

## **Calais Planning Commission Report on the Proposed Amendments to the Land Use and Development Regulations for the Town of Calais, October 4, 2016**

The Calais Planning Commission is submitting this report in accordance with 24 V.S.A. 4441 which states: “... *the report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title.*”

1. Clarification of the Zoning Administrator as the starting point for development applications.
2. Clarification of “curb cut” vs “driveway”; clarification of Driveway Standards
3. Allow School Bus Shelters within the Town right-of-way with a Selectboard permit
4. Design Review (Historic) District: adding a description which defines the boundaries of the Historic District; Simplify permitting for some applications in the Design Review District
5. Remove restrictions on Historic Barn re-use
6. Added or updated reference to State Regulations in Shoreland Protection, Agricultural Practices, and Flood Hazard Area mapping,

For the full text of the proposed Bylaws including the changes, see [www.Calaisvt.info](http://www.Calaisvt.info)

A public hearing will be held by the Calais Planning Commission at the Calais Town Office Tuesday November 15 at 7:00 to answer questions and accept comments.

## Section 1.4 Permits and Approvals

Any application for a zoning permit or approval begins with the Zoning Administrator [ZA] who will guide the applicant through the Town's application process and can provide advice about other required applications. Applicants should contact the ANR permit specialist to assure compliance with state permitting requirements.

7) Access to a right-of-way requires a permit issued by the Selectboard for all Town roads. Curb cut permits accessing VT Route 14 are issued by the Vermont Agency of Transportation. (See also article 3.2.)

Possession of a curb cut permit does not pre-suppose or guarantee any other permit or private easement that may be required; see the Zoning Administrator before initiating the permitting process.

~~Access and Right of Way Permit (Curb Cut) by the Calais Selectboard or Vermont Agency of Transportation, issued under Article 3.2(B)~~

### 1.5 Exemptions

A. No zoning permit shall be required for the following activities although these exemptions may not apply in the Calais Flood Hazard Overlay District and conditional use approval may be required for structures in the Flood Hazard Area Overlay District:

~~8) Up to two accessory structures per property, providing that each structure does not exceed 100 square feet in total floor area or 12 feet in height, and meets all setback requirements for the district in which it is located.~~

~~12) Accepted Agricultural and Best Management Practices (AAPs, BMPs), including farm structures, as defined by the Secretary of Agriculture, Food and Markets; however written notification, including a conceptual plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters shall be made to the Zoning Administrator prior to any construction as required under the AAPs. Farm structures shall meet all setback requirements under these regulations, unless the secretary specifically approves alternate setback distances for the project.~~

11) Required Agricultural Practices (RAPs, formerly Accepted Agricultural Practices or AAPs), as defined by the Secretary of Agriculture, Food and Markets, and accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that comply with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (AMPs) as adopted by the Commissioner of Forests, Parks, and Recreation.

16) A school bus shelter no larger than 100 sq. ft. shall be exempt from standard setbacks with a ROW permit from the SelectBoard. If located in the Kents Corner Old West Church Overlay District it shall also require an approval in writing or e-mail from the Development Advisory Board. Any such shelter shall be removed when site is no longer a designated school bus stop.

B. The following activities are exempt from Permit Applications, but they require a Project Review Worksheet to record their location and purpose, and to demonstrate compliance with applicable standards of the district in which they are located. These exemptions may not apply in the Calais Flood Hazard Overlay District.

1. Up to two accessory structures per property, providing that each structure does not exceed 100 square feet in total floor area or 12 feet in height.

2. Farm structures that meet all setback requirements under these regulations, unless the Secretary of Agriculture, Food and Markets specifically approves alternate setback requirements .

3. driveways not associated with new buildings or a change in driveway location

**Table 1.1 Uses Which May Be Subject to State Agency Permits**

Use Type or Area	State Agency or Department
Development within <a href="#">250 feet of the mean water level of Adamant Pond, Bliss Pond, Curtis Pond, Nelson Pond (Forest Lake), Little Mud Pond, Number Ten Pond (Mirror Lake), North Montpelier Pond, Sabin Pond, Sodom Pond, or Watson Pond.</a>	Vermont State Shoreland Protection Act

**Table 1.2 Municipal Permits & Approvals**

Permit/Approval	Required for	Issued by	See
<b>Zoning Regulations</b>			
Curb Cut	Any access onto public highway	ZA to guide; Selectboard to approve	Section 3.2C
CHANGE in location or change of use of an existing curb cut	Change access onto public highway	ZA to guide; Selectboard to approve	Section 3.2C
Driveway not associated with new dwelling or subdivision	Access to private land	ZA*	Section 3.3
Change in location of existing driveway	Changing any placement of a driveway	ZA*	Section 3.3

**Table 2.1 Village District (VIL)**

(E) **Dimensional Standards** (unless otherwise specified by use type)

[See also section 3.2 Access to Non Frontage Lots, Curb Cuts, & Driveway Standards:](#)

[Driveways are Permitted in setbacks but shall be at least 5 feet from a side or rear property line Driveway slopes greater than 15% are subject to conditional use review by DRB.](#)

**Table 2.2 Rural Residential District (RR1)**

(E) **Dimensional Standards** (unless otherwise specified by use type)

[See also section 3.2 Access to Non Frontage Lots, Curb Cuts, & Driveway Standards:](#)

Minimum Setback/Front (from CL): 40 ft.

Except that along the right of way of State Highway

Route 14 northerly & southerly of the East Calais Village District, and State Aid Highway #1 ([AKA County Road](#)) southerly of the Maple Corner Village District ~~and Town Highway #5 northerly of the Maple Corner Village District to the intersection of Town Highway #5 with Town Highway #9~~ the minimum setback shall be 65 feet from the centerline ~~of said roads.~~

Minimum Setback/Side, Rear 25 ft.

Maximum Lot Coverage: 20%

[Driveways are Permitted in setbacks but shall be at least 10 feet from a side or rear property line.](#)

[Driveway slopes greater than 15% are subject to conditional use review by DRB.](#)

**Table 2.3 Resource Recreation District (RR2)**

(E) Dimensional Standards (unless otherwise specified by use type)

See also section 3.2 Access to Non Frontage Lots, Curb Cuts, & Driveway Standards:

Driveways are Permitted in setbacks but shall be at least 10 feet from a side or rear property line.

Driveway slopes greater than 15% are subject to conditional use review by DRB.

**Table 2.4 Shoreland District (SHR)**

(B) Permitted Uses (require ZA Permit)

~~Agriculture [see Section 1.5]~~

~~Forestry [see Section 1.5]~~

(D) Conditional Uses (require DRB Approval)

Agriculture [see Section 1.5]

Forestry [see Section 1.5]

(D) Additional Permitting Requirements: The Vermont State Shoreland Protection Act

Applications for development in the Shoreland District shall be required to demonstrate conformance with the requirements of the Calais Land Use and Development Regulations and the Vermont Shoreland Protection Act (Vermont law, Chapter 49A of Title 10, §1441 et seq.). The specific requirements of the Vermont Shoreland Protection Act can be found at the Watershed Management Division of the Vermont Department of Environmental Conservation (DEC), online at the DEC website, or paper copies are available at the Calais Town Office.

(F) Dimensional Standards (unless otherwise specified by use type)

See also section 3.2 Access to Non Frontage Lots, Curb Cuts, & Driveway Standards:

Minimum Set Back/Front

(from town road centerline) 40 ft.

(from property line fronting private road) 25ft

**Driveway Standards:**

Driveways are Permitted in setbacks but shall be at least 10 feet from a side or rear property line

Driveway slopes greater than 15% are subject to conditional use review by DRB.

See also Section 3.8 (B) Noncomplying Structures

**Table 2.5 Upland Overlay District (UPL)**

(D) Dimensional Standards (unless otherwise specified by use type)

See also section 3.2 Access to Non Frontage Lots, Curb Cuts, & Driveway Standards:

Driveways are Permitted in setbacks but shall be at least 10 feet from a side or rear property line.

Driveway slopes greater than 15% are subject to conditional use review by DRB.

3. Forestry uses shall follow all Acceptable Management Practices. ~~as defined by the Vermont Department of Forests, Parks and Recreation. A forestry management plan may be required.~~

## Table 2.6 Kents Corner-Old West Church Design Control Overlay District (KCO)

Description: Beginning at a point in the center line of Town Highway #46, 1,000 feet easterly of the intersection of Town Highway #46 and Town Highway #45, thence proceeding northerly along a line 1,000 feet easterly of the center line of Town Highway #45 to a point 500 feet southerly of State Aid Highway #1, thence easterly along a line 500 feet southerly of the center line of State Aid Highway #1 to the center line of State Aid Highway #3, thence northerly along the center line of State Aid Highway #3 for a distance of 1,000 feet, thence westerly along a line 500 feet northerly of the center line of State Aid Highway #1 to a point 500 feet easterly of the center line of Town Highway #25, thence northerly along a line 500 feet to the easterly of the center line of Town Highway #25 to a point northeast of the easterly corner of the Maple Corner Village District, from thence north westerly to said corner of the Maple Corner Village District, and thence along the easterly boundary of the Maple Corner Village District to a point 500 feet southerly of the center line of State Aid Highway #1, from thence easterly along a line 500 feet southerly of the center line of State Aid Highway #1 to a point 1,000 feet westerly of the center line of Town Highway #45, thence southerly along a line 1,000 feet westerly of the center line of Town Highway #45 until the intersection of that line and Town Highway #46.

(A) **Purpose.** This district, ~~defined by the official Calais Zoning District Map,~~ is...

## Table 2.7 Flood Hazard Area Overlay District (FHO)

### (G) Precedence of FHO District

This district follows the boundaries of the current FIMA Flood Hazard map which will change along with changes in the streambed, upstream conditions, mapping algorithms, and other factors. It is the responsibility of the landowner to keep current with changes in the map which direct changes in these regulations.

## Section 3.2 Access for Nonfrontage lots, Curb Cuts, & Driveway Standards

(B) Curb Cut and Driveway Approval<sup>1</sup>(see also section 1.4B(7))

The Zoning Administrator [ZA] should be the first point of contact for all planning and sighting of driveways. It is strongly recommended that applicants consult with the ZA for guidance through the process of curb cut and driveway placement and approvals.

Curbscut is defined as a means of access for either entering or exiting any State or Town Highways system [Class 1 through 4 roads]. A curbscut is NOT a driveway.

Driveway is a portion of a lot that is a type of private road used as a means of travel through any part of a parcel of land which connects with any public highway access [curb cut]. It may connect to multiple buildings or parcels.

1) Approval for a curb cut onto public roads is subject to the approval of the Calais Selectboard under the Calais Curb Cut Ordinance<sup>2</sup>, and for state highways, the Vermont Agency of Transportation<sup>3</sup>. ~~As a condition of curb cut approval, compliance with all local regulations and ordinances pertaining to roads and land use is required~~

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<sup>2</sup> [http://www.calaisvermont.gov/index.asp?SEC=A2D6B320-61B2-419B-B6DB-9C08559333CB&Type=B\\_BASIC](http://www.calaisvermont.gov/index.asp?SEC=A2D6B320-61B2-419B-B6DB-9C08559333CB&Type=B_BASIC)

<sup>3</sup> [http://vtransengineering.vermont.gov/sites/aot\\_program\\_development/files/documents/publications/WhereWillMyDrivewayGo.pdf](http://vtransengineering.vermont.gov/sites/aot_program_development/files/documents/publications/WhereWillMyDrivewayGo.pdf)

**(D) Driveway Standards.** All new or changed driveways must be at least 10.5 feet wide to support an emergency vehicle. In addition, all driveways must meet all setback and other Zoning District Standards in the zoning district in which it is built. Driveways shall be permitted in setback areas for each district EXCEPT they must be at least 10 feet from a side or rear property line, except for Village District where the driveway must be at least 5 ft. from a side or rear property line. Shared driveways shall be exempt from this regulation. Driveways on slopes in excess of 15% (see Section 3.13(A) ) shall be subject to conditional use review by the DRB under Section 5.3. Driveways must meet all of the Town of Calais specifications or standards for culverts, grading, ditching, and must be able to handle storm water drainage in such a way that water will not pool or run on the public highways. Driveways must conform to impervious surface standards if in Shoreland district. entering onto public roads must meet Selectboard specifications for culverts, grading, ditching, and design. In addition, driveways shall be logically sited in relation to existing topography.

#### **Section 4.7—Historic Barn Reuse**

~~(A) Purpose. To encourage the viability, restoration, rehabilitation and continued use of historic barns, which are no longer used for agriculture, by allowing for alternate uses.~~

~~(B) Applicability. The use of an historic barn for nonagricultural purposes may be considered a conditional use subject to review by the DRB under Section 5.3 and the provisions of this Section where such use is not expressly allowed as a permitted use in these regulations. Historic barns, for the purposes of these regulations, shall include all barns which:~~

- ~~1) are at least 50 years old and have been a farm structure, or~~
- ~~2) are listed or eligible for listing on the state register of historic sites and structures, or~~
- ~~3) have been determined to be of historic significance to the town by the Calais Selectboard, with input from the Calais Historic Preservation Commission.~~

~~(C) Allowed Uses. The following uses may be allowed, subject to conditional use review under Section 5.3:~~

~~1) Conditional uses allowed in the district in which the barn is located.~~

~~2) The following additional uses:~~

- ~~a. Agribusiness (including the sale of agricultural products)~~
- ~~b. Art or Craft Shop, Studio or Gallery~~
- ~~c. Antique Shop~~
- ~~d. Cultural Facility~~
- ~~e. Day Care Facility~~
- ~~f. Garden Center~~
- ~~g. Office~~
- ~~h. Restaurant~~
- ~~i. Private Club~~
- ~~j. Storage Facility~~

~~3) Conversion to a single family, two family dwelling, or a multi family dwelling with no more than four units, in districts in which residential uses are permitted.~~

~~4) Special events, not to exceed four consecutive weeks in duration, or 12 weeks within any 12 month period.~~

~~5) A combination of the above listed uses.~~

~~(D) Special Requirements. The restoration, rehabilitation and reuse of historic barns shall also meet the following requirements:~~

~~1) If the barn is a noncomplying structure, the use shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 3.8.~~

~~2) The proposed use shall not significantly alter the footprint, historic facade, character or immediate context (e.g., barn yard) of the barn, and shall be in keeping with the essential character of the neighborhood. In reviewing proposals for the reuse of an historic barn, the DRB shall determine that the historic character of the barn will be retained to the extent practical.~~

~~(E) A zoning permit for the reuse of an historic barn shall clearly state that the use is allowed only within the existing structure, and shall not be re-established if the structure is substantially modified, destroyed or demolished, except in accordance with the requirements of these regulations for damaged structures (see section 3.4). Prior to the re-establishment of such use in a substantially modified or new structure, all applicable municipal permits and approvals shall be required.~~

### **Section 5.3 Conditional Use Review, [required standards](#)**

#### **Section 5.5 Design Review**

(C) Design Review Process. The Zoning Administrator shall forward all applications for design review to the Development Review Board (DRB), and provide a copy of the application and related materials to the Chairperson of the Design Advisory Board (DAB).

**NOTE:** In order to complete this application in a speedy manner, applicants should meet informally with the Design Advisory Board (DAB) in advance of applying for a permit to help prepare the application.

[For Proposals that would not otherwise require a permit in the underlying district, the Zoning Administrator may forward the Application for Design Control Review—Kents Corner Historic District, Calais, VT to the Chair of the Calais Planning Commission \(PC\) and the Chair of the Design Advisory Board \(DAB\). If the Chairs of both the PC and the DAB reply with acceptance by those bodies, the Zoning Administrator may approve the Application. -Without PC and DRB acceptance or at the request of the applicant, the application will proceed to the Design Review Process as described in 5.5 C\(2\).](#)

#### **Section 9.2 Definitions**

[Access Path:](#) A narrow path for pedestrians. See also Table 2.4 G(2)

[Boat House:](#) A building at or near the high water mark used only for storage of boats.

[Cleared Area:](#) That portion of a parcel not having **Natural Ground Cover**. Examples include lawns and mowed areas, imported organic or stone mulches, or other artificial materials.

[Curb Cut:](#) A means of access for either entering or exiting any State or Town Highways system [Class 1 through 4 roads]. A curb cut is NOT a driveway.

[Driveway:](#) A portion of a lot that is a type of private road used as a means of travel through any part of a parcel of land which connects with any public highway access [cub cut]. It may connect to multiple buildings or parcels. ~~A minor, private travel way, serving up to three adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.~~

**Farming:**

- (A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- (B) the raising, feeding, or management of livestock, poultry, fish, or bees; or
- (C) the operation of greenhouses; or
- (D) the production of maple syrup; or
- (E) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- (F) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
- (G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

**Impervious Surface:** constructed surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates..~~Any roof surface attached to a permanent structure, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.~~

**Kennel:** The boarding, breeding, raising, grooming, or training of ~~four~~ five or more dogs, cats, or other household pets of any age for a commercial use and/or which are not owned by the owner or occupant of the premises. See also Home Industry, Veterinary Clinic.

**Mean Water Level:** The normal summer water level, measured in feet above sea level.

**Mitigation:** An action required of a property owner to compensate for increased Impervious Surface area or other impact. Examples include, but are not limited to, runoff capture, infiltration features, rain barrels, more shoreland vegetation, or other similar approaches.

**Natural Ground Cover:** Any herbaceous plant, woody seedling or shrub less than three feet in height. Natural Ground Cover shall also include naturally occurring soils, leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural Ground Cover shall not include lawns, landscaped areas, gardens, invasive species, exotic species, imported organic or stone mulches, or other artificial materials.

**Right of Way:** An easement granted or reserved over the land for transportation purposes.

**Shoreland Protection Act:** (Vermont law, Chapter 49A of Title 10, §1441 et seq.), as of the time of the adoption of these regulations, establishes vegetative buffer management requirements and impervious surface standards in the Shoreland Districts