

**TOWN OF CALAIS**  
**DEVELOPMENT REVIEW BOARD**

**Re: Permit Application 2016-39**  
**Foster Homestead Trust**  
**William Davis, Trustee**  
**Property: 792 Foster Hill Rd., East Calais, VT**  
**Mailing: PO Box 12**  
**Calais, VT 05648**

**Conditional Use Permit Review**

The applicant requests a conditional use review to:

- Raze and rebuild a seasonal camp and deck on the same footprint, and increase the height of the new camp by 6 feet, to be no higher than 20 ft. in height.
- Remove 2 dead trees

**Introduction**

Bill Davis submitted a permit application on October 17, 2016 to Calais Zoning Administrator as stated above. The camp will have no electricity, water, or septic system. Maps and drawings were provided with the application. The conditional use review by the DRB was required to conform to section 3.8 (B), 4, vertical expansion of a non-complying structure, and Section 5.3 Conditional User Review.

The existing camp sits *45 feet* from the water edge.

The applicant also contacted the State Regional Permit Analyst for Shoreland for approval. Their finding was that no permit was required by the State, however they encouraged the 2 tree stumps and root systems remain in the ground to prevent erosion.

Public hearing was held on November 17, 2016 at Calais Town Offices.

**Findings of Fact**

**Section 3.8 Nonconforming Uses & Noncomplying Structures**

Section 3.8 (B), 4 directs that noncomplying structures enlarged or expanded horizontally or vertically can be done only by approval of the DRB, subject to conditional use review under section 5.3, if the DRB finds that the move, enlargement or expansion will have no adverse effect on the public health, safety or welfare. Razing and rebuilding the camp improves the safety of the property

**Section 5.3 Conditional Use Review**

Sections (A), *Applicability*, (B), *Application Requirements*, and (C) *Review Procedures* have been met. Additionally, Section (E), 1-3, *Discretionary Standards* are met.

Because the existing camp is positioned 45 ft. from the water, and to conform to the Required Standards of the Shoreland District (Table 2.4) that require a 50 ft. buffer to lakes and ponds as stated in Section 3.14, *Surface Water Protection*, and in accordance with Section 5.3 (E:4) *Required Buffers*, the **DRB requires the new cabin to be positioned an additional 5 feet**

**from the water to achieve the 50 ft. buffer. If that position change makes the cabin too close to the remaining tree trunks, DRB allows the cabin to be moved 5 feet over from the tree stumps.**

**DRB also requires the applicant adhere to the recommendation of the State to keep the tree stumps in as a measure of erosion control,** to meet the requirements of Section 5.3 (E:5) Discretionary Standards; Storm water and erosion control.

**DRB CONDITIONS FOR APPROVAL**

To help maintain water quality and prevent undue erosion DRB requires the cabin to be built 50 feet from the water edge, and if needed, 5 feet over from the tree stumps. DRB also requires keeping the tree stumps in the ground as recommended by the State.

**DECISION**

The DRB grants approval of this application with the caveat that the above conditions are met.

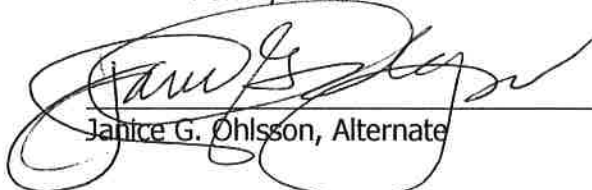
**MEMBERS OF THE DEVELOPMENT REVIEW BOARD**

  
Margaret L. Bowen, Member

11/28/16  
Date

  
Ruth K. Porter, Member

11/29/2016  
Date

  
Janice G. Ohlsson, Alternate

27 NOVEMBER 2016  
Date

  
Denise Wheeler, Alternate

11/28/16  
Date

**NOTE: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.**

**Notice of Right to Appeal:** In accordance with 24 VSA sections 4471 and 4472, this decision may be appealed within 30 days of the date to the Vermont Environmental Court. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy to the Calais Zoning Administrator and to every interested person who appeared at the DRB hearings. 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 VSA Chapter 117. See also Town of Calais Land Use and Development Regulations, Section 1.7, Appeals.