

TOWN OF CALAIS
DEVELOPMENT REVIEW BOARD

Re: Permit Application 2016-42

**Curtis Johnson
25 Foster Hill Road
North Calais, Vermont**

Introduction:

The applicant submitted an application for a Conditional Use Permit to add a deck to the side of his present house located on the shoreline of Mirror Lake. Also submitted to the DRB was a letter from Vermont Water Quality Division stating that based upon their inspection of the property, it is not within the flood area. The application also filed a Shoreland Protection Permit # 2247-SP with the following conditions:

1. The project shall not be expanded towards the mean water level
2. The project shall be located on a site with a slope of 6% or less
3. The project shall not exceed 321 square feet
4. No new cleared area shall be created by the project
5. This project shall be completed as shown on application, plans and support

documents submitted by the applicant

The applicant indicated that he was planning on building a 21.5 x 14 foot pressure-treated open deck (with no roof) and with the posts sitting on concrete footings. He plans on placing the decking so that there are gaps between the boards for the water to flow through the project. There will be a 5x4 foot stair access to the ground.

Findings of facts:

3.7 Nonconforming Small Lot

The property in question consists of a 1.8 acre lot within the Shoreland District and is not in compliance with the required minimum acreage under the zoning regulations. As it was originally developed prior to any existing zoning regulations, it may be further developed for the uses allowable in the shoreland district in which it is located.

Section 5.3 Conditional Use Review

Creating additional impervious surface within 150 feet of the pond requires a Conditional Use Permit issued by the DRB under Table 2.4 Shoreland District (SHR).

In reviewing the Required Standards 5.3(D) sections 1 to 5, the DRB finds that the proposed development is consistent with the general standards set forth in these regulations for the district in which it is located and will not have an undue adverse impact.

Under the Discretionary Standards 5.3 (E) 1, 2, and 3 have been met. However, the DRB has been very concerned with development on the ponds and lakes in the town, with pollution of

the lake waters, and with any undue erosion into the lakes or streams during and after construction. Therefore, under 5.3 (E) 4 and 5, the DRB feels the need to impose conditions to minimize or mitigate adverse impacts by the proposed project.

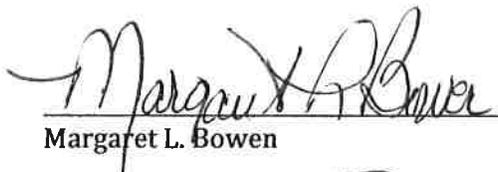
Section 2.4 Shoreland District Standards

Under the District Standards for the Shoreland District (F) 3, the regulations say that "all conditional use standards under 5.3 shall be met, and the DRB may impose increasedvegetative buffer requirements as needed to minimize erosion and runoff, to protect water quality...." The applicant is asking for a conditional use to increase the footprint of his noncomplying structure within the 150' setback from the mean water level of the pond. The DRB is only authorized to allow the enlargement if it finds that the change better satisfies the purpose of the district. The DRB finds that the increase in impervious surface and the consequent runoff could be well offset by requiring that Mr. Johnson maintain a 10' wide strip of undisturbed vegetation along the edge of the water, except for one 5' wide unpaved path to provide access to the pond.

Conditions Imposed by the DRB:

In granting Conditional Use, the DRB is imposing conditions it deems necessary and appropriate under the circumstances to implement the purposes of the Calais Land Use and Development Regulations and the Calais Town Plan "to minimize or mitigate adverse impacts of the proposed development AND to improve water quality in all lake and pond waters by preventing undue erosion both during and after construction." The DRB is therefore setting the following conditions on this project:

1. The applicant will adhere to all of the requirements imposed by the Shoreland Protection Permit #2247 SP as described in the permit issued to Curtis Johnson on January 3, 2017.
2. The applicant will adhere to and put in place all the required construction erosion controls prior to and during excavation of the structure's concrete footings. This will require the proper installation of silt fence and hay bale lines and the immediate seeding and mulching of areas disturbed and backfilled.
3. The applicant will maintain an undisturbed area of native plants 10' wide along the edge of the water, except for a 5' wide unpaved path to provide access to the pond.

 dated 2/22/2017
Margaret L. Bowen

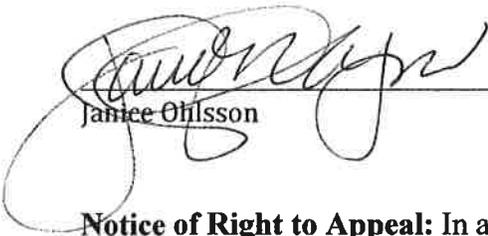
 dated 2/22/2017
Ruth K. Porter

 dated 2/23/17
Barbara S. Weedon



Walter Amses

dated 2/23/17



Janice Ohlsson

dated 2-23/2017

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.