

TOWN OF HIGHGATE PLANNING COMMISSION

MINUTES

September 9, 2013

NOTE: All actions taken are unanimous unless otherwise stated.

I. CALL TO ORDER & ROLL CALL

The meeting was called to order at 6:07 p.m.

Present were:

Planning Commission Members: David Cadieux - Chair, Woody Rouse, Bruce Ryan and Pauline Decarreau.

Staff: Heidi Britch-Valenta - Planning & Zoning Administrator, Erin Rocheleau, and Samantha Rice - Planning & Zoning Clerk

Public: see attached

Mr. David Cadieux swore in all members of the public present at the Highgate Planning Commission (PC) meeting. Mr. Cadieux then asked the members of the PC Board if anyone had any conflict of interest with the hearing before the Board. Mr. Cadieux continued to explain if any Board members felt like they need to recuse themselves from the hearing, to please do so.

II. PUBLIC HEARING

Robert & Tracy Dufresne

2-Lot Subdivision

2779 Vermont Route 78, Highgate

Parcel # 0020-078-285

Ms. Heidi Britch-Valenta explained to the Board that Mr. Robert Dufresne and his wife Tracy Dufresne own a 2-acre parcel of land on Route 78 in Highgate Center. The application in front of the PC is for the 2-acre parcel of land to be divided in two 1-acre parcels.

Mr. Brad Ruderman, Brad M. Ruderman & Associates, Inc. presented a sketch plan to the PC for a 2-lot subdivision. The proposed Lot-1 showed the existing 2 structures that are currently on the lot, a single family rental home as well as a double wide mobile home proposed for a retail business. The proposed Lot-2 showed a proposed new constructed single family home. The sketch plan also showed a paved accessed to Lot-1 and Lot-2 from Route 78.

The proposed Lot-2 will only be accessible through Lot-1 with a single driveway.

Mr. Ruderman explained that the proposal is to have a shared wastewater system with the proposed new home and proposed commercial business. The existing well is waiting to be tested to see if it can be shared for all 3 structures on the proposed 2-lots.

Ms. Britch-Valenta asked Mr. Ruderman for clarification on the pump test for storage or new well. Mr. Ruderman explained that Mr. Dufresne is waiting for results of testing on the current well as well as on the waste storage tank currently on the property. There is both a storage tank and a leach field located on the subject property used for waste.

Mr. Cadieux asked if Mr. Dufresne has received an AOT permit for changes to the driveway. Mr. Ruderman indicated that yes, this approval has been obtained.

Mr. Ruderman indicated on the sketch plan the existing parking located on the current property. Mr. Woody Rouse asked if the proposed driveway accessing the proposed Lot-2 would go through the existing parking area for the current business operated on proposed Lot-1? Mr. Dufresne and Mr. Rouse discussed the idea of changing the current parking as well as possibly changing the proposed driveway.

Mr. Bruce Ryan asked why the guide wires and fences on the sketch plan were not indicated on the legend? Mr. Ruderman explained that it was overlooked on the plan and the final map will be changed to have a correct legend.

Mr. Cadieux explained that in Section 550 of the Bylaws it indicates that 1-parking spot is required for every 200-feet of business as well as a set back of 30-feet from the commercial building to the right of way is needed to subdivide a multi-use parcel.

The Board went on to discuss the septic locations with Mr. Dufresne and Mr. Ruderman. The location of the septic system and the well, would need to be determined. The Board also discussed the bylaws of setbacks and right of ways to subdivide the property into 2-lots (1 being a multi-use lot). It was pointed out that the proposed single family home would require Conditional Use Approval from the ZBA as a residence in the Industrial Commercial Zoning district. The proposed changes would require the access to meet A76 standard because it would now serve more than 3 units. This would include picking a road name and blacktopping the access road.

Ms. Britch-Valenta mentioned that land with a 20% slope has to meet special requirements for building and developing. Mr. Dufresne and Mr. Ruderman

mentioned that house is not proposed to be built on the sloped, back edge of the property.

David Rouse, Fire Department member, asked if the proposed Lot-2 access is accessible for a fire truck? Mr. Ruderman explained that the access can be adjusted for a large fire truck access. Mr. Ruderman went onto explain that the current sketch shows an access large enough for 3 or 4 cars.

MOTION: Mr. Cadieux made the motion to close this hearing and further discuss it in deliberative session. Mr. Ryan seconded the motion. Motion carried 6:28pm.

Robert Wright

WRB Sand Pit

Boundary Line Adjustment

South Side of Lamkin Street, Highgate

Parcel # 0020-005-080

Ms. Britch-Valenta explained to the Board that Mr. Robert Wright owns and operates WRB Sand Pit located off of Lamkin Street in Highgate. The application in front of the PC is for a Boundary Line Adjustment between 2 of the 3 lots owned by Mr. Wright. Mr. Wright has changed the location of his driveway access to the sandpit without notifying the Town of Highgate of the change. This application is an after the fact adjustment. The Applicant will also be amending the ACT 250 permit for this sandpit as well.

Andy Hoak, Ruggiano Engineering, Inc. explained that Mr. Wright owns 3 adjoining lots. Lot-1 is the existing sandpit, 99.42 acres, Lot-2 is 0.69 acres with Lamkin street frontage, and Lot-3 is 0.46 acres.

Mr. Woodbury Rouse asked Mr. Wright about a temporary building on skids located on the subject property. Mr. Rouse indicated that a temporary structure needs to be on wheels so that it can be moved at any time. Mr. Wright explained that he tried to obtain a building permit for the building in order to make it a permanent building, but the building permit was denied by the Town until this hearing was heard and the Boundary Line Adjustment was approved.

Mr. Hoak indicated that the Highgate land records do not have the survey recorded, only a survey plat used as a guide to prepare the plat presented to the Board. Mr. Wright explained that he bought 3 separate lots, the lots have never been subdivided so there was not a plat on file.

Mr. Cadieux asked if there are any discrepancies on the survey pins? Mr. Wright indicated no.

Ms. Britch-Valenta asked Mr. Wright if there is a proposed end date to the sandpit? Mr. Hoak said that there has been an Act 250 permit submitted for 5 years.

Ms. Britch-Valenta asked if there is a plan on installing any noise reducer on the subject property? Mr. Hoak explained that no noise reducers are planned at this time, but Mr. Wright will wait and see what the Act 250 requirements are on noise reduction.

Mr. David Rouse asked why 2 of the 3 lots are combined in the Town records. Mr. Cadieux explained that the combining of the lots is for tax purposes only. Cadieux went onto explain that Mr. Wright has 3 separate deeds, indicating 3 separate lots.

There was a large amount of heated discussion from neighbors present at the hearing regarding the proposed subdivision. This hearing was wrongly noticed, and Mr. Wright only has a Boundary Line Adjustment currently in front of the Board.

MOTION: Mr. Ryan made the motion to close this hearing and further discuss it in deliberative session. Mr. Rouse seconded the motion. Motion carried. 7:03 pm

III. OTHER BUSINESS

Steve Kenz and Jerry Austin

Window assembly

Mr. Steve Kenz would like to lease his farm building to a Canadian Company as a location to assemble windows. All materials will be brought onto the site, assembled and shipped out, no manufacturing will be involved on the subject property.

Ms. Britch-Valenta explained that the subject property is located in the Forest Reserve zoning district of the Town. Currently manufacturing is not allowed in this zoning district. The bylaw definition of Manufacturing includes assembly. Kenz asked the board to consider revising the bylaws to allow for assembly to be a lesser category of manufacturing that could be allowed in more districts.

Mr. Cadieux explained that this proposed business is too large to be considered an in home occupation, and it is currently not permissible. Mr. Cadieux continued to explain that the Town is currently revising the Bylaws, and this idea will be discussed. There is a 12-month timetable for this Bylaw revision process.

Bylaw Review Northwest Regional Planning Commission

The PC Board continued to discuss the Bylaw review with representatives from the Northwest Regional Planning Commission. The discussion topics included adjusting the regulations on Home Occupation to create a tiered system which would allow varying sizes and levels of review, lot size, and Renewable Energy was continued from the August meeting discussion.

The next meeting there will be shoreline regulations models to discuss with the Board.

IV. VIOLATION UPDATE

Ms. Britch-Valenta provided an update on multiple violations within the Town, which she is following up with.

MINUTES

Mr. Cadieux made a motion to approve the minutes with discussed corrections. Seconded by Mr. Woodbury Rouse. Motion carried.

DELIBERATIVE

MOTION: Mr. Cadieux made the motion to go into deliberative session. Ms. Decarreau seconded the motion. Motion carried. 8:50pm

Mr. Rouse made a motion to come out of deliberative session; seconded by Ms. Decarreau. Motion carried at 9:10.

DUFRESNE

MOTION: Mr. Cadieux made a motion to not accept the Dufresne 2-lot subdivision sketch plan request due to the failure of the proposal to meet dimensional standards particularly with regard to the setback from the commercial building from the ROW serving the newly created lot. A new plan must be reviewed as a sketch. The letter should also note these two points of interest.

- The commercial building must also be able to provide adequate parking if it is ever to receive a conditional use permit. 1 parking space per 200 square feet of space.
- It should also be noted that the newly created residential lot must also be reviewed by the Highgate Zoning Board of Adjustment (ZBA) for a Conditional Use to establish a residence in the I/D Zoning District.
- All structures must be compliant with dimensional standards for the district.

Mr. Woodbury Rouse seconded the motion. Motion carried.

WRIGHT

MOTION: Mr. Woodbury Rouse made a motion to accept the Wright proposal as a sketch and move it to final with the following conditions:

- The result of the Boundary Line Adjustment must be three compliant lots.
- Lot 3 must meet minimum lot size.
- The buildings on lot 3 must be indicated “to be removed”
- The applicant is responsible for amending the ACT 250 permit.

Mr. Ryan seconded the motion. Motion carried.

MOTION: Mr. Ryan made the motion to adjourn the meeting. Ms. Decarreau seconded the motion. Motion carried. 9:30pm

Respectfully submitted,

Samantha Rice, Planning & Zoning Clerk

Minutes approved by:

A handwritten signature in blue ink that reads "David Cadieux" followed by the date "11/18/13".

David Cadieux

Planning Commission Chair