

# **TOWN OF CALAIS Development Review Board**

## **Preliminary Plan Major Subdivision Review Findings and Decision**

Re: Perennial Field Project, LLC: [PFP LLC]  
Meg Dawkins: current property owner Olivia Gay  
100 Worcester Rd. Tax Map: 04-007.010; Span: 120-037-11010; Parcel ID: 020100  
Maple Corner, Calais VT 05648

Permit Application: 2017-28

### **Procedural History**

Application and all plat renderings were submitted Nov. 9, 2017  
Notice of public hearing was submitted to Times Argus, posted on Calais public notice boards, and sent to applicant in compliance with V.S.A. 24, § 4464.  
Applicant notified all abutting neighbors pursuant to V.S.A. 24, § 4464.  
Public hearing: Began Nov. 30, 2017  
Site Visit Dec. 9, 2017  
Hearing continued Jan. 11, 2018; Feb. 8, 2018  
Amended application and updated plat renderings submitted Feb. 8, 2018  
Hearing was closed Feb. 22, 2018

Calais DRB reviewed this application and plat using Town of Calais Land Use and Development Regulations as adopted on January 2005 and amended on March 2017. Initially, Sections 6.4(B) – 6.15 and Section 7, Planned Unit Development were used to review this plan. After the applicants amended the request for a major subdivision only, [no PUD], section 6.4(B) – 6.15 were used for review. In addition, Standards for both Village and Shoreland District were reviewed.

The DRB members for this review are: Walt Amses, acting chair; Ruth Porter; Barbara Weedon; William Martin; and Janice Ohlsson, alternate.

Abutting neighbors, as documented in the minutes [Exhibit 1 to this decision], were provided opportunity to speak to this proposed development and to participate in the Dec. 9<sup>th</sup> Site Visit. An email from abutting neighbor Joan Bennet expressing her objection to this development was read.

### **Introduction**

This property consists of 28.75 acres of which roughly 50% of the parcel is in Shoreland District and 50% is in Village District. The proposal initially was for a major subdivision AND Planned Unit Development. In the continuation of this hearing the applicant amended the application to be for a major subdivision of 6 lots, following density averaging principals. The building sleeve is to be no greater than 3.5 acres. The remaining 25.25 acres are to be enrolled in current use with 23.25 acres to be protected from further development with a deed restriction.

There are 2 curb cuts proposed, one new and one of which has been used as an informal farm access; 2 driveways which may become private roads; 6 dwellings, with up to 2 [no more than 2] accessory dwellings. Future phased in buildings are planned to meet agricultural requirements such as a barn, greenhouses, and a farm stand.

### **Findings**

The DRB commend the applicants for their thoroughness of response to all concerns stated in the Conceptual Review, to all questions posed during these hearings, and for their careful detailed plan for the stewardship of the land and storm water management.

Exhibit 2 to this decision is the response to the questions and requirements raised at the Conceptual Plan Review.

Exhibit 3 to this decision is the detail of their plan that addresses each of the general standards of a major subdivision; Sections 6.9 – 6.15 of Calais Land Use Regulations. In addition is the detail of their research on concerns raised by DRB during these hearings as to water pressure, the septic system, storm water and land management.

The applicant addressed abutting neighbor Joan Bennett's concern regarding light and noise pollution on page 3 of their "Response to DRB from 01.03.18 PPR meeting." They plan to mitigate light and noise pollution with landscaping, screens or porches, timed lights etc. as outlined in their response. DRB will make it a condition for Final Plan Review that there be a specific lighting plan that would accommodate Ms. Bennett's concern, such as ground lighting etc.

In Section 6.14(A), Applicability of Road Standards, the regulations state that any proposed roads serving 4 or more lots must meet the road standards of 6.14. In Section 6.14(C) it further states that all roads serving proposed subdivisions of four (4) or more lots shall be designed in accordance with Calais road ordinances. The DRB did not specifically discuss the road standards; however, the applicant on page 6 of their revised subdivision application make mention that "waivers may be requested for parts of 6.14" and that "Section 6.14(F), Road Drainage, might need to be reviewed." DRB will make it a condition for the Final Plan Review that any waivers for road standards be specifically stated in their Final Plan Review application.

DRB did discuss the proposed driveway design. Because this driveway will become a private road serving all 6 lots, we are concerned about the ease and maneuverability that emergency vehicles would need to navigate and turn around using this road access to the lots. We are making it a condition for final review that they seek consultation from the EMFD and or Woodbury Fire Dept. to review the design and its function to emergency vehicles.

Density averaging, as stated in Section 6.10(A), "is intended to provide landowners with the flexibility to design a subdivision in response to the specific characteristics of their property." The applicant has taken great care in positioning the housing footprint to best fit the characteristics of the parcel. The zoning regulations state in 6.10(B) 1) and 2) that lots and road frontage can be as small and little as 20% of a district's standards. This project meets Section 6.10 (B) 1), Density Averaging Regulations for lot size. *Road frontage still needs to be determined, based on the completion of the plans for the private road into the development, and any waivers are to be expressly requested in the Final Plan Review permit.*

## **Decision**

The applicant has met all the appropriate general standards in Section 6.4-6.15 of current amended Town of Calais Land Use and Regulations for Preliminary Plan Review for a major subdivision and the DRB approves this preliminary plan with the following conditions to be met for the Final Review:

1. Obtain 2 curb cut approvals from Selectboard, making sure the one curb cut currently used as an informal farm access meets current curb cut standards.
2. Meet with the EMFD, either Toby Talbot or Greg Pelchuck, to evaluate the safety of the proposed driveway/private road for emergency vehicles at the curve of the proposed driveway and the ability to turn the emergency vehicles around. Have their findings documented in writing. If the EMFD propose changes in the driveway for better navigation of emergency vehicles, then the Final Plan Review Application should reflect those changes.
3. Driveways must meet the standards as outlined in Section 3.2 (D).
4. Road standards as outlined in Section 6.14 are to be met for the private road access to the six (6) lots. If waivers are needed, request the waivers for the Final Plan Review Permit.
5. Obtain State Approved Permits for septic system, being sure to accommodate all dwellings and accessory dwellings.
6. Provide a specific lighting plan along the northside of the housing sleeve to address Joan Bennett's concern.
7. Keep all dwellings within the 3.5-acre housing footprint. If the layout and acreage per lot are not finalized by the time of the Final Plan Review permit, please provide a time when these will be final, along with a timeline for the final layout of the barn, greenhouses, and farm stand.
8. Apply for any waivers you want DRB to consider for the Final Plan Review.
9. Consider if you will need an extension for a time limit for completion as per Section 6.4 (C).4, Effect of Final Plan Approval.

CALAIS DEVELOPMENT REVIEW BOARD

  
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Walt Amses, Acting Chair


3/12/18  
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Dated

  
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Barbara S. Weedon, Member

3-12-18  
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Dated

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Ruth K. Porter, Member

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Dated

  
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William Martin, Member

3/16/18  
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Dated

  
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Janice G. Ohlsson, Alternate

12 March 2018  
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Dated

**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.

- Exhibit 1: Minutes of the DRB Public Hearing 2017-28 11/30/17;1/11/18; 2/8/18
- Exhibit 2: PFP Response to DRB Conceptual Planning Review
- Exhibit 3: Preliminary Plan Review Amended Application with response to DRB questions and detail maps and Water and Nutrient Management Plan


CALAIS DEVELOPMENT REVIEW BOARD

  
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Walt Amses, Acting Chair

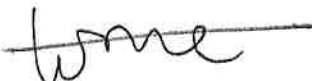
3/12/18  
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Dated

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Barbara S. Weedon, Member

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Ruth K. Porter, Member

3/15/2018  
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William Martin, Member

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