

## CALAIS DEVELOPMENT REVIEW BOARD

Re: Peter Backman and Annie Christopher  
Notice of Violation Application #2012-38  
Shoreland District

**Introduction**

It was reported to the Calais Zoning Administrator that construction had occurred on a lot located on Nelson Pond in Calais owned by Peter Backman and Annie Christopher describing cutting and removal of vegetation within 50 feet of the shoreline. Upon an inspection it was noted that a 10 inch culvert had been installed under the private access road known as Rathburn Road and had created a stream draining along the boundary line between the Backman/Christopher property and that of the Bigras lot towards the pond. A 4" pipe had been installed at the end of the ditch directing the water to flow along the shoreline.

On August 2, 2012 a Notice of Violation was sent to the landowners of record by the Calais Zoning Administrator. In response Peter Backman and Annie Christopher filed a Town of Calais Zoning Permit Application dated 8/7/12 to correct the matter and the application was set for a hearing before the Development Review Board (DRB) on August 30, 2012.

A site visit was held by the DRB on Sunday September 2, 2012. At the site the DRB was shown several areas where a selected amount of tree brush was removed within the 50' of the shoreline. And, Raymond Foster a landowner had been working on the private road and ditches; installed a 10 inch culvert under the access road and directed the runoff water into a small existing gully located between the Backman/Christopher and Bigras lots, without their knowledge or permission.

This small section of the shoreland lot is also the pond access of five other back lots in the area where a circular drive was created in past years to park. There are no structures on the site.

At the site visit the DRB closed the hearing on this application.

**Findings**

**The DRB finds that the landowners did work on this lot without the required permit. The DRB upholds the Notice of Violation issued by Rolf Mueller Zoning Administrator for the Town of Calais.**

**Decision:**

Based upon the evidence presented at the hearing and visual evidence at the site the DRB makes the following decisions:

1. The DRB and the landowners agreed that they neglected to submit a permit for work on their property as required by the Calais Zoning Regulations.
2. The limited brush removal and a few trees which were cut did not widen the pathway to the shoreline but rather were cleared for safety access to the water.
3. The Town of Calais does not have any control over private access roadways allowing said owners accessing any property they own but appreciates the cooperation in and around the ponds in the Shoreland District to prevent erosion into the water. The installation of the drain culvert

pipe was not done by the present landowners or the back landowners who have a Right of Way over the small lot to the water. Backman and Christopher agreed to install stones both large and small creating a diversion of the water flow from the drain pipe and to install a 4 inch slotted cover on the 4" pipe near the shore to prevent debris and stone from plugging the pipe. The landowners agreed to maintain this area in the future and the stoned ditch along the roadway from which comes the water.

The DRB is satisfied that while there was a violation, no further action needs to be taken as Backman and Christopher are willing to do what is necessary to cure the violation.

Members of the Development Review Board

10/14/12  
Dated

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Dated

10/15/12  
Dated

10/14/12  
Dated

10/16/12  
Dated

10/14/12  
Dated

10/16/12  
Dated

Margaret L Bowen  
Margaret L Bowen, Chair

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Stephen Reynes, Asst. Chair

Ruth K. Porter  
Ruth K. Porter, Member

Steve Duke  
Steve Duke, Member

Barbara Weedon  
Barbara Weedon

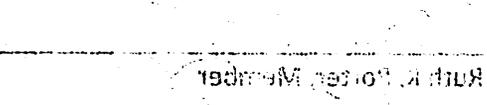
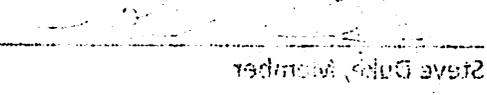
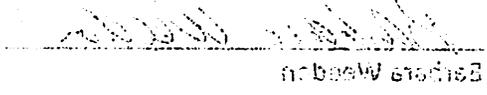
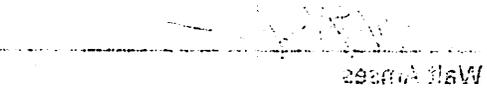
Walt Amses  
Walt Amses

Nedene Martin  
Nedene Martin

pipe was not done by the present landowners or the back landowners who have a right of way over the small lot to the water. Backman and Christopher agreed to install steel pipe large and small creating a diversion of the water flow from the drain pipe and to install a metal slotted cover on the "A" pipe near the shore to prevent debris and stones from plugging the pipe. The landowners agreed to maintain the area of the future and the steel pipe along the roadway from which comes the water.

The DPA is satisfied that while there was a violation, no further action needs to be taken as Backman and Christopher are willing to do what is necessary to cure the violation.

Members of the Development Review Board

 Margaret L. Bowen, Chair	10/14/12 Date
Sharon Reves, Asst. Chair	Date
 Ruth K. Porter, Member	Date
 Steve Duff, Member	Date
 Barbara Woodson	12/14/12 Date
 Walt Amess	Date
 Madeline Martin	Date