

# TOWN OF HIGHGATE

## Zoning Board of Adjustment

### Minutes

December 12, 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, Georgette Johnson, David Cadieux, Julie Rice, and Woody Rouse
- 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 from this date on all public hearings would be reviewed by the Developmental Review Board.

#### II. PUBLIC HEARINGS

##### a. Roger Wright

Mr. Trombley started the public hearing by swearing in Mr. Wright and his engineer, Luke Willy.

Mrs. Britch-Valenta explained that Mr. Wright's application had previously been before the planning commission for a Boundary Line Adjustment until this point. Then a site plan was triggered because the boundary line was being removed from a residential lot merging with a commercial lot causing the lot to be considered a mixed use.

The engineer then started his presentation by passing out new maps for the board members to review. He started by explaining that the site has been in operation under an Act 250 permit since the 1970's. The Act 250 permit is currently under renewal and certain issues had come up at a local level. One of those issues was addressing approval of the access driveway to the sandpit which was moved.

Another issue was a boundary adjustment that needed to be made to lots #2 and #3 in order to bring those lots into compliance with the regulations. Currently, the Boundary

Line Adjustment is before the planning commission. Lot line #3 is proposed to be dissolved, and then lot line #2 will be moved. Currently Mr. Wright has sought approval from the Planning Commission with the condition that the Zoning Board of Adjustment approves the Mixed Use Permit. Mr. Wright is now looking for Conditional Use Approval from the Zoning Board of Adjustment in order for the residence to be located on the same lot as the sandpit.

Mr. Wright and his engineer are prepared to remove the buildings on Lot #1 in order to not require Mixed Use if the site plan becomes too strenuous; although the Mix Use Approval is the preferred method.

Mr. Cadieux asked Mr. Wright to identify on his site map which driveways in the sandpit would be used. There are two residential houses that are split with a commercial drive. After hearing this Mr. Cadieux was concerned if there are any buffers to reduce the noise and dust. Mr. Wright said that his intent is to put more trees along the driveway in order to buffer the commercial traffic coming in and out of the driveway. Mr. Cadieux would like to see this buffer detail and other details like this to be provided on the site plan map.

The engineer explained that the Act 250 permit does not need site plan approval at the local level in order for it to be approved. There is nothing related to the gravel pit that would hold up the Act 250 permit process other than the issues previously mentioned with the driveway access and the boundary adjustment. The change of the Boundary Line issue needs to be resolved, also needing the mixed use, in order to move forward with their Act 250 permit. The current site plan for the Zoning Board of Adjustment is on the table because it is needed for Mixed Use Approval but not for the Act 250 approval. Mr. Wright would rather keep the trailer on the lot for now which requires this process. If there is going to be a lot of collateral damage in the gravel pit then Mr. Wright would rather remove the buildings and just receive the Boundary Line Adjustment.

Mrs. Britch-Valenta then asked if the State and Town Site Plan, submitted for the Act 250 permit, should be the same. The engineer agreed that yes that should be the case. Therefore this Site Plan is an updated version that needs to be sent into the Act 250 permit. With that said Mrs. Britch-Valenta asked why the Act 250 permit said they had already received local approval. The engineer couldn't speak to that since he hasn't been involved with the Act 250 permit; his coworker, Andy is the lead engineer on this project.

Mr. Wright then changed the direction of the meeting by asking if he blocked the new entrance off and used the preexisting driveway, what would happen with the Act 250 permit then. Mr. Wright only relocated the driveway to accommodate neighbors and is willing to use his preexisting driveway again.

Mr. Cadiuex said they are currently looking at the present map and will make the decision upon what is given to them now, not upon future plans.

Next Mr. Wright asked how many trees does he need in order to provide an adequate buffer. The Board informed Mr. Wright that they will need to discuss that in their decision.

Mr. Trombley then asked what the traffic is currently coming in and out of the sandpit. Mr. Wright said there are about 60 trips a day with 30 trucks making those trips. Mr. Trombley also asked what are the hours of operation are. Mr. Wright responded that the current hours consist of 7:00am to 4:30pm, Monday through Friday. Once in a while there may be operation on a Saturday but only from 7:00am to 12:00pm, if it's an emergency. Mr. Trombley was then concerned with the dusting of the road and proper screening. Previously Mr. Wright has used oil to manage the dust but in his new Act 250 Permit he suspects that they will require a partially paved road.

Pointing to the map, Mr. Trombley asked what is on the property line. Mr. Wright said it is white birch trees on the property line of Wetherby.

Mr. Trombley asked if there were any other questions or comments from the Board or the Public. There were no other questions or comments raised.

Mr. Trombley then asked if there were any other questions or comments from Mr. Wright and his engineer. Mr. Wright asked the Zoning Board what they considered adequate screening and/or buffering. Mr. Trombley responded to the question by telling Mr. Wright that in the decision letter he will receive these things will be specified.

Mr. Trombley enlightened Mr. Wright that the Zoning Board of Adjustment has 45 days to make a decision.

Closing of the hearing.

### **III. OTHER BUSINESS**

NONE

### **IV. DELIBERATIVE SESSION**

**MOTION:** Mr. Trombley motioned to go into deliberative session. Mr. Cadioux seconded the motion. Motion carried at 7:13pm.

**MOTION:** Mr. Trombley motioned to go into regular session. Mrs. Johnson seconded the motion. Motion carried at 7:47pm.

**MOTION:** Mr. Trombley motioned to approve the conditional use permit for Roger Wright with the following conditions:

- The hours of operation will stay the same
- The number of trips per day will be limited to 60
- The owner must abide by a 150 foot setback from all boundary lines for all activities
- The owner must remove the paving on the closed entrance of the sandpit
- There must be a tree buffer for privacy, dust and noise to protect residential neighbors from the pit; specifically there must be a cedar tree every 5 feet apart
- At the entrance there must be 200 feet of paving from the road expanding onto the property
- A copy of the decision letter will be sent to ACT 250

Mrs. Rice seconded the motion. Motion carried unanimously it at 7:57pm

## V. **ADJOURNMENT**

**MOTION:** Mr. Trombley motioned to approve the November minutes at January's meeting. Mr. Patnode seconded the motion. Motion carried unanimously at 8:06pm

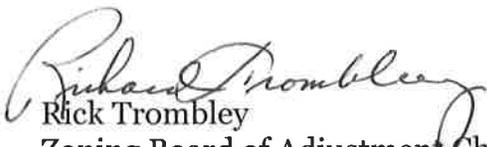
**MOTION:** Mr. Trombley made the motion to adjourn the meeting. Mr. Cadieux seconded the motion. Motion carried at 8:10pm.

Respectfully Submitted,

Samantha Rice  
Planning & Zoning Clerk

Date

Minutes approved by:

  
Rick Trombley  
Zoning Board of Adjustment Chair

1.16.2014

Date