

MINUTES
DEVELOPMENT REVIEW BOARD
CALAIS TOWN HALL
TOWN OF CALAIS, VERMONT
MAY 5, 2022

MEMBERS PRESENT: Anne Winchester (Chair), Ryan Edwards (Vice Chair), Dot Helling (Clerk), Ashley Moore, Dennis Shaffer. Quorum established.

MEMBERS NOT PRESENT: Stephanie Kaplan, Megan Sullivan (alternate), Scott Bassage (alternate).

OTHERS PRESENT: John McCullough (Zoning Administrator), See Interested Persons Record List and Other Attendees, copy attached.

RE: Continuation of Preliminary Conceptual Plan Review hearing – CKC Holdings, LLC, application #2022 08 for 4-lot subdivision on Bayne-Comolli Road, submitted March 21, 2022

Chair Anne Winchester called the hearing to order at 6:01pm. This was a continuation of the hearing held on April 28, 2022 for the purpose of completing testimony and providing time for rebuttal.

Attorney Cindy Hill followed up on her remarks of last week stating that the RR1 general standards provide that development should occur below ridgelines and that maps appended to the Town Plan show this area in or on a protected ridgeline. Zoning Administrator John McCullough rebutted this representation saying that the ridgelines standards are not applicable to this case because these standards are for siting telecommunications. He wrote them. Hill also asked why there had been no consultation with the conservation commission and more specifics about the building sites and placing conditions to protect natural resources. Chair Anne Winchester informed Attorney Hill that the DRB had taken this up at the early conceptual hearing.

Applicant Jamie Connor read into the record the CKC Holdings, LLC seven page rebuttal letter dated May 4, 2022, copy attached. The letter responds to matters raised at the first night of hearing. The letter corrects and clarifies information in the record and sets forth proposed conditions and restrictions addressing concerns raised by neighbors and the DRB, including but not limited to the following:

- Correction of points the Applicants feel were misunderstood or mis-characterized as were stated in Attorney Hill's April 28 testimony and letter;
- Applicants will not apply for the curb cut before the DRB approves the subdivision plan;
- Applicants stand by their position that the proposed access route is a driveway and not a road arguing that it is intended to serve the three residential lots and not all four lots;
- That density averaging not required since each of the proposed lots is over three acres;
- That the DRB does not have the authority to place restrictions on Lot 4 as part of the approval.

Applicants in their rebuttal set forth more specific measurements for the proposed shared driveway (1530' long, 12' wide) and the spurs to Lot 1 (380' long, 10.5' wide), Lot 2 (240' long, 10.5' wide) and Lot 3 (180' long, 10.5' wide).

Applicants laid out proposed conditions/restrictions they would agree to regarding neighbor concerns about road traffic, access and getting a revised Forest Management Plan. Reference is made to the attached copy of the rebuttal for further information and a complete list of the proposed conditions and restrictions.

Applicants and their representatives then responded to questions posed by DRB and audience members as follows:

- The shared right of way will be approximately 400' long and therefore counts as frontage along with the frontage along Bayne-Comolli Road.
- The wetlands do generally drain away from the proposed driveway. They expect the DRB or wetlands biologist to require culverts and they may end up revising the driveway plan if further mitigation is needed.
- They plan to continue with the current Forest Management plan until the subdivision is complete and then, per Neal Maker, redo it.
- Chris Jurenthoff from Chase & Chase testified that the curb cut will be to A71 Standards and that a licensed engineer will certify it, if needed. He says the runoff from the proposed curbcut drains away from the road.
- The turnaround for large and emergency vehicles will be a “hammerhead” or “T” design, not a cul de sac, and will be approximately 30' by 20' wide. DRB may require a certified letter of sufficient design for emergency vehicle access.

Neighbor Marge Garfield stated that she believes there is no ambiguity regarding the right of way and that it is a road as defined by the creation of four lots accessed and served by it. She raised concerns about the existing spurs to Lot 4. Marge presented a letter for consideration, copy attached, addressing her further concerns about this subdivision.

Jordan Keyes argued that the shared driveway is permanent access to Lots 1, 2 and 3, that Lot 4 already has access and does not need for the right of way to access or service it. He also said it would set too high a bar if the DRB were to put restrictions on Lot 4, and that to enter into a conservation easement would be time-consuming and expensive.

Mary VanVeghten stated that a road is to serve four or more parcels, not houses, therefore this proposed right of way is a road.

Also put into the record were letters from Olivia Gay, Matt and Mona Lutz, Mary and Terry VanVeghten, the rebuttal from CKC and letter from Marge Garfield referenced above, all of which are attached hereto and posted on the Town of Calais website.

At 7:15pm the DRB went into deliberative session, and continued the hearing. The hearing resumed at 8:00pm. Chair Anne Winchester reported that no further evidence would be required for the DRB to make it's decision, however, the question of the DRB's authority to consider the placement of any restrictions on Lot 4 is unclear. Anne cited Calais Land Use and Development Regulations Section 6.8 (B) as the possible basis for any such authority. The DRB will consult with the Calais Town Attorney. Applicants requested a short recess and then came back to the hearing with two questions: (1) What is the scope of the DRB's authority to impose additional measures, ie. restrictions against Lot 4; and (2)

What adverse impacts could the DRB impose restrictions against? These questions will be asked of the Town's attorney. In the meantime, if any of the parties wants to make a submission, the Applicants and Attorney Cindy Hill have until Thursday, May 12, to brief the matter. With that directive, upon motion and second, the hearing was closed and adjourned by consensus at 8:22pm.

Respectfully submitted, Dorothy (Dot) Helling, DRB Clerk

ATTACHMENTS (these are posted on the Town of Calais website)

1. Interested Persons Record and Other Attendees List, May 5, 2022;
2. Email from Olivia Gay dated April 29, 2022;
3. Letter from Matt and Mona Lutz dated May 4, 2022;
4. Letter from Mary and Terry VanVeghten dated April 28, 2022;
5. Rebuttal letter from CKC Holdings, LLC dated May 4, 2022; and
6. Letter from Marge Garfield dated May 5, 2022.