

# TOWN OF HIGHGATE

## Development Review Board

### Minutes

April 10, 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, Julie Rice, and Pauline Decarreau
- **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; Tim and Aimee Reynolds – Reynolds, Mike Jarvis – Consultant; Andy Leduc – Leduc Construction LLC., Eric Leduc – Leduc Construction LLC.; Peter Mazurak – Engineer (Gosselin)
- **Public:** Roger Bushey, Allen McCormick, and Normand Campagna

Mr. Trombley swore in everybody present at the meeting.

#### II. PUBLIC HEARINGS

##### a) **Morgan Life Estate**

Final Plat Review

2-Lot Subdivision, High Density Residential District

Lamkin Street, Highgate

Parcel # 0020-005-083

In March, Mr. Wendall Morgan Jr. and his engineer, Justin Holmes, attended the Development Review Board hearing for sketch plan review. The applicant is now attending April's public hearing for Final Plat Review. Mr. Morgan has already submitted the waste water permit to the State but other than that there are no other changes since last month's meeting. The Board reviewed the applicant's map according to Section 610 in the Highgate Bylaws.

Mr. Trombley closed the hearing.

##### b) **Tim & Aimee Reynolds**

Sketch Plan Review

2-Lot Subdivision, Medium Density Residential District

Lamkin Street, Highgate  
Parcel # 0020-005-152

Mr. Reynolds recused himself from the next hearing. There was still a quorum of four members on the Board.

Mr. Reynolds' consultant, Mike Jarvis, began by explaining to the Board that the boundary lines are different from the survey; the boundary line between the Mr. Greenia's property and Mr. Reynolds' parcel has been moved slightly. The two surveys showed a straight line between the tree and the pin dividing the two properties. There was also a fence line to identify the straight line found on the survey. The dilemma that came about is that the boundary line between the two properties isn't actually a straight line. Mr. Jarvis would like to keep the straight line as the boundary line and with doing this Mr. Reynolds discussed the change with Mr. Greenia. Mr. Reynolds asked if he could change the boundary line to create a straight line to concur with the survey map. Mr. Reynolds and Mr. Greenia agreed that they would like Mr. Jarvis to adjust the boundary line to create a straight line.

The plan will stay as is and Mr. Jarvis will add a revision in order to change the boundary. Mr. Reynolds is still proposing the shared well on lot #2, both septic systems on lot #1 and a driveway easement going through lot #1 in order for lot #2 to access the property. The only other addition was a telephone pole added to the Final Plat map.

Mr. Reynolds is now asking for final approval for a Mylar that will show a straight boundary line; increasing the acreage for both lots.

Mr. Bushey asked if there were any changes in the driveway. Mr. Reynolds has not made any changes to the driveway. The driveway is located in the 25-foot easement on Lot #1. This will not affect the easement area granted to Mr. Bushey.

Mr. Trombley closed the hearing.

Mr. Reynolds returned to the Board.

**c) Leduc Construction LLC.**  
Conditional Use Review  
Sand Extraction Pit  
Industrial/Commercial District  
835 VT RT 78, Highgate  
Parcel # 0018-078-161

The property at 835 Route 78 is owned by Mr. Andy Leduc. The lot is very narrow with only a 203 foot width and is rather deep. The current application is in front of the Board

because of an after the fact incident. The sand extraction was already underway when the applicant submitted his application. Mr. Leduc has come to the Board tonight to remedy this violation. The lot is under 5 acres therefore an ACT 250 permit is not needed. Mr. Leduc currently has a Letter of Intent from the State and has been told that the driveway needs to be blacktopped by the end of July.

The applicant described to the Board how the sand extraction began. When the Border Patrol built their new building on Route 78 they needed a dump site for the sand they removed from their location. When Mr. Leduc received all that sand he started to move it to his sandpit on Route 207. There are two employees working on the sand extraction, a leader operator and a truck driver; the truck driver is only part-time. Mr. Leduc plans on digging and taking out 15 loads of sand a day. Mr. Leduc is planning on extracting the sand from April to September with a maximum of a 180 day period. The applicant explained that the sand extraction operation will last five years. The applicant plans on keeping the lot level and refilling the hole that is made from the extraction after all sand has been extracted. The applicant has proposed to only dig down about 10 feet at a time and then refill each 10 foot dig with fine sand. The property has a dividing 25-foot section of open space surrounding the boundaries. In addition to the open space there is currently a tree line between all boundaries and the open space to be used as a buffer.

Highgate's Bylaws state that in order for sand extraction to take place the lot must consist of boundary setbacks and equipment setbacks. The setbacks for sand extraction are 150 feet from all boundary lines and all equipment must be located 300 feet away from any boundary line. The challenge with this site is that the site is only 203 feet wide. Therefore both setbacks cannot be met. There are provisions for waiver of setbacks for building structures and those provisions may be able to apply to this use.

In order to ensure that the property returns to its natural conditions the Board suggested to Mr. Leduc that a bond be setup for collateral. The bond would insure that if there is a decline in the economy and Mr. Leduc doesn't finish his project that the Town of Highgate would still have the funds to return the lot to its natural state. The applicant then asked who would set the bond amount. In past instances the applicant's contractor would bring an estimate before the Board and then the Board would negotiate a suitable amount. The bond amount would only cover the cost to reclaim the property. Mr. Leduc wanted to clarify that there are other sections of the property that aren't part of the extraction and would like to see only the section they are digging in the bond. The Board agreed upon this.

Mrs. Britch-Valenta then clarified that there shouldn't be any activity at the property until the Board has issued a decision.

Mr. Trombley motioned to recess the hearing.

**d) Michael Gosselin**  
Final Plat Review  
2-Lot Subdivision  
Agricultural District  
671 Campagna Road, Highgate  
Parcel # 0007-029-071

Mr. Gosselin is before the Board in response to a sketch letter received from the Planning Commission in October. The sketch letter asked the applicant to delineate the right-of-way easement and submit proposed covenants for the shared use of the right-of-way.

Mr. Gosselin's engineer informed the Board that a boundary survey was completed to show the existing right of way and the site plans have changed to match the boundary survey numbers. The proposed lot is the same shape as before but the site plans has been updated to match the survey and identify the right of way. The applicant has also prepared covenants and plans on including them in the deed after being approved by the Board. The applicant has not put any plans on a Mylar yet because he would like to receive approval from the Board first.

Mr. Trombley asked if the right-of-way still located right in the middle of Mr. Campagna's property because at the last hearing there was a discussion on shifting the right-of-way to one side or the other. The engineer explained that they took the original survey and matched the starting points at Campagna road and then moved backwards with the help of the geometry from the original survey but the original survey was really rough so therefore the original survey and new survey don't match. Currently Mr. Campagna has surveyed lots around Mr. Gosselin's right-of-way and if his right of way is moved then the lots he owns are going to change in size.

Mr. Campagna then expressed that he was concerned the new installed utility poles were on his property and not located in the right-of-way. Mr. Campagna stated that previously there was a road where Mr. Gosselin's right-of-way is located. Mr. Gosselin then blacktopped over the road and made his own road. Although the road tha Mr. Gosselin constructed did not match the original road and therefore expanding Mr. Gosselin's right-of-way. Since the road was constructed prior to the power lines being put in, Mr. Gosselin should have had enough space to put the power lines within his right-of-way instead of on Mr. Campagna's property.

The Board agreed that they would like to do a site visit in order to determine if the new road was built where the old road was located. The Board scheduled the site visit for May 8<sup>th</sup>, 2014 at 4:00pm.

Mr. Trombley motioned to recess this hearing.

### III. OTHER BUSINESS

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

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

### IV. DELIBERATIVE SESSION

**MOTION:** Mr. Trombley motioned to go to deliberative session. Mr. Reynolds seconded the motion. Motion carried unanimously at 7:40 pm.

**MOTION:** Mr. Trombley motioned to go back into regular session. Mrs. Rice seconded the motion. Motion carried unanimously at 8:21 pm.

Mr. Reynolds left the hearing at 8:23 pm while the board discussed his application.

**MOTION:** Mr. Trombley motioned to go back into deliberative session. Mrs. Rice seconded the motion. Motion carried unanimously at 8:26 pm.

**MOTION:** Mr. Trombley motioned to leave deliberative session. Mrs. Rice seconded the motion. Motion carried unanimously at 8:33 pm.

### V. ADJOURNMENT

**MOTION:** Mr. Rouse made the motion to adjourn the meeting. Mrs. Decarreau seconded the motion. Motion carried at 8:34 pm.

Respectfully Submitted,

Samantha Rice  
Development Review Board Secretary

Minutes approved by:

  
Rick Trombley  
Development Review Board Chair

Date 5.8.14