

TOWN OF HIGHGATE

Planning Commission

Minutes

March 18, 2014

I. CALL TO ORDER

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

Present at meeting:

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

II. OTHER BUSINESS

A. Northwest Regional Planning Commission

Mrs. Holland began the meeting by explaining her interpretation of a conversion from a seasonal dwelling to a single family dwelling as stated in the Highgate Bylaws. Conversions from a seasonal dwelling to a single family dwelling are permitted in all Zoning Districts with Conditional Use in the Forest Protection District. In order for a landowner to receive a permit for a conversion from a seasonal dwelling to a single family dwelling all they would need to do is receive a building permit from the Zoning Administrator.

Mrs. Britch-Valenta then asked Mrs. Holland how the Town of Highgate would evaluate a permit for a seasonal conversion. According to the current Bylaws, a seasonal conversion is permitted in all districts except the Industrial/Commercial District and the Flood Plains where it is Conditional. At this point without a lot of clarity in the current bylaws Mrs. Holland suggested the new Bylaws need to state that when a landowner requests a conversion the property needs to have a State Septic Permit before the conversion can take place.

What Northwest Regional Planning Commission recommends is to make an Administrator Permit that requires the landowner to have adequate access, enough parking and a State Permit for water and septic. These requirements would be part of the Bylaws. Right now Highgate doesn't have anything specific for this type of review and would need to add a section for seasonal conversions similar to the home occupation section.

The Planning Commission believes that if the Zoning Administrator issues the permits without Conditional Use there is going to have to be a set of standards to be followed by in order to keep consistency. The Planning Commission also believes that if the Development Review Board approves the permits then they would have to follow the same set of standards as the Zoning Administrator but also this would need a public hearing and allow neighbors to make comments. The distinction between the Zoning Administrator permitting seasonal conversion and the Development Review Board permitting is whether the existing seasonal dwelling meets all setbacks and doesn't encroach on other property lines. If the seasonal dwelling is not in compliance with all Town Bylaws then the landowner should have to be seen by the Development Review Board. If the dwelling is a compliant seasonal conversion then the Zoning Administrator should be able to approve the permit.

Next Mr. Rainville asked if the measurements that the landowner provides on an application are confirmed by a representative of the Town. Previously, the Town Zoning Administrator had been in charge of confirming all provided measurements but currently there isn't anybody designated to do this. The Board believes that their should be someone designated to actively checking measurements provided. In other towns there is a Certificate of Occupancy that is given to the applicant after the building has been inspected and determined that all plans and measurements proposed were followed through with. Currently the Town of Highgate has a Certificates of Compliance but not a Certificate of Occupancy. The difference between the two certificates is that the Certificate of Compliance can't constrain the owners from moving into the dwelling whereas the Certificate of Occupancy can until measurements are confirmed.

Moving forward Mrs. Holland showed the Board Members a working draft of the table of contents proposed for the new Bylaws. The proposed table of contents is a blend of the current Zoning Bylaws and Subdivision Regulations. After looking over the table of contents the Board Members would like to move the legal and authority

section to the back of the articles to make reading the bylaws more user-friendly. After a quick overview Mrs. Holland explained each section and the changes made to each.

Previously article one of the Bylaws was labeled as the “General Provisions”. Mrs. Holland has proposed that this section be called “Authority and Purpose” of the Bylaws. This section will consist of five subsections, “legal authority”, “purpose”, “applicability”, “rules of interpretation” and “amendment and effective date”. The purpose section is a combination of the purpose of the Zoning Regulations and Subdivision Regulation. The applicability section explains what land development consists of, the limitations to Zoning Regulations, and exemptions from regulations. Mrs. Holland is proposing a new section to clarify and define the language being used in the proposed Bylaws called “rules of interpretation”. The Board would like to make sure there is enough language in the new Bylaws to clarify that the Board is not responsible for the agreements between a homeowner association and the landowner. The last section encompasses the amendments, adoptions and repeal of Bylaws.

Article two, labeled as “Zoning Districts, Land Uses and Dimensional Standards”, consists of six subsections categorized as “establishment of the zoning districts and official map”, “interpretation of zoning district boundaries”, “intent of zoning districts”, “intent of overlay districts”, “zoning district uses” and “dimensional requirements”. This article starts off with what a Permitted Use and Conditional Use is defined as and then goes into the purpose of intent of having Zoning Districts. Mrs. Holland noted that she changed the language from the Flood Plain District to the Flood Hazard Overlay District in order to reflect how the district functions. In the next section, “interpretation of zoning district boundaries”, the Bylaws explain how to differentiate between each district boundary. Mrs. Holland asked the Board about when there is a zoning district boundary that divides an existing lot would the Board like to see application from either zoning districts for that particular lot or the more stringent district. This problem isn’t common on many lots in Highgate. When looking at the district use table Mrs. Holland had removed the Flood Plain District and Planned Unit Development in order to make more specific definitions for each of them. In addition the Board would like to see a village district added to the zoning districts. Mrs. Holland suggested that maybe making the High Density District a Village Zone instead in order to make a bigger distinction than what the High Density District has right now.

III. DELIBERATIVE SESSION

MOTION: Mr. Cadieux motioned to change the front setback from the center of the road to be measured from the property line. Mr. Reynolds seconded the motion.

MOTION: Mr. Cadieux withdrew his motion.

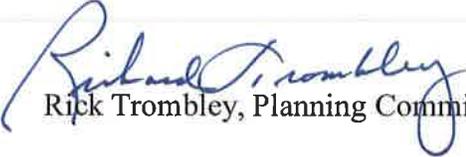
IV. ADJOURNMENT

Mr. Trombley made the motion to adjourn the meeting. Mr. Dupuis seconded the motion. Motion carried unanimously at 8:41pm.

Respectfully submitted,

Samantha Rice, Planning & Zoning Clerk

Minutes approved by:


Rick Trombley, Planning Commission Chair

6.17.2014
Date: