

2015-10

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

Introduction

Nicholas Sibley appeared before the DRB on behalf of himself and Harley Meyer, to request permission to develop (build a house and occupy it for residential purposes and farming and logging) their property, parcel 09-119-000, #370692, which has no frontage on a public road. Also attending the hearing were neighboring residents Brenda George and BH McCullough (on behalf of Phil and Shirley George), Zoning Administrator Dot Naylor, and DRB Secretary Tim Scandale. Board members participating were Peg Bowen, Chair, and Ruth Porter, Nedene Martin, Mike Loignon, Walt Amses, Barbara Weedon, and Jane English.

Findings of Fact

1. The applicants request conditional use review prior to construction of one single-family dwelling on their nonfrontage property, where they intend to engage in agriculture and forestry. These uses would all be permitted uses in the district, approvable by the Zoning Administrator, except for the fact that the property is interior or nonfrontage. The permit application was appropriately denied by the Zoning Administrator pending conditional use review by the DRB. The applicants appealed the denial to the DRB.
2. The DRB held a duly warned public hearing on May 28, 2015, at 7:30 p.m. at the Town Office. Nicholas Sibley appeared before the DRB on behalf of himself and Harley Meyer. Mr. Sibley was accompanied by his attorney, Kristina Michelsen.
3. The 96-acre property is located in the rural residential district. The property and proposed development fit well within these criteria.
4. The proposed development needs DRB approval solely because it lacks the 300 feet of road frontage required under Table 2.2, and in fact has no frontage. Section 3.2(A) allows the DRB to approve development on a nonfrontage lot that has access to a public road "by means of a Class IV road (public right of way) or permanent easement or right-of-way at least 20 feet in width." The proposed development has access to the Luce Road, a Town road, via an existing right-of-way known locally as the Lamb Road, which may or may not be a former Class IV Road.
5. During the hearing, neighbors expressed to the DRB that they would like assurances they could continue accessing their property via the so-called Lamb Road and traveling further across the applicants' land. The chair clarified for those attending that the DRB has no jurisdiction in the matter of neighborly relationships. Any such informal access permission to cross the Sibley/Meyer property is not a zoning matter.

## Conclusions of Law and Order

The DRB considered the application with regard to the purpose of the Rural Residential District, described in Table 2.2(A) as being to guide development in ways that minimize "impact on the working and natural environment" including "contiguous stretches of forest and undeveloped land and other significant wildlife habitat" and "connecting habitat corridors of smaller forests which tie together the larger contiguous areas and are critical for the survival of many species of animals and plants." The applicants propose one single-family dwelling and use of the land for forestry and agriculture, all of which seemed to the DRB minimally intrusive of the forestland and in keeping with the purposes of the district.

In accordance with Section 5.2 Conditional Use Review, the DRB finds that the proposed use will have no negative effect on safety or traffic. It is in keeping with the character of the neighborhood. It will not interfere with utilization of renewable energy resources. Accordingly; the application is approved, with the following conditions, as per 3.2(A)(1), (a) through (c), "to ensure public safety and welfare" and 5.2(C)(1) impact on community services:

The applicants shall present documentary evidence satisfactory to the Zoning Administrator that they have existing deeded access or other legal right-of-way on the so-called Lamb Road to the Luce Road.


The owner of the property shall improve as necessary and maintain the right-of-way to a width of no less than 20 feet for the full length of it, for access by emergency vehicles to the dwelling unit.

The Town is not required to provide school busing beyond the maintained public right-of-way.

Any public rights-of-way used for access shall remain open to the public.

  
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Margaret Bowen, Chair

6/12/15  
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Date

  
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Ruth K. Porter, Member

6/16/2015  
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Date

  
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Michael Loignon, Member

6/15/15  
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Walt Amses, Member

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Barbara Weedon, Member

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Jane English, Alternate

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Date

  
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Nedene Martin, Member

6/16/2015  
\_\_\_\_\_  
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.