

DRAFT Calais Conservation Meeting Minutes October 7th, 2015

Attending: Julie Hand (recorder), Stephanie Kaplan, Drew Lamb, Neal Maker, Mat Barewicz. Absent: Grant Orenstein, Larry Bush.

Guests: Richard Maizel, Coleen Bloom, Victoria King, Tammy Leno, Susan Warren, John McCullough.

Minutes from Sept. 9th and Sept 24th special meeting approved.!

Conservation Fund: \$74, 664.31

Discussion: Proposed zoning changes to Shoreline Protection. Susan Warren, who used to work for the Agency of Natural Resources and was involved in drafting the Shoreland Protection Act passed by the state in 2014, helped explain the specifics in the Act. Less than 10% of towns in the state had any zoning protecting the shorelines of lakes and ponds, and there was an acute need to safeguard these natural resources from over-development or detrimental development. Calais was one of the few towns that did have shoreland zoning; its regulations are more stringent than the state's in some respects. John McCullough explained that the Planning Commission believes that in order to encourage development in the town, that the shoreland zoning regulations should be revised to match the state's Shoreland Act in most respects.

In developing the Shoreland Act, the state's aim was to minimize impact on water bodies larger than 10 acres. Regulations are aimed at undeveloped sites and changes to existing sites. Property already developed is grandfathered in, but the requirements of the Act will apply to new development and previously developed properties if they want to make any changes.

We discussed proposed changes to existing Calais shoreland zoning, how they compare with the town's current regulations, as well as with the regulations under the state's 2014 Shoreland Protection Act. Noreen Bryan of the Calais Lakes & Streams Committee had prepared a chart that compares the Calais Shoreland regulations, the State Shoreland Protection Act, the proposed zoning changes, and the Maine shoreland regulations. She had sent the document to Susan Warren and Susan reviewed it and added her comments. It was extremely useful in understanding the different aspects of protection and how they're dealt with under each of the different types of regulations.

Ponds and Lakes Covered: Bodies of water that come under the protection of zoning regs are currently set at 20 acres; the PC has proposed to reduce this to 10 acres, in line with the state. This is positive as it includes more lakes and ponds.

Depth of Shoreland District: At present, Calais requires that development not be less than 800' from the shoreline of lakes and ponds over 20 acres, The PC proposes to reduce that to 250' consistent with the state. 800' offers considerably more protection as impervious surfaces are farther from the shore, so runoff that may contain phosphorus and other pollutants as well as silt has more area to sink into the soil instead of running into the water.

Buffers: Vegetated buffers (un-mowed area between shoreline edge and mowed area) are currently set at 50' minimum. The PC proposes to change that to 100', consistent with the state. 100' is much better than 50', however it may not be adequate for properties with slopes steeper than 10%.

Minimum Shoreline Frontage: State has no minimum shoreland frontage. As the state requires a maximum allowable percentage of impervious surfaces, the state believes that a minimum shoreline frontage is not critical. However, to the extent it would allow additional small lots to be developed, there could be a significant increase in the amount of impervious surface, resulting in more storm water runoff flowing into the lakes and ponds.

Minimum Lot size: State has no minimum lot size for shoreland development. Current Calais zoning requires 3 acres. The PC has proposed a minimum lot size of only 1/5 acre, about 100' x100'. Susan pointed out that it would be impossible to meet either the other state requirements outlined here, or state sub-division rules including septic and water setbacks on 1/5 acre. While a landowner could use the lot seasonally - ie camping, they would not be permitted to develop the parcel. The Shoreland Act specifically states that all new lots created after July 4, 2014 must meet all standards in the Act as well as all other state and local laws.

A minimum lot size would need to be at least 200' deep, otherwise the leach field would be in the buffer.

A 1/2 acre lot is the minimum lot size necessary to accommodate all the requirements. However, reducing the minimum lot size from its current 3 acres could result in substantially more lake pollution, as not only would there be more impervious surfaces, but an increase in septic systems would increase the potential for pathogens that may not be fully treated to reach the lakes and ponds.

Another problem if the town regulations were to reduce the minimum lot size to 1/5 acre is that it would not meet state regulations and would mislead property owners into thinking they could develop the lot, only to be denied by the state.

Minimum Setback: Calais now requires 150', state requires 100'; the PC proposes to reduce the setback to 100'. 150' offers more protection, especially on steep slopes. 100' could be sufficient if the State Shoreland Act buffer requirements are met.

Maximum Building Height: State has no rule for this aspect, Calais will retain its current limitation to 35'.

Maximum Lot Coverage: State limits this to 20% impervious. Calais regulations currently restrict the impervious area to 10% on 3 acres (new lots). The new regulations would allow for 25% impervious regardless of lot size. 10% limit is more protective, especially for steep slopes, though research has shown 20% to be adequate for limiting runoff. 25% would likely cause much greater runoff into the lake, especially on steep slopes where 10% is a safer limit.

Maximum cleared area: State limits this to 40% of the lot. Calais has no maximum cleared area in the current regulations, although there is a 50' buffer required. It is not clear what the proposed zoning regulations provide for this. John McCullough stated they are proposing the same as the state limit of 40%. Susan stated that cleared land results in more runoff than wooded land and that more wooded areas along shore support habitats unique to shorelands.

State Delegation: John McCullough stated that the chair of the DRB claims that much of the DRB's time is taken up with shoreland development. He acknowledged, however, after the discussion with Susan, that the proposed regulation changes would likely not result in any substantial reduction in DRB hearings. Furthermore, although Susan explained that towns can request the state to delegate the State Shoreland Projection Act to the town, so the town would be responsible for implementing and enforcing it, resulting in an easier process for shoreland developers who would only have to get one permit rather than the two they need to get now, John stated that the PC is not recommending state delegation.

Summary: Since there was insufficient time before the Oct 20 hearing for the CC to develop a Commission position, the members decided they will attend the Oct. 20 Planning Commission hearing (of these changes) to express their personal views about the proposed zoning changes. The greatest concern voiced at this meeting involved the minimum lot size. There was a consensus among the CC members that reducing the existing 3-acre minimum lot size would necessarily result in more impervious surfaces which would result in more stormwater runoff into the lakes and ponds, and that this would result in negative impacts to the lakes and

ponds.

Members of the Lakes & Streams Committee who attended this meeting said that the Committee had met and were quite concerned about some of the proposed changes.

NRI Permission Contracts: Please send them directly to Matt Peters ASAP.

Town Plan Update: At the Selectboard hearing on the proposed Town Plan, a number of Calais residents expressed concern about the regulatory aspects of the Plan, while other residents expressed support of it. The Selectboard has not decided yet how to proceed.

Fall Foliage Bike Ride: FUN! INFORMATIVE! BEAUTIFUL WEATHER!

Legare Farm: Selectboard approved the contribution of \$15,000 from the Conservation Fund toward the Land Trust's purchase of a conservation easement, as the CC had recommended. Pete Johnson has agreed to provide a one-rod public access along both sides of the Kingsbury Branch. However, the Conservation Commission is concerned about new knowledge that was brought to the Selectboard's attention by Pam DeAndrea that the conservation easement allows farming to take place up to the edge of a section of the Kingsbury Branch with no buffer, after being assured that the Easement includes a Surface Water Protection Zone all along the section of the Kingsbury Branch on the property.

Next meeting: November 11, 2015 7pm

Meeting adjourned.