

Town of Calais
Development Review Board
Subdivision Final Plan Review
Findings and Decision

In re: Preliminary subdivision review for CKC Holdings, LLC
Permit Application No. 2022-06

This proceeding involves review of an application for a major subdivision of land submitted by CKC Holdings, LLC for final subdivision approval under the Town of Calais Subdivision Regulations. The Development Review Board hereby incorporates all the provisions of the Preliminary Plan Review for this application dated June 10, 2022, with the following additions and changes:

INTRODUCTION AND PROCEDURAL HISTORY

10. CKC Holdings, LLC filed a request for final plan review on November 10, 2022. On November 15, 2022, a public hearing for final plan review on December 7 was noticed in Front Porch Forum, at the East Calais Recreation Hall, at the Maple Corner Store, at the Adamant Coop, at the Town municipal office and on the Town calendar. On the same day, a copy of the notice of a public hearing was mailed to the applicant and to the following owners of properties adjoining the property subject to the application: Matthew Lutz, Alexandra Altman, Douglas Perkins, Stephen Perkins, Terry Van Veghten, Scot Richards, Mary Eileen Mooney, Melanie Viets, and Joseph Bayne.

11. Present at the December 7 hearing were the following members of the development review board:

- Anne Winchester, Chair
- Ryan Edwards, Vice Chair
- Dot Helling, Clerk
- Scott Bassage, alternate
- Willa Farrell
- Candi Smith
- Dennis Shaffer

12. At the outset of the hearing, the development review board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, including a summary of their evidence with regard to the criteria, and a record of their participation at the hearing, is attached hereto.

13. The Chair verified that all members participating in the hearing, who had not participated in the Preliminary Plan Review, had reviewed all documents presented into evidence at the earlier hearing.

14. During the course of the hearing the following exhibits were submitted to the development review board:

Memo from Attorney Hill to Calais Subdivision Neighbors dated December 5, 2022

Memo from Paul Olander to Calais DRB

A proposed Driveway Cross section submitted by the applicant

Memo from Attorney Reynes dated December 7, 2022

Following the hearing the following documents were submitted:
Additional comments from Paul Olander dated December 14, 2022
Memo from Attorney Reynes to DRB dated December 15, 2022
Memo from Attorney Hill to DRB dated December 18, 2022

15. On December 21, in deliberative session, the DRB voted on whether to grant a motion by the applicant to reconsider condition number 2. On a 4/3 vote, the DRB voted not to reconsider. Members voted as follows:

No: Scott Bassage, Ryan Edwards, Dot Helling, Dennis Shaffer

Yes: Willa Farrell, Candi Smith, Anne Winchester

16. The DRB recessed the hearing until January 5 pending submission of further written arguments by December 16. On January 5, 2023 the DRB determined that no further evidence was needed and adjourned the hearing.

FURTHER FINDINGS OF FACT AND CONCLUSIONS

Condition 1a

By an erosion control plan of 3/4/22 and a letter dated October 4, 2022, from Chase and Chase Surveyors & Septic Designers, Inc. to the DRB signed by Ryan Libby, PE, the applicant satisfies condition 1a. Chase and Chase further certifies that with an additional waiver to the crown, grade, sub-base and surfacing standards of the Vermont Agency of Transportation Standard A-76, as amended, the road can be designed to meet the standards of subsection 6.14 of the Calais zoning regulations and have less impact on the adjoining wetlands.

Given the clarifying supplemental professional testimony and documentation provided by the Applicant, the DRB finds that the proposed driveway cross-section appended to the letter of 10/04/2022 provides an appropriately engineered drainage slope, grade, sub-base, and surface suitable to the capacity of the road, minimum access requirements of the local fire departments having jurisdiction (East Montpelier Fire Department and Woodbury Volunteer Fire Department), and the constraints of the road's location adjacent to the adjoining wetlands. The DRB therefore approves of the proposed amended road cross-section provided that it is constructed in accordance with the proposed driveway cross-section appended to the letter of 10/04/2022.

Condition 1b – f

All requested documentation has been submitted and found acceptable.

Condition 3 is changed to read:

3. Neither the applicant nor the owners of the 3 houses shall require or request that a school bus be brought closer to the site than the intersections with Dugar Brook Road or Number 10 Pond Road.

The development review board finds that, as conditioned, the proposed subdivision plan and associated plat conform to subdivision review standards under Sections 6.8 through 6.15. The final subdivision plan and associated plat are hereby approved by unanimous vote of the board.

Dated at Calais, Vermont, this 5th day of January, 2023.

Anne Winchester, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the/development review board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.