

# TOWN OF HIGHGATE

## Development Review Board

May 9, 2019 @ 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; Michael Kravetz

**Staff:** Wendi Dusablon- Town Clerk / Public Meetings Clerk; Samantha Derosia – Zoning Administrator

**Public / Other:** Adam Locke; Russell Stanley; Andy Leduc; Brendan Deso; Ryan Jordan; Stephen Tetreault; Bonny Locke; Shawn Dubie; Sharon Bousquet

### II. PUBLIC HEARINGS

**Andy Leduc Construction LLC / Andre Leduc**

**Ryan J's Landscaping / Ryan Jordan**

**Conditional Use Review**

**835 VT Route 78**

**Industrial / Commercial District**

Ryan Jordan, Brendan Deso and Andy Leduc were all present and sworn in. Mr. Leduc owns the property at 835 VT Route 78 (former sand pit). They had plans from a 2015 DRB hearing to show the board the layout of the property. Ryan Jordan is interested in purchasing the property and putting in four industrial buildings for warehouse and office space and possibly operate some sort of small business also. He would start with the front building and work backwards in a phased approach. They are here tonight to see if the project(s) they have in mind fit with the towns bylaws before moving forward. If VTrans would approve moving the curb cut (driveway, which would later be a road) that would allow for more of a straight shot in and possibly be able to exceed setback requirements as well. Brendan Deso and Ryan are here to help Mr. Leduc answer and ask questions because he does not hear very well. Ryan is looking to get himself familiar with any conditions that may be required as part of the process if the sale takes place. He appreciates any feedback the DRB can give. The four buildings would be 60' x 150' at the largest and would be single story. Woody discussed blacktopping the road and the width needing to be 24'. The road could be built in phases and a cul-de-sac is needed for turning around and for fire equipment and EMS. There was discussion on hammerheads, which are not allowed. Tim clarified the setbacks in that district are 85' from the center of the road and 30' in all other directions. All this information is in our Development Regulations (bylaws), and a copy will be emailed to Ryan tomorrow. Ryan's next step would be to consult with an engineer. He has already spoken to Stephen with TDH. Brendan elaborated some on the property and the vision they are here to explain. There is plenty of capacity there for onsite septic. With the airport expansion project there will be more opportunities for Ryan at that location as well. The board sees this as a good thing if it all works out. Rick had questions about the curb cut. VTrans and project engineers are usually good about accommodating growth. If the curb cut is relocated it will affect placement of the first building. This project will require a site plan if they decide to move forward. Woody pointed out that the buildings would need to be so far off the road going in as well. The width of this property is 200' +/-, per Andy. There was discussion on the need for parking, which would be part of the site plan review. Tim commented that the property looks nice when you drive by now that all the piled sand is removed. Ryan noted that the interior ceiling height of the buildings would be about 20' and he is leaning towards red iron buildings because the costs are more fixed. Cosmetics will come in to play also. The board likes the idea and will wait to hear from them if the sale and project moves forward. Wendi will email a copy of the bylaws to Ryan and they are available on our website also.

**Locke, Adam & Nannette  
4 Lot Subdivision – Final Plan Review  
1158 Lamkin Street  
Medium Density Residential District**

Adam Locke, Russell Stanley and Stephen Tetreault from TDH were present for this hearing and had been previously sworn in. Abutting neighbors Bonny Locke and Shawn Dubie were also present. Stephen shared new maps with a minor revision from what was previously submitted with the board. Stephen had the deed for the Swanton Village easement and it is noted on the mylar that it has no described location. It references that the owner can direct the village to go a certain way. The mylar references a 24' wide road built to A76 standards. Contour lines were added and the cul-de-sac was kept in the same general location. Well and septic areas were added to the final plans. Driveways, parking and the sidewalks to each unit are shown. No garages are proposed. Lighting will be on the outside of each of the buildings. No lighting is proposed for the road. The road will be required to be blacktopped after the third lot. There was discussion on the blacktop requirement because they are only developing two lots, but each lot has four units. Adam has a draft road agreement that he just received today from his attorney. He submitted the draft document for the DRB file. This document will be referenced in all the deeds. Adam clarified these units will all be rental properties. Adam is planning for them all to be three bedroom units, and Stephen noted that with the soils in this location, there is plenty of septic capacity for this to happen. Going into lot four, the soils drop off some. Bonny Locke and Shawn Dubie were present. Bonny is an abutting property owner to this project and were noticed on all phases of this review. She has questions about the right of way between her property and Adam's. She believes they both own it. Stephen clarified that it is a strip of land, not a right of way. In Adam's chain of title there is no mention of a right of way. Adam's attorney did a cursory review and can't find anything about a shared right of way or easement. Matt Glitman from Tim Hurlbut's office will continue to look deeper, but is not finding anything. In the end, nothing Adam is proposing will block any rights or access if Bonny had any. Bonny claims that between the two houses is a right of way. Adam disagrees that Bonny has any claim to that strip of land. Bonny approached the table to view the plans and deeds that Adam and Stephen had. Stephen added that on Bonny's side she has a three rod right of way off the southerly side of Lamkin Street and that's it. Stephen had a copy of Bonny's deed in his file as well. Adam's father sold him the property. The 50' strip and her property was one block at one time and it was separated to give access to Adam to his back piece of property. Mylars on file with the town were shown to Bonny. Without that 50' strip, Adam's back property would be land locked. Bonny believes some of the land was under environmental protection when her parents owned it, she remembers seeing the paperwork. Stephen also had copies of a boundary line adjustment mylar between Bonny Locke and Dennis Cassidy in 2013. Bonny elaborated some on the circumstances between her and Mr. Cassidy back in 2011 – 2013. Rick asked Bonny if she had an issue with this project. She does have an issue with it because of the added traffic it will generate and she doesn't want this right next to her home. She added that there is traffic down through there now (ATVs etc.). Adam pointed out that the property is not posted and he has given no one rights to use it, other than two people he allows to hunt there. He was just at the property today and saw no four wheeler tracks. He stated he will post the property if that will help. Even his tenants are not allowed to go back there with four wheelers or dirt bikes. Past tenants did, but they have been gone for a while now, plus, his insurance won't allow it. Stephen has been back there doing test pits and also has not seen any tracks or activity. There are existing mature trees between the proposed road and Mrs. Locke's home. There is a pretty thick tree cover in that area and Adam will only remove what he has to for the roadway. He will leave everything he can all the way down through. The road is not proposed to be tight to Bonny's boundary. The road can also be shoved closer to the east of that 50' strip but that would change everything. He has a little room to play with that setback. There needs to be room left to accommodate snow storage. This will all be in the road agreement and there will be no need for an association. Above ground power is anticipated and needs to be reflected on the final mylar. Adam will be submitting information to Swanton Village also. There is already a pole at the end of the proposed road on the same side of Lamkin Street. They may have to move the pole just a whisker or move the road slightly. Stephen has addressed all the points from the letter after the last meeting. Mrs. Locke had no further comments or questions. Rick read through the criteria for a subdivision final plan review from the development regulations. The abutter name at 1210 Lamkin Street is now Mary & Gary Benjamin, not Cindy Shedrick

(front lot only). Rick asked about storm water and the need for any culverts. The only need for a culvert may be at lot three. Stephen will do the calculations to make sure they don't need a storm water permit and if they do, they will apply with the state. The road name has been chosen and the form has been submitted "James Locke Way". Abutting neighbors will be notified about well and septic shields. Tim asked about parking. Currently two spaces per unit are planned, or eight per building. Tim doesn't think this is enough - what about visitor parking? It is a private road and Adam will allow parking along the sides of the road. Discussion took place about parking two cars deep or adding more spaces. A normal parking space is 19' deep and the travel way is 24' wide. Stephen sees some room on the plans for additional and overflow parking. The board has the discretion to add this as a condition of approval. A gravel pull off area for visitor parking was mentioned as well. Adam agreed extra parking was a good idea. Michael Kravetz asked about trailers or recreational vehicles and equipment. Those will be prohibited from the properties and will all be included in the lease document. The board felt they had enough information to make a decision. Motion by Rick Trombley to close this hearing. The motion was seconded by Tim Reynolds - **APPROVED**. Mr. Locke will receive a written decision within 45 days.

**III. APPROVAL OF MINUTES**

Motion by Rick Trombley to approve the minutes from April 11, 2019, as corrected. The motion was seconded by Tim Reynolds - **APPROVED**.

**IV. OTHER BUSINESS & UPDATES**

- The decision letter for Thornton Machia (BLA) was signed.
- Sharon Bousquet was present to check in with Samantha and the DRB.
- Samantha had a list of questions and updates for the board.

**V. DELIBERATIVE SESSION**

Motion by Rick Trombley to enter into deliberative session @ 7:25pm. The motion was seconded by Tim Reynolds - **APPROVED**. Motion by Tim Reynolds to exit deliberative session @ 8:19pm. The motion was seconded by Scott Martin - **APPROVED**.

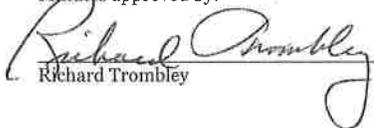
**VI. ADJOURNMENT**

Motion by Woody Rouse to adjourn the meeting @ 8:20pm. The motion was seconded by Tim Reynolds - **APPROVED**.

Minutes respectfully submitted by:

  
Wendi Dusablon, Town Clerk & Public Meetings Clerk      6-13-19  
Date

Minutes approved by:

  
Richard Trombley, DRB, Chair      6-13-19  
Date