

TOWN OF HIGHGATE

Development Review Board

June 14, 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 at 6:00pm, noting there was a quorum of the board present.

Present at this meeting:

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

Staff: Wendi Dusablon- Public Meetings Clerk/Town Clerk; Heidi Britch-Valenta – Zoning Administrator (interim)

Public / Other: Aubrey Boudreau; Chris Boudreau; Dawn Boudreau; Ben Nye; Douglas Nye; Michael Gervais; Larry Hetrick; Thomas Fiske; Michael Lambert; Diana Sartwell; Sharon Bousquet

II. **PUBLIC HEARINGS**

Nye, Douglas

Conditional Use -- Waiver of Setback

72 Gagne Road

Agricultural District

Ben and Doug Nye were present and were both sworn in. Ben explained this proposal to build a garage at 72 Gagne Road (the home of his father, Doug). The setback will be 22' on one corner and 29' at the other corner. Rick asked about the driveway in comparison to the drawing submitted. The driveway is already in place and the garage will be built at the end of that driveway. The boundary line is at an angle. Scott asked for clarification on who the abutting land owners are. The garage will be for only storage and will have power but no running water and not used for any business purposes. Ben and his family will be purchasing the property from his father. Once the garage is built the smaller storage buildings will be going away. This hearing is just to approve a waiver of setback on the garage structure. They applied for another permit, which they already have, to remove the front of the porch and they will be rebuilding using the same footprint. No waiver is required for that. There was no one else present for this hearing and the board had no further questions. Rick read through the criteria from the development regulations. Motion by Rick Trombley to close the hearing. The motion was seconded by Woody Rouse – **APPROVED.** The board has 45 days to issue a written decision.

Gervais Properties, LLC

2 Lot Subdivision – Final Plan Review

Maizefield Drive

Medium Density Residential District & Village District

Michael Gervais was present for this hearing and he was reminded he was still under oath from his previous hearing. Abutting neighbors Aubrey Boudreau, Dawn Boudreau and Christopher Boudreau were also present. Michael's project required him to come before the board for three different reviews. The conditional use review and site plan review are complete and a decision letter has already been issued. He is here tonight for the final plan review on the 2-lot subdivision process. Changes to the plans include: 3' widening of Maizefield Drive for pedestrian traffic (it will now be 27' wide) and added dimensions for the garage which will be built in the future. Michael had the driveway access agreement from the attorney to share with the board. The driveway agreement will include the four units in the new proposed building as well as lots 2, 3 and 4 on Maizefield Drive. He can ask the existing homes (Bombard and Carr) if they wish to join the agreement, but he has no authority to force it. Michael gave some history on the road, to the best of his knowledge. Maizefield Drive was originally created with a hammerhead turn around and in 2015 when it was subdivided by the Lussiers and lot #7 was

created it was changed to a cul-de-sac with A76 standards and a requirement to be paved. There has never been any road agreement in place. Before Michael purchased the property the road was not up to standards and now it is, it just is not paved. For this final review there are no changes to lot sizes and no changes to footprints of any proposed buildings. He plans to sell the lot permitted and Jason Stoddard plans to build the units as rentals, as Michael understands it. Aubrey, Dawn and Christopher Boudreau were present, who are abutting neighbors (Aubrey and Dawn are the property owners). They have concerns about the overshadowing of the septic onto their property. The Boudreau's plan to subdivide and develop the back lot at some point. They have significant concerns about the overshadowing limiting what they can do in the future and where they can do it. Michael shot the elevations around and a well can be drilled all the way up to the circle shown on the map, which is the well shield. There was discussion about slopes in that area being higher or lower. There is less than a 1% slope in this area. Michael assured them they would be able to build out there and put in a septic and this overshadowing would not prevent that. A septic only needs to be 10' apart from another septic. Michael then explained how the State of Vermont is a "first come - first serve" state with regard to applications. The notice of overshadowing was sent to the Boudreau's which is why they are here tonight. Any appeals about this overshadowing would happen at the state level, not at the town level. Aubrey asked about having two homes on one lot, which is what the Boudreau's have (one mobile home and one other dwelling). It is considered a preexisting non-complying situation. Subdividing would make the situation compliant. This is also not considered a violation, as they are grandfathered in. The Boudreaus did not have any further questions. Michael further stated if there was a situation that they could not get away from the isolation area, there is something that could be done with the casing, but it did not seem it would be an issue that would require this route. Rick asked about lot #8. This lot is owned by Gervais Properties also. He also had questions about the 15' easement that is being retained by lot #6 that is transferrable to the public. If Maizefield Drive were to be taken over by the town, the easement could be transferred to the public for access to the rail trail, rather than to be owned by one person or by the property. Lot #6 owns Maizefield Drive currently. The driveway agreement is based on the number of dwellings, not the number of lots. Scott asked if the power will come off Lamkin Street - yes, it will. There will be no poles, everything will be buried. The septic permit has been applied for with the state. This will not be a mound system, it will have a traditional leach field. There is no additional signage being proposed. Scott asked if the road will have striping to indicate the 3' pedestrian lane. Michael is proposing paving, but no pavement markings unless the board requires it. Rick read through the criteria from the development regulations. Motion by Rick Trombley to close the hearing. The motion was seconded by Woody Rouse - **APPROVED**. The board has 45 days to issue a written decision.

Greenway, LLC
3 Lot Subdivision - Final Plan Review
3795 Rollo Road
Forest Reserve District

Tom Fiske and Larry Hetrick were present for this final plan review. Both were sworn in at a previous hearing. There was no one else present for this hearing. The final mylar has already been submitted unless the board has any further changes. Rick had questions about driveway maintenance. When the deeds are drawn up the maintenance will be included in those documents. The board wants to be sure the agreement will be clear for future owners of either lot. There were no further questions or comments. Rick read through the criteria from the development regulations. Motion by Rick Trombley to close the hearing. The motion was seconded by Woody Rouse - **APPROVED**. The board has 45 days to issue a written decision.

Highgate United Methodist Church
Conditional Use Review
3273 VT Route 78
Village District

Mike Lambert and Diana Sartwell were present for this hearing and were sworn in. No one else was present. There are a number of things happening at

the Highgate United Methodist Church and Carolyn's Community Center. Carolyn was a former parishioner who had a dream of having a thrift store and a gathering place for people of the community. As a church, they have come to realize that they are holding "church" at the community center also through their ministry of feeding and clothing people. Their programs have grown and they need to address the space limitations. The food shelf (literally just a shelf) and freezer space are used to service at least four families regularly, but is open to anyone who needs it. In the winter months more people come in to access the food shelf. Everyone is a volunteer, except for the Pastor, who is officially half-time but spends upwards of 60 hours per week there. They have come across the concept of a modular classroom type structure and have found one available in Vergennes. It is essentially a double wide that has two large rooms with a bathroom in the center that they would remove. They have put a down payment on this unit already. Mike shared some information on the old structures on the property (garage 20' x 20' and woodshed 18' x 20') that he believes need to be taken down. Some members of the parish disagree with that and would like the structures to remain. Mike has the knowledge to do the project, but he wants to comply with people's wishes while keeping safety and practicality in mind as well. Those that wish the buildings to stay feel there is sentimental value. Diana believes the buildings need to be taken down or they will fall down. She has provided day care services on the property for years and the structures have never been useable or safe and they just continue to get worse. There is a temporary storage container on the property to house clothing that they do not have room for. This structure is not permitted and both Mike and Diana feel badly about that because they were not aware. That permit is part of this review. It was noted that the storage container was generously donated and is only temporary. Mike presented a photo of the 28' x 52' double wide structure they have put a deposit on. The building is white with a black metal roof. They may consider vinyl siding in the future for the buildings to match. A handicapped accessible ramp has been donated to them to use on the front of the new structure. This structure will be connected to the current building with a 12' x 28' enclosure. There is a restroom in the current community center. The new structure will have two exits and two separate heaters. The power will come off the main box and have its own separate box. Mike shared a map of the overall property and how they wish to place the proposed structures. There is a day care facility under the church and that will remain where it is. The larger space being presented tonight will be very helpful with their community dinners (second Friday of each month 4:30pm - 6:30pm) and with bereavement luncheons and dinners. Other churches in the area have been very gracious to let the Methodist Church use their space for large crowds. The number of bedrooms / bathrooms is not changing. The Pastor rarely stays there but has on occasion. Rick asked about the traffic pattern on site. Currently you can only enter and exit in two spots. The use of the property is not being changed and there is no proposed subdivision so a site plan review is not needed. Heidi noted that the traffic pattern there is very similar to the park and ride location and is what the state would require. Mike and Diana are advocates of sidewalks in the area and are hoping someday to see sidewalks go up to and beyond the Methodist Church. Rick asked about signage. There is already signage there, some permanent and some are put out to advertise events on sandwich boards. Rick read through the criteria from the development regulations. Mike stated that their original timeline was to have the new building brought to Highgate on June 25th. The sellers will work around our timeline as long as they have some place to park the unit up here. Mike will talk to Regency Housing to see if they can store it. This will require a temporary permit for Regency to put it on their lot, but there is no charge. Diana added that the new building will be another emergency location for the children if the day care needs to be evacuated for any reason. There were no further questions from the board. Motion by Rick Trombley to close the hearing. The motion was seconded by Woody Rouse - **APPROVED**. The board has 45 days to issue a written decision. Scott let Mike and Diana know that if they are looking for furniture (tables / chairs / etc.) for their proposed new space that schools in the area are cleaning out this time of year with school ending. The board thanked them both for their service to the community.

III. **APPROVAL OF MINUTES**

Motion by Rick Trombley to approve the minutes from May 10, 2018, with one edit. The motion was seconded by Woody Rouse - **APPROVED**.

IV. OTHER BUSINESS & UPDATES

The board will review mylars and decision letters in deliberative session.

V. DELIBERATIVE SESSION

Motion by Rick Trombley and seconded by Woody Rouse to enter into deliberative session with Sharon Bousquet, Selectboard Chair @ 7:56pm to discuss a protocol to allow for a multi-layer review in cases that hold potential for a conflict or concern – **APPROVED**. This will be discussed further and brought back to the board. Sharon Bousquet exited the deliberative session @ 8:20pm. Motion by Scott Martin to exit deliberative session @ 9:09pm. The motion was seconded by Woody Rouse – **APPROVED**.

VI. ADJOURNMENT

Motion by Rick Trombley to adjourn the meeting @ 9:10pm. The motion was seconded by Woody Rouse – **APPROVED**.

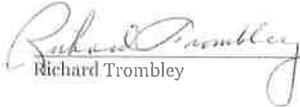
Minutes respectfully submitted by:


Wendi Dusablon

Town Clerk &
Public Meetings Clerk

7-12-18
Date

Minutes approved by:


Richard Trombley

DRB, Chair

7.12.18
Date