TOWN OF HIGHGATE

Planning Commission
Minutes
May 13, 2014

I. CALL TO ORDER

Rick Trombley called the meeting to order at 6:40pm.

Present at meeting:

- **Planning Commission Members:** Woody Rouse, Rick Trombley, Tim Reynolds, and Luc Dupuis
- **Staff:** Heidi Britch-Valenta – Planning and Zoning Administrator, and Samantha Rice – Planning and Zoning Secretary
- **Public:** Amanda Holland and Catherine Dimitrik

II. OTHER BUSINESS

A. Northwest Regional Planning Commission

At the beginning of the Planning Commission meeting the Board discussed the options for the proposed public meeting and the extent of the public process pertaining to the Bylaw changes. The board decided that by the end of the week they will post information on the Town of Highgate website to inform the public on when the public meeting will take place. There is a working meeting on the 27th of May, open to the public where the Board will review the last couple of articles in the draft and recommend any final changes needed for the full draft of the Bylaws.

Mrs. Holland then began presenting Article 5 of the Bylaws. Article 5 consists of the general regulations and review standards that are applicable to all new developments. The sections in this article are "non-conforming uses and non-conforming structures", "performance standards", "principle use and structure", "height limits", "off street parking", "outdoor signs", "fences", "storage of flammable liquids", "sensitive resource land", "abandonment of structures and uses", "existing small lots" and "equal treatment of housing". The performance standards found in this section are the ones used in the current bylaws but Mrs. Holland added some detail pertaining to level of noise and odor. In the section pertaining to access requirements Mrs. Holland changed the definitions of right-of-way and driveway as discussed in previous meetings; mainly defining driveway and private right of way separately. Driveways are to serve no more than 2 lots and development roads are to serve more than 2 lots. When talking about non-conforming

uses and non-conforming structures Mrs. Britch-Valenta wondered if allowing 2 years of abandonment was a long period of time compared to other towns and stature. Both, Mrs. Holland and Mrs. Dimitrik reassured the Board that many other Towns follow the same 2 year time period but some also use the 1 year time period. In the definitions included in this section if there is a structure that burns down and the owner doesn't rebuild it is still considered abandonment. Also if a restaurant was to close and then sold to different owners and the new owners don't reopen it within the 2 year time period it is also considered abandonment. Mrs. Britch-Valenta believed that abandonment period should be changed to 1 year and the Board agreed. Mrs. Britch-Valenta would also like to see a reference in the bylaws about rebuilding non-conforming structures except in the case of structures located in a flood plain. In terms of replacing non-conforming structures, the Board would allow the owner to replace a non-conforming structure with another non-conforming structure of the same size but not an increase of size. According to the bylaws, if there is a non-conforming structure that an owner would like to add on to these add-ons are not allowed: flush with the building or further encroaching on the setbacks. These are add-ons are allowed: fully in the conforming area or added height located only in the conforming area. In the sensitive resource land section, sensitive lands are defined as deer yards, designated wetlands, steep slopes and human remains. Mrs. Holland added a new section covering development done near waterways; this section pertains to the discussion on flood hazard regulations and buffers. The biggest buffers located in Highgate are on Missisquoi River and Rock River which is a 100 foot buffer. In addition, the 100 foot buffer on Rock River captures the fluvial erosion area. The next biggest are the streams that are greater than 10 feet in average channel width which have a 50 foot buffer and the streams that are less than 10 foot average channel width which has a 25 foot buffer. The other places are any lakes and ponds which have a 50 foot buffers. In the 100 foot buffer along the Missisquoi River there are currently 11 existing structures. In the 50 foot buffer of streams greater than 10 feet width currently there are no structures. In the 25 foot buffer of streams less than 10 feet width currently there are 3 structures. In the 50 foot buffer of ponds currently there are 3 structures. In this section Mrs. Holland also added language pertaining to new structures, existing structures, prohibiting activities and hardship cases near waterways. The height limit section uses the same language as previously with the addition of the exception of antennas and windmill blades. In the section pertaining to signs Mrs. Holland changed home occupation to home industry.

Article 6 consists of the specific use standards. In this article the sections consist of "mixed uses", "mobile homes, campers, and campgrounds", "excavation of sand and gravel", "junkyards, recycling centers, and landfills", home occupations" and "accessory apartments". In the excavation of sand and gravel section the Board would like to add more standards to address parcels that are not covered by ACT 250. In the home occupation section the Board would like to see a 30% use instead of 50% for the amount

of area used in the dwelling or accessory structure for home businesses and home occupations. In addition, home industries need conditional use and site plan review. When looking at the mobile home, camper, and campground section the Board agreed that a camper should not be allowed on a lot for more than 2 months. In the new wireless telecommunications facility section the Bylaws lists what is exempted from needing a permit, the supplemental application requirements, the construction standards (mainly talking about safety), additional conditional use criteria, de minimus impact and the use of communication facilities by municipal, state or federal agencies.

Article 7 is planning and design standards. The whole article consolidates all standards for subdivision, conditional uses review, and site plan review. The sections in this article are "site plan approval standards", "planning standards" and "improvements and design standards". Under pedestrian accessibility in these sections, Mrs. Holland added that all high density, medium density and industrial/commercial districts must provide adequate pedestrian circulations. In addition, the Board would like to regulate what type of pedestrian accesses will be used in each district. The Board would also like to see clear standards on where the accesses will be located, connected and that they will be installed at the time of development. A new section that Mrs. Holland included is site preservation, stormwater and erosion control. This section looks at minimizing land disturbances, alterations made by excavation and grading, sediment control, steep slopes, and stormwater management. Mrs. Holland removed water systems and sewage disposal from the article because those are now state mandated.

III. DELIBERATIVE SESSION

MOTION: Mr. Trombley motioned to approve the April 15th minutes with corrections. Mr. Reynolds seconded the motion. Motion carried unanimously.

IV. ADJOURNMENT

MOTION: Mr. Trombley made the motion to adjourn the meeting. Mr. Rouse seconded the motion. Motion carried unanimously at 8:47pm.

Respectfully submitted,

Samantha Rice, Planning & Zoning Clerk

Minutes approved by:

Richard Trombley 6.17.2014

Rick Trombley, Planning Commission Chair Date: