

Specific Comments on H526 (Shorelands Bill as passed by the House) by Richard Czaplinski (1/20/2014)

Page 7, 1443(a)(1)(A) - A permit required if "...construct more than 500 square feet and less than one acre of new impervious surface." To me this means no permit needed for anything done if less than 500 square feet and no permit if the impervious area is over one acre. I assume that this omission is covered by other legislation. I would be good to make sure it is so covered.

Also, what about cumulative work? A little this year under 500 square feet and some more next year?

Maybe this is somewhat covered under ( C ) "... provided that the aggregate amount of all expansion shall not exceed 20 percent of the protected shoreland area of the lot on which it is located." However, suppose a landowner who can afford it has a lot of a 100 acres. Does this mean that he/she can clear 20 acres without getting a permit? This should be checked.

1444(b)(1)(D) - Another question I have is about mitigation. From what I know about mitigation of natural resources, it does not work. Good example I am familiar with is the mitigation required for the taking of the ten-acre wetland for the Sugarbush snowmaking pond. It did not work. Maybe mitigation would work if the shoreland landowner needing mitigation was required to find a lakeshore owner on the same lake who had already done "damage" and agreements made for the damage to be repaired (i.e., revegetation, removal of impervious surface).

1444(b)(5) - "...areas of the State where mosquito populations create a public health hazard..." Does this section imply that where mosquitoes are involved, this legislation does not apply, i.e., a lakeshore owner can remove vegetation as needed (beyond permit requirements) and need only meet the referenced wetland rules?

1446(3)(B) - Private roads could be a problem. There is reference to a permit under title 1264 (... "a private road that does not require a permit under section 1264 of this title...") yet the title is not defined so I couldn't look up the source. Here again, we must be careful that there isn't a loophole so lots that really ought not be developed (because there really isn't a sound way to put in a road), are not developed.

In addition, there are many existing private roads that may need to be expanded as lakeshore homes are improved (increases in value) and owners want the cheaper insurance

that a road that passes emergency vehicles may gain. There ought to be some way to ensure that there is some oversight to do the best job we can for the lake without being onerous on all involved?