

STATE OF VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
APPLICATION FOR AUTHORIZATION TO CONSTRUCT OR ALTER A DAM
10 V.S.A. Chapter 43

1. Applicant Name: Town of Calais/Curtis Pond Assn Association Telephone: 802-456-8720
Address: Town: 3120 Pekin Brook Rd East Calais VT, 05650

2. Legal Entity For: Municipality/Vt. Non-profit Date Formed: August 15, 1781
Date Reg. In: VT
Place Formed: _____ Title: _____

3. Contact Name: Denise Wheeler : Selectboard member
Address: Same as Applicant Telephone: 802-456-8730

4. Land Ownership and Flowage Rights: Complete Schedule A

5. PROJECT DESCRIPTION

- a. Reconstruction/Alteration/Modification
- New Construction
- Removal/Breaching

b. Name of Dam: Curtis Pond Dam

c. Town: Calais

d. Watercourse: Curtis Pond | Pekin Brook

e. Drainage Area: 826 A

f. Type of Dam: Dry laid masonry wall

		<u>Existing</u>		<u>Proposed</u>	
g. Surface Area	@ NLL (El. 1217.8)	<u>75.8</u>	A	<u>75.8</u>	A
	@Top of Dam (El. 1219.3)	<u>79.0</u>	A	<u>79.0</u>	A
h. Storage	@ NLL (El. 1217.8)	<u>740.2</u>	AF	<u>740.2</u>	AF
	@Top of Dam (El. 1219.3)	<u>857.1</u>	AF	<u>857.1</u>	AF
i. Height (maximum)		<u>12</u>	FT	<u>12</u>	FT

j Will the existing normal water level be raised? No Lowered? How much?

k General description and purpose of project. The purpose of this project is to rehabilitate the dam to meet current VT dam safety standards. The most recent dam safety inspection indicates the overall condition of the dam is poor and the recommended course of action is repair.

l Method of construction: During construction, the level of the pond shall be maintained at a temporarily lowered level to accommodate public safety and construction. The temporary level is to be determined as part of the VT Wetlands Application process between the Town and VTDEC, but expected to be approx. 2 to 3-ft below the dam spillway crest level.

6. ENGINEER

a. Design:

Name: Jeffrey W. Tucker, P.E. VT PE License No. 5806
Address
: DuBois & King, Inc., 28 North Main Street, Randolph VT 05050
Telephone: 802-728-3376

b. Construction Monitoring:

Name: Jeffrey W. Tucker, P.E. VT PE License No. 5806
Address
: DuBois & King, Inc., 28 North Main Street, Randolph, VT 05060
Telephone: 802-728-3376

7. ESTIMATED CONSTRUCTION COST: \$580,000

8. ESTIMATED START DATE: June 1, 2023 COMPLETION DATE: Nov 1, 2023

9. FINANCIAL INFORMATION: Complete Schedule B

10

. RIGHT OF ENTRY: Complete Schedule C

11

. PUBLIC GOOD: Complete Schedule D

12

DOCUMENTS AND SCHEDULED ATTACHED

- X Schedules A, B, C, and D
- # Basis of Design Report
- # Plans and Specifications
- # Subsurface Exploration Information
- * Storage and Surface Area Data
- * Spillway Design Flood (SDF)
- # First Filling Plan
- # Structural/Stability Analysis
- X Location Map
- # Control of Water (COW) Plan
- * Hydrologic and Hydraulic Analysis
- * Breach Analysis and Flood Inundation Mapping
- # Operation and Maintenance (O&M) Manual
- # Emergency Action Plan (EAP)
- Other:

* The hydrologic and hydrologic information titled Dam Hazard Class Assessment Report, Carlton Reservoir Dam, Curtis Pond Dam, Kenny Pond Dam and Southern Vermont Orchard Dam Vermont Department of Environmental Conservation Washington County, Vermont; July 12, 2019 is used as the H&H basis of design for this project. This report is included by reference as it is on file at the Vermont Dam Safety Program.

Technical documents identified with # are to be submitted between September and October 2022, based on discussions with the VT Dam Safety Program officials.

13

APPLICATION FEE ENCLOSED: \$1,000.00

14 **SIGNATURE: I affirm that the information in this application and the attached schedules is true and accurate to the best of my knowledge.**

Signature of Applicant:

See attached signature page

Date

7/25/2022

Calais Selectboard and the Curtis Pond Association

Typed Name(s) and Title(s)

*Note: Please be aware that other VT Agency of Natural Resources (ANR) permits may be needed for your project, and it is your responsibility to secure any other required permits. To help assist in determining other VT ANR permits that might be needed, use VT ANR's Permit Navigator Tool by going to the VT Department of Environmental Conservation website (dec.vermont.gov). Please be aware that your project may require other local, state, or federal permits outside of VT ANR's jurisdiction which are not covered by the VT ANR Permit Navigator Tool. Failure to secure all necessary permits in advance of construction can result in significant impacts to your project's final scope and can take additional processing time. *

STATE OF VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Application for Authorization to Construct or Alter a Dam
10 V.S.A. Chapter 43

Schedule A
Land Ownership and Flowage Rights
See Attached Memorandum A

- 1 Name of Applicant Town of Calais/Curtis Pond Association
- 2 Do you own in fee all of the land upon which the dam and its appurtenances are
or will be located? Yes No
If answer is "No":
- a. Who owns the land?
- Name
- Address
- b. What legal interest, if any, do you have in the land?
- c. Have you been given permission by the landowner(s) to construct or alter
the dam? Yes No
If answer is "Yes", attach copies of easements, agreements, or other documents conveying this
permission, **and** an agreement with the landowner(s) stating who will be responsible for the operation,
maintenance and safety of the dam.
- 3 For a **new** dam. Do you own in fee all lands subject to flowage by the proposed dam with liquid level:
- a. at NLL? Yes No
- b. at Top of Dam? Yes No
If "No", provide the names and addresses **and** copies of flowage easements or letters of permission
from the affected landowners.
- 4 For an **existing** dam. Do you own in fee all lands subject to flowage by the existing dam with liquid level:
- a. at NLL? Yes No
- b. at Top of Dam? Yes No
- c. If the answer to either part of 4 (b) is "Yes", Do you own in fee all
additional acreage that will be subject to flowage? Yes No
If "No", provide names and addresses of affected landowners, **and** provide copies of flowage
easements or letters of permission from the affected landowners.
n/a, no additional acreage will be subject to flooding as a result of this project.

5. Are there any other persons who have flowage, mill, power, or other rights at this site? Yes No
If "Yes" provide names and addresses and the type of rights for any such persons.

Notes:

1. If the answer to any part of Questions 2 (c), 3(a) and (b), and 4 (c) is "No," the necessary permissions easements and/or flowage rights will have to be obtained from the affected landowners before this application can be processed.
2. NLL= Normal Liquid Level.
3. Top of dam = Liquid level at the top of the non-overflow part of the structure, i.e., at top of freeboard or zero freeboard.

STATE OF VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Application for Authorization to Construct or Alter a Dam
10 V.S.A. Chapter 43

Schedule B
Financial Information

Name of

1. Applicant: Town of Calais
Excluding the cost of the land, what is the total cost of the
2. project? **\$580,000**
3. How will this project be funded, what financing has been obtained, and what additional financing will be necessary?
Funds raised by the Curtis Pond Association, possible assessment district and funds of the Town of Calais

4. How will operation and maintenance of the completed project be funded?
Assessment district and annual town operating budget

STATE OF VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Application for Authorization to Construct or Alter a Dam
10 V.S.A. Chapter 43

Schedule C
Right of Entry

Permission is hereby given to employees of the Agency of Natural Resources to enter upon the lands owned or leased by the applicant for the purpose of investigating the project applied for under provisions of 10 V.S.A. §§1084, 1087 and 8005 for processing this application, and for inspections prior to, during and upon completion of any construction that may be authorized by 10 V.S.A. §1086 (b).

Signature of
Applicant:

See below

Date

7/25/2022

Town of Calais/Curtis Pond Association

Typed Name(s) and Title(s)

Town of Calais

By

Denise Wheeler
Its Duly Authorized Agent



Curtis Pond Association

By:

Colleen Bloom

Board Chair



Board Treasurer

STATE OF VERMONT
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Application for Authorization to Construct or Alter a Dam
10 V.S.A. Chapter 43

Schedule D
Public Good

1 Name of

. Applicant: **Town of Calais, VT/Curtis Pond Association**

2 Address and answer, to the extent possible, the following questions as it relates to each of the factors in
. 10 V.S.A. §1086(a). Complete responses on form below or use separate sheets and attach to this form.

What effect will the proposed project have on:

- (1) the quantity, kind and extent of cultivated agricultural land that may be rendered unfit for use by the project, including both the immediate and long-range agricultural land use impacts;
- (2) scenic and recreational values;
- (3) fish and wildlife;
- (4) forests and forest programs;
- (5) the existing uses of the waters by the public for boating, fishing, swimming, and other recreational uses;
- (6) the creation of any hazard to navigation, fishing, swimming or other public uses;
- (7) the need for cutting clean and removal of all timber or tree growth from all or part of the flowage area;
- (8) the creation of any public benefits;
- (9) attainment of the Vermont water quality standards;
- (10) any applicable state, regional or municipal plans;
- (11) municipal grand lists and revenues;
- (12) public safety; and
- (13) in the case of proposed removal of a dam that formerly related to or was incident to the generation of electric energy, but which was not subject to a memorandum of understanding dated prior to January 1, 2006 relating to its removal, the potential for and value of future power production.

This information is needed before the department can act on the application and will be considered in the department's determination of public good under 10 V.S.A. § 1086(a) where these factors, among other things, must be considered.

Schedule D Cont.

Responses:	
(1)	There is no active farming adjacent to the project work area. No cultivated agricultural lands are expected to be rendered unfit for use, including both the immediate and long-range agricultural land use impacts. There will be no change in water level and no new lands being flowed.
(2)	The project may include cutting and removing a minimal number of trees and shrubs on and within 15-ft of the dam footprint, but is not expected to adversely impact the scenic nature in the project area. A new concrete cut-off wall will be visible, however the general scenic corridor as viewed from the project area from other vantage points will not be significantly impacted. No adverse impacts to existing scenic values will occur. Current recreational values of Curtis Pond will not be affected.
(3)	The pond water level will not change, nor will the operation of the dam. No impacts to fish or wildlife will occur as a result of this project.
(4)	A minimal number of trees and shrubs located directly around the dam embankment may be removed per dam safety requirements. The project does not include the mass cutting of forests or other construction activities within a forest. Therefore, the project will not have any impact on the forests or forest programs.
(5)	Rehabilitation of the dam will not change the water level or flow that occurs with the existing dam. If the dam fails, the State will lose the State fishing access and the Town will lose the Town swimming area.
(6)	Rehabilitation of this dam will not negatively affect, or create any hazard to, the public use of Curtis Pond for boating, fishing, swimming, or other recreational uses.
(7)	The planned rehabilitation calls for a replacement of the current spillway with a similar configuration. In addition, the new low-level outlet will be slip-lined into the existing low level conduit. A new sluice gate will be affixed to the new cut-off wall. A new trash rack will be provided for the principal spillway and low-level outlet. None of these proposed rehabilitation measures will result in the creation of a hazard to navigation, fishing and swimming.
(8)	The project will stabilize the dam, insuring that the pond will remain as a major recreational benefit to the region. This rehabilitation project increases public safety by reducing the potential for a dam failure and associated damages to downstream properties. The project also provides for a stable and dependable water level in the pond
(9)	The waters of Curtis Pond discharge to a tributary of Pekin Brook.
(10)	The project is consistent with the Town Plan which recognizes the recreational and habitat value of the Pond.
(11)	If the dam fails the Town will lose over \$20 million in assessed value in its grand list.

(12)	The plans and specifications for the project described herein meet current VT dam safety standards and by extension, provides for public safety.
(13)	N/A

Memorandum A

Attachment to a Permit Application for Authorization to Alter the Curtis Pond Dam

There are two possible fee owners of the land under the Curtis Pond Dam and the Dam itself, Beverly and Don Heise and Candace Beardsley and Jeff Fothergill. The Heise family are members of the Curtis Pond Association. The Association has been in continuous contact with the Fothergill/Beardsley family. Neither family desires to own the dam or the land under it. The Fothergill family has in fact attempted to disclaim ownership.

Both families have indicated that they will execute irrevocable offers of dedication of the dam, convey the underlying property to the Town and enter into a contract with the Town granting the Town and the Curtis Pond Association permission to enter, establish lay-down areas, and reconstruct the dam, as well as a unilateral right in the Town to accept the dedication upon completion of the dam renovation. We are in the process of drafting legal documents, including the irrevocable offers of dedication, quit claim deeds and other documents (whether in the form of easements or licenses) establishing legal rights of access.

We do not own the lands subject to the flowage by the existing dam. The renovation will not alter the flowage or subject additional acreage to flowage or flooding.