

TOWN OF HIGHGATE
Zoning Board of Adjustment

MINUTES

August 15, 2013

NOTE: All actions taken are unanimous unless otherwise stated.

I. CALL TO ORDER & ROLL CALL

The meeting was called to order at 6:00 p.m.

Present were:

Zoning Board of Adjustment Members: Rick Trombley - Chairman, Tim Reynolds - Vice Chairman, Luc Dupuis, Georgette Johnson, Michael Patnode, and Julie Rice.

Staff: Heidi Britch-Valenta - Planning & Zoning Administrator, Erin Rocheleau - Planning & Zoning Clerk

Public: Chad Tyler, The Tyler Place Inc.

Mr. Rick Trombley asked the members of the Zoning Board of Adjustment (The Board) if anyone had any conflict of interest with the hearing before the Board. Mr. Trombley continued to explain if any Board members felt like they need to recuse themselves from the hearing, to please do so. Mr. Luc Dupuis indicated that 2 of his daughters are currently working in the food service area of the Tyler Place, but he did not feel that this was a conflict.

Mr. Trombley then asked Mr. Chad Tyler of the Tyler Place Inc. if he felt there was any conflict with any of the Board members before the hearing. Mr. Tyler and the Board members felt that there was no conflict.

Mr. Trombley swore in Mr. Tyler.

II. PUBLIC HEARING

The Tyler Place Inc. - Conditional Use (ZBA-006-13)

Parcel ID # 0007-016-080, Tyler Road, Highgate Springs, Vermont

Ms. Heidi Britch-Valenta explained to the Board that the Tyler Place Inc. is requesting a Conditional Use for a proposed new childcare facility on the subject property located on Tyler Road in Highgate Springs. The parcel is approximately 150-acres of land located off of Old Dock Road, located in the Shoreline Zoning District.

Ms. Britch-Valenta continued to explain that Mr. Tyler is requesting a Conditional Use Review to build and operate a new childcare facility on the Tyler Place Inc. property. The proposed single story, wood framed building will be 24-feet (height) by 32-feet (wide) by 62-feet (length) located on Tyler Road which is off of Old Dock Road. The proposed building will be located approximately 350-feet from Lake Champlain (to the north), approximately 1,400-feet from Route 7 (to the east), approximately 700-feet from Camp Randolph Inc, (to the west) and approximately 400-feet from the Chevalier's neighboring property (to the south).

Ms. Britch-Valenta indicated that the Tyler Place Inc. only has one previous Conditional Use permit, approved on September 12, 2000 for 8-feet (height) by 16-feet (width) by 40-feet (length) bike storage structure. No other Conditional Use permits have been issued for the subject property as a result of the age of the business.

Mr. Tyler explained to the Board that the proposed childcare facility will be used by The Tyler Place to provide a better play space for groups of children on the subject property. Currently the downstairs of the Tyler Place Inn is being used as a play space for these children. The number of children will not increase on the subject property; the children will just be shifted to the proposed new facility. There will also be neither an increase in the hours of either operation, nor an increase in traffic as a result of the proposed building.

Mr. Tyler went onto explain that there are currently 3 groups of younger guests staying on the subject property. The group of children ages 8 and 9 are currently using the downstairs area of the Inn, which is dark and has low ceilings. The new proposed childcare facility will be used by this group of children. This group will meet there at 8:30am, then they will go outside for the day (inclement weather they will stay inside) returning to eat lunch. No food preparation will take place in the new proposed childcare facility, food will be delivered via a golf cart and children will eat inside the facility. This group of children will be picked up by families in the early afternoon (approximately 1:30pm), and may return after dinner (5:30pm-8:30pm).

Mr. Tyler also explained that the proposed childcare facility may be used to house infants during the first couple of weeks of each summer. There will be sliding doors installed inside the new proposed building, these doors will portion off areas of the facility for different age groups.

Mr. Tyler showed prospective drawings to the Board. Mr. Tyler explained that no trees will be removed or disturbed as a result of the construction of this new facility. The building will be built to maintain the character of the area; clapboard sided with double hung windows. The building will be heated and cooled on demand with a small propane tank.

Mr. Tyler explained that he has submitted an application to the Vermont Electric Cooperative (VEC) for a new use on the subject property. Currently there are

above ground power lines that would be connected to the proposed building. During the construction of the new building, the power lines will be placed below the ground.

Mr. Tyler explained that Mr. Dick Souza, Fire Chief, Highgate Fire Department made a site visit to the subject property and discussed the proposed childcare facility with Mr. Tyler. The Highgate Fire Department confirmed that it will install a dry hydrant on the property. Mr. Souza went over the new alarm system in the Inn and confirmed that there was adequate space for emergency vehicles to deal with an emergency at the subject property.

Mr. Tyler continued to explain that there will be no parking associated with the proposed facility, it will not generate any car traffic. There will only be bike traffic associated with the proposed facility and meal server golf carts. The location of the new childcare facility will likely reduce pedestrian traffic on the main road. This will be a positive effort to pull the current foot traffic back onto the subject property.

Mr. Tim Reynolds asked Mr. Tyler what the foundation of the proposed childcare facility will be. Mr. Tyler explained that there is a lot of ledge on the subject property which may alter the plans during the building process. The proposed plan will be that the front part of the facility will have a poured foundation while the back part of the facility will be on pillars as not to disturb the root systems.

Mr. Tyler stated that there will be 2-handicapped accessible bathrooms located in the proposed childcare facility. The facility will have a small amount of on demand water for these bathrooms.

Mr. Trombley asked if there were any questions from the Board.

Ms. Britch-Valenta asked if there was any Act 250 permits associated with the Tyler Place. Mr. Tyler explained that the Tyler Place is currently working with Roy A. Hango P.E. Consulting Engineers, and has created a wastewater plan to submit to the State.

Mr. Trombley asked when the Tyler Place would like to start building. Mr. Tyler explained that they would like to start building in the Fall of 2013.

MOTION: Mr. Trombley made the motion to close the hearing. Mr. Michael Patnode seconded the motion. Motion carried. 6:20pm

MOTION: Mr. Trombley made the motion to go into deliberative session to discuss The Tyler Place Inc. Conditional Use permit. Mr. Reynolds seconded the motion. Motion carried. 6:21pm

MOTION: Mr. Trombley made the motion to go out of deliberative session. Mr. Reynolds seconded the motion. Motion carried. 6:24pm

MOTION: Mr. Dupuis made the motion to accept the Tyler Place Conditional Use permit for a single story, wood framed building that will be 24-feet (height) by 32-feet (wide) by 62-feet (length) located on Tyler Road which is off of Old Dock Road as applied, contingent on VT State approved wastewater permit notification, with no change in hours of operation on the subject property and only daytime use of the childcare facility permitted. Mr. Reynolds seconded the motion. Motion carried 6:26pm

III. DEVELOPMENT REVIEW BOARD

Ms. Britch-Valenta explained that at the August 5, 2013 Planning Commission (PC) meeting Mrs. Katelin Brewer Collie, Northwest Regional Planning Commission led a discussion on the transition to a Development Review Board (DRB) and a PC with the elimination of the Zoning Board of Adjustment (ZBA). Ms. Britch-Valenta explained that the DRB would review all applications which are currently reviewed by the ZBA and the PC. This would be more work for the DRB members, but it would streamline the process for the applicants. Then the PC would concentrate on planning only, i.e.: capital budget, infrastructure upgrades, maintaining accets, impact fees, identifies goals for the Town.

Ms. Britch-Valenta explained that the Select Board would like to move in the direction of having a DRB and a PC, which would dissolve the current ZBA. The current PC is not in favor of the DRB change and many of the PC members will most likely leave if this change happens.

Ms. Britch-Valenta stated that there should be overlap within the DRB and the PC; one or two members should be on both Boards so that there is always open and easy communication.

Mr. Trombley asked what the next step would be. Should the Board members submit a letter to the Select Board? Ms. Britch-Valenta explained that the Select Board has not made a declaration at a public meeting yet, but most likely will.

Mr. Reynolds stated that he is for the change to DRB.

Mr. Patnode stated that if this is a good change for the Town, then he is in favor.

All Board members were individually asked if they were in favor of the change by Mr. Trombley, all are in favor of the DRB change.

Mr. Trombley and Mr. Reynolds stated that they both would be interested in serving on both Boards for a period of time for a smooth transition, should this change to a DRB and a PC come to fruition.

Ms. Rice and Ms. Johnson are open to be a member of either the PC or the DRB.

IV. VIOLATION UPDATE

Ms. Britch-Valenta explained many violations within the Town, which she is following up with. There are violations with local dog owners, past decision letters, public health concerns, and wastewater violation.

Ms. Britch-Valenta explained that there is an Environmental Court date set for September 9, 2013 for Mr. Richard Deso. Mr. Deso is contesting the decision from the PC and the ZBA concerning the installation of a fence on his Route 78 D & H Housing and Storage property.

Ms. Britch-Valenta explained that Mr. Robert Dufrense has an application for a 2-lot subdivision for his Route 78, 2-acre property; the PC will hold a hearing on September 9th 2013.

V. MINUTES

MOTION: Mr. Trombley made the to motion approve the draft minutes with 2-spelling errors. Mr. Reynolds seconded the motion. Motion carried. 7:31pm

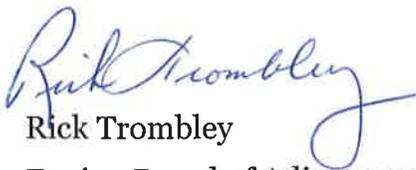
MOTION: Mr. Trombley made the motion to adjourn the meeting. Ms. Georgette Johnson seconded the motion. Motion carried. 7:34pm

Respectfully submitted,



Erin Rocheleau, Planning & Zoning Clerk

Minutes approved by:



Rick Trombley
Zoning Board of Adjustment Chair

9/12/13
Date