



2014-18

**Calais Development Review Board
Findings of Fact, Conclusions of Law, and Order**

Introduction

Donna Fitch, on behalf of numerous family members who own the property, seeks permission to cut trees on a property from 230 to 768 Robinson Cemetery Road, parcels number 250230 and 250768. The issue appropriately comes from the Zoning Administrator to the DRB because the land is located in the Kents Corner-Old West Church Design Control Overlay District.

Findings of Fact

1. The application was appropriately referred to the Design Advisory Board, which conducted a site visit on July 20, 2014 and issued an advisory opinion on July 29, 2014. A copy of that decision is attached and is hereby incorporated as a supporting document.
2. Prior to the DAB site visit, the trees proposed for cutting had been marked. The purpose for the cutting as stated in the application is to encourage growth of maples for maple syrup production, to encourage canopy growth, and to remove dead and diseased trees.
3. The DRB held a duly warned public hearing on August 7 at 7:30 p.m. at the Town Office. Attending on behalf of the applicant was Judith Robert, who is Donna's sister and one of the property owners. John McCullough, Donna's husband and also an owner of the property, attended the hearing but stated that he had recused himself from DAB proceedings on the matter and was in attendance primarily in relation to the next application on the DRB's agenda, which also involved property in the historic district.
4. Judith Robert confirmed the information contained in the application that the work had been planned in concert with Neal Maker, a forester who is also the Town's assistant tree warden.
5. In response to questions, Barbara Weedon, participating DRB member, and Peter Harvey, attending on his own behalf regarding a separate application before the DRB, indicated that the new standards recommended by the Calais Roads Advisory Committee, on which they both served, would have no bearing on this application for tree cutting.

Conclusions of Law and Order

The DRB considered the application under Table 2.6, the Kents Corner-Old West Church Design Control Overlay District and under Section 5.5 Design Review. 5.5(D)5e specifies that the DRB may impose conditions "to minimize any adverse visual impacts" regarding "the removal of healthy trees" in the district. The DRB finds that the proposed cutting will cause no adverse impact and may in fact help advance the Town's interest in preserving and regenerating its aesthetic tree cover. Accordingly, the permit is approved.

Margaret Bowen, Chair

Date

Ruth K Porter

8/12/14

Ruth K. Porter, Member

Date

Michael Loignon

8/12/14

Michael Loignon, Member

Date

Steve Duke, Member

Date

Walt Amses

8/12/14

Walt Amses, Member

Date

Barbara Weedon

8-12-14

Barbara Weedon, Member

Date

Nedene Martin

8/12/2014

Nedene Martin, Member

Date

NOTICE OF RIGHT TO APPEAL: In accordance with 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 hearing. 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.