

TOWN OF HIGHGATE

Development Review Board

February 11, 2016 @ 6pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

- **There was a site visit prior to this meeting at 5pm to the LaPointe Auto property located at 416 Brosseau Road. Present for the site visit were: Travis Elwood (neighbor), David Choiniere (neighbor), Heidi Britch-Valenta (Town / Zoning Administrator), and DRB members Rick Trombley, Woody Rouse, Julie Rice and Tim Reynolds. Absent from the site visit was DRB member Scott Martin.**

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; *absent – Scott Martin*
- **Staff:** Wendi Dusablon- Planning & Zoning Clerk; Heidi Britch-Valenta – Zoning Administrator
- **Public / Other:** Travis Elwood, Michael Gervais, Gerard & Pat LaBrie, Dianne & Gerald Laroche, Peter Mazurak, Shawn Spears, Janice Airoidi, Chad LaPointe, Bridgett Hammond and Ben Brassard.

II. PUBLIC HEARINGS

- **LaBrie, Gerard & Patricia**
Sketch 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. Michael Gervais and Mr. LaBrie approached the table and were sworn in. Mr. LaBrie explained why he is looking to subdivide the land that he purchased 47 years ago. Back then he purchased the land in two separate deeds. He had issues with some neighbors and had it resurveyed and put all onto one deed and now wants to adjust the lines and split it back out. He wants to go through the process now so it will be all done for the future. Michael referred to the red lines on the map that are the proposed new lines. Lot #1 will be a 13.1 acre vacant parcel of land and lot #2 will be 1.5 acres where the existing house and shed will be. Noted in front of the existing house is the approximate location of the existing septic, and to the south towards the Vanslette property is a proposed replacement area. There is no new development proposed, just new lines. Rick read through the criteria for a minor subdivision from the Town of Highgate Development Regulations. All the criteria seems to have been met. There was nothing further from the board, noting they feel they have enough information to make a decision. Motion by Rick Trombley to close the hearing @ 6:10pm. The motion was seconded by Tim Reynolds – **APPROVED**. They will hear from the town by certified letter within 45 days.

- **Laroche, Gerald & Dianne**
Final Plan Review – 2 Lot Subdivision
2673 St. Armand Road
Agricultural District

Mr. & Mrs. Laroche were present for a final plan review along with Peter Mazurak from Cross Consulting. There was no one else present for this hearing. Rick noted that everyone is still under oath from the last hearing

in November. Peter noted that the proposed new lot is 1.01 acres, same dimensions and same septic information. They now have a boundary survey that was done by TDH which was also submitted and is in the DRB members packets. Peter took the TDH information and put it into his plan so all the lines match up. They sent in for a waste water permit this week and don't expect any issues with that. The board had no further questions. Rick read through the criteria for a minor subdivision from the Town of Highgate Development Regulations. There were questions about the road frontage, which is 119' plus 81' and the back is 161'. Tim asked about the minimum road frontage listed as item #11 on the TDH survey. Tim stated that one boundary needs to be 200', not necessarily the road frontage. Rick continued to read through the criteria. The only change appears to be on item #11. Heidi added that it is immaterial at this point and can be discussed in executive session. Heidi also clarified later in the meeting what Tim had mentioned above and read directly from the Development Regulations regarding dimensional requirements (chart below). Motion by Rick Trombley to close the hearing @ 6:22pm. The motion was seconded by Tim Reynolds – **APPROVED**. They will hear from the town by certified letter within 45 days.

Highgate Development Regulations

Section 2.6 Dimensional Requirements

A. All structures and lots must meet the dimensional standards listed in Table 2.3. Exceptions to this may only be granted by the DRB as a waiver of setback distances, variance or a PUD as contained in Article 3.

Table 2.3 Dimensional Standards by Zoning District							
Districts: Agricultural (AD), Medium Density Residential (MD), Village District (VD), Shoreline (SL), Protected Area (PA), Forest Reserve (FR), Industrial/Commercial (I/C)							
	AD	MD	VD	SL	PA	FR	I/C
Lot size, minimum	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Access to Community or Municipal Water or Sewer	1 acre	1 acre	1 acre	1/2 acre	1 acre	1/2 acre	1 acre
Lot width, minimum	200 ft	200 ft	1 ac: 150 ft 1/2 ac: 125 ft	1 ac: 150 ft 1/2 ac: 125 ft	200 ft	200 ft	200 ft
Minimum Setbacks							
Front	65 ft	65 ft	40 ft	40 ft	65 ft	65 ft	85ft* 45 ft**
Side & Rear							
Principal Structures	30 ft	30 ft	10 ft	10 ft	30 ft	30 ft	30 ft
Structures 200 square feet or less	10 ft	10 ft	5 ft	5 ft	10 ft	10 ft	30 ft
Notes:							
<ul style="list-style-type: none"> For the Flood Hazard Overlay District, the area and dimensional requirements are as set by the underlying zoning district unless superseded by other requirements of these bylaws. For the Airport Overlay district, specific lot sizes and width requirements may be established during site plan and/or conditional use review. Setback requirements apply only to the perimeter of overlay district. The PC may modify dimensional requirements during review of a PUD, in accordance with Sections 6.10 (PUD) and 6.1 (Mixed Use) of these bylaws. 							
* Required 85 ft front setback distance from the center line of all highways.							
** Required 45 ft front setback distance from the center line of town roads and private roads.							

- **Airoldi, Janice**

Conditional Use / Waiver of Setback – After the Fact
6704 VT Route 78
Village District

Janice Airoldi was the only one present for this hearing and Rick swore her in. A new porch was built that was created for a safer entrance for the occupants. It is set back 26.5 feet from the center of the road, flush with the house. Janice does not live there. The size of the porch / deck is 6' x 11.5'. Janice had submitted pictures of the house before and after the addition of this structure. Rick asked for questions from the board, there were none. Rick read aloud from the Town of Highgate Development Regulations regarding Conditional Use Review Standards. Rick's only concern with regard to the new bylaws is encroachment. The board has the information they need to make a decision. Motion by Rick to close the hearing @ 6:27pm. The motion was seconded by Julie Rice – **APPROVED.** Janice will hear from the town by certified letter within 45 days.

- **LaPointe, Louise / LaPointe, Chad / LaPointe Auto**

Conditional Use Amendment & Proposed Addition to Garage
416 Brosseau Road
Village District

Present for this hearing were Chad LaPointe, Bridgett Hammond, Ben Brassard and Travis Elwood. Rick swore everyone in. Chad approached the table to discuss the site visit that took place at 5pm this evening prior to this meeting. The board thanked Chad for the pizza at the site visit, it was a very cold evening for everyone to be out there. Rick noted that from the site visit, his concerns are the number of vehicles and the back buffer tree line. The tree line in the back is sparse. Chad said he planted them according to H&B's letter, and the board has seen this letter. They were installed last year late summer or early fall. Heidi has spoken to Chad about this buffer line and told him he will need to maintain them if any of them don't survive. Rick asked why they look so different, some are fairly good size, and some are not. Chad stated he did not have the funds to hire a professional to come in, so he planted them himself. It was noted that the board could put a condition on this. Rick then asked Chad to explain to the board about the number of vehicles on his lot. Chad clarified about being a used car dealer and that anything he physically owns in his inventory he can attach a dealer plate and it is considered a registered motor vehicle. He can have up to 15 vehicles this way and added that the town can't limit the size of a dealership to how many vehicles they can have. Heidi disagreed with that statement and stated that the state gives an allowance, which has nothing to do with local permits. Local permits dictate the number of vehicles you can sell. Tim Reynolds asked Chad how many vehicles he has there now, Chad believes there are around 6, but if you include customer vehicles there could be as many as 15, but that is a guess. Tim also asked about the burned vehicle. Chad said it is a 2011 and he is looking for a cab to put on it. The board asked how many employees Chad has that would also be parking there, Chad answered it depends on how much work he has but usually not more than 4 or 5 additional vehicles. Chad stated he could use his mother's parking area for his employees. Heidi disagreed with that statement, adding that a business site should be able to accommodate employee parking. Rick asked about hours of operation, to which Chad answered it is pretty much unlimited. Rick let Chad know that the hours of operation can't be unending, but Chad feels it has to be, and gave an example of a wreck in the middle of the night. Rick told Chad he needs to consider his neighbors. Chad is currently open 7 days per week and a typical day is 6:15am until 8:00-10:00pm, depending on the day. Rick also expressed concern for a car parked too close to the road. Rick walked it and believes the car is 23.5' from the center of the road. Chad disagreed with Rick. Rick wanted to know why Chad would park cars so close to the road, to which Chad replied he parks them where there is room to park them. Chad is not here to create problems, but the truck in question is not any closer to the road than the business sign. Tim added that the neighbors have complained about the site line when pulling off White Tail Drive. Heidi added that the sign and the vehicles are two separate things and the lawn should not be used as a parking area. The

sign is sized and visible in a way that traffic can see, but parking vehicles on the lawn is another issue. It was obvious at the site visit that the front lawn is being used for parking space and that is what the board is trying to address. Additionally, Chad is requesting to put an addition on the building, and the board has seen the permit request. He wants to come out a total of 36' with this proposed addition to the garage. The overall width of the garage is 94'. This proposal would square off the building. There are 4 bays total currently and there will be the same number of bays afterwards, they will just be deeper. The height will be the same and the roof line will be continuous. Julie Rice mentioned that the proposed garage addition will take away from some current parking options. Yes, it will, but it will also allow for long term vehicle jobs to be moved inside and remain inside until complete. With the proposed addition it is estimated that he would be able to fit 12 vehicles +/- in the garage at one time, depending on the size of the vehicle(s). Travis Elwood was present for the site visit and this hearing. Travis is trying to sell his home next door to Chad's business, so he has a vested interest in how this turns out. He is concerned about the addition, as it faces his house and in the summer months the doors are open all day and the noise projects from the garage towards his house. Travis continued by saying that Chad does work late sometimes and he has been a good neighbor. When there have been issues, Travis addressed them with Chad. Travis mentioned that he has concerns with parking, as the numbers mentioned do not include the people that are in and out all day. The parking lot is always full. Travis is not trying to knock Chad, but he is here as an abutting property owner looking out for himself on the advice of his realtor. Tim would like to see Chad continue to plant along the back the same type of trees that Travis planted along his property line. It would look nice if they matched and were spaced properly. There is one corner that is pretty wide open that should be addressed. It will look better and the neighbors will be happier. Chad will get ahold of Shumway's in the spring after the frost is out of the ground. Heidi asked Chad if he has a friend operating another business out of Chad's shop. Chad stated that the reference being made is to Brian Benoit and he does the towing for Chad, he is not operating his business there or parking his fleet there. Woody Rouse added that he sees these vehicles parked out in West Swanton on Tabor Road. Rick reviewed the conditional use criteria from the Town of Highgate Development Regulations. Heidi noted that the only municipal impact this has is for the fire department, as this is a large building. Motion by Rick Trombley to close the hearing @ 6:54pm. The motion was seconded by Tim Reynolds – **APPROVED**. Chad asked where he stood and when he would hear something from the board. Everything will be covered in the same decision letter which will be sent via certified mail within 45 days.

III. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from January 14, 2016 as written. The motion was seconded by Woody Rouse – **APPROVED**.

IV. OTHER BUSINESS

- There were three decision letters in the packet, all had been approved and signed by Rick previously: Laroche, Norman DRB-001-16; Deso Leduc Properties DRB-003-14; Lussier, Ronald & Wilfred DRB-012-15.
- Heidi gave an update on various proposed solar projects in town.
- Rick signed the mylar on the Lussier 2-lot subdivision. We also have a mylar on the SSJD / Machia boundary line adjustment but are missing the letter from the surveyor.
- Heidi had an update on Jay Spaulding. Heidi sent a letter to Jay on 2/5/16 and we have since received a letter from his attorney requesting to withdraw his conditional use application. Both letters were entered into evidence and added to the file.
- Franklin County Field Days has applied to ACT250 to put up some additional buildings. They will have to go through a conditional use process to get building permits from the town. They want to remove the 4H and FFA buildings and construct a 100' x 38' addition to an existing sugar house building.
- Heidi gave an update on violations.

V. UPCOMING EVENTS

Feb. 15		Offices closed for Presidents Day
Feb. 16	6pm	Planning Comm. Mtg.
Feb. 18	7pm	Selectboard Mtg.
Feb. 24	by 5pm	Last day to register to vote for Town Meeting
Mar. 1	10am	Town meeting ~ polls open 7am – 7pm for voting @ Highgate Elem.
Mar. 19	10-noon	Cat & dog rabies clinic @ HVFD

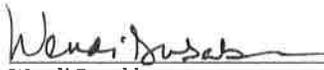
VI. DELIBERATIVE SESSION

Motion by Rick Trombley to enter into deliberative session @ 7:38pm. The motion was seconded by Tim Reynolds – **APPROVED**.
Motion by Rick Trombley to exit deliberative session @ 9:04pm. The motion was seconded by Julie Rice – **APPROVED**.

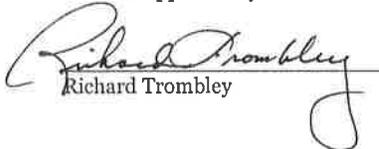
VII. ADJOURNMENT

Motion by Rick Trombley to adjourn the meeting @ 9:05pm. The motion was seconded by Woody Rouse – **APPROVED**.

Minutes respectfully submitted by:


Wendi Dusablou, Planning & Zoning Clerk 3.10.16
Date

Minutes approved by:


Richard Trombley, DRB, Chair 3.10.16
Date