

TOWN OF HIGHGATE

Development Review Board

January 9, 2020 @ 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; Michael Kravetz; Courtney Veeder (arrived @ 6:04pm)

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

Public / Other: Brendan Deso; Ray Many; Richard & Melody Ferland; Courtney Veeder – Barnard & Gervais; Richard Flint

II. PUBLIC HEARINGS

Courtney Veeder from Barnard & Gervais was running late so the order of the hearings was changed, with Brendan Deso going first.

- **Deso, Brendan – applicant**
Nolan, Dennis / Kemp, Joyce / Timura, Jacqueline – owners
9 Lot Subdivision – Sketch Plan Review (continued from 11/14/19)
Lamkin Street – south side of Lamkin St. after Quail Dr. on right traveling east
Medium Density Residential District

Brendan Deso was the only one present for this hearing and he had been previously sworn in and reminded he was still under oath. He brought larger maps to share with the board. He is now working with Brad M. Ruderman & Associates Inc. The plans presented tonight are much more detailed. They located a few abandoned shallow wells and located other wells in the area. The project will be approved through the State for all lots to have three-bedroom septic systems. They plan to apply with the State for the stormwater and wastewater permits once they get through the sketch plan phase. The typical sized homes and 24 x 24 garages are noted on the plans with breezeways. The stormwater permits are being based on higher impact than they will actually have. Easement areas will be taken care of within the individual deeds. There is a bank that slopes off down by the former Nolan house and that has been marked out and surveyed with a 25' setback noted from the edge of the bank. Trees will need to be cleared for septic systems on lots 4 & 5, which is minimal, and they plan to maintain the character of the property. The back four lots will have shared access (two homes per access), which will be 25' wide. This has been laid out as best they could. The driveway to lot 6 will take a turn down and have an easement across the front portion of lot 7. Lots 6 & 7 will have an easement over lot 4. Lot 6 will have an easement over lot 7 to get in. The other shared easement will be for lots 8 & 9. These easements will be for shared driveways as well as utilities. The language will be incorporated into the deeds. Lots 1 & 4 will specifically say that they can use the drives but will not be liable for regular maintenance. Lots 6, 7, 8 & 9 will be required to maintain the driveways all equally. Physically the driveways will be owned by whomever owns the land the driveway goes over. Perk tests went very well. The water table was at 7' which was flagged and avoided. Setbacks are all noted on the plans. Tim asked about the easement over lot 5 that benefits lot 4 and staying away from the wells on lots 3 & 4. Brendan would like to relocate the well for lot 6. Depending on the time of year it is developed it could be difficult to get a well truck in there. The lots in the back are larger due to part of the property being wooded. All the lots meet the 1 acre minimum requirement. The front lots have 200' of frontage. Rick asked about lot 6 and the setback to the house. The setback is noted from the top of the bank. There is no water in this area, just a gully between this property and the former Nolan house (now owned by Benckert). Courtney noted that the well shield for lot 6 is incorrect. It needs to go uphill, not downhill. Courtney also had questions

about the shared accesses. All will be private driveways. Richard Flint from the Selectboard was present. He had questions if the town would be asked to take over any portion of this project. No, not this project. Questions were submitted prior to this meeting by Clarence Miller, who lives across the road from this proposed project. Rick read aloud his questions into the record: 1) How many driveways will be installed on Lamkin Street from the Nolan Development? – *seven curb cuts over 1000' of road frontage.* 2) Will there be shared driveways and how many homes will be using one shared driveway? – *yes, two shared driveways, shared by two homes each.* 3) Are shared driveways allowed and / or approved? – *Yes.* 4) Has a traffic study been done for speed and blind spots at the top of the most eastern section of Lamkin and the development site? – *No study has been done. There was discussion about visibility and an existing driveway at the former Nolan home. Courtney noted a state law about 500' and visibility, referring to lot 5. The town approves driveway permits and the Public Works Director visits the site to look at site obstructions and visibility as well as if culverts are needed. Brendan did try to involve public works prior to his DRB application but they don't get involved until driveway permits have been applied for and paid for.* 5) Why not have only one exit for the building site, preferably a main street down the mid-section of the building site and an exit onto Lamkin Street with stop signs to control traffic? – *That is not the way they chose to lay it out. These drives will all be private and the town will not be approached to take any of it over.* 6) ** this is a statement, not a question ** There will be an impact to all current residents and we will be expected to adjust. *Brendan noted that the property was for sale and anyone could have put an offer in.* Rick asked about the issue brought up last meeting about headlights and the neighbors being affected. This proposal is going according to the bylaws. Brendan did offer with Mrs. Therrien to go to a local greenhouse and pay for some reasonable amount of screening in front of her bedroom window, not to exceed \$100.00. The screening for the nine lots being proposed will be up to the individual land owners, unless contractually requested and agreed upon to plant trees or shrubs. They will fix what they disturb and seed but the new homeowners will take it from there. There was nothing further from the board or from Brendan. There was no one in the audience present for this hearing and Mr. Miller's questions have already been discussed. Rick read through the requirements from the development regulations regarding sketch plan review. It was noted that signature blocks will be needed on the final mylar. No signage will be needed unless they come up with a subdivision name for marketing purposes. Woody asked about the shared access driveways and if they will need to be named for 911 purposes. The board believes those two shared drives will need their own road names. Brendan has no problem with that. Mopar Lane, Rouse Lane and Jasmine Drive were used as examples of two homes off a shared drive that needed their own road name. Mike asked if the utilities would run overhead or underground. They are noted on the plans to be either, and Brendan isn't certain yet, but would like to have the front lots be above ground and the back lots underground. Power poles in the area are on the other side of the road, he believes. Brendan isn't sure if he will be ready to return for February. As soon as they are approved to move to preliminary review, they will start the stormwater and wastewater process with the State. Motion by Tim Reynolds to move this project to preliminary plan review. The motion was seconded by Woody Rouse – **APPROVED**. A follow up letter will follow this hearing and Brendan will let us know when he is ready to get back on an agenda. The town will also let him know about naming the shared driveways. Brendan is happy to do that and will plan on it.

- **Ferland Family Trust**
2 Lot Subdivision – Preliminary Plan Review
1561 Carter Hill Road
Agricultural District & Industrial / Commercial District

Courtney Veeder recused himself from the DRB and switched gears to represent the Ferland Family Trust for this hearing. It was noted for the record that there is still a quorum of the DRB for this hearing. Richard and Melody Ferland were present, as well as Courtney Veeder from Barnard & Gervais. They were sworn in by Rick Trombley. There was no one else present for this hearing. Courtney explained the proposal to subdivide the

farmhouse, barns and replacement septic area from the rest of the property. There is no proposed septic, only a replacement designation area in case the existing septic should ever fail. The remaining lands will be vacant and have referral language within the deed. All the buildings are mostly within the setback lines and are existing structures. The fallen barn is just that, fallen, and will be removed. The Ferland family owns the property across the road also, so this subdivision proposal will not affect anyone within 431'. Courtney referred to the overall site, which is noted in the upper right-hand corner of the plans shared with the board. The property does have a previous wastewater permit and the lands noted as "T" were previously sold to Airport Sand & Fill several years ago. The southern part of the property, which is wetlands, is abutting to the airport. None of that is changing, being affected or being altered. The abutters are noted and listed as well. There was discussion on the property shown on the map, which is owned by Richard Ferland's sister. No driveways are being proposed or changes to the landscape or anything. All that is being proposed is the subdivision of the house from the barns and silo etc. The replacement area will have no easement so that will be completely on property. There were no further questions from the board or the applicants. Rick read through the criteria from the development regulations regarding sketch plan review. Motion by Tim Reynolds to move to final plan review. The motion was seconded by Woody Rouse – **APPROVED**. All the criteria had been met with no modifications needed to move forward. Courtney Veeder was ready to move this to final review also. Rick then read through the criteria from the development regulations regarding final plan review. There were no modifications needed for the final mylar to be submitted. Court will make sure the final mylar has 2020 date on it. Motion by Tim Reynolds to close this hearing. The motion was seconded by Michael Kravetz – **APPROVED**. A written decision letter will be issued within 45 days. This will be further discussed in deliberative session. Courtney will not participate in the deliberative session for this hearing.

It was noted that Courtney Veeder rejoined the DRB following the Ferland hearing.

III. OTHER BUSINESS & UPDATES

- Mr. Ray Many was present doing some "homework" and had some questions for the DRB. He, his son and Travis Belisle are attempting (at this point) to purchase the brick plant property on Route 78 (actual address is 107 Leduc Industrial Park) in Highgate. TDI is interested in the actual building, Mr. Many is interested in the 172 acres. This was formerly used to extract clay for the brick plant. The brick plant was closed and the property reclaimed. He would like to open it back up as a sand pit and use the funds to finance an industrial park on that site. He had older plans to share with the board about this site. Part of this site is zoned agricultural and part is zoned industrial / commercial. Mr. Leduc owns the right of way which is tied up and unusable for transport according to the wording in the deed. Mr. Many had a copy of this deed with him for the board to see. Mr. Many has a recorded document with the town showing he has access to the property through the LeBeau property @ 1412 VT Route 78. If he is unable to make a deal with Leduc or TDI he will need to use this access point. Mr. Many has two questions: Question #1) is the town going to be rezoning the property to all industrial / commercial, or does the town want 90 acres of housing? The airport has an expansion on the horizon and carriers like Fed Ex and UPS will be looking for space. Woody pointed out that Mr. Many would need to obtain a right of way from the State to get over the rail trail. Question #2) Does the town have a problem with the property being developed? Courtney asked about wastewater permits pertaining to the property. Mr. Many pointed out it is actually two separate pieces of property. TDI is interested in the brick plant building and he is interested in the 172 acres. There was discussion on what section of the property is in each zone (agricultural vs. industrial/commercial) and the wetlands were pointed out. Courtney noted that since these old plans dated 1997, the wetlands area has likely expanded. He will look into it some more. Mr. Many will have to go through a process with ACT250 when all of this will be addressed. An engineer would be hired and help them decide how to best access the property if they are not successful with Mr. Leduc. The Kelly Brook runs through the property, which was also discussed. Mr. Many is looking to reopen what has already been approved

by the town. If TDI could acquire the road going in, he would assist in maintaining the road. Mr. Many has spoken with Samantha, Zoning Administrator, about this also. He has not spoken to the Planning Commission or Selectboard yet, but he feels all the town boards would need to be involved if this project ever moves forward. Mr. Many has a meeting with ACT250 next Thursday in Essex. He is doing all his homework at this point. Richard Flint was present from the Selectboard and asked how close this property is to the property the town owns that Casella is located on. He asked because of the landslide issues we have experienced at or near the transfer station. Mr. Many attempted to get on the Planning Commission agenda on January 2nd but the agenda was full and they only had an hour time frame before the start of the Selectboard Meeting. Heidi suggested he start with the DRB and that any recommendations / proposals / questions / revision requests should come from the DRB to the PC. Courtney pointed out that the area north of Kelly Brook is in the industrial / commercial district, and the area south of Kelly Brook is located in the agricultural district. Samantha stated that our GIS shows it differently so Courtney will also look into this. There was further discussion on how much of the property is located in each zoning district, and it was noted that the west side of Kelly Brook is the industrial / commercial district. Mr. Many's immediate concern would be access. This is already an approved extraction area and he feels he would be bettering the area. Before anything can happen he would need to own it and then come before the town for the proper permits, as well as the State of VT for their permits. The DRB didn't see an issue with looking into having the zoning categories adjusted as part of a bylaw revision when the time comes. A list has already been started for possible amendments to the bylaws.

- Samantha had a few brief updates for the board.
- The final mylar for the Brosky boundary line adjustment was signed. Courtney noted a shoreland permit should be also coming in shortly.

IV. APPROVAL OF MINUTES

Motion by Woody Rouse to approve the minutes from November 14, 2019, as written. The motion was seconded by Tim Reynolds – **APPROVED.**

V. DELIBERATIVE SESSION

Motion by Tim Reynolds to enter into deliberative session @ 7:46pm. The motion was seconded by Woody Rouse – **APPROVED.**

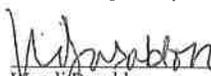
Courtney Veeder exited deliberative session @ 8:38pm.

Motion by Woody Rouse to exit deliberative session @ 8:41pm. The motion was seconded by Michael Kravetz – **APPROVED.**

VI. ADJOURNMENT

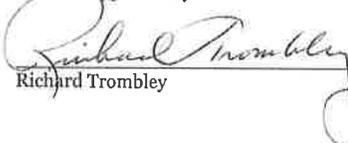
Motion by Woody Rouse to adjourn the meeting @ 8:41pm. The motion was seconded by Tim Reynolds – **APPROVED.**

Minutes respectfully submitted by:


Wendi Dusablon, Town Clerk &
Public Meetings Clerk

2/13/2020
Date

Minutes approved by:


Richard Trombley, DRB, Chair

2.13.20
Date