

TOWN OF CALAIS  
DEVELOPMENT REVIEW BOARD

**Re: Permit Application #2018-17  
Laura and Patrick Purcell  
118 Going Road  
Calais, Vermont 05648**

**FINDINGS AND ORDER**

**Introduction:**

The applicants submitted an application on June 21, 2018 to construct a second story of approximately 26 feet x 25 feet vertically on the existing camp. This will require building a new roof on the new addition and as well as including a new roof to cover the two porches presently added to the first floor of the camp. The camp is located at 118 Going Road on the shore of Curtis Pond. Said project is an expansion of a non-conforming structure on a non-conforming lot located in the shoreland district and therefore requires conditional use approval by the Development Review Board.

A hearing was held by the DRB on August 2, 2018 at the Calais Town Clerk's Office. Present at the meeting was DRB members Margaret Bowen, Barbara Weedon, Walt Amses, Denise Wheeler and Trey Martin. Also present Zoning Administrator John McCullough, Assistant Zoning Administrator Dorothy Naylor, Tim Scandale DRB Secretary and Contractor Fred Bushway representing Laura and Patrick Purcell.

**Findings of Fact:**

Table 1.6 Zoning Permits (B) 1) No zoning permit shall be issued for any use or structure which requires approval of the DRB until the well, septic system; wastewater and potable water supply are addressed. The owners indicate by an e-mail that a septic system was installed by a previous owner and the same was cleaned and inspected prior to their purchase. On the application the owners report they get water from the pond. The DRB will require that a letter from the cleaner/inspector of the sewer system be filed with the town regarding the existing sewer system as being a good operating system functioning in an acceptable manner.

**Section 3.7 Nonconforming small lots**

(A) Any lot in individual and separate, nonaffiliated ownership from surrounding property, lawfully in existence on the date of enactment of these regulations, may be developed for the uses allowable in the district in which it is located, even though not conforming to minimum lot size requirement. This lot was existing and therefore the requested work can be done by the owners.

**Section 3.8 Nonconforming Users & Non-complying Structure:**

(B) 4) A non-complying structure also may be moved enlarged, or expanded horizontally or vertically only with approval of the DRB, subject to conditional use review under Section 5.3

and a finding by the DRB that the move, enlargement or expansion will have no adverse effect on the public health, safety or welfare. The DRB finds that the request to expand the camp vertically will create no adverse effect on the public health, safety or welfare. There will be no increase in the existing building footprint.

#### Section 5.3 Conditional Use Review

(A), (B), (C) requirement are met

(D) Required Standards – regarding undue adverse impact upon the following:

- 1) there is no impact on municipal services
- 2) the proposal is consistent with the character of the neighborhood
- 3) there is no impact on traffic
- 4) consistent with current Calais bylaws regarding construction
- 5) no energy impacts

(E) Discretionary Standards – consider and impose conditions as appropriate

- 1) no adverse health or environmental impacts associated with the proposal
- 2) no impacts on access or vehicular safety
- 3) the project requires no landscaping or screening
- 4) it is not necessary to impose any additional buffers
- 5) no storm water, erosion control or buffer management plans are required for this project as submitted

#### Table 2.4 Shoreland District

(B) Permitted Uses – this is listed as a seasonal dwelling allowing 180 days yearly of use.

(C) Conditional Uses – project presented does not add any impervious surface to the lot

(E) Building Height Maximum is 35 feet

(F) (2) no cutting and removal of vegetation, except a clear path 5 feet or less in width shall be permitted within 50 feet of the shoreline.

(F) (3) (1) the development will not result in pollution of the groundwater or surface waters or undue erosion into streams, ponds and wetlands.

(2) Shoreline set back and buffer distances are sufficient to protect water quality

#### **Condition Required:**

1. The owners shall submit to the Town of Calais Zoning Administrator a letter from the person who did the inspection on the existing sewer tank and system prior to purchase by the owners in October 2017. It will note that the system was inspected, has a 500 gallon tank which was cleaned and was in working condition as required.

#### **Decision and Order:**

Based upon the documentation submitted for review, the presentation at the hearing by Contractor Fred Bushway for the owners, the DRB hereby GRANTS the proposed project under Conditional Use Review, Zoning Permits, Nonconforming Lots, Non-complying Structures and Shoreland District as specified in the Land Use & Development Regulations for the Town of Calais, Vermont.

Members of the Calais Development Review Board:

Margaret Bowen Dated 8/13/18  
Margaret Bowen

Barbara Weedon Dated 8/21/18  
Barbara Weedon

Denise Wheeler Dated 8/14/18  
Denise Wheeler

Trey Martin Dated 8/14/18  
Trey Martin

Walt Ameses Dated 8/14/18  
Walt Ameses

**Notice of Right to Appeal:**

In accordance with 24 VSA sections 4471 and 4772, the 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 interest 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.