

Town of Calais
Calais Development Review Board

Re: Application 2018-18
Owner: Town of Calais
Town Hall on 1662 Kent Hill Road

DECISION

Introduction:

On June 27, 2018 the Town of Calais applied for a permit to move, slightly enlarge and renovate the Calais Town Hall. John McCullough of Artichoke Design presented the application and a complete set of design plans to the members of the Calais development Review Board (DRB). An application for Design Control Review, Request for Conditional Use, and Request for Conditional Use in Flood Hazard Overlay District was attached to the permit application.

John also presented a letter dated June 16, 2018 from the Calais Design Advisory Board (DAB members David Schutz, Ernie Parrish and Kurt Janson). With two recommendations the DAB found the proposal acceptable.

The DRB held a hearing on July 19, 2018 at the Town Clerk's Office. Present were members of the DRB Margaret L. Bowen, Barbara S. Weedon, Ruth K. Porter and Alternates Janice Ohlsson and Anne Winchester. Others attending were Denise Wheeler, representing the Town of Calais, project manager John McCullough, Jeremy Ingpen landowner, Scott Bassage, Donna Fitch, Gary Root and Assistant Zoning Administrator Dot Naylor. Because John McCullough is the project designer and manager of the Town Hall Project he recused himself as Zoning Administrator and Dot Naylor, Assistant Zoning Administrator took over.

A continued hearing was held on July 24, 2018 at the Town Clerk's Office. Present were the same DRB members and alternates. The others present were Denise Wheeler, representing the Town of Calais, David Schutz representing the DAB, John McCullough project manager, Dot Naylor Assistant Zoning Administrator, Gary Root and Scott Bassage.

At that time, the town submitted an amended application which narrowed the scope of the project in the hope that the DRB could expedite the process. The amended application requests approval only for removal of the old addition at the rear of the building, moving the existing building 4 feet to the south and 3 feet to the west to sit on a new foundation and sited so as to be two feet higher off the ground to minimize impact of any flood as the building is near but not in the flood hazard zone, building a new addition on the rear of the structure which will be 237 square feet larger than the old addition, and exterior changes to the building. This application does not request a permit for increased use of the building. The project manager assured the DRB that an application for increased use of the building would be

presented at a later date and at that time the town would submit information regarding other issues such as septic capability and adequacy of parking.

At the end of presentation, discussion and review the DRB officially closed the hearing on the applications.

Scope of Review

Because it does not meet set-back requirements for the rural residential district in which the building is located, the town hall building is a non-complying structure. Under Calais land use regulations section 3.8 (B)(4), non-complying structures which are moved or enlarged, are subject to conditional use review under section 5.3. and therefore we will review it under that section.

According to current FEMA maps, the building is not in a flood hazard area and will not be in the flood hazard area after the move. Therefore, we will not review the project under section 5.4

The building is clearly in the Kents Corner-Old West Church Design Control District and we will review it under section 5.5.

Next, we address the question of whether we are obligated to ensure that the septic system is or will be adequate to protect the environment and the health of the public. Calais zoning regulations, subdivision 1.6(B)(1) states, "No zoning permit shall be issued for any use or structure which requires approval of the DRB and/or Department of Environmental Conservation of the Agency of Natural Resources, until such approval has been obtained." The applicant argues that since, under the amended application, there is no change of use the current septic system is adequate and does not require a permit. Therefore, the applicant has not submitted such a permit. However, during the hearing on July 19, prior to amendment of the permit application and when we were reviewing the application for change of use, the applicant stated that the current septic system is inadequate for current use and had already been disconnected from the building. Further, we cannot completely ignore the fact that the building will have two new bathrooms, and that the vision is to eventually use the building for events that, according to testimony of the project manager, could involve over 200 people.

DRB members are not qualified to determine if a septic system has failed or is inadequate. That is why Calais Land Use Regulations require review by state engineers if there is a change in use or if a system may have failed. If the Town Hall septic system was inadequate for historical uses, as the project manager stated, we are concerned that there may have been leakage or sewage into nearby waterways and find that we cannot determine if the health of the public is adequately protected.

We also find that the Calais Town Hall has been an important public facility since 1866 and that Calais citizens have repeatedly demonstrated their willingness to tax

themselves and to volunteer their time to ensure that it continues to be a beautiful and useful community building. We have no doubt that we will find a way to ensure that the building is eventually constructed in a way that will be an asset to the town. The question before us and that we will address below is whether we can grant this specific permit without assurance that the health and safety of the public is adequately protected.

Findings of Fact

Under subsection 5.3(D), conditional use review, we find:

1. No adverse impact to community facilities and services in relation to the existing and planned capacity to a Calais adopted capital budget and program. The town has authorized the selectboard to borrow \$200,000 for the project and therefore the project has no effect on any capital budget. Since we are not reviewing the application for change in use at this time, we find that there will not be any increased need for fire, police or other community services.
2. The development will improve the aesthetics of the town hall which is one of the centerpieces of the Calais historic district and is in keeping with the character of the neighborhood.
3. Since we are not reviewing for a change in use we find that there will be no impact on traffic and roads.
4. The development is not subject to any bylaws or ordinances currently in effect.
5. There will be very little change to the site and therefore the potential for future use of renewable energy resources is not reduced.

Under the discretionary standards of subsection 5.3(E), conditional use review, we find:

1. The development is unlikely to create nuisances such as fumes, gas, dust, etc. Under this subdivision we find two concerns: First, exterior lighting, if done improperly, could be a nuisance to nearby landowners. Second, with the information presented to us we are unable to determine if the current or future septic system will present a public health hazard if it is used at all.
2. Since there will be no increase in use of the building under this permit, we find the current parking situation to be adequate. However, we find that a portion of the current parking lot is within the 50 foot buffer zone of Pekin Brook.
3. There is no need for a landscaping plan for this project. The citizens of Calais are proud of their historic town hall and do not wish to screen it. The small, unpaved parking lot is within the character of the area.
4. Except as noted in number 2 above, the development has very little effect on buffer areas. We note that recent planting activities south of the building has improved the buffers on Elmslie and Pekin Brooks.
5. Measures should be taken during construction to minimize potential erosion.

Regarding review under the Secretary of Interior's Standards for the Treatment of Historic Properties and the other 8 standards of the Calais Land Use Regulations subsection 5.5(D), design review, we find that the designers have taken great care to ensure that all details are historically accurate and that the development is not only in keeping with the character of the district but that it enhances it.

Conclusion of Law:

Based on the facts and circumstances of the amended application, the Development Review Board hereby grants a zoning permit to the Town of Calais for demolition of the 1984 addition to the south side of the Calais town hall, moving of the building, construction of a new addition to the rear of the building, and changes to the exterior of the building.

1. The rear addition shall be demolished, the building shall be moved, and the rear addition shall be rebuilt in accordance with site plans and schematic drawings submitted to the DRB and dated June 25, 2018, including those labeled, "Overall Site Plan", "Lower Level Floor Plan, Upper Floor Plan", "West Elevation", "East Elevation", "North Elevation and South Elevation".
2. Exterior lights shall be designed to concentrate the light onto the parking areas, walkways, and/or building exterior and shall be appropriately shaded and oriented to minimize any leaching of the light off the property.
3. The applicant shall make no changes to the portion of the parking area within the Pekin Brook buffer zone, including no removal of vegetation, until receipt of a zoning permit which includes review of such activity.
4. The applicant shall follow Vermont state best management practices for construction during the rehabilitation of the building including, but not limited to use of silt fences and hay bale check dams to prevent erosion as appropriate.
5. Changes to the exterior of the building shall be as submitted in the drawings referenced in number 1 above. We appreciate and accept the comments of the Design Advisory Board, attached, and hereby incorporate their two recommendations as conditions of this decision.
6. In order to protect public health and the environment, the building shall not be used for small meetings or any other public or private function until the applicant either receives, and files with the DRB, a letter from the Department of Environmental Conservation (DEC) stating that no wastewater permit is required and that the current system is safe and functioning well, or files a new state septic system permit. If DEC certifies that no permit is required, use of the building shall be limited to small meetings of town boards and those on other official town business. If DEC issues a new permit for a larger septic system, we will accept it as part of an application for change of use of the building.

Members of the Calais Development Review Board



Margaret Bowen

Date 8/4/2018



Janice Ohlsson

Date 8/04/2018



Ruth Porter

Date 8/4/2018



Barbara Weedon

Date 8-4-2018



Anne Winchester

Date 8/04/2018

Notice of Right to Appeal: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision may be appealed within 30 days to the Environmental Court. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy to the Calais Zoning Administrator and to every interested person who appeared at the DRB hearings. Failure of any interested person to appeal within the specified 30 day period shall result in the interested person being bound by this decision. Thereafter the interested person shall not contest either directly or indirectly the decision of the DRB in any subsequent proceeding, including any enforcement action brought under the provisions of 24 V.S.A. Chapter 117. See also Town of Calais Land Use Development Regulations, Section 1.7, Appeals.

June 16, 2018

To whom it may concern,

Calais Design Advisory Board (DAB) members David Schutz, Ernie Parrish and Kurt Janson met Sunday morning, July 8, to review proposed changes to the Calais Town Hall at 1662 Kent Hill Road. The building is a contributing structure in the Calais Kent's Corner/Old West Church Design Control District. The building owner (Town of Calais) was represented by Zoning Administrator and Zoning Permit applicant John McCullough. All proposed changes were as described in the accompanying 11 x 17 drawings (dated 06/25/2018) which are attached to this recommendation.

All proposed changes as described in the attached drawings are considered acceptable by the attending DAB members. The DAB has added a few comments/recommendations:

- 1) The details of a new code-compliant guard rail and handrail at the front entry stairs were not defined in the plan set. It was explained by McCullough that a final design was waiting for input from the Vermont State Division for Historic Preservation. It is understood that the existing guardrail and handrail has to be removed and replaced with a new assembly that is code compliant and historically appropriate. The DAB asks that no new guardrail / handrail work start until the State approved design has been submitted to and accepted by the DAB in consultation with Calais Historic Preservation Commission. Upon submission of an accepted design, this work may commence.
- 2) It was noted that the existing trim on the rear addition was proportionally different than the original trim on the historic Town Hall. The submitted drawings call out "TRIM TO MATCH EXISTING" for the proposed new rear addition. The DAB asks that the proposal makes clear that "existing trim" to be matched refers to the original trim on the main body of the Town Hall, and not the existing trim on the 1984 rear addition (to be demo'd).

With consideration of the two aforementioned comments, the DAB finds the proposal acceptable.

Respectfully submitted, Calais DAB



7/19/2018