

TOWN OF HIGHGATE

Development Review Board

January 14, 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 6:00pm, noting there was a quorum present.

Present at this meeting:

- **DRB members:** Rick Trombley, Chairman; Woody Rouse; Julie Rice; Tim Reynolds; Scott Martin
- **Staff:** Wendi Dusablon- Planning & Zoning Clerk; Heidi Britch-Valenta – Zoning Administrator
- **Public / Other:** Harvey Chaffee; Travis Elwood; Ronald Lussier; Wilfred Lussier; Michael Gervais; Lucien Laroche; Albert Laroche; Chad LaPointe; Louise LaPointe; Bridgett Hammond; Rodney L'Esperance; Anthony Reynolds

II. PUBLIC HEARINGS

- **Lussier, Wilfred & Ronald**
Final Plan Review ~ 2 Lot Subdivision
3532 VT Route 78
Village District & Medium Density District

Michael Gervais, Ronald Lussier and Wilfred Lussier were all sworn in at the last meeting and are still under oath. There have been no changes from last month except Michael has added in the setback lines that were requested, added the street name Maizefield Drive, added the building envelope and zoning district information as well as signature blocks for the DRB chair and town clerk. Tim would like to see the current owners names added for lot #1 (Carr) and lot #5 (Bombard). Michael gave a recap of the last meeting, as Tim and Scott were not present. They are not proposing any new development, just to put the house on its own lot and the corn field on its own lot. Heidi had questions about a boundary line that was indicated to go across the right of way to the right. Michael has removed that from the plans he brought tonight. It does not pertain to this subdivision but he was asked to look into doing a boundary line adjustment to give a 50' right of way to the lots that access it. The intent is for Maizefield Drive to become a town road at some point. That is not part of this subdivision and he was not going to bring it up. Maizefield would have to be brought up to A76 standards. Heidi noted that when the town took over Meadow Lane it was done as an irrevocable offer of dedication, which is what the attorney advised. Maizefield would need a cul-de-sac also, but it was again stated that this is not part of the subdivision before the DRB tonight. Tim asked if there is a homeowners association in place on Maizefield Drive now – no, there is not. If the current homeowners on Maizefield did not want an association, they would be subject to conditions in their current deed. Currently the two homes have an easement over the road. The town taking over a road is a Selectboard decision. We have a road acceptance policy to guide the Lussier's to work towards making this a possibility. Heidi suggests a complete discussion with the Selectboard regarding this topic. Heidi also asked about the section of Route 78 on the plans for tonight, where Route 78 is noted as a 3-rod road. She was surprised by this. Michael said in that area, yes, Route 78 is a 3-rod road. Michael has not resurveyed lot #6, which was previously done by Steve Brooks. Heidi had that mylar out of the vault already and brought it to the table. Heidi also asked about any plans for lot #6 with regard to wastewater. Maizefield Drive has a permit on it and there is no wastewater proposed for this new lot. The permit for the lot with the house will need to be amended due to this boundary line change. Rick read through the criteria from the Town of Highgate Development Regulations. Rick asked if

Maizefield Drive is currently lit – no, it is not. There was nothing further from the board or from Mr. Gervais or the Lussiers. Michael is clear on what is needed for the mylar and Scott asked if they had the info on A76 standards – yes, they do. Michael will make sure he has what he needs with regard to the cul-de-sac criteria. Currently, this subdivision is in both brothers names, so new deeds will need to be drawn up. Heidi pointed out to the board that they have the ability to put conditions on the development of the road, as this is creating an extra lot being added to the right of way. Michael asked to confirm this, because lot #7 does not touch the right of way. In the previous configuration there was a home on the one lot, now the home is being separated and is creating a new building lot. There were six lots touching Maizefield before and there will be six lots touching Maizefield afterwards. Once this line is in place it will create another buildable lot. Ron asked if closing it off would fix the problem. Heidi noted that there is no problem. Motion by Tim Reynolds to close this hearing @ 6:26pm. The motion was seconded by Scott Martin – **APPROVED**.

- **Laroche, Norman / Laroche, Lucien et al
Lussier, Wilfred & Ronald**
Boundary Line Adjustment
VT Route 78
Medium Density District

Present were Lucien & Albert Laroche (sons of Norman Laroche), Ronald & Wilfred Lussier and Harvey Chaffee, surveyor. Mr. Chaffee walked through the proposal. All were sworn in by Rick Trombley. This boundary line adjustment would basically be a swap of equal areas of land from Lussier to Laroche and Laroche to Lussier. The changes are proposed as follows: *ORIGINAL*: Laroche, Norman (Laroche, Lucien et al) original area 1.56 acres; Lussier, Wilfred Jr original area 14.38 acres; Lussier, Wilfred Jr & Ronald original area 22.12 acres. *REVISED / PROPOSED*: Laroche, Norman (Laroche, Lucien et al) revised area 1.56 acres; Lussier, Wilfred Jr revised area 13.86 acres; Lussier, Wilfred Jr & Ronald revised area 21.60 acres. The intent is to have the Lussier's access the right of way. Both areas appear very similar and very well drained, although no test pits have been dug. Heidi asked if there is a wastewater plan. Albert and Lucien agree that Roy Hango will be doing that in the spring. Tim noted that by creating this new lot, and if it is over three lots, the driveway is no longer a driveway, it's a road. Tim stated this so everyone would be aware of the expectation if this were to happen. Right now it is two lots, so this does not apply. Lucien had some questions regarding A76 standards. Rick went through the criteria in the Town of Highgate Development Regulations with regard to boundary line adjustments. Mr. Chaffee asked for an example of where and how they would like the DRB and town clerk signature blocks to be shown. Heidi added that all the information regarding the road right of way is available online if they wanted to pursue a development road in the future. Black top would be required if it went to three lots. Ron Lussier asked for clarification on what would trigger the need for blacktop. It would depend on how the road agreement is structured between all the lots that use the road. That would all be between the land owners and not the town. The town is simply making them aware of it. The best bet is to consult your attorney with regard to specifics. Motion by Rick Trombley to close this hearing at 6:47pm. The motion was seconded by Woody Rouse – **APPROVED**.

- **LaPointe, Louise / Louise, Chad / Lapointe Auto**
Conditional Use Amendment
416 Brosseau Road
Village District

Present were Chad LaPointe, Louise LaPointe, Travis Elwood, Rodney L'Esperance, Anthony Reynolds and Bridgett Hammond. All were sworn in by Rick Trombley. Heidi began by saying that Chad has a successful business. It is a long standing business that formerly belonged to his dad. There are lots of vehicles on the property. The natural buffer ordered to be installed in 2011 did not happen, so Chad has been working on it. The plantings are small, so this will take a while. The permit he has is from 1988 and he has outgrown it. He has the opportunity to fix salvaged cars, so the board should be looking at the property and determine if he has enough room. There are other questions to be asked, such as; How many

employees? How many vehicles? How many vehicles for salvage? What will be the total number of vehicles on the property based on how long it takes to turn them over? Chad has also let Heidi know that he would like to put on an addition and he has given her a permit just today. Rick asked if that discussion would need to be warned, yes it would, he is just letting the board know of his intentions down the road. Previous additions have been done for an office and back addition 14 x 45 and 20 x 60. Chad briefly described the proposed addition to make his garage bigger for long term jobs and be able to put the quicker jobs in a different area of the garage. This will also allow for fewer vehicles to be in the yard if they are in the garage. The proposed addition would move all the doors forward towards White Tail Drive. Heidi provided pictures of Chad's property. Rick asked how far the boundary line would be from the proposed addition – at least 100'. Chad and Heidi have gone round and round on the topic of dealer plates for unregistered vehicles on the property. That piece is missing from previous approvals. To keep those plates he needs to sell twelve cars per year, which he does in order to keep the plates. There is no number specified for the number of vehicles that can be on the lot. All that is specified is that he is allowed three smashed or unregistered vehicles. The question remains, what is considered a smashed vehicle? Travis Elwood was present, he has owned the house next door for fourteen years, and back then the LaPointe's business was small. Nobody can argue that Chad has a nice garage, but Travis has relocated his family for job purposes and is trying to sell the home at 474 Brosseau Road. Travis planted the trees between his property and Chad's at his own expense. Travis is not looking to be negative towards Chad in any way, but nobody can deny that the business next door has had a negative impact on the sale of the Elwood home. All interested buyers are saying the same thing. He is not asking for the board to deny Chad, just to consider the neighbors and any impacts to them. Tim noted that if Chad meets the criteria, the town can't stop him. Travis noted that other than one minor issue, he has never had a problem with Chad. Chad's customers park on Travis' lawn all the time and Chad comes out and moves the cars. The board thanked Travis for his input. There will be no decisions made on any additions, as this was not part of what was warned for this evening. Chad has not paid the permit fee yet anyway, this was just informational for the DRB. Julie asked about any violations on the LaPointe property. In 2011 the board required a natural buffer along the southern boundary which was never fostered in a way to give the neighbors any separation. Heidi provided a picture of what the southern neighbors see from their view on White Tail Drive, which is behind the LaPointe property. There have been a few complaints from the neighbors, and those neighbors are not here tonight. There also appears to be more than three smashed vehicles on the property. Chad noted that any vehicle he has can have the plate put on it. He has three plates and they can be put on any vehicles on his property. Anything he has title to can be viewed as a registered vehicle. Heidi has followed up with the state and what Chad says is true. However, as an example, you can't fit Handy Auto on the LaPointe property, so having dealer plates doesn't give you the right to have one hundred vehicles on a one acre parcel. The board asked for clarification on how many vehicles are Chad's vehicles vs. how many are customer vehicles coming in for service. This number changes daily and Chad could not give numbers because some are short term jobs, some are longer term jobs. The board noted that the more detailed information Chad can give, the more helpful it will be. Chad noted there are too many variables. Rick told Chad, point blank, that some decisions need to be made and then referring to the photos of the natural buffer, Rick stated it was not a buffer, it was a joke. Rick then made reference to a letter from H&B Greenhouse regarding a natural buffer. The LaPointe property has a few nice trees but there is no consistent buffer, and the White Tail Drive end is not good at all. Chad thought he was compliant with the buffer. Heidi said that he is moving towards compliance, but that if a tree or fence was put in to block the view he would be much closer to compliance. Chad stated that a fence has never been requested. Heidi agrees, a fence has never been requested. Julie suggested the board perform a site visit to the LaPointe property at 416 Brosseau Road so everyone will have a clearer vision of what is happening, or not happening. Julie further noted that if they are in violation, no further permits can be issued. Heidi has not issued any violation letters, noting that a lot of effort has been put into

