

CALAIS DEVELOPMENT REVIEW BOARD  
September 30, 2020

**Re: Application 2020-024**  
**Owner: North Calais Memorial Hall Association**  
**North Calais Memorial Hall, 207 G.A.R Road**

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**Introduction**

On July 9, 2020, the North Calais Memorial Hall Association (NCMHA) applied for a zoning permit for rehabilitation of the 30 x 60 foot Memorial Hall to include excavation of the east wall to complete the foundation, replace the first floor system, restore a two story porch, and add an Americans With Disabilities Act (ADA) ramp and parking. The changes require review by the Development Review Board (DRB) because they would increase the amount of impervious surface within the Shoreland District (see Table 2.4(C)) and they would increase the degree of noncompliance with current zoning regulations (see Section 3.8(B)(4)). On July 15, the Zoning Administrator therefore denied the application and referred it to the DRB for review. Consequently, NCMHA applied for a Conditional Use Permit for a new porch, ADA ramp, and two ADA parking spots located within 150 feet of the mean water mark.

The DRB held a hearing on this application on Sept 3, 2020 over the internet via zoom. Present were DRB members Anne Winchester, acting Chair, Art Edelstein, Stephanie Kaplan, Janice Ohlsson, and Denise Wheeler. Staff included Robert Martin, zoning administrator and technical assistance was provided by Clif Emmons. Others present who participated in the hearing: Mary and Rowan Jacobson, Brian Clark, Ryan Edwards, John McCullough, Chris Cochran, Tammy Leno, Peg Bowen, John Brabant. Also present: Barbara Butler.

Ryan Edwards, architect for the project, presented seven pages of architectural drawings showing elevations and structures on the existing site and the proposed changes, and a copy of state Shoreland Protection Permit number 3074-SP which the applicant received on June 8, 2020.

**Review Criteria:**

The DRB reviewed the application under the following Calais Land Use and Development Regulations (Zoning Regulations) standards:  
Table 2.4 Shoreland District Standards  
Section 3.8(B) Non-complying structures  
Section 3.10(A) Parking requirements  
Section 3.12(A)(5) Protection of natural resources in the shoreland district  
Section 5.3 Conditional use standards

**Findings of Fact and Conclusions of Law:**

**1. Setbacks in the Shoreland District.**

Under Calais Zoning Regulations, Table 2.4(F) requires that a structure in the Shoreland District be set back 40 feet from the centerline of a town road, and 150 feet from the mean water mark. Memorial Hall does not meet the setbacks required in that district.

The building is grandfathered as it was built long before zoning was enacted in Calais. However, the project will include building of a porch which will increase the degree of non-compliance as it will bring the building approximately eight feet closer to the mean water mark. Memorial Hall has historically had such a porch which was taken down about 36 years ago and is therefore no longer grandfathered. The proposed porch will be designed to be historically accurate.

Under section 1.5 A (5) of Calais Zoning Regulations, handicap ramps are exempted from review and thus, we will review the impacts of the proposed porch only.

Section 3.8 (B) (4) allows a noncomplying structure to be expanded and increase the degree of noncompliance if the expansion will have no adverse effect on the public health, safety or welfare, and if the expansion will better satisfy the purpose of the district. The purpose of the Shoreland District is "to protect the environmental, ecological, and recreation value of our ponds, lakes, and associated shore lands for existing and future generations by preventing and controlling sources of pollution and minimizing developmental impact within the shoreland area."

Architectural site plan AL.101 attached to this record, shows that currently a large impervious area exists on the east side of the building due, in part, to runoff from the roof of the building. The proposed porch would be built on a small part of this impervious surface and the roof of the porch would be flat. Gutters will collect water running off the roof and direct it to dry wells to be built on the north and south ends of the building, thus reducing runoff within 150 feet of mean water line.

The project, as proposed, will enable increased recreational enjoyment while increasing protection of # 10 pond (also known as Mirror Lake).

## **2. Impervious surface.**

Table 2.4(F) stipulates that impervious surface created by development within the Shoreland District shall be no more than 10% of the lot within the shoreland area. Current impervious surface is 4,349 square feet of 19,864 square feet of land within the shoreland area, or 3.63%. The project would create 395 square feet of new impervious surface which would bring total impervious surface to 4%. This satisfies criterion 2.4(F).

## **3. Erosion.**

Table 2.4(G)(3) requires that the DRB find that the development will not result in pollution or undue erosion into ponds. Section 3.12 (5) requires a finding that the project will not result in adverse impacts to water quality. Vermont state Shoreland Protection Permit 3073-SP requires the applicant use best management practices to provide erosion control and bank stability of the project area during construction. The applicant has stated that they will use berms and a drywell and other measures as needed to follow best management practices. A specific erosion control plan to be followed during construction shall be submitted to the Zoning Administrator prior to commencement of construction.

Following best management practices, as required by the State Shoreland Protection Permit, will control erosion and protect the water quality of the pond.

The applicant also proposes the addition of gutters which will divert runoff into two dry wells as described under finding number 1. This will improve water quality by preventing storm water run off into the pond.

#### **4. Handicapped access parking spaces**

Section 3.10(A) requires parking areas to be a minimum of 9 by 22 feet. The applicant proposes to build two handicapped accessible spaces for those needing to use the handicapped access ramp. The proposed spaces would be 9 by 18 feet and 11 by 18 feet with a 10 foot distance between to allow movement of wheelchairs between the vehicles. These do not meet the Calais parking space standards and will require a variance to be approved.

#### **5. Conditional Use standards under section 5.3 (D) which must be met.**

- 1) Capacity of existing or planned community facilities and services. The project will have no effect on any current services or facilities, nor on any existing town capital budget.
- 2) Character of the neighborhood. The project is compatible with the recreational and historic character of the neighborhood.
- 3) Traffic on roads and highways in the vicinity. This project is not likely to change use of the hall from its traditional use as a community gathering place with occasional events and therefore it will have no noticeable impact on roads.
- 4) Bylaws in effect. The project conforms to municipal bylaws currently in effect with the exception of Zoning Regulations Section 3.10(A), parking standards. We address this below.
- 5) Use of renewable energy resources. The proposed development will not interfere with sustainable use of renewable energy resources.

#### **VARIANCE FOR PARKING SPACES**

The proposed parking spaces do not meet the dimensional criteria of section 3.10. Normally, the applicant would be required to apply for a variance. However, in this situation, there are competing regulatory requirements that must be met and over which NCMHA has no control. NCMHA has had to balance the obligations of historic preservation, with meeting the regulations associated with the federal ADA and municipal by-laws and various federal and state grant contracts, as described in their April 14, 2020, attachment to the Vermont Shoreland Protection Permit Application. Therefore, the DRB has determined in this unique situation to review the reduced length of the parking spaces for compliance with the variance standards in Section 1.8 of the Zoning Regulation.

We find as follows:

There are unique physical circumstances due to limited space between the existing building and the road. The applicant is required to build an accessible ramp and parking spaces to federal ADA standards which cannot be done without creating parking spaces four feet shorter than those required by Calais Zoning Regulations but which do meet federal standards. Because of such physical limitations, the parking spaces cannot be 22 feet long.


The limited space was not the fault of the NCMHA, but is the result of their need to comply with the ADA within the space that exists. Authorization of the shorter spaces is necessary to enable those with disabilities to easily access the building, is in keeping with the character of the neighborhood, is beneficial to the public welfare, and is a minor deviation from the Calais Zoning Regulations.

Accordingly the DRB grants a variance to the NCMHA to construct 18 foot long parking spaces.

**ORDER**

Based upon the evidence submitted and other information provided by the applicant at the hearing, the DRB hereby approves of the renovation and expansion of the North Calais Memorial Hall as described in application 2020-024, including Architectural Site Plans submitted with the application.

Members of the Calais Development Review Board:

 \_\_\_\_\_ Date 10/01/2020  
Anne Winchester

 \_\_\_\_\_ Date 10/02/2020  
Art Edelstein

 \_\_\_\_\_ Date 10/6/2020  
Stephanie Kaplan

 \_\_\_\_\_ Date 10/5/2020  
Jamie Ohlsson

 \_\_\_\_\_ Date 10/1/2020  
Denise Wheeler

**Notice of Right to Appeal:**

In accordance with 24VSA section 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 hearings. Failure of any interested person to appeal within the specified 30 days 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 provision of 24 VSA, Chapter 117. See also Town of Calais Land Use Development Regulations, Section 1.7, Appeals.