

**Town of Calais
Development Review Board**

**Re: Peter Backman, Applicant
Conditional Use Request
Application Number: 2012 - 53**

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

Background, Findings of Fact

Peter Backman (“Applicant”) proposes to cut and trim trees in the shoreland district in North Calais, adjacent to Number Ten Pond (Mirror Lake), in order to allow more a more unobstructed view of the pond.

Mr. Backman is seeking a conditional use permit to remove the brush across the road from a property he owns on Foster Hill Road, which he has done by hand approximately every seven years. The area measures 90 feet wide and between 150 and 200 feet long. The trimming will be limited to 12 to 24 inches above the ground and not disturb the root systems of any plants.

According to district standards of the shoreland district (2.4, F 2) “No cutting and removal of vegetation, except to clear a path five feet or less in width, shall be permitted within 50 feet of the shoreline, unless permitted by the DRB as a conditional use subject to conditional use review under section 5.3. Limited pruning to maintain a view of the water is allowed without a permit”

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 cutting and trimming does 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 stormwater or erosion control buffer management plan is required.

Conclusion of Law

The proposed project is located in the Shoreland District 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.

Dated: 12/17/12

Peg Bowen, Chairman

Barbara Weedon 12-17-12
Barbara Weedon, Member

Ruth Porter 12/6/2012
Ruth Porter, Member

Walt Amses 12/5/12
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Nedene Martin 12/11/12
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Steve A. Reynes
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