

**Minutes of
Planning Commission Public Hearing
To Adopt Calais Land Use and Development Regulations**

Tuesday, September 20, 2022, Calais Town Hall

Present: Planning Commission Members Melanie Kehne, John McCullough, Jan Ohlsson, Gary Root; Community Members Steve and Sarah Gallagher, Jamie Moorby, Steve and Marge Sweeney, Anne Winchester, Bill Davis, John Rosenblum; Lakes, Ponds and Streams Committee: Noreen Bryan, Larry Bush (also member of Conservation Commission), Colleen Bloom, Galen Whittaker, David Ellenbogen (phone); ORCA; Donna Fitch, notetaker.

The meeting was called to order at 7:07 pm by Jan Ohlsson, Planning Commission (PC) Chair. A hand-out, “Index of Proposed Calais Zoning Amendments,” was provided and is attached.

Explaining the process for approving zoning changes, Jan welcomed the public to the PC’s hearing for proposed amendments to Calais zoning regulations. This is a publicly warned meeting, per statute, to give the public the opportunity to ask questions and make comments. The proposed changes have been sent to Central VT Regional Planning Commission (CVRPC) and to surrounding towns. The next steps are for the PC to discuss the public input they have received and potentially rewrite portions of the document. The revision will be sent to CVRPC. The Selectboard will then hold a public hearing. If approved by the Selectboard, the changes go to the voters. Jan noted she has asked the Selectboard three times for a date to hold the Selectboard hearing, but a date has not been established; she doubted the vote on the proposed changes would be on the ballot at 2023 town meeting.

Jan reviewed the major changes, and the rationale for those changes, accompanied by a Power Point presentation created by John McCullough which included maps highlighting revisions to shoreland protection and the addition of a river corridor district. See the “Index of Proposed Calais Zoning Amendments” handout referenced above for specifics on these changes and the rationale for the changes. Included in the proposed revisions are:

- Replacing the current Shoreland regulation with a Shoreland Overlay District (SHROD) to protect water quality. This overlay district would now apply to 10-acre ponds. Only 20-acre ponds were affected previously.
- A rewrite of the Flood Hazard Overlay District with the addition of a River Corridor Overlay District which conforms to the latest Local Hazard Mitigation Plan approved by the Selectboard in 2022.
- Recommended changes to the Design Advisory Board in the Historic District to include a new form for applicants and all definitions relating to the District compiled in one chapter.

Jan pointed out that information sessions had been held in each village prior to this hearing. Feedback from residents resulted in adding Sodom Pond to the Village District in Adamant and

increasing the Village District in North Calais to include Memorial Hall. She noted that Rural Residential has a three-acre minimum, but the Village District has no minimum to encourage economic development. The PC must consider economic development while also protecting water quality.

Public Comments:

Marge Sweeney asked if existing structures on shoreland were grandfathered. Responding as Zoning Administrator, John McCullough said if a current structure is 100 feet from the water there can be no new development on the structure. If the structure is 250 feet from the water and an addition is proposed, with no increase in impervious surface, it was grandfathered but would go before the Development Review Board. However, some people want no development allowed.

Sarah Gallagher, whose property is in Current Use, questioned whether removing the exemption “extracting material for agriculture” could threaten Current Use standing. Gary Root explained it was removed as the result of extractions that took place on Route 14 which the landowner claimed were for agricultural purposes but the material was trucked off site. The properties were denuded, and the landowner never reseeded to avoid erosion. Forestry, agriculture and silva culture are exempt, but excavating is NOT exempt.

John McCullough pointed out that the State Shoreland Protection Act determines which agricultural practices are exempt and it would not allow forestry cutting within 150 feet of shore. A landowner would have to get a permit from the town and from the State. It is the State that manages the Shoreland Protection Act.

Bill Davis asked what mowing is allowed now on open land on a lake or river. Section 2.4 of the proposed Shoreland Overland District states a landowner can mow every two years, but cannot expand to buffer. If mowing does not take place within two years, mowing cannot be done in the future. John noted that the PC may make changes to this based on feedback from the public. Bill pointed out there are two different mowing allowances for land buffers and wetland buffers (two vs. five years). He suggested making them the same. Gary said PC was trying to address both lawns and fields.

Larry Bush, presenting for the Conservation Commission (CC), gave the PC “Comments on proposed Shoreland Zoning revisions,” a four-page document which is attached. He noted it will be posted on the CC section of the town web site. Briefly, the CC would like to continue with the current Shoreland District, would like PC to make it clear that both Calais zoning and State regulations apply and regulatory processes of both are maintained. “The Calais process and hearings are important to engage the public,” he said. There was discussion about inability to access some documents on the town web site as well as access to State environmental hearings at the State level. Melanie Kehne explained that State notices are on the Agency of Natural Resources web site under “Environmental Notices.”

There was discussion of properties where a public road separates the property from a pond. Larry pointed out the State has no regulations; Calais does. Melanie explained the PC is trying

to dovetail State and town. It was not the intention to have regulations where the town is overridden by the State.

In response to concerns about minimum lot sizes, Gary pointed out that the PC looked at each shoreland property lot by lot in places where the new shoreland regulations would cause changes. Nearly the only lot in town that will change and become less regulated is Memorial Hall, he said. (Including 10-acre ponds in the new shoreland overlay district increases the number of properties affected.)

The CC suggests changes to shoreland dimensional standards (see #7 of their document) and suggests phasing out mowing of lawns.

Steve Gallagher pointed out CC suggests 500 feet of road frontage in shoreland district. He would like to see it stay at the current 300 feet.

Bill Davis encouraged PC to make the zoning regulations as easy to read as possible. One should be able to figure it out for themselves," he said, "and then ask for help."

Larry Bush said he would like to see a discussion of slopes throughout town not just shoreland.

Steve Sweeney said he is concerned about the burden of a landowner having to go to both town and state for permitting. He encourages the use of mitigation when possible. He stated his appreciation for the hard work of PC.

Noreen Bryan, speaking for Lakes and Streams Committee emphasized the need to follow the science. It is important that landowners not create further impacts on nonforming lots. She approves the CC's suggestions.

John Rosenblum praised the PC for their work and said he was grateful for the Lakes and Streams Committee and the Conservation Committee. As a shoreland property owner, he said too much damage has already been done and we are already doing more damage with faulty septic and over development. "We are loving these ponds to death," he stated. He supports the CC suggestions.

The next meeting of the PC is October 4. The next public hearing will be the Selectboard hearing, which has not yet been scheduled.

The meeting adjourned at 8:40 pm.

Respectively submitted,

Donna Fitch