

Section 3.12 Protection of Natural resources

(A) Significant Natural Features. All development, subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid undue adverse impact to sensitive or significant natural features. For the purposes of these regulations, these shall include wetlands, flood hazard areas, river corridors, slopes in excess of 20%, necessary wildlife habitat areas, forest blocks, habitat connectors (wildlife corridors), surface waters, and associated buffer areas, and other natural resources identified in the Calais Town Plan. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

Add a new # 4

4) All development shall be designed and built to avoid, minimize, or mitigate effects from stormwater runoff, (see Section 3.18)

5) [current #4 becomes #5] Upland Overlay

6) Within the Shoreland Overlay District, development shall avoid, minimize, or mitigate any adverse impacts to water quality and other natural resources by complying with a Vermont Shoreland Permit where required, or, where no state Shoreland Permit is required, complying with the Calais Shoreland Overlay District requirements, see Table 2.4.

Section 3.13 Steep Slopes

(A) Development on slopes more than 20% shall be subject to conditional use review by the DRB under Section 5.3. The DRB shall follow section 3.17 Erosion Control and 3.18 Storm water Management for slopes greater than 20%. The DRB may require the submission of an acceptable erosion and sedimentation control plan, prepared by an engineer licensed by the state, which provides detailed information regarding temporary and permanent erosion and sedimentation control measures to be used prior to, during, and following construction.

Section 3.14 Surface Water Protection

To maintain water quality, protect wildlife habitat, protect channel and flood plain stability, and prevent soil erosion and pollution associated with surface runoff, the following shall apply to all new development, including additions to existing structures:

(A) Buffers and Requirements. Surface waters shall have naturally vegetated buffers as follows:

1) Lakes and Ponds not covered by the State Shoreland Protection Act or the Calais Shoreland Overlay District, except constructed ponds under sole ownership, shall have a naturally vegetated buffer of at least 50 feet from the mean water level. Buffers shall comply with the Vermont Shoreland Vegetation Management Standards and Shoreland Best Management Practices, available online at:

<https://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/bmp>

2) Streams shall have a naturally vegetated buffer of at least 35 feet, as measured inland horizontally from either top of bank or 10-year high water mark depending on the physical stream channel characteristics.

Stream buffers shall comply with the Vermont Shoreland Vegetation Management Standards and Shoreland Best Management Practices, available online at: <https://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/bmp>

3) Wetlands identified on current Vermont Significant Wetland Inventory (VSWI) Maps, Calais Natural Resource Inventory Map, or through site investigation, shall have a naturally vegetated buffer at least 50 feet in width as measured from the wetland boundary, unless otherwise determined by the Agency of Natural Resources in a wetland permit, determination, or rule. Wetland boundaries shall be delineated in accordance with the Vermont Wetland Rules.

Any new development within a wetland buffer requires approval from the state.

Wetland buffers shall comply with the Allowed Uses and Best Management Practices for Wetlands as published by the VT Department of Environmental Conservation <https://dec.vermont.gov/watershed/wetlands/bmps>.

(B) Buffer Requirements Exceptions. Except as provided below, new mowing, clearing, filling, grading, storage of materials, and new development are prohibited in buffers established in accordance with this Section.

(1) Limited clearing and site development associated with the following encroachments will be allowed in the buffer along surface waters listed in Subsections (A)(1), (2), and (3) of this Section. Such activities may be subject to mitigation requirements, see section 3.17 Erosion Control and section 3.18 Storm Water Management:

- a) road, rail, driveway and utility crossings;
- b) stream bank stabilization or restoration projects, designed and constructed in accordance with applicable state and federal regulations;
- c) unpaved recreation paths that do not exceed six feet in width;
- d) public lake or river access;
- e) limited pruning to maintain visual and physical access to the water as approved by State vegetative BMP.
- f) small-scale hydroelectric facilities.

(2) Streams with no **stream channel**: If a stream has no stream channel, mowing is allowed in the 35-foot buffer. All other buffer requirements shall apply.

(3) Grandfathered preexisting mowing: Mitigation. A landowner who has mowed in a buffer of surface water within two (2) years of the effective date of these regulations may continue to mow the same area following adoption of this bylaw. To mitigate the effects of continued mowing, the landowner shall establish supplemental planting with appropriate vegetation as outlined by Vt Department of Conservation https://dec.vermont.gov/sites/dec/files/wsm/lakes/Lakewise/docs/LP_BMPPlantingandMaintainin gVegetatedAreas.pdf in another location over an area that is equal in area to the mowed area.

(4) Wetlands. Allowed uses as set out in Section 6 of the Vermont Wetland Rules may occur in wetland buffers established by this Section.

(5) The expansion or enlargement of any structure legally in existence prior to the effective date of these regulations that is within designated buffer areas shall be subject to review as a noncomplying structure under Section 3.8.

(6) All new encroachments within designated buffer areas shall be considered conditional uses under Section 5.3(E).

C) To protect the surface waters of Curtis Pond the geological formation that separates the shoreland and the Shoreland Overlay District at Curtis Pond from the Maple Corner Village Districts (see reference points and Calais Zoning District Map) along a water divide shall be protected from bedrock alteration with a 25 foot buffer on either side. No digging, trenching, or excavation which disturbs the bedrock may be performed within this buffer, nor may surface fill be added that alters the direction of surface runoff. No blasting is permitted within 100 feet of the boundary.