

Table 2.4 Shoreland Overlay District (SHROD)

Lakes, ponds, and associated shoreland areas are irreplaceable ecological, recreational and aesthetic resources to the Town and its residents.

(A) **Purpose:** The purpose of the Shoreland Overlay District (SHROD) is to add a layer of supplemental regulation to properties that are located within the boundaries of the district to conserve aquatic and wildlife habitat, water quality, and foster the recreational and economic benefits of Calais lakes and ponds by:

- Preserving and promoting the natural features and stability of vegetated shoreland areas,
- Reducing stormwater runoff and erosion through best management practices such as low impact development and promoting revegetation of native plants and trees to mitigate the effects of run-off from impervious surfaces,
- Allowing development that conserves the scenic beauty and recreational potential of Calais lakes and ponds, and
- Applying Vermont Shoreland Protection Act requirements and complementing and improving upon them by extending protection to Shoreland areas across public highways and requiring mitigation for permitted and conditional uses which create new impervious surfaces

(B) Applicability: The Shoreland Overlay District applies to all land around lakes and ponds with a surface area of 10 acres or more. They are: Adamant Pond, Bliss Pond, Curtis Pond, Little Mud Pond, Mirror Lake (a.k.a. No. 10 Pond), Nelson Pond (a.k.a. Forest Lake), North Montpelier Pond, Sodom Pond, Watson Pond, and Woodbury Lake (a.k.a. Sabin Pond).

This is a special overlay district as viewed on the Calais Interactive Map based on the definitions below. Overlay district standards shall be applied concurrently with the standards for underlying zoning districts. Where one district imposes more restrictive standards, the stricter standards shall apply See Section 2.2(D).

(C) Area Definition: The Shoreland Overlay District shall consist of all land within 250 feet of mean water level, except for the Eastern side of Curtis Pond where the overlay will be 800 ft of mean water level along the eastern and northern shores of Curtis Pond, as depicted on the most current Calais Zoning District Map, beginning at Worcester Road as the southernmost tip. The Overlay District is comprised of both the Buffer Zone and the Upland Zone. The Shoreland Overlay District shall always, at a minimum, be equal in size to the State of Vermont Protected Shoreland Area, as defined in the Vermont Shoreland Protection Act of 2015. Distances are measured horizontally and not along the slope of the land.

The Buffer Zone, (also known as the Lakeside Zone under the Vermont Shoreland Protection program) is the land within 100 feet of mean water level.

The Upland Zone is the land between the outer edge of the 100-foot buffer zone and the outer edge of the overlay district boundary.

(D) Permitted Uses (require ZA Permit)

Dock (temporary)

Reconstruction of existing building without increase or change to footprint existing as of July 1, 2014

Reconstruction of impervious surface areas existing as of July 1, 2014 without increase of impervious surface area.

100 square feet of cleared area or developing/building new impervious surface of 100 square feet in the Buffer Zone provided that:

- The project is registered with ANR pursuant to 10 V.S.A. §1446(a)(1)(A);
- The impervious surface or cleared area is located at least 25 feet from the mean water level; and
- **Vegetative cover** shall be managed according to the requirements of 10 V.S.A. §1447.

Creation of one footpath to the water per parcel, no more than 6 feet wide.

Construction of new impervious surfaces within the Upland Zone:

- that when added to existing impervious surfaces does not exceed 20% of the portion of the lot that is within the SHROD;

- with a **mitigation** plan incorporating appropriate best management practice for impervious surfaces as listed in <https://dec.vermont.gov/watershed/lake-s-ponds/lakeshores-lake-wise/bmp>

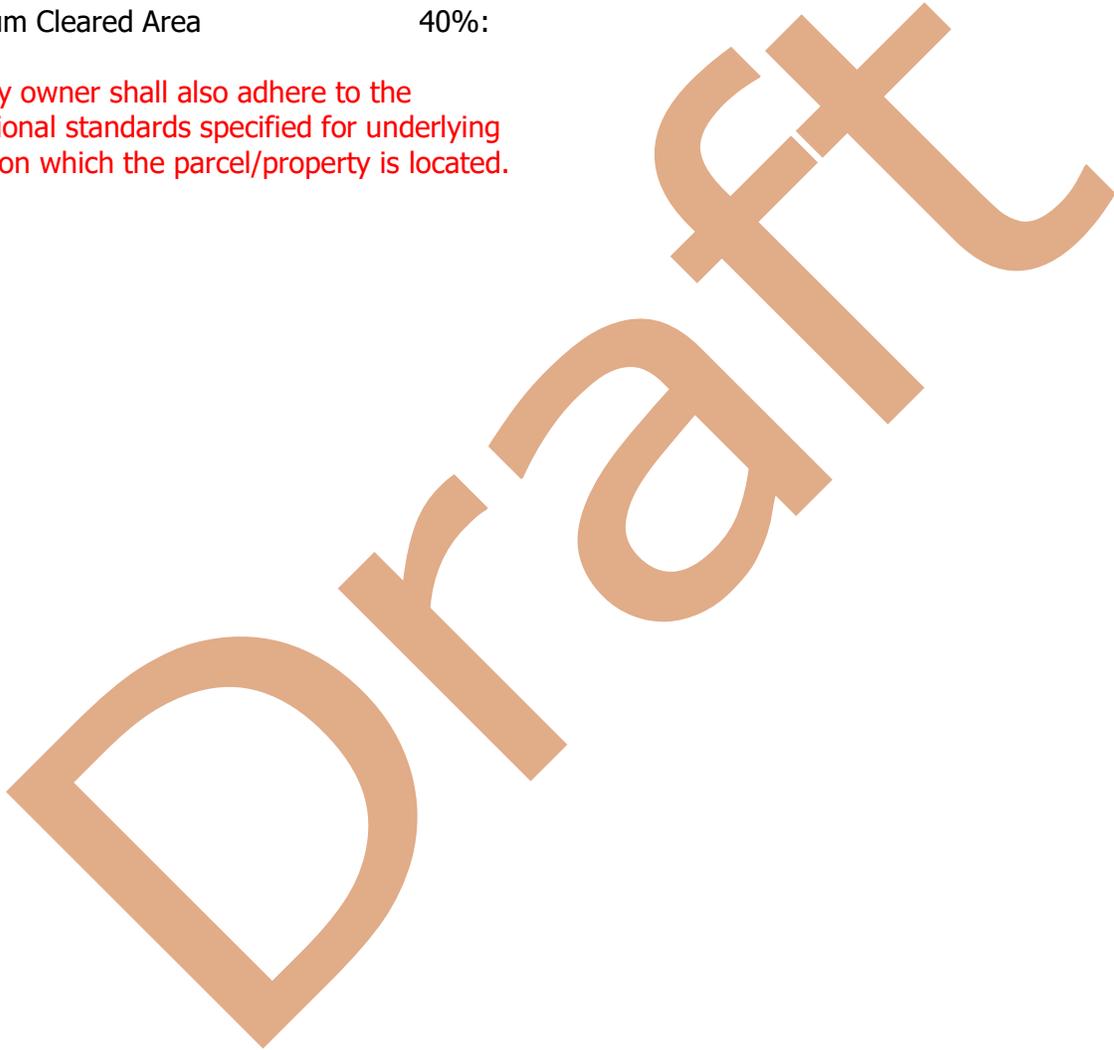
(E) Conditional Uses (require DRB Approval)

- Campground [see Section 4.8]
- Nature Center
- Outdoor Recreation Facility
- Increased impervious surface over 20% with a **mitigation** plan that adopts Best Management Practices
- **Cleared Area** greater than 40% of the parcel area of the Shoreland Overlay District
- Development anywhere slopes are over 20%**
- Stairways and lifts wider than 4 feet
- Landings larger than 32 sq. feet for ADA accessibility
- Alterations within the existing footprint of a nonconforming structure within the Buffer Zone
- Enlargement or modification of a nonconforming structure within Buffer Zone.
- Buffer re-establishment and bank stabilization projects where the DRB finds that the purposes of this section will be protected through erosion controls, supplemental planting, and protection of existing vegetation.

(F) Dimensional Standards

Minimum Setback/Mean Water Level:	100 ft.
Minimum Shoreline Frontage: (for properties on the shoreline):	300 ft.
Maximum Impervious Surface in SHROD:	20%
Maximum Cleared Area	40%:

Property owner shall also adhere to the dimensional standards specified for underlying district on which the parcel/property is located.



(G) Buffer Zone Standards (see Appendix D to the Vermont Shoreland Protection Handbook, the Vegetation Protection Standards)

Development within the Buffer Zone shall be conducted in compliance with a Vermont Shoreland Protection permit or approval. If the applicant has ~~greater than 10% impervious surface within the parcel area that is in the Shoreland Overlay District or if~~ a property for which a portion of the Shoreland Overlay area extends beyond a road, the standards of these regulations shall apply.

The following regulations shall apply to any new development in the Buffer Zone for which a State Shoreland Permit is not required.

1. A 100-foot undisturbed naturally vegetated buffer shall be established and/or maintained in accordance with 10 V.S.A. §1447.
2. The Vegetation Protection Standards (Appendix D to the Vermont Shoreland Protection Handbook) shall be followed.
3. New Development shall not be permitted. ~~in the Shoreland Buffer Zone.~~
4. New driveways or roads shall not be permitted. ~~in the Shoreland Buffer Zone.~~
5. New lawn areas shall not be permitted. ~~within the Shoreland Buffer Zone.~~
6. New riprap and retaining walls shall not be permitted. ~~within the Shoreland Buffer Zone.~~
7. Removal of unsafe trees and limbs shall comply with State Vegetation Protection Standards, (see Part 2 of Vegetation Protection Standards of Vermont Shoreland Protection Act.) and shall:
 - i. Prevent damage to surrounding healthy trees, limbs, saplings, and shrubs;
 - ii. Minimize damage to Natural Ground Cover;
 - iii. Prevent soil erosion and sedimentation into the lakes or ponds; and
 - iv. Leave all stumps and root systems intact.

Prior to any tree removal in the Buffer Zone, call the Vermont Dept. of Environmental Conservation, Shoreland Protection,
https://dec.vermont.gov/sites/dec/files/wsm/lakes/docs/Shoreland/DeadDiseasedUnsafeGuidance_3162017.pdf

Zoning Administrator permission is NOT required.

Definitions:

Unsafe Tree: A tree that has defects in the roots, stem, or branches that may cause the tree or tree part to fail structurally, where such failure may cause property damage or personal injury.

Tree Defects: can be of two kinds:

- i. Injury or disease that seriously weakens the stems, roots, or branches of trees, predisposing them to fail or
- ii. Structural problems arising from poor tree architecture, including V-shaped crotches in stems and branches that lead to weak unions, shallow rooting habits, inherently brittle wood, or other defects that may make a tree unsafe.

8. Clearing, pruning, and removal of excess brush and leaf fall shall comply with 10 V.S.A. §1447 and the State Vegetative Protection Standards https://dec.vermont.gov/sites/dec/files/wsm/lakes/docs/Shoreland/lp_AppendixDVMPGuidance.pdf and https://dec.vermont.gov/sites/dec/files/wsm/lakes/docs/Shoreland/lp_ShorelandHandbook.pdf (Part 2, Vegetation Protection Standards, Vermont Shoreland Protection Act).

The landowner should take pictures of the area to be cleared or pruned to demonstrate compliance with the Vermont SPA. If there are further questions call the Calais Zoning Administrator or refer to the state guideline per the above links.
A zoning administrator permission is not required for this work.

9. Nonconforming Uses and Structures

a) Nonconforming uses and structures are subject to the following requirements, in addition to those in Section 3.8

- i. No nonconforming structure shall be moved, enlarged, or expanded toward the shoreline.
- ii. No nonconforming structure shall be moved, enlarged, or expanded in a way that results in additional impervious surface unless such increase in impervious surface is mitigated through appropriate best management practices consistent with Section 3.17 and State Vegetative Protection Standards.
- iii. Where the expansion of Nonconforming Structure is permitted, the DRB shall require the applicant, as a mitigation measure, to return a significant portion of any mowed or cleared areas in the Buffer Zone to a naturally vegetated state with supplemental planting of appropriate non-invasive vegetation. At a minimum, slopes of 20% or greater shall be returned to natural vegetation cover. Other areas not essential to intended use of the development may also be returned to natural vegetation cover to bring the development closer to compliance with the development standards of the Buffer Zone.
- iv. No part of the Buffer Zone shall be forfeited to replace lawn areas lost because of the expansion of a Nonconforming structure.
- v. Even though new roads and driveways are not allowed in the Buffer Zone, the DRB may authorize improvements to existing nonconforming roads and driveways if such improvements will result in a reduction of existing shoreland erosion and unbuffered stormwater runoff using State approved vegetative BMP.
- vi. Lawns within the Buffer Zone legally in existence on the effective date of these regulations which are mowed at least once a year may be maintained if no new development takes place.

- b) Reconstruction and Relocation in the Buffer Zone
 - i. A nonconforming Structure may be rebuilt in its existing Building Footprint provided that the Nonconforming Structure is not located in the Special Flood Hazard Area. The Building and its accessory appendages may be replaced but not enlarged. Accessory appendages such as porches and decks are not part of the Building Footprint but may be replaced in place with structures of the same size and functionality. A Nonconforming deck or porch may not be enclosed. A Conditional Use permit shall be required for reconstruction.
 - ii. A Nonconforming Structure can be relocated so that it is LESS nonconforming but still within the Buffer Zone provided that disturbed areas are restored to a naturally vegetated state with supplemental planting of appropriate native vegetation, as per State approved Vegetative BMP. Relocation shall require a Conditional Use permit.
 - ~~iii. Where the reconstruction or relocation of a Nonconforming Structure is permitted, the DRB shall require the applicant to compensate through mitigation measures.~~

(H) Upland Zone Standards –

1. New Development shall comply with the Shoreland Protection Act and erosion prevention and sediment control standards in Section 3.17 of this bylaw.
 - a. An existing condition site assessment shall be submitted to the ZA outlining slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.
 - b. A map drawn to scale showing the location, extent, and type of proposed Development and land disturbance and its proximity to the Buffer Zone and Lake.
2. Stormwater shall be managed through land development strategies and best management practices recommended by the state in the Vermont Low Impact Development Guide for Residential and Small Sites.
3. Run-off from cleared or impervious areas within the Upland Zone shall not enter the Buffer Zone in channelized form.
4. New Development must also comply with the applicable **Flood Hazard Area and River Corridor Overlay Districts regulations (Table 2.7)** if it is in the Special Flood Hazard Area.
5. Private Roads and Driveways
 - i. Private roads and driveways shall be properly crowned to allow stormwater to flow immediately off the surface into the surrounding vegetation or a stabilized ditch. Water bars can also be utilized to intercept water flowing lengthwise down the surface and transfer it off to the side into vegetation or ditched areas.
 - ii. Banks shall have a slope of 2:1 (horizontal:vertical) or less.
 - iii. Grades shall be no steeper than 20%. New roads or driveways crossing Steep Slopes shall be avoided.
 - iv. Drainage ditches with slopes less than 5% shall be lined with grass and runoff ditches; slopes greater than 5% shall be lined with riprap
 - v. Drainage ditches shall empty, in a diffused manner, into vegetated buffer strips set back at least 150 feet from the water's edge.

- vi. Adequate and correctly installed cross drains, culverts, and water turnouts shall be provided to avoid ditch erosion
- vii. New and existing Driveways, whether paved or not, are subject to impervious surface regulations.

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