

# CALAIS SELECTBOARD MEETING MINUTES

Monday, February 15, 2016

*unapproved*

**PRESENT:** Denise Wheeler, Selectboard Chair; Rose Pelchuck, Scott Bassage, John Brabant, Toby Talbot not present; Dot Naylor, John McCullough, Jan Ohlson, Margaret Bowen, Jack Russell, John Rosenbaum, Larry Bush, David Ellenbogen, Stephanie Kaplan, Gary Root; Lou Cherry, Administrative Assistant

**DENISE WHEELER, CHAIR** opened the Zoning Hearing at 7:05 She explained the processes that would take place; each member of the public would have a chance to express their concerns. When everyone has had their chance to speak, the Members of the Selectboard would give their input.

**DAVID ELLENBOGEN** representing himself as a shoreline landowner and a member of the Lakes and Streams Committee. The Committee noticed that some of their suggestions were not in the document. They had concerns for environmental degradation that would be inevitable with increased development in the shoreland district. David asked why the list of lakes did not include Sodom Pond. It was pointed out that the larger portion of the pond was in East Montpelier. David said that there seems to be an overlooking of the impact on streams and tributaries. Also the ability to build right up to the shore if the drainage is away from the pond doesn't take into account that the drainage would then go into the stream leaving the pond. The Committee is still concerned about reducing the shoreland district from 800 to 250 feet. David believes that reducing the setback on private roads from 40' to 25' doesn't make sense. Also, exceptions to impervious surfaces should require a conditional use permit from the Town. Similarly, the issue regarding the steepness of terrain in the shoreland district should also require a permit. He was also concerned about the language in the Zoning Plan purpose being changed from preservation to development. He suggested that increasing the percentage of impervious surface from 10% to 20% should not be left up to an engineer. That transfers the authority of Town to the engineer.

**DOT NAYLOR** pointed out that since we use best practices in agriculture and forestry, why not in these afore mention situations.

**LARRY BUSH** indicated that he concurred with David's concerns and urged the board not go forward with the regulations as currently structured. He also agreed with David's concern regarding the reduction of the shoreland district from 800 ft. to 250 ft. The definition of boundaries within the shoreland district raises the possibility of concentrated development. Larry believed that all was in violation of state's Shoreland Protection Act.

**JOHN ROSENBLUM** said that he supports all that was said by the two previous speakers. In particular, he was opposed to changing the limit of the shoreland district from 800 to 250. He believes it would be putting more stress on Curtis Pond which the whole Town know is dying.

**PEG BOWEN** said she wanted to thank the Board for all their work. She then described how the regulations for the protecting #10 Pond would not in fact protect it. She identified the various properties around the pond that would be able to be developed, including her own, based upon the new regulations.

**JOHN ROSENBLUM** asked if the Town road breaks the 800 feet shoreland district.

**JOHN B.** reported that it does.

**JOHN MCCULLOUGH** pointed out that for most of the properties mentioned, the minimum lot size is 3 acres which modifies some of the development concerns. He also pointed out that the proposed standards for impervious surfaces and vegetation management is a major improvement over what we have now. Regarding the use of Best Practices, John Mc. pointed out that the DRB uses that process and that it made sense to be consistent.

**DENISE** wondered if there was a way to put it into the application. John B. said that he inserted some language that would allow the Zoning Administrator to evaluate the engineer's statement and approve or deny.

**JAN OHLSSON** pointed out that removing the Town roads as shoreland district borders might require that the road crew meet the vegetation standards of shoreland district.

**DOT NAYLOR** felt that most of the new regulation seemed to have general support with the exception of the reduction of the 800 foot and the Town road becoming a border. She suggested removing the two. Denise pointed out that we could take the article off the ballot. Dot also pointed out that not much property around the ponds that is developable. She said that it would be useful if we were able to determine what developable properties would be affected by 800 feet regulation. That might affect our decision to leave it in or not.

**JOHN MC.** added that zoning regs allows a building to be built 25 feet from the edge of a private road while a building must be 40 feet back from the center of a Town road.

**STEPHANIE KAPLAN** sent her comments to the Selectboard. She said that Noreen Bryant did as well. John B. suggested that the written comments be posted on the Website so anyone can see them. Stephanie expressed her concern that there had not been a real collaboration with Conservation Commission and Lakes and Streams Committee and the Planning Commission. Such collaboration would make more effective regulations.

**DOT NAYLOR** pointed out that at the very bottom of the list of zoning fees is a statement that says: “The Selectboard shall make the final decision if the applicant and the boards cannot come to an agreement on fees.”

**JACK RUSSELL** said that there are only 5 sentences that the DRB can use to impact environmentally. He asked the rhetorical question: “Is that enough?” Jack said zoning is work in progress. We’ve been moving gently forward. We must remember zoning is about people. Vegetative buffer has been increased to 100 feet and another 150 feet managed carefully. What we have currently, after the first 50 feet, within last 750 feet you can do anything. Also, roads are major polluters.

Denise asked each Board member for their reactions. Scott said he needs a week to think about it. He would prefer that the town not vote on the Zoning at Town Meeting. Rose made a list of typos, headings. Would like the time to digest it all. John B. said he needs more time to think about all the comments. He thought the meeting was good.

Denise said she would like to see an inventory of properties developed. She thanked everyone for their hard work and thoughtful comments. She would like the Board to discuss the document at the next meeting

John moved to adjourn, Scott seconded. Motion passed 4-0

Respectfully Submitted,

Lou Cherry, Administrative Assistant