



TOWN OF CALAIS

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SELECTBOARD MEETING

June 12, 2023

MINUTES APPROVED on 6/26/23

Attending: Jamie Moorby, Gabrielle Malina, Anne Winchester, Anne Toolan, Jordan Keyes, Barbara Butler, John Stafford, John McCullough, Donna Fitch, Janice Ohlsson, Cathy Kashanski, Marge & Steve Sweeney, Larry Orr, Noreen Bryan, Galen Whittaker, Paul Olander, Stephanie Kaplan, Sarah Gallagher, John Rosenblum, Meg Dawkin, Steve Gallagher, John Brabant, Colleen Bloom, Nick Emlen, Pam DeAndrea, Scott Bassage, Charlotte Hanna and Rose Pelchuck.

Actions

The Public Hearing regarding proposed Amendments to Calais Land Use and Development Regulations was called to Order at 6:00 pm by SB Chair Anne Winchester.

Planning Commission (PC) Chair Jan Ohlsson introduced herself and PC member John McCollough. She thanked the Selectboard for this public hearing and thanked all the people who came and those who submitted emails with questions. She stated she was not planning on a formal presentation but came prepared to answer two emails they received previously. She then opened up the floor to additional comments/questions.

2015 – Started process for a Shoreland Overlay with Statewide Shoreland Protection Act. Evaluated our maps and carefully looked at lakes and parcels around the lakes. Non-compliant structures around all of the lakes. Having an overlay district similar to the State district was what PC thought best for Calais. Three (3) informational meetings in 2017-2018. Property owners from the lakes did attend and provided feedback. Folks supportive of overlay district, but some continued resistance. Evaluated permitted uses, DRB conditional uses as it exists today in current Shoreland District and compared to Rural Residential district as it is currently. Took that information and believed rural residential would work for the underlying district under the shoreland overlay. Two exceptions to this: resource recreational – West side of Curtis Pond, All of the land around little Mud pond -which has a 10 acre minimum. Other 3 exceptions to that – southern tip of Adamant and southern tip of Curtis and number 10 – where the underlying district is the Village District.

Lakes have a buffer of 100 feet that is vegetative. Can you have a six-foot trail through this? Of course. State allows it. Proposed SHROD will not allow further development within the buffer zone. Any reconstruction to rebuild something grandfathered in, as long as the height and size doesn't vary is allowed. If you want to add on, you will have to go to DRB. Not overly restrictive, keeping the focus on water integrity. Upland is 150 feet from the buffer, so the entire overlay is 250 feet. The exception is the eastern side of Curtis pond with an overlay of 700 feet. We don't allow garden centers, extraction or salvage yards to be built. Can't go beyond 10 % impervious surfaces which is the existing rule. What is cleared land in the upland zone, 40% can be cleared. What the state and Calais have already. Why is the east side of Curtis pond so unique? Density is the reason. Each is about .25 acre and most have homes. How has this overpopulation led to water quality issues? By creating more upland, would help to mitigate the density. Curtis Pond Association promoted a damn fix using rationale of keeping the property values up around the lake. Likewise, the town is asking for a quid pro quo by having a higher amount of upland to increase water quality and responsible stewardship of the lake area.

Mowing – we have a story. Our original proposal was that if you mowed more than once a year, you could no longer mow. We change that after people objected to that one year with the fact that many of the property owners are out of state and unable to mow within one year. Now the proposed regulations are that if you don't mow after two years, you can no longer mow. This is to protect surface waters. Planning send in a question to the Shoreland protection act folks and they responded: SPA has no definition of lawn, but use cleared area. Vegetative cover, cleared area, and lawn. Cleared area is permanently remove vegetation, developed area like grass lawns, garden, ledge, bare soil. Once a previously cleared area regrows – it is considered protected. SPA considers it re-Naturalized if previously brush hogged yearly but then not done for four years. Two years is the window to take care of the shoreland overlay. How do we differ from the shoreland protection - if a road intersects the area maintenance with best management practices is done on both sides of the road. We are at 10% impervious vs state at 20%: 40% cleared area. Our slopes are different at 15%: state is 20% slope.

Open up to additional questions:

Stephanie Kaplan – what is the SB role. Anne explains – we can adopt it, we can vote on it – if there is no additional changes required. Jan asserts the key is changes that are substantive.

Jordan questions– current regulations have upland and now is the Calais Highlands per John M Extension of the upland region done by some barrier? Yes follows land forms around the pond. Question whether the overlay extends onto properties with no water boundaries and is that unfair to folks who are not on the shoreline. Other conflict is those parcels are fairly large and near a downtown center. Towards development of more housing in village centers. Jan points out everything moves downhill. River corridor has a greater affect than shoreland and they will be denying building within the river corridor. Lots of Maple Corner is within river corridors.

John M asked Stephanie if she had asked for a 500 foot buffer, not 250. Based on information Steph has that is the best for water quality.

Gabriela – inquires about the Dam project and does it impact the Dam rebuild. State approved dam repair replacement is exempt from zoning regulations, Jan cant' speak to environment protection act may hinder it, but the zoning folks aren't part of it.

John Brabant – so nobody gives a damn. Lol

Jordan – upland extraction does it include forestry or agricultural.

Bed and Breakfast would need to go to DRB or something going to a non-conforming use.

Jamie – river corridor overlay. Is it a 50 foot wide berth on either side of the stream. Yes. From John B and Jan

Gabriela – river corridor and flood hazard overlay – we now have a lot of both of those now. Do we have informational materials about the river corridor or flood hazard. Pam Deandrea river corridor is where it will be moving over time. Get more funding through ERAF like 5%

Noreen Bryan – speaking for Calais lakes and streams – they support provisions and changes as proposed Marge Sweeney

She and her husband steve – they are concerned they are being treated differently. She doesn't understand the density issue per the Curtis pond, but not others. We have managed this land and have trails on it – don't want to have to go in front of a board to get approvals jan explains she can have trails and she can have 40 % of her upland area cleared as long as it doesn't go beyond the 10% impervious surfaces. Anne W mentions no garden center. Marge feels that area is having an unfair burden that impacts their homes. Sarah gallagher – aren't there a number of camps on number 10, but the density isn't even close. John Mc – it is impacting all the shoreland districts, and the difference is minimal. Density of development is 3 acres minimum.

Colleen Bloom – did you think about drawing 700 feet around the pond? The west side is resource recreational and has a larger restriction on it. CB – why not the Northern section? Marge wants to pull the pink back. Right now more restrictive of how far to build.

Meg Dawkins: how is the light blue on the map different from pink = light blue is the current regs, green will go away. The pink is the overlay.

Stephanie Kaplan – conservation commission and herself – the planning commission did a great job and

tried hard to make it accessible to the public. They support these provisions and changes. Stephanie doesn't agree with everything but none of her concerns are substantial to thwart the process. Emphasize the overlay – going from 800 feet to 250 feet is a major reduction, where did the 800 buffer come from? Had it in our minutes going back to 2016 with Larry Bush in the notes.

John Mc remembers the chart and it emphasized habitat of different animals. Stephanie is on the DRB. She feels that overlays are super confusing. Question about slopes. State allows 20% but Calais wants 15% - shares about the Nelson pond home with the steep driveway which was 14%. Caused erosion issues during construction. Stephanie thinks cleared areas are not good for water quality.

John Rosenblum owns unmapped swamp. Very fertile wildlife area, edge of the yellow. Wetland – it is on the map. Value is based on our water and streams. Recreation economy – walking and biking paths. When he came in 2001. You could swim anywhere. Now there are lily pads all over, by the dam, by the southern end. A dock over there is no longer in use. Past Colleen's if full of lily pads and starting to become land. We raised 250K and bonded 450K. Maple corner store depends on pond for survival. He is the president of that board. Adding streams to protection is important. Road crew maintain drainage. Need to find the last houses still running gray water and or sewer into the pond.

Anne mentions emails sent in, would rather not read the emails in the service of time.

Steve Gallagher asked about mowing at the Curtis pond swimming area.

Barbara Butler responded the Town is on top of mowing the swimming area.

John M – every river corridor stream has a 50 foot buffer and needs to be on top of mowing or let it revegetate.

Sarah Gallagher asked why not a longer period for no regular mowing and is it a compromise. Answer it is a compromise.

Jan O would like the SB to approve this plan and move forward with a vote.

Anne W. we need to talk for a moment.

This hearing was officially closed just after 7:00 pm.

Please see the Planning Commission's Presentation on 2023 Proposed Amendments to the Calais Land Use and Development Regulations, presented by PC Chair Jan Ohlsson, starting on page 5.

Anne Winchester polled the Selectboard for input on next steps. Jordan Keyes and other members of the Board agreed that this is an important issue of substantive changes to the Zoning Regulations and the voters should have the opportunity to vote on this. Anne Winchester noted the town will give a 30 day warning for a town vote. Jordan Keyes made a **motion** to Warn a vote on the changes to the Calais Land Use and Development Regulations by Australian ballot for July 18, 2023 with a back up date of July 25, 2023 at the Town Hall. The motion was seconded, voted on and carried 5-0.

Note: full text of Janice Ohlsson's presentation can be found at the end of these Minutes.

The regular Selectboard Meeting began just after 7:00 pm with Anne Winchester, Chair presiding.

Changes to the Agenda and Administrative Business as follows

Adjourn Dog Hearing of May 25th Gabrielle Malina made a **motion** to adjourn the Selectboard Hearing of May 25, 2023. The motion was seconded, voted on and carried 5-0. The Decision from the Selectboard will be available on the town website on Tuesday, June 13, 2023.

Approval of Meeting Minutes – The Selectboard reviewed the May 22nd Minutes. Gabrielle Malina made a **motion** to approve the Minutes as written. The motion was seconded, voted on and carried 5-0.

Approval of Orr ROW Hearing and Dog Ordinance Violation Hearing Minutes – The Selectboard reviewed both sets of Minutes from May 25th and edits were made. Jordan Keyes made a **motion** to

approve both sets of Minutes as amended. The motion was seconded, voted on and carried 5-0.

Town Invoices and Sign Orders – The Selectboard reviewed the town invoices presented for payment during the meeting and signed the orders authorizing payment.

Sign Bank Loan for EMFD Fire Truck - As was authorized at the last meeting, Community Bank prepared loan documents authorizing the loan for \$66,667 for the town's share of a new fire truck for East Montpelier Fire Department. Jordan Keyes made a **motion** of agreement to accept the loan and have all Selectboard members sign it. The motion was seconded, voted on and carried 5-0.

Kent Hill Scoping Project Grant Agreement with CVRPC - In reviewing the contract signed last month, CVRPC found some typos and provided a corrected version to sign. The Selectboard was in agreement to have Anne Winchester, Chair, sign the corrected copy.

Municipal Energy Resilience Program Capacity Building Mini-Grant - Scott Bassage, on behalf of the Friends of the Calais Town Hall, completed an application for a \$4,000 community-capacity grant to build in-house capacity to improve energy efficiency in our town buildings. Gabrielle Malina made a **motion** to authorize Anne Winchester, Chair, to sign the application on behalf of the Selectboard. The motion was seconded, voted on and carried 5-0.

Lightening Ridge Road Pavement Project - At the last meeting, Toby Talbot informed the Selectboard that he was requesting an increase in the AOT Class 2 Highway Grant for \$8,000.00 for paving Lightening Ridge Road since the project cost more than the initial \$40,000 grant award. The project was done last year. The state provided a grant reimbursement form and Anne Toolan made a **motion** to have the Selectboard sign the form. The motion was seconded, voted on and carried 5-0.

WEC Collar Hill Road R-O-W Permit – Washington Electric Co-op submitted an application to work in the town's R-O-W on Collar Hill Road near the residence of Brian Stern to construct a 7200-volt electric distribution line. Neal Maker, Tree Warden, suggested adding a request that WEC cut all the ash trees in the ROW as they are working on this project, since the ash trees are slated for removal anyway. Jamie Moorby made a **motion** to approve the R-O-W permit with the condition from Neal Maker. The motion was seconded, voted on and carried 5-0.

Appointment of Town Constable and Animal Control Officer - Cole Bliss has expressed interest in serving as both the Town Constable and Animal Control Officer. He has unofficially already been helping the Selectboard with animal control issues. Jordan Keyes made a **motion** to appoint Cole Bliss as Town Constable and Animal Control Officer, contingent on completion of his training, for one year terms expiring in 2024. The motion was seconded, voted on and carried 5-0.

Conservation Commission Appointment - Paul Olander has expressed interest in serving on the Conservation Commission. Larry Bush, Conservation Commission Chair, gave a resounding reference for Paul Olander. Paul noted he is very interested in invasive species and trying to organize a community focus to address invasives; interested in a community land trust as he sees a real need for affordable housing and the need to balance housing needs with conservation. Gabrielle Malina made a **motion** to appoint Paul Olander to fill a vacant 4-year term that expires in 2026. The motion was seconded, voted on and carried 5-0.

Swim Program Committee Appoinatments and New Raft – Two current members and one new person have requested appointment to the Swim Program Committee and have unofficially begun working on a plan to replace the pond raft. Jamie Moorby made a **motion** to appoint Daniel Keeney, Pamela Kentish and Adrian Wade each to a one year term that expires in 2024. The motion was seconded, voted on and carried 5-0.

Jamie Moorby made a **motion** to approve purchase of and installation of a new raft for the Curtis Pond swim area, contingent on final PACIF insurance approval. The motion was seconded, voted on and carried 5-0

Purchase of Generator for Town Hall – The town received an Emergency Management Performance Grant from FEMA for auxiliary power generators at the Town Hall and at the Maple Corner Community Center and for upgrading the town’s radio communication system. In February the Selectboard voted to commit \$21,463 of ARPA funds for the required 50% town match. Our Emergency Management team has secured a proposal from Brook Field Service in Northfield to conduct the work. Rose Pelchuck informed the Selectboard about annual maintenance contracts for the generators that need to be budgeted for going forward. Jamie Moorby mentioned the town would own the generator at the Maple Corner Community Center but the Community Center would have to likely pay the maintenance contract invoices. Gabrielle Malina made a **motion** to sign the contract with Brook Field Service to purchase two generators and authorize a down-payment of \$8,000 of ARPA funds, with the balance due upon completion of the work in late July. The motion was seconded, voted on and carried 5-0.

Curb Cut Permit Application – The Selectboard reviewed the Curb Cut application from William LeFevre at 1248 Hayden Road in East Calais for a new residential access. Road Crew member, John Stafford, did a site visit and noted this applicant does not have the required sight distance. Anne Toolan made a **motion** to approve this Curb Cut Permit with the condition that Mr. LeFevre clear trees as marked by the Road Crew. The motion was seconded, voted on and carried 5-0.

Role of Potential Finance Advisory Committee – Charlotte Hanna Bassage provided a proposal to the Selectboard to form an ad-hoc committee that would investigate, collect data and make recommendations to the Selectboard to help them make informed, financial decisions. The Selectboard reviewed the Finance Committee proposal and discussion ensued. Some areas of work would be compensation of paid professional staff, capital planning, current expenditures, town priorities, and the path to sustainability to name a few. Charlotte noted this to be an informal committee that works with Sandra Ferver, especially around budget process. Gabrielle Malina would like to have a budgeting statement or an overarching statement for this committee. A goal would be to have a time to talk about priorities. Jordan Keyes spoke about having quantitative information about the town, and wondered about the demographic changes that inform trends. Anne Winchester noted Charlotte got herself a job.

Recruitment of a New Town Treasurer - Donna Fitch, former Town Clerk and Treasurer, came before the Selectboard to discuss the Draft Treasurer's job description she developed along with other knowledgeable and experienced people in town. Sandra Ferver has reviewed and provided input on the job description. Wendy Wilton, from NEMRC, has served in the treasurer's capacity as a contractor and also provided input. Donna Fitch noted the cost of NEMRC doing weekly payroll is \$6,000 a year verses \$5,000 if the town did payroll every two weeks. Donna Fitch suggested having a hiring committee for the Treasurer position. Anne Winchester suggested refining the job description to an advertisement for the position. We need to figure out the salary, have a list of benefits with the value of each benefit and decide if it would be a salary position or hourly position. Sandra Ferver, Marianne Miller, Donna Fitch, Judith Robert and Lewis Franco have agreed to serve on a Hiring Committee. Ideally, we would find a qualified candidate available to start employment in the fall so that Sandra could begin training this person during budget season. Jordan Keyes made a **motion** to appoint Donna Fitch, Sandra Ferver, Marianne Miller, Judith Robert and Lewis Franco to serve on a Hiring Committee for the purpose of advising the Selectboard of the roles and responsibilities associated with the Town Treasurer position as well as facilitating the hiring process. The motion was seconded, voted on and carried 5-0. Hours, pay, salary: Donna Fitch will talk to Charlotte Hanna Bassage and figure out next steps.

Selectboard Reports

Highway and Roads: Jamie Moorby and Anne Toolan, Road Commissioners

Tractor and Boom Mower – Anne Toolan reported the road crew is working on roadside mowing with the current 1994 Ford tractor/mower although it has issues and due to its age, parts are hard to obtain. The road crew recommends the purchase of a new John Deere tractor and mower for the price of \$189,419.48 that would take a few months to get it here. Jordan Keyes suggests a broader conversation should be had before putting out this amount of money. Purchasing a tractor with a package of implements for example is something to look at. We need to take a look at what that piece of equipment can do rather than one particular purpose. Anne Winchester would like a process to follow. Jamie Moorby said we have a Highway Department Capital Plan and it makes sense to look at it in the context of the capital plan. Jordan Keyes proposes to put this on the agenda for August to see where it comes in the big scheme of equipment purchases. Jordan noted this would be a significant investment and recommends having a meeting with the road crew and Toby Talbot to help determine if this is the most appropriate equipment to meet our needs.

Proposal for “No Parking Signs” on west side of County Road in Maple Corner village and “warning signs” at Curtis Pond swim area. Discussion and action deferred tonight.

Proposal for Stop Signs. Jamie Moorby reported that stop signs must be done according to an adopted ordinance. The Selectboard agreed that the signs in the proposed ordinance will be officially adopted following completion of the CVRPC traffic studies carried out over this summer.

Report on Completion of Work on Class 4 Leonard Road in Highway ROW by Larry Orr

Anne Toolan reported the history of this curb cut permit with conditions. Since that time, there is a new curb cut, not in the permitted location. Anne Toolan spoke about a lot of disturbance to the land and on the top of the road. Larry Orr got the impression that he is in violation; thought he was 75-80% done. Anne Winchester reported Larry Orr put in a different culvert and used different material than what he was supposed to use. Larry Orr put the fill material from the cellar hole he is digging on top of the road. Larry stated he compacted the road by dragging cement blocks behind his 10-wheeler dump truck trying to flatten it out. Larry put hay seed on the road.

Jordan Keyes noted he fell short in a number of areas. Anne Toolan spoke that the town was specific about what was required and what materials were needed to be used. Anne Winchester spoke to the town attorney and laid out the options. The disturbed area makes Leonard Road be bisected. Jordan Keyes noted there is a process and Larry Orr is doing things all out of order. Changing the curb cut to another area is not how this process works. Rose Pelchuck urged the Selectboard to issue a cease and desist letter due to the numerous violations made by Larry Orr on this project. Rose suggested an engineer should be hired to view the area and make recommendations that Larry Orr would have to make and pay for. Jordan Keyes agrees all work needs to stop. The road needs to stabilize the road and can determine necessary erosion measures to put in place. The town will later evaluate the status of the new curb cut. Jamie Moorby suggested doing a site visit with the road crew and Gabrielle Malina wants to see it. Anne Winchester said Larry Orr needs to stop work now. An emergency site visit was scheduled for 2:30 pm tomorrow, June 13. SB members will meet up at the Town Hall, caravan over to inspect the site, and will then continue discussion and resolution options at the Town Hall.

Unsigned Curb Cut Permit from 2020 for NCMHA – The North Calais Memorial Hall Association applied for a Curb Cut Permit dated 10/01/2020. The permit was approved on 11/01/2020 by the Selectboard but was never signed. Jamie Moorby made a motion to sign the approved (but unsigned) Curb Cut Permit for NCMHA on G.A.R. Road. The motion was seconded, voted on and carried 5-0. With this signed, the Town Clerk can now enter it into the land records.

Road Sign Inventory - Review the CVRPC 2013 list of road signs describing the type of sign, exact location, and when they were last inspected. Discussion and action deferred tonight.

Emergency Management Team Meeting – Nick Emlen requested all Selectboard members attend the June 29th training on basic orientation to the state's role in Emergency Management at 6:00 pm (90 minute presentation) in the Town Hall.

Curtis Pond Dam – Jamie Moorby spoke with the bond counsel today, Thomas Melloni, Esq.. The Selectboard needs to certify the bond was approved in the proper manner. There is a question on the bond vote that Front Porch Forum was used to publish the Warning. Thomas Melloni has questions about the validity of using FPF for that purpose. Former Selectboard member, John Brabant, noted that FPF was never used as an official posting notice place; only just as a courtesy. This will be on next agenda.

Shared Documents and Emails - Jordan Keyes nothing to report except Cole Bliss will have new email accounts set up for him.

Collective Bargaining Team - Jamie Moorby, Anne Toolan and Jordan Keyes will have an emergency meeting at 11:30 am to change some dates for future meetings.

Status of Shedd v. Calais - Jordan Keyes reported we are in a holding pattern and not taking any specific action. The legal matters have shifted and we are working towards a resolution. Jordan suggested having a site visit and to continue dialogue with the lawyers to find a path forward.

Anne Winchester declared the meeting adjourned at 10:05 pm.

Rose Pelchuck
Interim Recording Secretary

Planning Commission Presentation on 2023 Proposed Amendments to the Calais Land Use and Development Regulations – Presented by PC Chair Jan Ohlsson

How we started

Since it seems that most of the comments and concerns center on the proposed Shoreland Overlay District [SHROD] I will address those questions with a brief explanation....

PC started work on revising the Shoreland District to a SHROD in 2016.

First we looked carefully at the existing Shoreland District on a parcel by parcel basis using the Calais interactive map. We found that almost 60% of the parcels and structures were non-compliant --- either parcels well under the 3 acre minimum of the Shoreland District and or located in the "buffer" area. Additionally, we found several parcels that were in the shoreland district who did NOT even own shoreland. After that evaluation we felt comfortable proposing an overlay that would match the states Shoreland overlay with a 100 ft vegetative buffer and 150 feet of upland.

We held 3 informational gatherings in Adamant, Maple Corner Community Center, and the EC Rec Center. In those meetings we shared our plan for the SHROD – and asked for comments. There was a consensus in those meetings to an overlay --- and there was a desire that it be very similar to SPA.

There was still some resistance to having an Overlay that led us to examine the differences between the standards for the current Shoreland District and Rural Residential District. Both had 3 acre minimum,

and almost everything listed in permitted uses and conditional uses were the same.

This led us to decide that a Rural Residential District could successfully be the underlying district for the Overlay – and all of our maps show that. [Exceptions are the west side of Curtis Pond and Little Mud Lake which will have a Resource Recreational District [10 acre min] underlying and the southern tips of Adamant, No 10 Pond, and Curtis Pond which remain in a Village District. Those is Village are small only at one end of the lakes.]

WHAT IS IN THE OVERLAY

BUFFER

All lakes have a vegetative buffer of 100 feet. It is to be only a vegetative buffer.

One can have a 6-ft wide trail without a permit and can maintain them. Six (6) foot trails are exempted from SHROD [pg. 23]

Unfortunately many of the cottages and sheds in existence are in or partially in the buffer.

Though the STATE SPA requires registration of up to 100 sq feet of NEW Cleared area or new impervious surface located between 25 – 100 feet from mean water level [meaning in the BUFFER zone] The proposed amendment for Calais states no NEW development in the Buffer area. Any reconstruction of a structure currently in the buffer area is permitted AS LONG AS THERE IS NO CHANGE IN HEIGHT OR BUILDING FOOTPRINT. HOWEVER recognizing existing structures need maintenance and may need change. If one wants to make ANY change to a structure that is located in the buffer, [such as adding on to it on the back side - thereby increasing impervious surface] has to go to the DRB. Current regulations and these regulations limit expansion of a non-compliant structure that makes it more non-compliant. That has not changed -- Some may call this excessive. The PC believes this to be a more responsible form of stewardship to maintain and improve the conditions of the lake waters.

UPLAND ZONE

What can be allowed in the UPLAND ZONE and why does the Eastern side of Curtis Pond [more unique?] have Upland of 700 feet instead of 150 ft like all the other lakes and rest of Curtis Pond?

Please understand that the permitted uses in the upland zone allow anything that is permitted in the Rural Residential underlying district. The additional things to consider within the upland zone are you can clear up to 40% of the of the land of the upland zone and combined have a level of up 10% impervious surface. And remember what the definition of cleared area is. Best Mgt Practices for the land in the upland is expected to be practiced. . . in the effort to prevent erosion, etc.

When looking at the Eastern side of Curtis Pond – the PC found a density on that side of the lake, cottages and year-round houses already in the buffer area, property lots anywhere .25 of an acre – 31 acres. That density allowed over the years has possibly helped in the degradation of the lake. As stewards for the future of the lake it was felt to have a greater amount of upland as a protective measure to mitigate – if you will – the density -- or as some have said “loving the lake too much”

Yes – CP is “unique” and with that comes the responsibility to keep it unique for the future even if it means a bit of extra effort.

There is still much a property owner can do within the Upland.

MOWING

The issue of how often to mow came up in our original meetings. Initially we suggested that if one did not mow in ONE year, they could no longer mow. Some folks at those meetings felt that it was unfair to those seasonal property owners who might not be able to mow in one year. With that kind of feedback, we changed it to mowing within 2 years. This is the standard not only in SHROD but also in section 3.14, Surface Water Protection.

Because we have received questions related to mowing and clearing we sought advice from the SPA and

the issue of "existing lawns"/mowing. Laura Dlugolecki from SPA responded to our question [posed by Melanie]

Their response was "SPA has no definition of lawn but use the definition of cleared area." Thus it is important to understand the definitions.

- **Vegetative cover:** Mixed vegetation consisting of trees, shrubs, groundcover and duff. Does not mean grass lawns, noxious weeds, or nuisance plants.
- **Lawn:** An area of land maintained in continuous plant coverage of grasses and similar plants that are closely and regularly mowed, including meadow or pasture on nonagricultural land. "Lawn" does not include pasture cropland, land used to grow sod, or similar land used for agricultural production.
- **Cleared Area:** An area where existing vegetative cover, soil, tree canopy, or duff has been permanently removed or altered, except when managed according to the Vegetation Protection Standards. See Appendix D Vermont Shoreland Protection Act.

Laura goes on to state : *"Generally, when we communicate to the public, we consider cleared areas to be developed areas, grass lawns, landscaped areas (which includes gardens and decorative areas), maintained areas, rock outcrops/ledge, and bare soil.*

Occasionally, the public reaches out to us about maintaining an area that was previously mowed/cleared that has since revegetated. Once a previously cleared area "renaturalizes" it becomes protected vegetation. We don't have a set timeline of when something renaturalizes. The Wetlands Program may use a set timeline (I think), so you could reach out to them.

Typically we ask folks their maintenance schedule and if we learn the property was routinely brush hogged once a year and then it hasn't been for 4 years we say that it has re-naturalized. It's a little bit of a judgement call—but if it has fallen out of its usual routine of maintenance, then it is no longer cleared area"

So the state says if it wasn't brush hogged once a year – then isn't brush hogged for 4 years it is re-naturalized. Calais is being more lenient allowing you to maintain a mowing every 2 years.

Vegetative Cover is important because that is what the 100 ft buffer is – a vegetative buffer.

We differ from the State SPA in 4 ways: We extend the Overlay across all road, in the effort to reduce erosion and storm water going into the ponds by practicing best land management across the road.

We have a maximum of 10% impervious surface [this has been the historical amount of impervious surface for Calais Shoreland we are retaining that number] – the state has 20%

We calculate 40% of the cleared area based solely on the amount of land in the upland area of the property, and not the entire SHROD area.

We have a reduced slope of 15% - the state has a 20% slope.