

**Town of Calais
Development Review Board**

Re: Thomas and Antoinette Greenan, Applicant(s)
Conditional Use Request
Application Number: 2019, 01

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

Background, Findings of Fact:

Mr and Mrs Greenan (“Applicants”) seek DRB approval for a vertical expansion of their seasonal camp at 120 Justa Road in the Shoreland District of Curtis Pond . Conditional use approval is also required for conversion of a screened porch approximately 185 square feet into an enclosed area providing conditioned living space. Both projects were completed without obtaining the necessary permits.

Since the Greenan’s winter residence is in Florida they did not attend the meeting. Calais Zoning Administrator John McCullough presented background information including:

- * None of the work increases existing impermeable surface areas
- * The level of non compliance regarding setback from the pond will not increase
- * The change from asphalt to metal roofing requires no permit
- * The height increase will not exceed the district’s 35’ limit
- * There will be no increase in the number (2) of bedrooms
- * These findings satisfy the conditions of Section 3.8 (B) of Calais zoning bylaws regarding noncomplying structures

Note: An increase in bedrooms would require documentation of increased septic capacity

Also included in the application was documentation from the Vermont Agency of Natural Resources confirming that since the project did not expand the footprint of the overall structure and was not removing any vegetation, no state permit was required under the Vermont

Shoreland Protection Act.

The Development Review Board met on Thursday, February 28, 2019 at the Calais Town Clerk's office to review and discuss the proposal.

Conditional Use Criteria:

1,2- Under criterion one and two the DRB finds that the project will have no adverse impact on the capacity of existing or planned community facilities and services nor any impact upon the character of the neighborhood or area affected.

3 - The proposed project will have no impact on traffic on the roads or highways in the vicinity.

4, 5 - The vertical expansion and porch conversion do not violate any other municipal bylaws and/or ordinances currently in effect, including any road and on-site wastewater ordinances.

The project does not interfere with renewable energy sources.

Discretionary Standards:

The proposed development does not create any health or environmental impacts; does not compromise access or create safety issues of vehicular or pedestrian traffic; needs no landscaping and/or screening; nor does it require buffers and/or open space to protect adjoining properties from incompatible development. No storm water or erosion control buffer management plan is required.

Conclusion of Law

The proposed project is located in the Shoreland District of Curtis Pond and requires conditional use approval by the DRB.

Conclusion and Order:

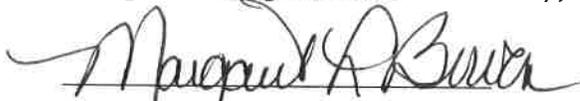
1. This Application was reviewed under the Shoreland District as allowed under the Regulations and it is APPROVED for a Conditional Use permit.

2. Approval is with the understanding that conversion of this seasonal camp into a year

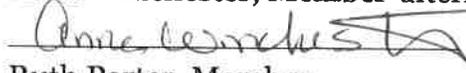
round dwelling in the Shoreland District would require conditional use review. Section 3.3 A 4. "A conversion ...from a conditional use to another conditional use requires conditional use approval under Section 5.3.

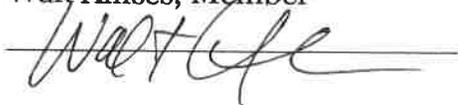
Notice of right to appeal:

In accordance 24 V.S.A. §§ 4471 and 4472, this decision may be appealed within 30 days of its date to the Vermont Superior Court, Environmental Division. Notice of appeal shall be filed by certified mailing, with fees, to the environmental division and by mailing a copy to the Calais Zoning Administrator and to every interested person who appeared at the DRB meeting. 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 and Development Regulations, Section 1.7, Appeals.


Margaret Bowen, Chairman


Anne Winchester, Member-alternate


Ruth Porter, Member

Walt Amses, Member


Received
3-12-19
Judith Robert