

TOWN OF HIGHGATE

Planning Commission

Minutes

January 13, 2014

I. CALL TO ORDER

Chariman, David Cadieux called the meeting to order at 6:00pm.

Present at meeting:

- **Planning Commission Members:** David Cadieux – Chairman, Woody Rouse, Rick Trombley, Pauline Decarreau, and Tim Reynolds
- **Staff:** Heidi Britch-Valenta – Planning and Zoning Administrator, and Samantha Rice – Planning and Zoning Secretary
- **Public:** Amanda Holland - NRPC

II. OTHER BUSINESS

a. Bylaw Review – Sidewalks and Right-of-Way

The main topics Amanda wanted to discuss were right-of-way and sidewalks. When looking at her past notes she noticed the Board had questions of definition of right-of-way, widths of right-of-ways, pedestrian access, and curbing for sidewalks. The first thing Amanda wanted the Board to look at is the wording of current regulations.

Amanda started this discussion by pointing out the difference in public right-of-way and private right-of-way. Mr. Cadieux asked what kinds of changes are proposed for this section but he doesn't like the idea of current definitions of a public right-of-way and private right-of-way. These definitions need to be separated from the Towns current road definitions. As far as a driveway is considered you need at least a 20 foot right-of-way but the driveway doesn't have to actually be 20 feet of gravel. So he would like to see that defined.

Currently, a driveway needs to be 20 feet wide and serving to no more than two lots. In contrast a development road is defined as needing to be at least 50 feet wide and serving more than two lots. Similarly the road acceptance policy states that the right-of-way

should be no less than 50 feet in width. This would allow a public road but with that said the road doesn't have to be public and could remain a private right-of-way. At this point Mr. Cadieux suggested that the right-of-way definition should be different from the road definition because the current regulations allow people to become confused.

Mrs. Britch-Valenta would like to see clarification that a driveway is not a right-of-way. The Town of Highgate, currently, doesn't have a definition for a driveway; although the Town does have definitions for a right-of-way and setbacks. The current definition for a right-of-way is a dedicated strip of land in which facilities, roads, driveways, and railroads can be built. The current definition for a setback is the distance between a structure and a right-of-way or property line. Amanda stated that since a driveway is not a structure that can be excluded from setback but if that is something the Board would like clarified that could be built into the new definition. But since a driveway is defined as a right-of-way and right-of-ways need to meet setbacks, currently any driveways must meet setbacks. The Board would like to eliminate this connection between driveways and right-of-ways by changing the definition because they don't want to be in a position where driveways have to meet setbacks. One of the ways Amanda suggested changing the definition was to word it as a travel-way that provides overland access for persons and motor vehicles to no more than two lots. Then change the development road definition to a travel-way that provides overland access for persons or motor vehicles to three or more lots.

Mr. Cadieux believes a driveway is an access to be used for up to two houses and a development road is an access to be used for three or more houses.

Mr. Rouse mentioned that the new bylaws need a place where they say driveways are exempted from setbacks and Mrs. Britch-Valenta suggested putting that declaration on the setback page.

The Board decided they need to clarify when the Bylaws should have setbacks for a right of way and when they shouldn't. Mrs. Britch-Valenta asked if the Board wanted right-of-way setbacks from structures but not property lines. The Board decided to take the word "property line" out of the definition for a right-of-way setback; but still asking applicants to meet setbacks with their right-of-ways.

The Board would also like to separate driveways into a different category and clarify that a driveway is not a right of way

Mrs. Britch-Valenta furthered the discussion on right-of-ways and asked the Board if they would like to see a right-of-way to be defined by the number of lots on the property or the numbers of uses within the property. Also, when you have more than one use on a lot do you want to define that right-of-way as a developmental road. The Board agreed that the definition should be defined by the number of uses. Amanda enlightened the

Board that some other towns like the Town of Fairfax has a list of lots and houses so you don't need to be limited to one or the other in the definition. Amanda proposed to use both the words lot and/or uses in order to cover all grounds. The Board agreed that as long as the applicant meets the more stringent of the two then they are acceptable. Therefore a driveway can be used for two or more lots but if the lot is considered Mixed Use then the requirements for the driveway can change; when increasing the number of lots or uses the setbacks won't change but the width of the right of way will change.

Next Amanda talked about the terms used in the definition of the right-of-way. Currently, the Bylaws include roads, driveways and railroads as right-of-way use but Amanda suggested they should also include sidewalks, paths and storm water facilities. Mr. Cadieux also added the term utilities to that definition.

Then Amanda asked if the Board wanted to state a maximum length of a driveway. The Board had recently discussed this topic and a maximum length currently has been removed from the Bylaws and they would like to continue that way.

Mr. Cadieux asked if the Bylaws have defining language pertaining to the grades required for driveways because he believes there should be a certain width for a driveway, a grade and determinant on whether to install a culvert. Amanda did not have any information to give to the Board on this topic but is going to look for a number for the grade and what other towns are currently using.

For sidewalks and pedestrian accesses Amanda reviewed what was currently stated in the Bylaws. Under the current Bylaws it states that the Town of Highgate may require curbs and sidewalks. In terms of pedestrian access the Town of Highgate may require in order to get to schools, parks, playgrounds or any other roads. If the Board was looking to expand on the language Amanda proposed to define specific districts where sidewalks may be required.

Also, in changing language would the Board like to add the word "shall" to the requirements of sidewalks in large developments instead of using the word "may". "Shall" would make the definition more stringent. The Board decided that a major development in any district shall require sidewalks and curbs.

III. DELIBERATIVE SESSION

MOTION: Mr. Trombley motioned to approve the minutes with corrections. Mr. Rouse seconded the motion. Motion carried unanimously at 8:20pm.

MOTION: Mr. Trombley motioned to go into deliberative session. Mr. Rouse seconded the motion. Motion carried unanimously at 8:21pm.

IV. ADJOURNMENT

MOTION: Mr. Trombley motioned to adjourn the meeting. Mr. Cadieux seconded the motion. Motion carried unanimously at 8:41pm.

Respectfully submitted,

Samantha Rice, Planning & Zoning Clerk

Minutes approved by:

A handwritten signature in blue ink, appearing to read "David Cadieux".

David Cadieux, Planning Commission Chair

Date: 3-18-14