

**DRAFT**  
Town of Calais  
Development Review Board Minutes  
Calais Municipal Office  
February 24, 2023 & March 9, 2023

**Re: Hearing on Application #2023-04, Nathan Nadeau/Benjamin Knudtson request for Right of Way at 208 Jack Hill Road for access to newly created non-frontage lot.**

**February 24, 2023**

Present: DRB members: Anne Winchester, Chair; Ryan Edwards, Vice Chair, Willa Farrell, Scott Bassage in person. Dot Helling, Clerk, and Stephania Kaplan via Zoom. Others present: Ben Knudtson, applicant; abutters Dan Weston and Chris Tuller.

The meeting was called to order at 7 pm EST by Chair Anne Winchester. Ben Knudtson clarified that he is the applicant and that Nathan Nadeau whose name appears on the zoning application is his engineer. Anne explained that the application is being reviewed under Zoning Regulations Section 3.2 relating to access for non-frontage lots. Scott Bassage demurred from participation as he is a land adjoiner, quorum was then established, and the three witnesses were sworn in.

Ben Knudtson testified and introduced a letter from his engineer Nathan Nadeau. Nadeau has investigated the grading and determined the maximum grade on the property is 10%. Nadeau further states that the proposed development adheres to setbacks and avoids sensitive areas such as septic systems. See copy of Nadeau letter attached hereto and incorporated herein.

Knudtson further testified that he wants to extend his current existing 50' drive to access the lot he has subdivided. He has no current plans to build but wants to create access to build a residence on the subdivided lot sometime in the future. The Zoning Administrator has approved the subdivision of Knudtson's +/-6.41 lot into Lot 1 consisting of 3.17 acres and Lot 2 of 3.24 acres. Knudtson's residence is located on Lot 1 adjacent to the existing gravel drive which he wants to extend to the newly created Lot 2. The extension of the right of way would be 20' wide. There is a bend in the existing gravel drive which is an "ag road" shared with neighbor Dan Weston. The access to Weston's house is 90' south of the Knudtson drive. Knudtson has not officially identified a house site on Lot 2 but testified that it would be no closer than 120 meters (+/-394 feet) to Weston's house.

Dan Weston testified that all of the Lot 2 land is agricultural with a ridge at the top. The land where Ben is proposing for a future home site has been hay land and is land-locked in an open field. Weston wants to maintain the rural nature of the area and supports the Town Plan which does not support such development. Weston is not concerned about Knudtson, whom he says is a good neighbor and friend, but is concerned about setting a precedent for future developments in rural areas like this. He asked how this proposed development meets the district standards. He testified that there is not one tree on Lot 2, no wetlands or streams and no culverts. The property has been in active agricultural use into the last year and Knudtson had sheep grazing on it. Weston questioned how the development can meet district standards yet be so contrary to the Town Plan given that this three acre lot has been fully in agricultural use. Weston believes this will open a "Pandora's Box" for others in the community waiting to do similar developments.

The proposed lot is in the Rural Residential District. A review of Table 2.2 was conducted. Weston noted that the three acre minimum with 300' road frontage could not be met. Although the ZA has authority to

approve this minor subdivision the DRB must approve the access. Since the subdivision has been granted the DRB only has authority to look at the proposed right of way. Weston said that the house must be sited to leave open spaces and be located by existing trees which is not possible on this lot. Development cannot occur on a ridgeline. He stated that this project is not in line with clustered development, such as the Dragonfly Lane development, and he is worried about the repercussions if we make exceptions.

In response to questions posed by Willa Farrell and Dot Helling, Chris Tuller testified that the ridgeline is in his house view and his view would be impacted and his house not protected if this development occurs. According to Tuller, there are two springs where the properties intersect, no wetlands impact that he knows of, and the ridgeline is 70-80' above the elevation of Jack Hill Road. All of the land is open agricultural. No actual housesite has been proposed or planned.

At Knudtson's request, the hearing recessed for 15 minutes at 5:40pm. The hearing resumed at 5:50pm at which time Knudtson requested that the hearing be continued to a date certain in the future. Some group discussion addressed what Weston described as a "dysfunctional loophole" between the regulations and the Town Plan. He noted the regulations require a minimum of 300' of road frontage for residential development, yet the ZA can unilaterally approve a land-locked minor subdivision which only requires DRB approval for an access right of way, but then no further review or approvals are required for the actual siting and development. The hearing was continued to 6:30 pm on Thursday, March 9, 2023 at the Calais Town Clerk office. Chair Anne Winchester will discuss this issue with the Planning Commission before we reconvene.

Upon motion by Kaplan, second by Helling, the hearing was adjourned and continued to March 9 as above stated by consensus at 5:56 pm.

Following the above adjournment and continuance, the DRB met for the sole purpose of approving minutes of past meetings. With a few proposed revisions the minutes of October 27, 2022 were approved by consensus, with the exception of Stephanie Kaplan who was not present. The minutes of December 7, 2022 were approved by consensus without further revision. This meeting adjourned at 6:20 pm.

### **March 9, 2023**

Present in person: Ryan Edwards, Vice Chair. Present via Zoom: Anne Winchester, Chair; Dot Helling, Clerk; Stephanie Kaplan, Willa Farrell. This meeting was called to order at 6:34 pm by Chair Anne Winchester. Winchester announced that she is resigning from the DRB effective March 13, 2023 as she has been elected to the Selectboard.

Quorum established. This meeting was a continuation of the hearing on Ben Knudtson's application for a right of way off Jack Hill Road. Chair Winchester reported that Knudtson has withdrawn his application and plans to re-apply for a right of way in the future when he has determined a home site and building plan for recently created Lot 2. Upon motion and second, the Board accepted Knudtson's withdrawal of his application by consensus. Knudtson has been refunded his application fee and has stated he wants to be a "good neighbor."

Motion and second to adjourn approved by consensus and the hearing closed at 6:40pm.

Respectfully submitted,

Dorothy (Dot) Helling, DRB Clerk