



# State of Vermont

Department of Fish and Wildlife  
Department of Forests, Parks and Recreation  
Department of Environmental Conservation  
State Geologist  
RELAY SERVICE FOR THE HEARING IMPAIRED  
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AGENCY OF NATURAL RESOURCES  
Department of Environmental Conservation

Dam Safety Section  
103 South Main Street  
Waterbury, VT  
05671-0407  
tel: (802) 241-3454  
fax: (802) 241-3273

May 25, 2003

Candace Beardsley and John E. Fothergill  
Box 19  
Calais, VT 05648

Re: Curtis Pond Dam, Calais

Dear Ms. Beardsley and Mr. Fothergill,

The Vermont Agency of Natural Resources has just completed an exhaustive study of the ownership of Curtis Pond Dam in Calais. I understood that Tom Pelham was going to deliver to you a copy of the chart summarizing the study and explaining the result.

The study shows that you are the owner of dam and the rights to have a mill at this site and flow water over lands upstream and down. Donald E. and Beverly A. Heise are the owners of the lands underneath.

I enclose for your information a package of information on dams in Vermont.

If you have any questions on this, please give me a call.

Sincerely,

Robert B. Finucane, P. E.  
Dam Safety Engineer

cc: Larry R. Fitch, P.E., Director, Facilities Engineering Division.

To: Curtis Pond File

From: Robert B. Finucane, P.E., Dam Safety Engineer *RB*

Date: March 24, 2003

Subject: Public Meeting in Calais to discuss Curtis Pond Dam, March 22, 2003

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Representative Tom Pelham asked me to give a progress report on Curtis Pond to the neighbors and townspeople at the Maple Corners Community Center at 2:00 PM on March 22, 2003. Pelham and about 30 citizens attended. A sign-up sheet was not prepared.

On Friday, March 21, State Lands Surveyor Mike Raboin gave me a chart showing the results of his analysis of who owns the dam. This chart is an outstanding piece of work and traces the ownership of the dam and the lands underneath it back to the original incorporation of the town in the 1780s.

In the meeting, I reported that:

- 1) The Legislature had appropriated about \$30,000 to work on the dam and that I had spent an unknown amount on the studies to determine who owned the dam. I estimated that about \$25,000 remained. I pointed out that it would not have been possible to work on the dam without determining who the owner was.
- 2) An effort had been made to include funds for the project in the Federal Water Resources Development Act of 2002. This effort was not successful.
- 3) The studies as to who owned the dam had been successful and identified that the dam, and mill and water rights belonged to Fothergill and Beardsley and the land underlying belonged to Heise. I pointed out that the good news was that now we knew who to ask for permission to work on the dam. And the bad news was that with an owner identified, all possibility of the State taking ownership or leadership in the reconstruction of the dam had ended. I discussed the permit requirements and unsafe dam provisions of 10 V.S.A. Chapter 43, with emphasis on the possibility that the dam might be removed if un-maintained or in an emergency.
- 4) We discussed alternatives for the Curtis Pond residents to get the dam repaired. I stated that the dam was a significant hazard dam, that if it failed there would be serious damage downstream. I also



stated that it was in bad condition but not now at excess risk of a catastrophic failure. I stated that the Dam Safety Section would continue monthly and post-flood event monitoring of the situation.

5) I had not had time to review the determination of ownership and notify Heise, Fothergill and Beardsley in advance of the meeting. Fothergill and Beardsley did not attend the meeting. Tom Pelham stated that he would take a copy of Raboin's report and share it with them.

6) I stated that I had the \$25,000 and that it could be granted to the town, reimbursed to a person, or used by the State to hire a consultant to begin the design process. I asked for the sense of the meeting on this issue. It was unanimous that the local people be allowed to organize and make decisions on the long-term for the dam before a decision regarding employment of the money was made.

CALAIS TOWN CLERK'S OFFICE

Rec'd for record May 1 20 03 AD

at 11 o'clock 45 minutes A M

Recorded in Book 36 Page 321-4

Attest: Gwen M. Thomas Town Clerk