

TOWN OF HIGHGATE

Development Review Board

December 8, 2016 @ 6pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

I. SITE VISIT @ 4PM

There was a site visit @ 4pm to the property located @ 3876 VT Route 78, owned by Michael Messier. Present for the site visit were: Heidi Britch-Valenta, Tim Reynolds, Woody Rouse, Rick Trombley, Julie Rice, Scott Martin and Michael Messier.

II. CALL TO ORDER

The meeting was called to order by chair, Rick Trombley at 6:00pm, noting there is a quorum present.

Present at this meeting:

- **DRB members:** Rick Trombley, Chair; Tim Reynolds, Vice-Chair; Julie Rice; Woodbury Rouse; Scott Martin
- **Staff:** Wendi Dusablon- Planning & DRB Clerk; Heidi Britch-Valenta – Zoning Administrator
- **Public / Other:** Michael Kravetz; Andre Gagne; Maggie St. Cyr; Roger St. Cyr; Bonnie Moulton; Mike Messier; Pete Paquette; Katie Davis; Peter Mazurak

III. PUBLIC HEARINGS

- ***Messier, Michael / Messier's Concrete Conditional Use
3876 VT Route 78
Medium Density Residential District***

Mr. Messier was present for this hearing. No one else was present. This is a continuation from the last DRB meeting and Mr. Messier was reminded he was still under oath. There was a site visit to this location at 4pm today. There are concerns from the board about safety, as this is a wide open lot with no traffic flow or pattern. Mr. Messier is open to suggestions and conditions that the board sets. At the site visit it was noted there are lots of cars parked out front. The board also asked Mr. Messier about either a cedar fence line or stockade fence to shield his lot from the neighbors. There is a split rail fence along the back that Norman Laroche installed but that does not provide a shield. Mr. Messier would prefer cedars and they look nicer than a traditional fence. The maximum number of employees he would have is seven. Most are picked up on route to jobs, very rarely does anyone come into the yard. Rick read from the development regulations regarding employee parking. There is one car for sale out front presently and Mr. Messier does not foresee any others. The board asked Mr. Messier about trucks that are there and would they be put out front for sale. Probably not, as he has people that would purchase them when the time comes, he does not see a need to put them out front for sale. Tim asked about the trailers on site and if they are registered – no, not right now. Mr. Messier has talked to Heidi about this already. He would like to keep them but move them to the other side of the lot in the back where they will be out of sight. The wood in the back is used over and over again for forms, or kickers, as they call them. They pick up at the end of the season. Hours of operation Monday – Friday 6:30am – 5pm (roughly 6pm on their return) and Saturdays being a maintenance day, mostly inside work, but outside as needed. They are closed on Sundays, but he may be on site to do things such as mow the lawn. Julie would like to see curbing or something to restrict the flow of traffic and have designated ingress and egress points. Curbing is what the Messiers do as part of their business, so that is doable. It is a state highway, Route 78, and Heidi gave examples of what the town had to do with regard to the Park & Ride location. There will be specific

requirements from the State because this is a state road. Mr. Messier expressed concern about curbing and that directing water elsewhere, which he would not want to do to his neighbors. Woody noted that a green space could resolve that issue. Tim added that split rail fence could also be used up by the road, respecting setbacks. Heidi said an 1111 permit should be required and that the state would work with Mr. Messier on the entrance / exit to the lot. There were no further questions from the applicant or the board. Motion by Rick Trombley to close this hearing @ 6:15pm. The motion was seconded by Tim Reynolds – **APPROVED**. Mr. Messier will receive a written decision from the town within 45 days. The decision can be appealed to environmental court if Mr. Messier is not pleased with the decision. If approved, Mr. Messier will need to see Heidi for his permit. All the information will be included in the decision letter.

- ***Gagne, Andre / Moulton, Mark & Bonnie
Boundary Line Adjustment
Durkee Road
Agricultural District***

Andre Gagne and Bonnie Moulton were present and were sworn in. No one else was present for this hearing. This BLA was before the Planning Commission back in 2013. A mylar was never filed within the 180 day time frame. There is currently a 50' right of way between the Moulton property and property owned by Mr. Gagne. Mr. Gagne would like to remove the right of way and include it with the Moulton property. The Moulton's purchased the property and built a new home there in 2015. The Moulton's currently maintain the right of way anyway. Rick read through the criteria for a boundary line adjustment from the development regulations. The plan presented shows a scale of 1" = 40', not 1" = 100'. There is also no surveyor stamp, but that will be on the final mylar. There were no further questions from the board, Mr. Gagne or Ms. Moulton. Motion by Scott Martin to close this hearing @ 6:23pm. The motion was seconded by Tim Reynolds – **APPROVED**. A letter will be sent with regard to what is needed on the final mylar.

- ***Paquette, James (Pete)
Preliminary Plan Review – 3 Lot Subdivision
Quarry Lane
Agricultural District***

Present for this hearing were: Pete Paquette, Peter Mazurak (Cross Consulting Engineers), Katie Davis, Michael Kravetz, Maggie St. Cyr and Roger St. Cyr. Everyone was sworn in by Rick Trombley. Peter Mazurak went over the plans, which are very similar to what has been submitted before. Lot 9 is 1.14 acres, lot 10 is 1.35 acres and lot 11 is 2.66 acres, plus the acreage under the right of way of the road, Quarry Lane. Mr. Paquette noted the road has now been paved. Mr. Mazurak stated that the right of way needed an owner and Mr. Paquette does own the road, so it has been lumped with lot 11. The cul-de-sac is part of the road right of way. Everyone on the road has a right of way for ingress and egress. Tim Reynolds asked about the culverts on lots 1,2 and 3. These culverts are supposed to be 15" culverts, not 8" – how did these get changed? Older plans were pulled from the file that showed the culverts as being 15" x 30'. Mr. Mazurak pointed out there have been no issues with the 8" culverts on these lots. Tim asked who changed this. Mr. Mazurek would like to leave them at 8". Heidi spoke to the road acceptance policy. Mr. Kravetz lives on lot 1 and he confirmed that there are no water issues on his lot. There was discussion on how the water will flow more freely now that the road is blacktopped. The plans do not show the culvert in place under the driveway on the Hatin property. Tim had more questions about water issues and erosion. There is a 2'-3' swale that is mowed and a 60' ravine behind the development. The soils are very sandy there and Mr. Mazurak does not see any issues with run off. Rick read aloud from a letter sent to Mr. Paquette after the last hearing earlier this year. Mr. & Mrs. St. Cyr live on lot 5 and have been there for one year. They do not have any issues with water or drainage. It was noted that 2016 was a record dry year. In the

DRB packets is a copy of the Quarry Lane Road agreement which was updated to add the Hatin, Gover/Langlais and St. Cyr. All the landowners have now signed this agreement. Mr. Paquette again noted that the road is now paved. Mr. Paquette pays Mr. St. Cyr to keep the ditches mowed and weed wacked. Snow removal is paid for by everyone @ \$200.00 per year. It was noted that just because the road is paved does not mean it no longer requires maintenance. Mr. Paquette wants to put another 1.5" on the blacktop in a few years. He would have to do this for the town to take over the road anyway. Mrs. St. Cyr expressed concern about the way they were notified about the association. She would have liked to have known about it before they closed on their property. She doesn't have a problem with it, they just weren't aware. Future lots and future owners should know. Mr. Paquette put the responsibility on the builder. Mrs. St. Cyr feels the realtor should have disclosed that information. Heidi clarified that this issue is not a town obligation. It is a seller obligation to communicate any obligations of the property that is being conveyed, regardless of how it fell through the cracks. Tim asked if it is indicated on their deeds. If the agreement is a recorded document it should have been found during the title search. Tim asked if this homeowner's association agreement can be indicated on the final mylar. Mr. Mazurak said it can be noted on the road itself on the final mylar. The town is often not even aware of a sale until after the fact. If the town takes over the road, buyers would be notified that it is a public road which is maintained by public tax dollars. Mr. Kravetz commented that he was not aware that Mr. Paquette owned the road. He expressed concern if something happened to Mr. Paquette, if nothing is spelled out, what would happen? There is uncertainty regarding the Quarry Lane residents accessing their properties. Mr. Paquette noted that the road is a utility easement also. Number five on the road agreement addresses this to some degree. Only lots 9 & 10 are being developed at this time. Mr. Paquette is not proposing any new development for lot 11. Lot 11 is 2.66 acres, plus the acreage under the road. Lot 11 could eventually be made into two lots. Lot 7 is 3 acres, which could be subdivided eventually as well. There were questions as to why the road is being combined with lot 11. Mr. Mazurak said it can be separated from lot 11, but that is how they decided to do it because Mr. Paquette does own it. If lot 11 was sold it would have to be separated from the road anyway. Katie Davis, abutting property owner on Fortin Road, expressed concern for the proposed waste water leaching area. The area of her home is already classified as a wetland. The wastewater system has been approved for lot 8 already, but not developed yet. There are new waste water systems for lots 9 & 10. There is an isolation shield around wells, which was explained to Katie. Rick went over the requirements for a preliminary plan review to move to a final review. The plans show 1" = 60', not 1" = 100'. The road information is also missing. Mr. Mazurak will come up with a typical section of what was done to the road regarding paving. Mr. Paquette noted that the public works director has been to the site twice. Scott Martin asked if the paved road is any narrower than it was prior. No, it is still a 60' radius at the cul-de-sac. Mr. St. Cyr asked when Mr. Paquette was planning to have the town take over the road – approximately five years. Mrs. St. Cyr asked about streetlights and sidewalks. She does not see a need for either, and asked if it was a requirement. These items are at the board's discretion, so a determination should be made as part of their decision. This is a major subdivision, so it can be mandated. Mrs. St. Cyr feels adding lights and sidewalks would take away from the beauty of the area, and Mr. Kravetz agreed. Mr. Paquette owns the road, but all the residents have a say in what happens. They are responsible for operating within a set of bylaws that are supposed to be attached to the agreement. Mr. Paquette added that the association meets once per year. Shared infrastructure should always have an association. Mr. Kravetz said many of the Quarry Lane residents would like to see the town take over the road. Mr. Paquette is holding on to the road because of the additional 37 acres out back. Even if his heirs were to obtain the land, the road goes with it. Mr. Paquette will be heading to Florida very soon and has no plans to develop the two lots until land gains taxes go down. Motion by Rick Trombley to recess this hearing @ 7:22pm and move on to final review. The motion was seconded by Tim Reynolds – **APPROVED**. Mr. Mazurak will get the documents to the town for the final plan review.

- ***Paquette, James***
Final Plan Review – 5 Lot Subdivision
Rheume Road
Medium Density Residential District

Pete Paquette and Peter Mazurak (Cross Consulting) were the only ones present for this hearing. Both had been previously sworn in. There were two overlapping isolation shields onto other properties, so the septic systems have been relocated. Both have been moved to the back of the lots and only overlap on to Mr. Paquette's own property. The septic systems on lots 1 & 9 are in an easement over lot 9. They slightly overlap onto the Ammex property as well as the well shields. Ammex was notified and there have been no complaints. Scott asked if there was anything in writing that Ammex had been contacted. Yes, they were notified via certified mail which can be verified. The new waste water plan was just issued yesterday. Mr. Mazurak said they also have VTrans approval. There is a shared driveway for lots 6 & 8 which already has VTrans approval. This is a common driveway with a small easement on the front. There is a 40' easement over lot 6 in favor of lot 8. A letter of intent is good for two years and once VTrans starts plowing for the season they like you to wait to do curb cuts that are off of state roads. Heidi wanted to clarify for the record, the site plans being presented show everything on just one side of the road and is split out having another plan show the other side of the road because this is a large property. Yes, they are separated north side / south side. Originally there were only subdivided lots on the south side. Mr. Mazurak did not feel that all the lots could have been adequately displayed on one mylar. Lot 6 on the south side is now owned by Choquette. Julie asked about lots 2 & 3 and asked if that was changed. There is a BLA going on now, which is not shown on these plans, but it is approved by the town. They will show the BLA on the final plans. The Browns have not yet purchased the additional property from Mr. Paquette. A new mylar showing the BLA is at the printers now and will be dropped off. At this point, the land transaction with the Browns won't happen until spring. Rick read through the criteria for final review. Tim asked about the easement for lot 8. There will be an agreement when that lot is sold. The town would like to see the proposed legal language for that agreement. It can be written into the decision letter that the board needs to review the documents before accepting the final mylar(s). Map C6 of the plans shows the storm water and erosion plans. Motion by Scott Martin to close the hearing @ 7:35pm. The motion was seconded by Tim Reynolds – **APPROVED.**

IV. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from November 10, 2016, as written. The motion was seconded by Woody Rouse – **APPROVED.**

V. OTHER BUSINESS

- Motion by Tim Reynolds to approve the decision letter for file DRB-020-16, as written. The motion was seconded by Woody Rouse – **APPROVED.**
- Motion by Tim Reynolds to approve the DRB meeting schedule for 2017, as presented. The motion was seconded by Woody Rouse – **APPROVED.**
- Heidi gave an update on zoning violations and the open house event that was held on November 15th.

VI. UPCOMING EVENTS

Dec. 15	7pm	Selectboard Mtg.
Dec. 18	10am-2pm	Santa Day @ HVFD
Dec. 20		Planning Commission Mtg. – CANCELLED
Dec. 23	6-7:30pm	Skate with Santa @ Highgate Sports Arena
Dec. 26		Town Offices are CLOSED
Jan. 2		Town Offices are CLOSED

VII. DELIBERATIVE SESSION

Motion by Woody Rouse to enter into deliberative session @ 7:49pm. The motion was seconded by Tim Reynolds – **APPROVED.**

Motion by Rick Trombley to exit deliberative session @8:54pm. The motion was seconded by Julie Rice - **APPROVED.**

