both of these concepts mean that you place permanent development restrictions on your land. These restric-

tions are written into a legal document called a conservation easement. Conservation organizations typically start with a basic conservation easement template that is then tailored to fit each individual property. For example, a special natural community might receive enhanced protection and an area may be set aside for future agricultural buildings or for children's future housing. Conservation easements can be donated or sold to a land trust. The landowner, working with the land trust, will decide how conservation can be accomplished best. An appraisal by a qualified appraiser determines the value either claimed as a tax deduction in the case of an easement donation or as a purchase price in the case of an easement purchase.

How long does it take?

The speed of the process is very landowner driven, and can take as long as a landowner needs to ensure that they have all the information they need to make the decision. Landowners typically seek both tax and legal advice during the process.

continued on page 2



Curtis Pond.



Conservation *continued from page 1*

Does the land trust own or dictate how land is managed when it is conserved?

Landowners continue to own, manage, and pay taxes on the land and can sell their land; however, the conservation easement permanently remains on the property.

The conserving organization accepts the responsibility to safeguard and uphold, for the benefit of all Vermonters, the legal agreement signed voluntarily by the landowner. At VLT they work with a landowner to determine the best stewardship practices to find the balance point between community values, biological values, the working landscape and economic values. Their Conservation Stewardship Program ensures that the intent of the conservation easement is fulfilled, but it has no involvement in day-to-day decisions and operations.

Can conservation easements be changed?

Conservation easements are perpetual restrictions that run with the title to the land. In some circumstances, however, they can be changed. Any amendment to a conservation easement must be consistent with the terms and conservation intent of the original agreement. Changes may be allowed to correct an error or an ambiguity, to settle a condemnation proceeding, or to allow a minor modification that is consistent with the original conservation purpose.

Does it cost anything to conserve land?

Typically, yes, it does. Landowners who are donating or selling an easement usually pay the costs of their own legal and/or accounting advice, appraisal costs and stewardship endowment. There are sources of financial help to landowners who wish to convey easements but may have difficulty covering the

expenses, particularly the cost of endowing an easement. The Calais Conservation Fund may be able to help. The contact information is included below.

Are there tax benefits to conserving land?

Easements can reduce income and estate taxes. A conservation easement gift is considered a charitable donation and may provide an income tax deduction. By reducing the overall value of the land through a conservation easement, the landowner also reduces the total value of his or her estate. For some, this can make the difference between having to sell the land to pay estate taxes and being able to leave the property to children.

A decision to conserve land is a very personal one; it involves a landowner's financial and tax circumstances, the land resource itself, and most importantly the owner's vision for the future of the land. For landowners donating or selling a conservation easement, it may provide a means of realizing a personal dream – that of protecting an important part of Vermont's landscape and heritage. So go for a swim at the conserved public swimming area on Curtis Pond, appreciate the scenic farmland surrounding the Old West Church, or enjoy the beauty of the conserved eastern shore of North Montpelier Pond as you paddle your kayak. There are a dozen protected land parcels in Calais and dozens more in the surrounding communities.

If you know of a special place you can't bear to lose, or wish to learn more about conservation options, please call Steve Cusick, Chairman of the Calais Conservation Commission at 802-229-6864 or scusick@zclpc.com or talk with Carl Powden, Central Vermont Regional Director at the Vermont Land Trust at (802) 262-1211 or carl@vt.org

PROTECT YOUR POND FROM HARMFUL INVASIVE PLANTS AND ANIMALS

Early detection is vital to protect Vermont's waterbodies from harmful invasive plants and animals. Nearly one fourth of Vermont's lakes and ponds with an area of 20 acres or more have invasive species. The best way to keep them out of your pond is to find them as soon as they arrive. Most often they come attached to a boat that has been to a pond that is infected and then travels to a new pond with bits of the plant or animal attached to its hull. Calais has magnificent lakes and ponds. Most of them are free of exotic invasive species. You can help keep your favorite pond free of them by becoming a Vermont Invasive Patrollers (VIPs). This is a program run by the VT Agency of Natural Resources. Volunteers are taught to recognize invasive species. Periodically throughout the summer VIPs paddle around the shoreline, peer into the shallow waters and look for evidence of the arrival of one of these invasive species. The VIP

training workshop is a great way to learn more about native aquatic plants and animals and their habitats, while learning how to identify harmful species.

A VIP training workshop takes about four hours and consists of:

- A two-hour indoor session of a slide show and a hands-on introduction to native and invasive plant and animal identification,
- A two-hour field session *on the water*, during which participants will learn how to conduct surveys of native and invasive species.

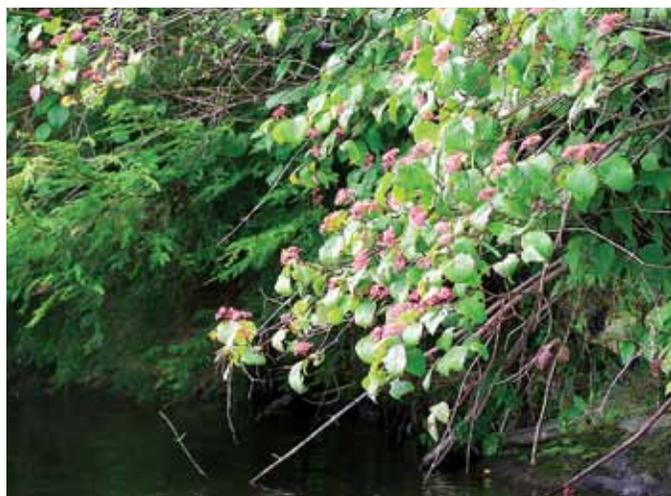
To learn more about VIPs, contact Leslie Matthews at leslie.matthews@state.vt.us or call 802-241-3777; or contact Victoria King at vkingvt@gmail.com or call 802-229-4674.

BUFFERS: Guidelines from “Calais Land Use and Development Regulations”

Buffers are those wild lands of trees and woody shrubs that naturally exist along the edge of ponds and streams. It is hard to overstate the importance of their role in protecting water quality, providing habitat for wildlife, and preventing soil erosion and pollution associated with surface runoff. The Town of Calais recognizes the importance of buffers through provisions in the zoning regulations that define the activities that **are or are not allowed** within buffers. Here is a summary of the standards for the Shoreline District, which consists of all land within 800 feet of the shoreline of all lakes and ponds with a surface area of 20 acres or more (Bliss Pond, Curtis Pond, Nelson Pond, North Montpelier Pond, Mirror Lake or #10 Pond, and Woodbury Lake).¹ *These apply to all properties, not only those where new development is proposed.*

- **No cutting and removal of vegetation**, except to clear a path 5 feet or less in width, shall be permitted within 50 feet of the shoreline, unless approved by the Development Review Board (DRB). Limited pruning is allowed without a permit.
- **Construction** of all structures **within shoreland setback and buffer areas**, including temporary docks, **requires a zoning permit.**
- Development must not result in the pollution of groundwater or surface waters, or undue erosion into stream, ponds, and wetlands.
- The DRB may impose increased setback distances and/or vegetative buffering requirements as needed to minimize erosion and runoff, to protect water quality and/or to preserve the scenic character of the shoreline.

There are further requirements for surface water protection that apply to all zoning permits.



Hemlock (*Tsuga canadensis*) and Viburnum (*Viburnum* sp.)



Sweet Gale (*Myrica gale* L.)

- **Surface Waters.** A naturally vegetated buffer strip of at least 50 feet shall be maintained from the mean water mark of all lakes and ponds, and the top of the banks of all named streams and rivers, and at least 20 feet from all other streams and rivers, as identified in the Calais Municipal Plan or from current U.S. Geological Survey maps.²
- **Wetlands.** A naturally vegetated buffer strip at least 50 feet in width shall be maintained around all naturally occurring wetlands.²
- No development, excavation, land filling or grading shall occur within vegetated buffers and vegetation shall be left in an undisturbed state. There are some limited exceptions specified in the zoning ordinance.²
- A landowner who has mowed within a surface water buffer within five years prior to adoption of these zoning regulations may continue to mow the same area. However, the area mowed may not be expanded, and failure to mow at least once every five years means that the area may no longer be mowed.²

Living by the edge of a pond or stream is challenging. Some of the activities that bring us pleasure can be detrimental to the waters we love so well. The Calais Land Use and Development Regulations provide standards for reaching the right land use decisions so that we can enjoy the waters today and protect them for the future.

¹ Land Use and Development Regulations for the Town of Calais, Vermont, Article 2, Section 2.3, Table 2.4

² Land Use and Development Regulations for the Town of Calais, Vermont, Article 3, Section 3.13, (A), (B) and (F)