

TOWN OF HIGHGATE

Development Review Board

December 13, 2018 @ 6pm
Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

I. CALL TO ORDER

The meeting was called to order by Chair, Richard Trombley @ 6:00pm, noting there was a quorum of the board present.

Present at this meeting:

DRB members: Richard Trombley, Chair; Tim Reynolds, Vice-Chair; Woodbury Rouse, Jr.; Scott Martin *absent* – Julie Rice

Staff: Wendi Dusablon- Town Clerk / Public Meetings Clerk;

Anna Roberts – Zoning Administrator

Public / Other: Nancy Bockus; Rob Goodwin – Barnard & Gervais; Marc & Chelsea Charbonneau; *there were two other gentlemen present, neither signed in or participated in the hearing – they stated they were only there to observe and their names were not presented into the record.*

II. PUBLIC HEARINGS

- **Cadieux, Betty – Estate of
Bockus, Nancy – Applicant / Executor
Boundary Line Adjustment
550 VT Route 78
Industrial / Commercial District**

Those present and wanting to participate in this hearing were sworn in by Rick Trombley, DRB Chair. Rob Goodwin, survey technician with Barnard & Gervais, was present and came to the table to explain this proposal. He stated he is not a licensed designer or a surveyor yet, but feels he can adequately explain this BLA to the DRB. Rob explained that the proposal is to move the boundary line so that parcel #1 will gain .75 acres, making the total 1.37 acres, and parcel #2 just to the south will be reduced to 1.01 acres. This will make parcel #1 a non-conforming lot. Parcel #2 will be accessed through the gravel drive that runs through parcels #3 and #4. There are no proposed changes to lots #3 and #4, those were conveyed separately into the Cadieux Estate. Rob gave some history on the property as to how each of the parcels were acquired and conveyed into the estate. The first conveyance is the homestead lot where the house is, this was acquired in May 1959. In September 1966 the garage lot was conveyed. Later on, a sliver of land was conveyed, which goes from the homestead lot up to the well. This piece is very tiny and the intent was to add it on to the homestead parcel. In 1977 a long skinny parcel, referred to as the airport parcel, lot #2, was conveyed into the estate. The BLA proposed today is between lot #1 and the remainder of what was not subdivided off to the garage lot. The line being affected is between the airport parcel from 1977 and the remaining portion of the parcel that was not conveyed to the garage, and the small lot conveyed separately that includes the well. Rick asked for clarification on the airport parcel and where it is located. The new proposed line is set back the required 30' from the well, which is why the line is somewhat irregular. Rob referred to our Development Regulations, section 5.6. As they interpret our bylaws, they are meeting the requirements for a BLA. Parcel #1 was two parcels that were merged. Tim asked about the septic on parcel #2 and where it is located. A permit for a replacement septic area will be submitted through the State of VT and it will go in the corner where you see the test pits are noted. All the parcels share the well that is in the well house, also noted on the plans. This well serves four (4) homes total. The well located next door on the Boucher property (Harvest Equipment) services only their business. At one time, the Boucher's did purchase water from the Cadieux well, but they did drill their own. Tim asked about the driveway and if it is gravel or paved – it is gravel. Parcel #1 has a much more recently installed septic system. The replacement system proposal will be for parcel #2. Rob did not have any information about septic with regard to lots #3 and #4. Anna had pulled

up some state permits and had some questions. Rob is aware of a waste water permit in place for the Charbonneau property. Marc Charbonneau noted that the business experienced a fire in 2010 and there was a complete rebuild of the business prior to that in the 1990's. Rob would prefer not to delve into lots #3 and #4. Anna had questions about the right of way to access the back lots. Rob believes there is an existing right of way in place, but will need to make sure that is sufficient. This will be indicated on the final plans. It makes more sense to use what is already there, rather than get another curb cut onto Route 78, which is a state road. The Cadieux Estate owns all four lots currently. The mobile homes on the back lots are owned independently. Tim had some questions about the test pits and their placements. There were no further questions from the board, the public or the applicant(s). Rick read aloud an email from Taylor Newton @ NRPC dated 12/11/18 into the record:

Highgate Zoning

From: Taylor Newton <tnewton@nrpcvt.com>
Sent: Tuesday, December 11, 2018 10:13 AM
To: Highgate Zoning
Subject: RE: your opinion on BLA

Hi Anna -

As proposed, the application is NOT a BLA because it does not meet the requirements of Section 4.2 (B). That is because the proposal impedes access to Parcel #3. This is because NRPC finds that the application does not comply with Section 5.3 - Access Requirements. This section, which is based on state statute, requires that "land development may be permitted on lots that do not have frontage either on a public road, class 4 town highway, or public waters, provided that access through a permanent easement or right-of-way has been approved under Site Plan Review or Subdivision Approval." As proposed, the BLA (which is technically "land development") would result in Parcel #2 not having any legal access via ROW or easement to a public road.

The lack of an easement or ROW can most easily be solved by working with the land owners on Parcel #3 and Parcel #4 to establish a easement or ROW for Parcel #2 over the gravel driveway on those lots. The easement and ROW will need to be show on the plat and per Table 4.1, legal documents will need to submitted to the DRB for review.

Alternatively, Parcel #2 could be accessed via a new driveway located within an easement or ROW over Parcel #1.

So...if the application is changed to ensure that access will be legally provided to Parcel #2, NRPC find that this application could be treated as a BLA. But as currently proposed, NRPC believes that the application is not a BLA (so it'd technically be a minor subdivision) and does not comply with the Highgate Development Regulations.

If you have any other questions, feel free to give me a call!

-Taylor



Taylor Newton | Senior Planner
Northwest Regional Planning Commission | 75 Fairfield Street, St. Albans, VT 05478
Phone: 802.524.9958 | Fax: 802.527.2948 | Website: www.nrpcvt.com

Rob feels this email makes sense. Woody noted this property should be grandfathered in, further stating that no new lots are being created in this proposal. The easement information will need to be shown through the properties and indicated in the deed paperwork. The Cadieux family currently maintains the right of way, known as Cadieux Lane and it is a private road. Rick read through the criteria for a BLA from the development regulations. Further discussion will take place amongst the board in deliberative session. The board feels they have enough information. Motion by Woody Rouse to close this hearing. The motion was seconded by Scott Martin – **APPROVED**. A letter will be forthcoming with regard to the board's decision and what will be required.

III. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from November 8, 2018, as written. The motion was seconded by Tim Reynolds – **APPROVED**.

IV. OTHER BUSINESS & UPDATES

- Motion by Tim Reynolds to approve the 2019 DRB Meeting Schedule. The motion was seconded by Woody Rouse – **APPROVED**.
- There is a decision letter on the Brosseau subdivision in the packet. This will be further discussed in deliberative session.

V. DELIBERATIVE SESSION

Motion by Rick Trombley to enter into deliberative session @ 6:32pm. The motion was seconded by Tim Reynolds – **APPROVED**. Motion by Tim Reynolds to exit deliberative session @ 7:14pm. The motion was seconded by Woody Rouse – **APPROVED**.

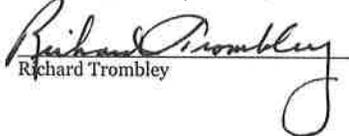
VI. ADJOURNMENT

Motion by Woody Rouse to adjourn the meeting @ 7:15pm. The motion was seconded by Scott Martin – **APPROVED**.

Minutes respectfully submitted by:


Wendi Dusablon Town Clerk & Public Meetings Clerk 1-10-19
Date

Minutes approved by:


Richard Trombley DRB, Chair 1.10.19
Date