

# TOWN OF HIGHGATE

## Development Review Board

### Minutes

March 13, 2014

#### I. CALL TO ORDER

The meeting was called to order by chairman, Rick Trombley at 6:00pm.

Present at meeting:

- **Development Review Board Members:** Rick Trombley – Chairman, Tim Reynolds – Vice Chairman, Woody Rouse, and Julie Rice; (*Pauline Decarreau was absent*)
- **Staff:** Heidi Britch-Valenta – Planning and Zoning Administrator, and Samantha Rice – Planning and Zoning Clerk
- **Applicants:** Wendall Morgan Jr. - Morgan Life Estate, Justin Holmes – Engineer, Allen McCormick – R&A Auto, Trevor Clark – R&A Auto, Tim and Aimee Reynolds – Reynolds, Mike Jarvis – Consultant
- **Public:** Louis and Tammy Greenia and Roger Bushey

Mr. Trombley swore in everybody present at the meeting.

#### II. PUBLIC HEARINGS

##### a) Morgan Life Estate

Sketch Plan Review

2-Lot Subdivision, High Density Residential District

Lamkin Street, Highgate

Parcel # 0020005083

Mr. Morgan's engineer began his presentation by explaining the background of the Morgan Life Estate proposal to the Development Review Board. The 2.8 acre parcel was owned by Patricia Morgan and her husband who now have passed. The plan now is to subdivide the property in order to settle the estate. Currently on the property there is an existing 2-bedroom residence and a 3-bedroom double-wide trailer. Each residence has their own septic tank and leach field but they do share a common well. There is an existing non-conformity with the existing garage and no proposed changes to that. The proposal is to bisect the property at the front so that both residences have equal distance in their front yards and then to get the minimum 150 foot requirement at the rear an

irregular boundary line was made. There are no proposed improvements at this point; there is just a proposed boundary line placed to make the lots separate. The intention of this proposal is to meet all side, front, and back setbacks with the new lot line.

In order to satisfy the State waste water permit there will not be any improvement done to the waste water disposal but there will be replacement water supply and waste water areas. There is a proposed water line easement because they share their water supply. There is one pump in the well that they agree to share; if the well happens to fail at any point the replacement well will be in their State waste water permit. Both houses will have their own deed and the expense of the shared well will be put in the deed.

Mr. Trombley asked what the side setback for property 475 Lamkin Street was measured at. The side setback is between 13-15 feet; the minimum side setback in the high density residential district is 10 feet.

The subdivision proposed will make the lot compliant where before the proposal there were two residences on one lot.

Mr. Trombley closed the hearing.

### **b) R & A Auto**

Conditional Use Review

Business Permit, Medium Density Residential District

Route 78, Highgate

Parcel # 0012078169

Mrs. Britch-Valenta started the hearing by giving the Board some background on the proposal site before the applicant presented his proposal. Mr. McCormick has been operating an unpermitted auto body shop on this site for several years. There was a violation letter sent out to Mr. McCormick, the owner of R & A Auto, and Mr. Jedware, the landowner, notifying both that they were operating under violation and needed to come before the Zoning Board to receive a business permit for the R & A Auto Body shop. A hearing was scheduled for the auto body shop's conditional use review but both owners failed to attend the hearing. There was then another letter sent to Mr. McCormick and Mr. Jedware notifying them to cease and desist operating a business at this location. Since that letter no actions were taken. The Town of Highgate recently became aware of this business on accident and now Mr. McCormick is before the Development Review Board to request a permit to operate his business.

The property is owned by Renewable Resources and is the former location of the Young landfill. The property has been divided in half with the auto body shop on one half. ANR sent the Town of Highgate a letter stating their concern for the ground water and the

drinking water. They would like to see the water tested before any permits are given to ensure safety for any residences.

Mr. McCormick then explained his experience with the absence of a business permit. He stated that before he received the violation letter he had applied for a sign permit and thought that was all he needed for permits. When Mr. McCormick received the letter from the, then Zoning Administrator he had told Mr. McCormick that he would contact him if he needed anything more than a permit for a sign. Mr. McCormick had never heard anything back from the Zoning Administrator so therefore he believed he was not in violation.

The property is actually divided into four lots. The auto body shop is on lot #4, abutting lot #1 next to Mr. Leduc's property. The hazardous waste site also abuts lot #4 but is downhill from the auto body shop. Along with the hazardous waste site, there is a sandpit abutting the property. There are two entrances on the property. The second entrance comes around the back of the property and is only used in the summer on and off. The applicant is proposing hours of operation consisting of 8am to 5pm Monday through Friday, and on Saturday by appointment from 8am to 5pm, also. There is no sign at this time but the auto body shop would like to put an 8x4 foot sign at the end of the driveway on route 78. There is an apartment upstairs of the auto body shop but nobody lives in the residence. Occasionally, the owner or workers of R & A Auto stay overnight if they have to stay late at night. The Board informed Mr. McCormick that if that is the case there needs to be a waste water permit separate from the auto shop. Mr. McCormick received a water test kit from the State and is currently awaiting the results. When Mr. McCormick receives the results he will be providing a copy of the results to the Town of Highgate.

Currently, the owner of the business, Mr. McCormick is paying the taxes. Although he is paying tax, he is paying tax on the wrong lot. The taxes are being paid for the smaller lot next to the bigger lot that the business is on. Mr. McCormick will need to speak with a tax person at the Town Offices to situate the right lot he needs to pay taxes on. Mr. McCormick is planning on paying all the back taxes for lot #4.

Mr. Trombley closed the hearing.

**c) Tim & Aimee Reynolds**  
Sketch Plan Review  
2-Lot Subdivision, Medium Density Residential District  
Lamkin Street, Highgate  
Parcel # 0020005152

Mr. Reynolds recused himself from the current hearing. Mr. Trombley asked if anyone else felt the need to recuse themselves from this hearing but no other Board members felt the need to recuse themselves.

Mr. Reynolds is proposing a two lot subdivision in the Medium Density District on Lamkin Street. Lot #1 will consist of 1.0 acre and lot #2 will consist of 1.2 acres. All boundaries at this point are based on previous surveys. Lot #1 of the subdivision will have the required road frontage and lot #2 will have access through a proposed 25 foot easement for the driveway. There are two ten foot driveways and a turnaround big enough for a couple cars to park in the space. The driveways will consist of crushed stone. The driveways are 10 feet from the side boundary. Lot #1 and lot #2 will have a shared well located on lot #2. The septic systems for lot #1 and lot #2 will both be located on lot #2. The reason for that is because they could put both the septic and water wells on the same lots for isolation distances. The right-of-way and water easements will be included in the deeds. The applicant is proposing two 4-bedroom residences.

Mr. Reynolds has not submitted any plans to the state yet because he would like to hear feedback from the Board first in order to move forward.

Mr. Trombley asked the public if they had any questions or concerns.

Mr. Bushey expressed that he would like to see only one house on the property. The reason for this is because his well is 900 feet from his house and if something was ever to happen to it he doesn't want to inconvenience the two neighbors while digging up the system and fixing it. Mr. Bushey also asked how far the leach bed is from the property line. Mr. Jarvis assured him that the septic system is roughly 115 feet from the road; part of the process of finding where to place the well was that Mr. Jarvis asked all adjoining neighbors where their septic systems were located and placed it far enough away from those points. The minimum distance from a neighboring septic system is 100 feet. Right now the septic is designed to be 35 feet from the side property line. Mr. Jarvis explained to Mr. Bushey the process of the State submittal of the waste water permit to ensure him that all the plans Mr. Reynolds is proposing are sufficient.

Mr. Greenia stated that he would allow any right-of-way or easement that Mr. Reynolds may need to be placed on his property instead of being near Mr. Bushey's property in order to keep the peace between all of his neighbors.

Mr. Trombley closed the hearing.

### **III. OTHER BUSINESS**

The Board reviewed the minutes from the last Development Review Board meeting on February 13, 2014. The corrections needed were provided to the Development Review

Board Secretary.

**MOTION:** Mr. Trombley motioned to approve the February minutes with corrections. Mr. Reynolds seconded the motion. Motion carried unanimously at 7:32pm

The board discussed the wording of the new bylaws for the Development Review Board. They discussed the number of board members needed to vote, how to move in and out of deliberative session, the number of hearings allowed per night and the discretion of site visits. The board also discussed the Town of Highgate's permit pricing. As of now the town only charges a flat fee of \$150 per permit. Other towns pay by the hearing or by the type of permit. The board agreed that the fee should increase.

#### **IV. DELIBERATIVE SESSION**

**MOTION:** Mr. Trombley motioned to go to deliberative session. Mr. Reynolds seconded the motion. Motion carried unanimously at 8:19pm.

Mr. Reynolds left the deliberative session at 8:51pm while the board discussed his application.

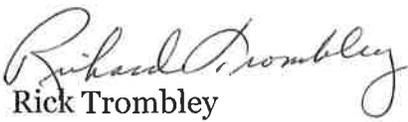
#### **V. ADJOURNMENT**

**MOTION:** Mr. Trombley made the motion to adjourn the meeting. Mr. Rouse seconded the motion. Motion carried at 8:53pm.

Respectfully Submitted,

Samantha Rice  
Development Review Board Secretary

Minutes approved by:

  
Rick Trombley  
Development Review Board Chair

Date 5.8.14