

TOWN OF HIGHGATE

Zoning Board of Adjustment Minutes

November 14, 2013

I. CALL TO ORDER

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

Present at meeting:

- Zoning Board of Adjustment Members: Rick Trombley – Chairman, Tim Reynolds – Vice Chairman, Luc Dupuis, David Cadieux, Julie Rice, and Michael Patnode
- Staff: Heidi Britch-Valenta – Planning and Zoning Administrator, and Samantha Rice – Planning and Zoning Clerk
- Public: Craig Day, Chad Tyler, and Hector Tyler

Mr. Trombley announced that there would be two hearings held tonight.

II. PUBLIC HEARINGS

a) Andre and Eric Leduc

Mr. Trombley swore in Mr. Craig Day. Mr. Day is Andre and Eric Leduc's realtor from Remax Realities. Andre and Eric Leduc were not present at the meeting.

Mr. Trombley asked if anyone on the board would like to recuse themselves. Mr. Cadieux recused himself for personal reasons. Mr. Trombley then asked Mr. Day if there was anyone else on the board that he felt needed to recuse themselves. Mr. Day was satisfied with the rest of the Zoning Board Members.

Mrs. Britch-Valenta started by explaining a little bit of background to the Zoning Board about Andre and Eric Leduc's property. Andre and Eric Leduc had recently purchased the previously owned Roy's Housing. The Leducs are planning on selling the property to a potential buyer. The potential buyers would like to convert the property from commercial use to residential use. Currently the property is in the industrial district therefore Andre and Eric Leduc must acquire Conditional Use Approval from the Zoning Board of Adjustment.

Up until a couple years ago the property had been used as a retail mobile home park. In 2007 a modular home was constructed to be used as an office. The modular home consists of three bedrooms downstairs and seven offices, without any closets, upstairs. A local, family of four from Highgate is looking to move into the modular home.

Mr. Day had explained to the Zoning Board of Adjustment that once the family has moved into the modular home they have some future plans to improve the property. These future plans consist of a pool in the backyard, a couple of garages, a fence around the majority of the property and some sort of modern landscaping which could include apple trees in the backyard.

Mr. Trombley then asked Mr. Day what the two areas of concrete were. Mr. Day didn't know the exact use of them but from his knowledge that they were concrete slabs that previous model mobile home had been placed on.

Mr. Reynolds also asked about the size of the sewer system. Previously the modular home was only used during the day and only for office use not daily household needs. With that said the question of whether the current sewer system was capable of fulfilling the demand of housing a family was asked. Mr. Day answered Mr. Reynolds question by stating that the current sewer system consisted of a one thousand gallon concrete tank which was installed in 1991 by Andy Leduc. Brad Rudderman and the buyers' attorney have reviewed the system and didn't feel that there would be any problems with the setup but they will need to amend the permit with the State.

Mr. Trombley then asked if the driveway would be changed. Mr. Day indicated that to his knowledge the perspective buyer had no plans to change the driveway.

Mr. Trombley then asked Mrs. Britch-Valenta if the driveway would have to be adjusted to accommodate a permit for residential use since the driveway currently was the shape of a small parking lot. Mrs. Britch-Valenta stated that A.O.T. would be the ones to determine if the change is needed.

Next Mr. Day pointed out the two vacant mobile homes sitting at the back of the lot. He continued to say that the mobile homes would be removed by Andy and Eric Leduc this weekend, November 17, 2013 at the latest.

Rick asked Mr. Day if the perspective buyers were aware of being placed in an industrial district and the changes that could occur being in that district. Mr. Day assured the Board that the perspective buyer is well aware of the current district they are moving into.

Mrs. Britch-Valenta asked Mr. Day to identify on the map where the sewer system and well were located on the property. He could not identify where each were located but was willing to bring that information back to the board at a later time.

Mr. Trombley had brought the meeting to a close by asking the Board Members if they had any other questions. With no other questions Mr. Trombley explained to Mr. Day that the Board had 45 days to make a decision and once that decision was made he would receive a letter in the mail explaining the decision.

Closing of the hearing.

b) The Tyler Place

Mr. Trombley swore in Mr. Chad Tyler and Mr. Hector Tyler, representing The Tyler Place.

Mr. Trombley asked if any of the Zoning Board members would like to recuse themselves from this hearing. None of the members felt as if they needed to recuse themselves.

The Applicant previously applied for a child care center and was approved, but now has come back with a plan for guest accommodations in place of the child care center. The change of plans is due to the septic system potentially killing off the trees where the child care center would be located so they decided to minimize the impact by putting in a guest accommodation instead. The child care facility capacity is 15 gallons per child per day whereas the guest accommodation capacity is 40 gallons per guest per day with a maximum of 12 guests. With the amount of children that use the child care facility compared to a guest accommodation the impact would be decreased by 500 gallons. The smaller septic mound reduces the footprint in the soils that keeps the trees alive and healthy.

The other reason why the Tyler family has chosen to replace the child care facility with a guest accommodation is because they have lost an accommodation that they previously had rented from Nelson Davies and would like to keep their income the same meaning they needed to replace the lost accommodation with a new guest accommodation. This new accommodation will also increase the guest capacity compared to the lost accommodation.

Mr. Tyler believes that the biggest change in the area is the potential that there may be four cars parked by the accommodation. The parking will be located right as you pull into the accommodation driveway.

Mr. Reynolds asked how many families would be staying in the accommodation at one time. Mr. Tyler stated that the accommodation could hold four different families with a maximum of 12 total guests.

Mr. Tyler assured the Zoning Board that he doesn't believe the construction will begin before the fall of 2014.

Mr. Cadieux asked if this accommodation would be seasonal like the other accommodation. Mr. Tyler said yes it would only be used from Memorial Day to Labor Day.

Mr. Trombley asked the Board if they had any other questions and then explained to Mr. Tyler that the Board had 45 days to make a decision and once that decision was made he would receive a letter in the mail explaining the decision.

Closing of the hearing.

III. **OTHER BUSINESS**

Mrs. Britch-Valenta asked each board member to write a letter to the Select Board about their desire to serve either the Developmental Review Board or Planning Commission and also explaining why they believed they should be part of either board.

IV. **DELIBERATIVE SESSION**

MOTION: Mr. Trombley motioned to go into deliberative session. Mr. Reynolds seconded the motion. Motion carried at 6:42pm.

MOTION: Mr. Trombley motioned to go into regular session. Mrs. Rice seconded the motion. Motion carried at 7:20pm.

MOTION: Mr. Trombley motioned to approve Andre and Eric Leduc's conditional use amendment with the following conditions:

- The vacant slabs and foundations on the property must be removed.
- All electrical wiring, above and below ground, attached to the vacant slabs and foundations must be removed.
- The two mobile homes in the back of the property must be removed.
- All state permits must be obtained.
- The sewer capacity of the current system must be checked and approved by the State.
- The location of the well must be determined.
- All requested actions must be done before any occupancy of the property.

Mr. Reynolds seconded the motion. Motion carried with a five out of five member vote due to Mr. Cadieux recusing himself at 7:26pm.

MOTION: Mr. Reynolds motioned to approve the Tyler Place conditional use amendment as long as they meet all state requirements. Mr. Patnode seconded the motion. Motion carried with a six out of six vote at 7:27pm.

V. **ADJOURNMENT**

MOTION: Mr. Trombley made the motion to approve the September minutes with the corrections noted. Mrs. Rice seconded the motion. Motion Carried at 7:53pm.

MOTION: Mr. Trombley made the motion to adjourn the meeting. Mr. Patnode seconded the motion. Motion carried at 7:58pm.

Respectfully Submitted,

Samantha Rice
Planning & Zoning Clerk

Date

Minutes approved by:


Rick Trombley
Zoning Board of Adjustment Chair

1.16.2014
Date