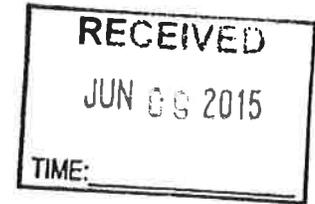


**Town of Calais  
Development Review Board**



Re: Shaun and Laura Fielder, Applicant(s)  
Conditional Use Request  
Application Number: 2015 – 14

09 DEN  
June 28, 2015

**FINDINGS OF FACT, CONCIUSION OF LAW, AND ORDER**

**Background, Findings of Fact:**

Mr and Mrs Fielder (“Applicants”) propose constructing a set of stairs from their property at 385 Nelson Pond Road in the shoreland district, adjacent to Nelson Pond in order to provide access to the pond and reduce the erosion caused by foot traffic down the bank. The proposed construction is within the 150 foot buffer and therefore requires conditional use approval as an impermeable surface according to the Town of Calais Land Use and Development Regulations.

The applicants attended the Development Review Board meeting on Thursday, May 28, 2015 at the Calais Town Clerk’s office to explain their proposal and provide photographs of both their property, which had the proposed location clearly marked, and similar, already existing stairs on their neighbor’s property. The photographs clearly demonstrated that the top portion of the staircase would be set back from the traveled road surface and several inches below the finished grade of the road.

**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 construction of stairs 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 storm water or erosion control buffer management plan is required.

**Conclusion of Law**

The proposed project is located in the Shoreland District of Nelson 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.

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.



Peg Bowen, Chairman

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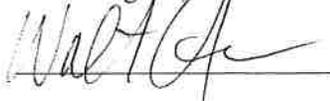
Barbara Weedon, Member



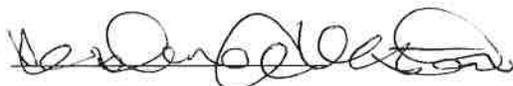
Ruth Porter, Member

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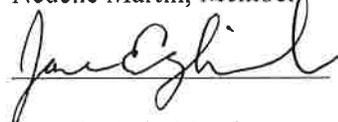
Mike Loignon, Member



Walt Amses, Member



Nedene Martin, Member



Jane English, Member