

TOWN OF HIGHGATE

Development Review Board

March 10, 2016 @ 6pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

I. CALL TO ORDER

The meeting was called to order by chairman, Rick Trombley at 6:03pm, noting there was a quorum present. We have a full agenda tonight with five hearings and other business to deal with afterwards. Comments from the audience will be limited to 3 minutes per person and please direct your questions to the board. Some of these hearings are continuances from prior hearings. Everything is documented so we do not need to repeat anything that has previously been discussed.

Present at this meeting:

- **DRB members:** Rick Trombley, Chairman; Woody Rouse; Tim Reynolds; Scott Martin; *absent – Julie Rice*
- **Staff:** Wendi Dusablon- Planning & Zoning Clerk; Heidi Britch-Valenta – Zoning Administrator
- **Public / Other:** Patricia & Gerard LaBrie; Brian Heir; Sandie Vanslette; Dan Brosseau; Roy Hango; Debbie & Shawn Spears; Dianne & Mike Begnoche; Kevin McWilliams; Katie Davis; Mike Gervais – NLS; Brooke & Jordan Cota; Chris Kinnick; Peter Mazurak – Cross Consulting Engineers; Steve & Linda Bushey; Kathy Boumil;

II. PUBLIC HEARINGS

- **LaBrie, Gerard & Patricia**
Final Plan Review – 2 Lot Subdivision
3178 Carter Hill Road
Village District

Present for this hearing were Gerard & Patricia LaBrie and Michael Gervais from Northern Land Surveying. All were sworn in at the last hearing in February. The plans presented still say "sketch" plan on them, Michael will adjust that. Nothing has changed from the proposal last month. Mr. LaBrie stated the parcel was two pieces for 45 years and he joined them in 2007. He now wishes to split them back up so it will be done for the future. He does not plan to do anything with it, he is simply preparing for the golden years. Lot #1 will be 13.1 acres +/- and lot #2 will be 1.53 acres. All the criteria from the bylaws were reviewed at the last hearing and there were no other comments from the board. Motion by Rick Trombley to close the hearing at 6:08pm. The motion was seconded by Woody Rouse – **APPROVED.** There will be a written decision within 45 days.

- **Brosseau, Daniel & Lise**
Preliminary Plan Review – 6 Lot Subdivision
Off Morey Road & Darlene Drive (Maple Lane)
Medium Density Residential District

Scott Martin recused himself from this hearing and went and sat in the audience. Rick noted that there was still a quorum present for this hearing. Dan Brosseau and Roy Hango stepped forward with large maps of the proposal. Rick asked if anyone in the audience was here for this hearing, Debbie and Shawn Spears identified themselves and Rick swore everyone in, as it had been a year since this proposal was before the board. Tim Reynolds reminded everyone to sign in if they had not done so already. The name of the proposed development is Maple Lane and it will access five lots and one existing lot. Mr. Hango noted that there had been some changes since they were last here in March, 2015. The Christolini well was the stumbling block and some adjustments had to be made to stay out of the well zone. They increased the width of the access road to 22' which

changed the impact on the wetland slightly, but not enough to require a modification to the permit. The existing wetland permit is still valid, per Mr. Hango. The waste water permit has been reissued. Those were the main outstanding issues. Tim asked where they shifted the new sewers. Mr. Hango said that the septic on lot #5, which was closest to the Christolini well, was moved onto lot #4. The plan has already been approved by the fire department and the school district. Mr. Hango added that they would like to appeal having to install sidewalks, as they do not see it in the regulations. Heidi noted that it is within the boards rights to request sidewalks in any new development. This is a 6-lot proposal with potential for further development. It is in the best interest of the town to pursue pedestrian infrastructure. Rick asked about the road going in which comes to lots 2 & 3 and then turns toward the right to a cul-de-sac, but a turn towards the left is a dead end, which is not allowable. Mr. Hango and Mr. Brosseau clarified that that is a driveway, not a dead end. Mr. Brosseau said he does not plan to expand beyond these 6 lots, so there should not be concern for sidewalks being needed. He further stated that there are wetlands back there so he won't be going any further. Rick stated that this is a preliminary review which requires a storm water map and road survey, all of which are included in the document being presented. Mr. Hango said there is a storm water permit in progress with regard to drainage. Tim asked if the driveways for each lot will go right up to each home - yes, per Mr. Brosseau. Mr. Brosseau also clarified there will be a split rail fence built along the wetland area. Rick asked about the walkway, it was clarified that this will be crushed stone. Rick read through the regulations with regard to the preliminary plan review and also made reference to notes from previous hearings with regard to what was missing from maps and plans. Heidi added that the public works department has done two site visits to Charles Circle due to drainage issues. There will need to be some work done, but it's unclear whether it's on the road or on the adjoining properties abutting the road. Looking at the entire area, it is not sufficient for proper drainage. Mr. Brosseau stated that the drainage issues are on the opposite side of the road from where he is proposing this development. Heidi responded that there is more than one spot in this development that needs to be addressed. She also stated that this project can't be considered a PUD (planned unit development) without open space, so the board will have to consider this as a major subdivision unless they decide to configure the lots differently, and that is a discussion for Mr. Brosseau and Mr. Hango to have. Rick had more questions about the storm water permit, waste water permit and wetland permit and wanted them on the record. The new waste water permit was recorded with the town on Dec. 11, 2015; permit # WW-6-2925-1. The wetland permit number is EJ14-0405; and the storm water permit they are still waiting on. Mr. Hango asked about the advantages of a PUD vs. a major subdivision. Heidi advised that he and his client review the bylaws. A PUD would offer different opportunities and she can go through the differences with them if they want to contact her. Our previous bylaws did allow a PUD without open space, but our bylaws were revised and adopted in March, 2015. If they decide to make any changes with regard to PUD vs. major subdivision it would push them back to a sketch plan review. Anything over three lots is considered a major subdivision. Rick opened it up to the audience for questions or comments and noted that all questions be directed to the board. Debbie Spears spoke, her property abuts this proposal and she said that Mr. Hango is incorrect when he says that he does not have to amend or apply for a new wetland permit. Debbie spoke with Laura LaPierre, program manager at ANR today, and being that Maple Lane is 22' wide, to comply with A76 standards is an impact to the wetland buffer they do need to amend or apply for a new permit. She also spoke with Shawn Corbitt today on the phone and they discussed A76 standards and he said that the minimum is 24' and went into detail about travel ways. He told her that other things must be considered as well, like shoulders, radius' and sidewalks etc. Debbie wanted to discuss her well also. She noticed that where their well is noted on the maps is not accurate. She is 99.9% positive it is not correctly noted. She also asked Shawn Corbitt about the 100' well buffer. She said their well is very close to Christolini's property, about 2'. Much closer than depicted on Mr. Hango's maps. She noted that the radius is supposed to be a 360 degree radius, which is shown, but should be from the center of her well. She asked Mr. Corbitt who to contact about

the 100' radius. Mr. Corbitt conferred with a designer in his office and conveyed the information back to Mrs. Spears. Shawn Spears then spoke. Shawn asked for clarification on the map where the path is located. It is not shown on the maps provided. Mr. Spears asked questions about ditching because the elevation is higher than the elevation of his leach field. Mrs. Spears also said she communicated via email with Rodney at the water resources division and he told her that the ground water right of action could apply to her situation. Mrs. Spears quoted from the statute "all persons have a right to beneficial use and enjoyment of ground water free from unreasonable interference by other persons." Rick asked if Debbie could obtain something in writing from these people she spoke to, she said yes, she can. Tim asked if they could have a copy of her notes from this evening. Debbie has things noted that she did not talk about tonight because her time ran out, but she can get the board what they are asking for. Rick would like to see these, because what they are seeing on the maps and hearing from Mr. Hango and Mr. Brosseau is different from what Mrs. Spears is saying. Heidi added that the wetland, storm water and waste water permits are all governed by the state and would need to be pursued with those departments individually. The town can't issue any ruling based on their decisions until we see their decisions in writing. Debbie brought forward a written statement from Laura LaPierre dated March 11, 2015 regarding additional impacts to the wetland area. Mr. Hango stated that because it is under 150 square feet, the existing permit is ok. Heidi is assuming that Mr. Hango has been in contact with the wetland division since March, 2015. Yes, he has and he can provide a document stating they are all set with regard to the wetland permit. There were no other comments from the audience and Rick asked for the consensus of the board. The board would like to see the letter that Mr. Hango is going to submit, so this hearing will be continued.

It was noted that Scott Martin returned to the board @ 6:42pm for the remainder of the hearings this evening.

- **Leduc, Andre & Eric / Begnoche, Michael & Dianne**
Conditional Use Application for Modular Home Sales
2629 VT Route 78
Industrial / Commercial District

Kevin McWilliams (realtor) was present on behalf of the Leduc's, also present was Michael & Dianne Begnoche. Rick swore everyone in and it was noted that no one needed to recuse themselves and a quorum was present. Kevin stated that Mr. Leduc and his son are looking to sell this property located at 2629 VT Route 78. This is the former Roy's Housing / My Vermont Home property that has been vacant for some time now. Mike and Dianne Begnoche are looking to purchase it and run a business like what was there previously. Rick commented that the maps presented are assuming they will get a waiver of setbacks. There is a project review sheet in their packets, and the drinking water and septic permits are all pre-existing. The driveway permit is also all set. The waivers are also noted and provided in the board's packets. They are requesting a waiver on the rear boundary that abuts the rail trail, down to 10' (district standard is 30') and on the front they are requesting a waiver to 55' (district standard is 85') on Route 78. This is because the concrete foundations are already there and they would like to utilize them for the same purposes. The parking area was extended into the right of way and the access permit from AOT states that this is not a problem. Rick asked if a waiver follows from a previous permit. Heidi said the board is not obligated to give a waiver based on a previous use. It is totally reliant on the project being compatible with conditional use criteria and waiver criteria. Heidi read aloud from these criteria in our bylaws. Kevin clarified for the board, based on the maps provided, where the waivers are being requested. Dianne would like to access all of the existing foundations and realistically would probably start with three or four units on the lot. They could be on a temporary block system, but they would prefer to have them on a stable foundation. There are already poles in place that provide electricity. Their hours of operation would be 8am - 6pm Monday - Friday, and 8am - noon on Saturday. The number of employees would be between 1-3, and one of them would be Dianne. There is an existing sign 4' x 8' they would like to utilize the same amount of space, just with a different sign. The name of

the business will be Regency Housing. There is one light pole existing that has a fixture on it and another pole with no fixture. There will be no trade-ins taking place and they will not require any additional storage on site. Woody asked about employee parking. They will use the front main parking lot but there is an option to park out back as well. The board feels they have enough information to make a decision and they are all familiar with the property. Tim would like to see more lighting for their own safety, and Scott agrees. Also, some kind of fencing along the rail trail would be something to think about. Dianne provided photos of the units they are looking to stock. The units will all be movable, if someone decided to purchase a display unit. They can also come in and look at a unit and have it delivered to their site, so it would not even show up on the display lot. Heidi asked about traffic and any affects when moving a unit. Dianne noted that modular homes are sometimes three truck loads and shipping companies take care of all the permits. They will be selling double wide and modular homes, but will only have double wide units on display. For now they are looking at three display units plus the office unit. Motion by Rick Trombley to close the hearing @ 7:03pm.. The motion was seconded by Scott Martin – **APPROVED**. There will be a written decision within 45 days.

- **Paquette, James**

Sketch Plan Review – 3 Lot Subdivision
Quarry Lane
Agricultural District

Present for this hearing were Steve & Linda Bushey, Kathy Boumil, Katie Davis and Peter Mazurak from Cross Consulting Engineers was representing Mr. Paquette. Rick swore everyone in and it was noted that no one needed to recuse themselves and that a quorum was present. This is a previous subdivision that is now proposed for another three lots, two approved building lots (1.36 acres and 1.14 acres) and one deferred lot (2.66 acres). The proposed building lots will have onsite septic and well. Two new homes were recently added on lots 5 and 6, and the cul-de-sac is being finished. They will be moving forward with state permits and waste water permits, there is no ACT250 needed and no wetland areas are impacted. Tim asked about blacktopping the road, Peter said if that is required by the board, they will do it. Tim would like the cul-de-sac to be 100' across (50' radius) to accommodate emergency vehicles. There are no plans for a sidewalk being proposed. There is room to put a sidewalk in, perhaps on the north side. Steve Bushey said the existing road is a 60' right of way and they will need to talk about ditching. Rick noted that on previous subdivision minutes there was a concern about drainage, noting minutes from July 2004. Peter thinks they are referring to an 18' cross culvert which heads towards the Hatin's (formerly Angela Paquette's) property. At the time, the culvert was big enough, but not anymore. Steve presented a map from 1995 when the first three lots were established on Quarry Lane. It was never properly ditched, and all the water comes onto the Bushey property. To help alleviate the problem, Mr. Paquette put in a ditch on the other side of the road, which is very sandy soil. Steve doesn't know where the water for the other side is going, so there has to be a plan to ditch. There is a steep bank that is also very sandy so some rip rap would be required to stabilize the bank. Mr. Paquette had said the road would be paved prior to those last two houses going in, and it has not happened. Nothing was put in black and white with the decision letter back then. We write a very different decision letter today. Steve would like to implore the board to require the road be blacktopped before anything else can be built. The homeowners association has been taking care of the road for 15-16 years and the road continues to expand. Pete Paquette owns the road, but the residents have been responsible for maintenance, plowing, stone, everything. There is a road maintenance agreement in place and the new owners of lot #5 and #6 were not even aware of it. Peter Mazurak has not seen this road maintenance agreement. Steve said no one is complaining about the road maintenance agreement, but the two newest home owners did not even know it existed. The road has doubled in size since 2004, so they are asking for a more robust road agreement from the town, so developers are held to the letter of the law. The homeowners association's current agreement has no teeth, if people don't want to pay, they just don't pay. Quarry Lane right now is taking a pounding. Heidi noted that those

that don't pay you have the right to place a lien on their property, and we have seen that done in town in the past. Nobody is trying to restrict Mr. Paquette from making a living, but the road should be required to be paved. Rick noted that if houses are built and not sold, it is more attractive to buyers if the road is paved. Kathy Boumil expressed frustration with the situation, stating that Mr. Paquette has never finished the road or the cul-de-sac and that he has slithered long enough and has gotten away with it. He needs to do what he said he was going to do and that the developer should be maintaining the road until the development is finished. What has happened on Quarry Lane is just not right! She further stated that Pete Paquette has made his share of money in this town and yet he does not comply. Tim replied to Kathy that it was never written in to the decision letter that blacktop would be required, again letting them know that today's decision letters are very different. Steve is here to make sure that the road gets upgraded and is maintained to handle the traffic. Steve also asks that the people that own lots on Quarry Lane have proper drainage, a swale or a ditch. The water currently goes along Fortin Road and heads north to a culvert. Before Quarry Lane is paved the drainage needs to be addressed and done correctly. Those present were fine with Peter Mazurak coming onto their properties to take some measurements. Things to consider are good ditches or raising the elevation of the road. The town of Highgate has seen firsthand what water can do on a slope, so drainage is a significant issue. Steve doesn't feel that sidewalks are necessary, personally, but that is his opinion. Peter Mazurak further noted if the road is built to A76 standards it will be wide enough to walk on. The speed limit is currently up to the residents as a private road. If the town takes it over, the town would have to decide and can't drop it below 25mph without a speed study. Rick read aloud from the minor subdivision criteria in the bylaws. It was noted that the north arrow is missing on the maps and that an existing pond is not shown. Heidi had a question about the easement on lot #9. The land noted to be merged with the Davis property has already happened. There was nothing further from the board. The residents asked what will happen next. A sketch plan letter will go out to Mr. Paquette with regard to what will need to happen before they can come back for another review. We will have to see when Mr. Paquette and Mr. Mazurak will be ready to come back, and everyone will be noticed accordingly. Rick Trombley noted that this hearing will be continued.

- **Paquette, James**
Sketch Plan Review – 6 Lot Subdivision
Rheaume Road
Medium Density Residential District

Peter Mazurak from Cross Consulting Engineers was present on behalf of Mr. Paquette. There was no one else present for this hearing. Rick swore Mr. Mazurak in again, noting that no one needed to recuse themselves and a quorum was present. This is a 6-lot subdivision along US Route 7 and Rheaume Road. Woody noted that the lots are being numbered 1A & 1B and that the town no longer wants to use letters, so the lots will need to be renumbered. It would be more convenient if the remaining lands were given higher lot numbers. Lot #6 will have to remain the same or the waste water permit will have to be adjusted. There is an existing easement to the Deal Cemetery already. For access to lots #1 and #10 there will be a small driveway off Rheaume road. Lot #7 will have a driveway off Rheaume road. To get to the new lot #6 and lots #8 & #9 they are proposing a shared access driveway which would be A76 standards. No hammer heads are allowed, it will require a cul-de-sac. Heidi noted that the public works department already looked at the driveway area for lot #7 and thought it was too close to the intersection. Heidi will send the road standards to Mr. Mazurak for clarification. Tim clarified, lot #6 will become 36.4 acres – yes, and it could be developed in the future. AOT approval will be required for anything off of US Route 7. They are not looking at a PUD at this point or at any point in the future, as far as Mr. Mazurak is aware. The proposed road will be part of lot #6. Tim asked who would maintain the road, Mr. Mazurak assumes it would be a homeowners association made up of lots #6, #8 and #9. Essentially, lot #6 will own the land under the road. Whoever owns lot #6 will theoretically own the road unless they come up with a homeowners association. Mr. Mazurak stated that the speed limit on US Route 7 is 50mph and the site distance is good. Heidi asked if they

considered coming in through lot #6 to serve all the lots from there. Yes, they did, but the terrain is very rough in there, so they decided not to. The flow of water will generally all be towards US Route 7. There will be a culvert at lot #7, which is not shown on the plan. Rheaume Road is a Class III road which turns into a Class IV at the end. A building envelope will be added to the plan for each lot for the next hearing. Rick read aloud from the development regulations with regard to major subdivisions. They will need a name for the road that will be serving three lots. Mr. Mazurak will also add the owner information for the Brow lot and all the tax parcel numbers. The plans should indicate the level of review also (sketch, preliminary or final), so he will add that also. Motion by Rick Trombley @ 8:13pm to continue this hearing. The motion was seconded by Tim Reynolds – **APPROVED**. It was noted that the deadline to submit documents for the next hearing on April 14th is by March 28th.

III. APPROVAL OF MINUTES

- Motion by Rick Trombley to approve the minutes from February 11, 2016 with one amendment. The motion was seconded by Tim Reynolds – **APPROVED**.
- Motion by Rick Trombley to approve the minutes from February 29, 2016 as written. The motion was seconded by Tim Reynolds – **APPROVED**.

IV. OTHER BUSINESS

There were three decision letters for review.

- Airoidi DRB-004-16
- Laroche DRB-009-15
- LaPointe DRB-002-16

All were approved and signed. Wendi will send them out via certified mail tomorrow, 3/11/16.

V. UPCOMING EVENTS

March 15	6pm	Planning Comm. Mtg.
March 16	5pm	ADA Comm. Interviews
March 17	7pm	Selectboard Mtg.
March 19	10am – noon	Dog & cat rabies clinic at HVFD
March 21 & 28	5:30pm	Finance Comm. Mtgs.
April 1	by 4:30pm	Dog licenses are due!

VI. DELIBERATIVE SESSION

Motion by Rick Trombley to enter into deliberative session @ 8:33pm. The motion was seconded by Woody Rouse – **APPROVED**.

Motion by Rick Trombley to exit deliberative session @ 8:47pm. The motion was seconded by Tim Reynolds – **APPROVED**.

Due to the time and the length of this meeting, the DRB will reconvene in deliberative session on Monday, March 14, 2016 @ 4:30pm. Wendi will warn this deliberative session, in accordance with open meeting law.

VII. ADJOURNMENT

Motion by Rick Trombley to adjourn the meeting @ 8:48pm. The motion was seconded by Woody Rouse – **APPROVED**.

Minutes respectfully submitted by:

_____, Planning & DRB Clerk _____
 Wendi Dusablon _____ Date _____

Minutes approved by:

_____, DRB, Chair _____
 Richard Trombley _____ Date _____