

TOWN OF HIGHGATE

Development Review Board

August 13, 2015 @ 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.

Present at this meeting:

- **DRB members:** Rick Trombley, Chairman; Woody Rouse; Tim Reynolds; Julie Rice; Scott Martin
- **Staff:** Wendi Dusablon- Planning & Zoning Clerk; Heidi Britch-Valenta – Zoning Administrator
- **Public / Other:** Mike Gosselin; Chad Tyler; Jay Spaulding

II. PUBLIC HEARINGS

- **Michael Gosselin**
Boundary Line Adjustment – Campagna Road
Agricultural District

Mr. Gosselin is here for approval of the DRB on a boundary line adjustment. This can be accomplished in one hearing, if the BLA is not creating a new lot or impeding access to other parcels. Tim and Rick had questions about the line that is being moved. Mike pointed it out, noting that the house will be on the 3.045 acre lot. The rest of the property will go with the Gosselin homestead. Heidi asked why they did not go straight across the bottom with the line, to which Mr. Gosselin replied that what he is presenting was done by Cross Engineers, they set the boundaries and setbacks. His eventual intention is to renovate the existing house and sell it. Mr. Gosselin pointed out where the well and septic are located in proximity to the existing house. There were no other questions from the board. Motion by Julie Rice to close the hearing. The motion was seconded by Scott Martin – **APPROVED**. Mr. Gosselin will hear from the board in writing within 45 days.

- **The Tyler Place, Inc.**
Conditional Use – Tyler Road
Shoreline District

Rick Trombley swore Chad Tyler in. Heidi handed off the discussion to Chad Tyler, as we have been through this a few times and it has become confusing. There was a permit issued for this construction already, but it expired before construction could happen. They applied in 2007 to expand the play house for the older children. There was some confusion on the play house permits and also guest accommodations – to which Chad noted that the guest accommodations permit was a separate permit all together. At the inn, there are three age groups of children, the oldest group are 9 year olds and they are currently located in the basement of the inn. The idea was to build a larger facility. The new childcare director feels the play house needs to be expanded. An engineer has been to the property and they do have septic capacity to do this. The Tyler Place family are all big proponents of water quality. Initially they wanted to build a new accommodation, and there was some discussion within the family on how big the Tyler Place should really grow to be. If they are going to embark on a large project, the kids groups seem to be where it is most needed, and they want to build it large enough to fit their needs for years. The guest accommodations appeal amendment never happened. In the 2007 permit

to expand the play house, it also included a massage facility, now possibly to become an infant facility. Substantial construction will need to be completed this time within a two year period. This application before the board is in the spot that was formally approved for the guest accommodations. Julie asked for clarification on exactly where this is, which is across from the dining facility. The dimensions will be 46' wide / 74' long / 20' high and 16' wide / 50' long / 12' high. The structure will be all one level and will allow for lots of natural light. In terms of the conditional use, they will be moving a group of children from one space to another, but in the same central area. Heidi asked Chad to walk through the plans with the DRB so everyone has a clear understanding. Chad went through the plans, which included floor plan, accessible toilet details, building elevations, foundation plans, floor framing and roof framing. They have their state permit already, they are coming to the town because their former permit expired and they have made a few changes. The use will be for just guests and will follow their regular hours. Chad noted that The Tyler Place is closed 8 months out of the year, they will be closing on Sept. 12th this year. Heidi added that it does not behoove anyone to approve anything ambiguous, so the use and size needs to be noted and clarified. He is asking for a play house, not massage rooms this time around. He can come back to the board with an additional drawing if needed, but he would like to break ground on the play house. Chad asked if the permit with two buildings is approved, could he come back again for a change of use? Heidi noted that because there is a conditional use, if there is any change, they would have to amend their permit. Chad asked if that would affect the play house permit one way or another – no. Tim noted, if we approved this with massage rooms if it needs to be changed, Chad will have to come back before the board. There were no further questions from the board or from Chad Tyler. Now that the listers have assigned 911 numbers to all the Tyler Place structures, those numbers should be indicated on each permit, which can help us track things better. Rick noted that Chad will hear from the board in writing within 45 days. Motion by Tim Reynolds to close the hearing. The motion was seconded by Julie Rice – **APPROVED**.

- **Jay Spaulding**

Conditional Use & Site Plan Review – Jay Bird Lane
Industrial / Commercial District

Mr. Spaulding already has a permit to operate his business (Open Earth Landscaping) on lots #1 and #6. Lot #6 was sold earlier this year to a neighbor. He is looking to move all his business operations to lot #1. Jay provided a layout of his plans for lot #1. Lot #1 is currently a rental property with an existing garage, Lot #2 is an occupied duplex – new construction in 2014. Jay lives on lot #3. Tim asked about the culvert that feeds the pond on lot #6, it is still there but plugged. The swale has been cut and pushed the water to the back seven acres. The state wanted him to take that culvert out, but he has not had time to do it. It will be a big project. If the board wants to come check out the culvert, there is no water going through it, it is not functioning. Rick asked if this proposal involves any new buildings. Jay is proposing a lien to structure off the back of the existing garage on lot #1, which will likely be 10' x 40' to keep his equipment under cover. Jay drew this into the plans, as it was not originally included. Heidi asked for dimensions for the stock pile area, it will be 40' x 100' to stock pile gravel and the parking area will have 8 spaces. The width of lot #1 is 460', so the gravel area would be approximately 1/3 of it. Jay would be open to reducing the size of the gravel stockpile area, it will also be a staging area for mulch, stones etc. His company is more or less a service company, but he does sometimes have people come on site to check out materials. Tim asked Jay if he is current with ACT250 – Jay replied yes. When it was all developed it had to be reengineered, the wastewater was updated and septic was also updated. The office area would be located inside the existing garage on lot #1. The DRB asked if the driveway for the office / garage structure would be a shared driveway with the rental home on lot #1. Jay may do that, or he may park in the parking area and walk to the office, so the existing driveway would be open for use by the tenants. Jay said occasionally he will be working on his equipment inside the garage also. Heidi asked if the lien to would be abutting the water line location. There is an easement that

feeds his house, and there is a swale that comes in from the Parizo Road. His property services Parizo Road and Harvest Equipment's water needs. Jay asked for an extension in 2009-2010 on paving. He thought it needed to be paved, but noted that after speaking with former zoning administrator, David Jescavage, he didn't think it needed to be paved. Heidi would like to see documentation from the state with regard to the paving status. The ACT250 permit was amended in 2007 (amendment 8) which indicated the road was to be paved. If that was overturned, there should be another amendment (amendment 9). Jay will look and see what he has. Mr. Jescavage would have been able to verify the town's perspective on this, but not an ACT250 permit. Heidi did find amendment 9 in Jay's previous zoning file dated 7/23/2010. It is noted there (item #23) that all common infrastructure construction on this project must be completed by October 15, 2013. The first 150' were to be paved by October 15, 2011. Tim believes the first 300' should have been paved, in two phases, that is what he recalls. The town cannot override an ACT250 permit, so anything that comes from the board is separate and apart from ACT250. The drainage ditch is completed, but the culvert has not been removed – it has instead been plugged off. Heidi noted that no swale is indicated on the print provided. Tim recalls that the culvert was supposed to come out. Jay can pop the culvert out, but its quite deep and would need to use his excavator. The board had questions on how wide the driveway on lot #1 will be (15') and how wide the parking spaces will be. They will be standard parking spaces, one space per 1.5 employees, each 8-9' wide. The cedar hedges around the lower portion will each be 15' off center for spacing purposes and each will grow to be 15-20' wide. At the time of planting they will be 3-4' high. The lien to off the back of the garage appears to be about 10' away from the easement. Scott asked again for confirmation on what each lot currently is and where Jay lives. The hours of operation will be April – November / December each year (seasonal), Monday – Friday 7:30am – 4:30pm and Saturdays 7:30-noon, closed on Sundays. Heidi asked about the 7 acres reserved for future use and where that is, Jay pointed it out on the plan. There were questions on whether this was common land or land to be used for future development. The print indicates future development. Jay thinks it should go by what the print says, Heidi disagrees, and believes it should go by what the permit says. It will depend on what the deed says and the conditions of the permit. Jay is not certain if it can be further developed. Heidi noted it's a very important question to have answered. Jay stores his materials there, presently, and if it is common land that would be an inappropriate use. Jay owns all of the lots, with the exception of lot #6 which was sold in early 2015. He is looking to move everything on to lot #1. Jay noted he has all his equipment pushed towards the back due to the threat of theft. Rick thinks some questions are yet to be answered. The onus is on the applicant to verify the facts and present anything that is not already in the file and already clarified. If there is an amendment 10 to his ACT250 permit that says they don't need to pave the road, we would want to see that, as well as earlier versions that refer to the common space and how the property should be used. If there are unanswered questions, this hearing should be continued. Motion by Rick Trombley to recess the hearing. The motion was seconded by Julie Rice – **APPROVED**. Jay noted that he is in the process of a divorce, and his soon to be x-wife will be retaining half the property as part of the settlement. Heidi will get a list to Jay of what we will need to provide for documents. Jay asked if he should operate on lot #1, he is permitted there, so yes. He thanked the board and will wait to hear from Heidi.

III. APPROVAL OF MINUTES

Motion by Rick Trombley to accept the minutes from July 16, 2015, as corrected. The motion was seconded by Tim Reynolds – **APPROVED**.

IV. OTHER BUSINESS

- Decision letter for Todd & Angel Gingras – Heidi will fill in some of the highlighted areas and Rick will come back in to the office on Friday to sign off on this.

V. UPCOMING EVENTS

August 14 Property tax bills being mailed – due date is Oct. 27 by 5pm
August 18 6pm Planning Commission Mtg.
August 20 7pm Selectboard Mtg.

VI. DELIBERATIVE SESSION

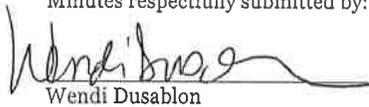
Motion by Tim Reynolds to enter into deliberative session @ 7:29pm. The motion was seconded by Scott Martin – **APPROVED.**

Motion by Rick Trombley to exit deliberative session @ 8:55pm. The motion was seconded by Julie Rice – **APPROVED.**

VII. ADJOURNMENT

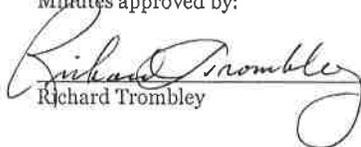
Motion by Rick Trombley to adjourn the meeting @ 9:00pm. The motion was seconded by Tim Reynolds – **APPROVED.**

Minutes respectfully submitted by:


Wendi Dusablon, Planning & Zoning Clerk

9/10/15
Date

Minutes approved by:


Richard Trombley, DRB, Chair

9.10.15
Date