

Town of Calais
Development Review Board

Re: Permit Application 2020-18
Janet Ancel
Stephen Reynes
270 Old West Church Road
Kent's Corner Design Control District



Findings of Fact and Order

Introduction:

The Development Review Board received Application #2020-18 filed by Applicants Janet Ancel and Stephen Reynes requesting a minor subdivision of their property located in the Rural Residential Zoning District and the Kent's Corner Design Control District. The proposal indicates they will create a smaller residence on the 3.33 acre subdivision being Lot #2 and keeping 62.2 acres with their present residence being Lot #1.

Building a new structure in the Kent's Corner Historic District requires review and decisions under Design Review Guidelines adopted by the Calais Select Board informing the Design Advisory Board and the Development Review Board what is required reviewing the project and determine its impact, if any, on the historic, architectural and landscape charter of the district.

The application was submitted on May 13, 2020 and a warning was created by John McCullough, Asst. Calais Zoning Administrator that the Development Review Board would hold a public hearing via Zoom Meeting on Thursday, July 9, 2020 at 7:00 PM. Due to Covid-19 public hearings are held on the phone system and no longer in person.

The hearing was held by the DRB on July 9, 2020 by Clif Emmons (Selectboard/Technical Facilitator) controlling the Zoom Video Calls and Ryan Edwards on the computer keeping track of those attending. There were 31 Calais Residents involved in the phone/computer hearing.

The meeting officially began at 7:14 following some technical issues. The DRB members present were Margaret Bowen (Chair) Walt Amses, Ruth Porter, Ryan Edwards, Art Edelstein, Denise Wheeler (Alt) and Timothy Scandale (DRB Secretary). Applicants Janet Ancel, Stephen Reynes, David Weir (Applicant's Architectural Designer), Robert Martin (Zoning Administrator), John McCullough (Assistant Zoning Administrator), David Schutz (DAB chair) and 17 Calais Residents (Attachment A secured to this document)

David Weir, the Applicant's Architectural Designer gave a very descriptive hearing at the Zoom Meeting as to the type of house designed and considered to be built and had also provide the DAB and DRB a written design package. David Schutz reported that the DAB members had met with the Mr. Weir and the Applicants to review the proposal. Once informed that the DRB would take information and comments from others, many of the Calais residents commented on the project and location.

Craig Line, property owner within the Kents Corner District located across the road had many comments to the DRB and requested that officially there needs to be a public site visit by DAB and DRB. He indicated that he had six questions he would submit written comments to the Town Clerk for the DRB to review. Requesting an Official Site Visit to be held, the DRB Chairman set said site visit for Saturday, July 11, 2020 at 10:00 AM on the property owned by the Applicants.

The open public site visit was held by the DRB with the following present, members of the DRB Margaret Bowen, Walt Amses, Ruth Porter, Ryan Edwards, Art Edelstein, Robert Martin Zoning Administrator and John McCullough Asst Zoning Administrator, David Schutz DAB Chairman, Applicants, David Weir, Judith Robert, Naomi Reid, Craig Line, and Sage Kennedy. Craig Line was notified to give his written information to the Town Clerk by Monday, Upon the closing of the site visit, the DRB closed the meetings on the application. Written copies of the DRB Meeting and the Site Visit Meeting were filed with the Calais Town Clerk.

The Design Advisory Board had met with the Applicants and Mr. Weir. They had reviewed the entire submission of documents, design and visited the property owned by Janet Ancel and Stephen Reynes on May 31, 2020 submitting a draft decision report. The Select board Chair made a decision through town the attorney that the DAB must hold a public site visit therefore, they held a second site visit open to the public on July 16, 2020. A written report was submitted to the DRB and filed in the Calais Town Clerk Office. The written report submitted by the DAB comments were not substantially different, the DRB will issue a decision without reopening our hearing

The DRB's decision after the close of the Application Meeting and Site Visit Meeting held on July 11, 2020 is to move forward with their closed deliberative session.

Finding of Facts:

Section 5.5 Design Review beginning on page 56 of Calais Zoning Regulations:

All development within the Kents Corner-Old West Church Design Control Overlay District shall be subject to design review by the Calais Design Advisory Board (DAB), appointed in accordance with Section 8.4 to serve in an advisory capacity to the DRB.

Beginning on page 56 the zoning regulations relate old, existing and new structures as a development within the Kents Corner-Old West Church Design Control Overlay District.

The DRB has determined that this project is a new structure. The project includes a new home in an open field adjacent to the driveway, on a lot along the town road.

There are many things which are exempt such as routine landscaping to include the planting of flowers and trees or the removal of excess scrub brush or trees which does not significantly alter scenic views or vistas.

The Zoning regulations called for new structures to have photographs of the site, exterior elevations, drawn to scale from all perspectives including details of facades and description of existing and proposed siding and roof materials to be used. The Applicant's Architectural Designer provided the DAB and DRB and others with a complete design package. The DRB approved the documentation by David Weir.

The DRB also reviewed the design standards that the zoning regulations call for on pages 58 and 59. It indicated that the new structures shall be harmonious with typical Calais architecture and appropriate to their surrounds in accordance with design control guidelines current in effect. It also indicated that the new structures shall be sited and built to be compatible with the location, set back on the contour of the land and scenic vistas. In reviewing the site at various public visits it was determined that this project is approved by the DRB as meeting the various guidelines.

There was a zoning point that the proposed building would not exceed 2 ½ stories in height. This proposed house is a single story house with a slightly higher roof and does not exceed the highest height noted.

Building the placements of rooflines, doors, windows, porches and dormers shall be compatible with existing historic structures within the district. The DRB was presented with information that all these issues are designed and approved.

The DRB in completing the regulations needed to address the last 7 landscaping alterations: Fences and walls, there were none submitted; Driveways and parking lots it was noted that the cars will drive straight off the existing driveway to the small new drive going into 2 car garage setting on the end of the new home; roadway modifications it was noted nothing would be done on the Old West Church Road; there are no pond construction; the removal of healthy trees or shrubs along roads would be a future request; the installation of exterior ventilation ducts, utility or equipment service units would be done by the builders to be responsible and the exterior lighting would be on the porch and outside but not in a high intensity.

The DAB submitted a written report regarding the site visits and review of their regulations dated July 16, 2020 as to this project: The findings are as follows:

DAB indicated that new construction in the district is expected "to coexist harmoniously with the historic structures". We find that the proposed structure conforms in massing and overall design with that of historic buildings in the district, particularly the many story and a half vernacular and Greek revival farmhouses found throughout.

DAB stated they found the proposed structures conform to guidelines that call for traditional orientation of the entry to the road, use of historic materials, textures and siding, retaining the historic ratio of window to wall patterns, and a roof with a design that is similar in scale and form to historic structures in the district. Door and windows also are arranged and are similar in proportion to those prevalent in the district. The proposed colors are also within the acceptable range of those used within the district. The proposed porch depth was reduced in

submitted drawings, since our initial meeting to all more natural light. We find this change to be acceptable.

We also approve the siting of this new structure, which observes the historic orientation to the road and settlement patten of existing structures in the Kents Corner District.

We further believe that the chosen site does not significantly or negatively affect views enjoyed by the public from either Old West Church Road or from Kents Corner itself. Because the site is high above the crossroads hamlet, and mostly hidden by roadside trees, we believe this location to be the least obstructive and most sensitive siting on the larger property.

The design refers to the many story and a half Greek revival or vernacular farmhouses, that can be found through the district, but just as important, it does not seek to imitate. This is what our guidelines suggest.

The DAB based upon the findings, the Design Advisory Board recommends acceptance of this new structure as proposed for inclusion in the Kents corner Design Control District. Calais Advisory Board members Ryan Edwards, Kurt Janson, John McCullough and David Schutz approved the document.

Conclusions:

The proposed sub-division and building of a smaller home on 3.33 acres of land owned by the Applicants was reviewed by the Development Review Board at their open meeting held on July 9, 2020 through a Zoom Video Call System. At said meeting many Calais residents submitted their questions, their approval and their disapproval of the project. Any and all information was recorded, written and filed with the Town of Calais Records.

Also the open site visit meeting was held on July 11, 2020 at the property located at 270 Old West Church Road by the Development Review Board. Again there were people present who reviewed the site and the proposed building and the location within the surrounding area. Information of the meeting and attendance was presented in a written report and filed with the Town of Calais Records.

The Calais Design Advisory Board held an initial site visit and review on May 31, 2020 and a second site visit and review on July 16, 2020 which was open to the public. These meetings included meeting with the owners, the designer of the home and residents in the Town of Calais. The DAB provided the DRB with a written report and "Based on this findings, the DAB recommend acceptance of the design of the new structure as proposed for inclusion in the Kents Corner Design Control. Said report was filed in the Town of Calais Records.

The DRB agrees with the DAB on their report submitted July 16, 2020.

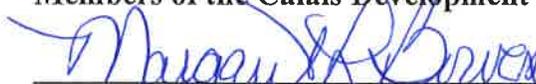
Also received by the DRB was a written testimony report of Craig Line filed with the Town of Calais Records on Monday July 13, 2020. Said report gave the DRB information as to his concerns having the property across the road sub-divided and the placement of a new home on the 3.33 acreage next to the Old West Church Road, This document was filed according to the information at the open site visit of the DRB.

All these documents report conclusions of the proposal submitted by the Applicants owning the property in Kents Corner Historic District and provided to the DRB for review and final decision. All said documents are available for review and copies from the Town of Calais Town Clerk.

Order:

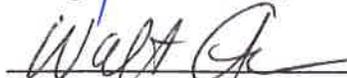
The Development Review Board in review of all documentation submitted and our attendance at various meetings hereby Grant and Approve the Application #2020-18 as presented to the Calais Development Review Board.

Members of the Calais Development Review Board



Margaret L. Bowen, Chair

Dated 7/22/20



Walter Amses, Member

Dated 7/22/20



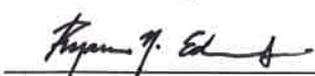
Ruth Porter, Member

Dated 7/21/2020



Art Edelstein, Member

Dated 7/21/20



Ryan Edwards, Member

Dated 7/22/20

Denise Wheeler, Alt Member

Dated _____

Town of Calais

Development Review Board

Re: Permit Application 2020-18
Janet Ancel
Stephen Reynes
270 Old West Church Road
Kent's Corner Design Control District

Comments of Denise Wheeler, DRB Alternate:

I felt the need to perform my own due diligence in independently reviewing the project in order to determine compliance with the Calais Zoning Regulations. I did not feel that this review was satisfactorily addressed at the DRB's hearing on July 9, 2020.

I also did a site visit at the time of the Design Advisory Board's public site visit and meeting on July 16, 2020 and reviewed the 2008 Kent's Corner Guidelines, page 11.

In order to find that the project meets the Zoning requirements under criteria 5.5, the relevant criteria should have been addressed at the hearing and cited in this decision. Also, I believe the hearing process was flawed because it did not identify "parties" or "interested persons" who have standing to appeal this decision.

The final decision does not identify who received party status under what zoning criteria and does not fully identify, list or address all the relevant sections of the regulations. For example, the issues in Section 5.5(D)(3)a. were raised by one of the parties but not addressed in the decision.

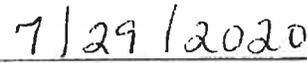
- a. New structures shall be sited and built to be compatible with the location, setback and orientation of adjacent structures, the contour of the land and scenic vistas.

I believe that the design of the entrance door is not consistent with the character of the neighborhood as noted in the Zoning Regulation 5.5(D) 3. and as pictured in the Kent's Corner Guidelines on page 19 – District Example - which depicts a wooden door with side lights. In order to comply, the entrance door should be a single or double wooden door with side lights in order to break up the effect of a lot of glass.

For all of these reasons, I do not concur with this decision.



Denise Wheeler, DRB Alternate



July 29, 2020

Notice of Right to Appeal: In accordance with 24 V.S.A ss 4471 and 4472, this decision may be appealed within 30 days to the 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 hearing. 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 Development Regulations, Section 1.7, Appeals.

**TOWN OF CALAIS
DEVELOPMENT REVIEW BOARD**

**Re: Permit Application #2020-18
Janet Ancel (Applicant)
Stephen Reynes (Applicant)
270 Old West Church Road
Kent's Corner Design Control District**

ATTACHMENT A

- | | |
|--|--------------------------------|
| 1. Clif Emmons (Selectboard/Technical Facilitator) | 14. David Schutz (DAB, Member) |
| 2. Margaret Bowen (DRB, Chair) | 15. Linda Schutz (Resident) |
| 3. Walt Amses (DRB, Member) – partial attendee | 16. Donna Fitch (Resident) |
| 4. Ruth Porter (DRB, Member) | 17. Judith Robert (Resident) |
| 5. Art Edelstein (DRB, Member) | 18. Naomi Reid (Resident) |
| 6. Ryan Edwards (DRB, Member) | 19. Olivia Gay (Resident) |
| 7. Denise Wheeler (Selectboard/DRB Alternate) | 20. Richard Jenney (Resident) |
| 8. Timothy Scandale (DRB Secretary) | 21. Judy Harden (Resident) |
| 9. Robert Martin (Zoning Administrator) | 22. Scott Bassage (Resident) |
| 10. John McCullough (Assistant Zoning Administrator) | 23. Aaron Ancel (Resident) |
| 11. Janel Ancel (Applicant) | 24. Meg Dawkins (Resident) |
| 12. Stephen Reynes (Applicant) | 25. Craig Line (Resident) |
| 13. David Weir (Applicant's Architectural Designer) | 26. Allyson Evans (Resident) |
| | 27. Tim Wheelock (Resident) |
| | 28. Fletcher Dean (Resident) |
| | 29. Artis Toulis (Resident) |
| | 30. Richard Garcia (Resident) |
| | 31. Laura Garcia (Resident) |