

TOWN OF HIGHGATE

Development Review Board

March 8, 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 6:03pm.
Present at this meeting:

DRB members: Richard Trombley, Chair; Tim Reynolds, Vice-Chair;
Woodbury Rouse, Jr; Julie Rice (arrived @ 6:05pm) *absent – Scott Martin*

Staff: Wendi Dusablon- Public Meetings Clerk/Town Clerk; Heidi Britch-
Valenta – Town Administrator; Laura Barney – Zoning Administrator

Public / Other: Sharon Bousquet; Lyne & Ronald Vincent; Fernand &
Patricia Gagne; Carlton Jr. (Joe) and Nancy Bertrand; Stephen Colley; Nancy
Browne; Chad Tyler; Ron & Judy Durenleau; Andy Leduc; Joseph Britch; Rick
Leduc; Mark Gilbert; Michael Gervais; Diana Benoit Kittell

II. PUBLIC HEARINGS

Bertrand, Carlton Jr. & Nancy

2 Lot Subdivision – Final Plan Review

676 Partlow Road

Forest Reserve District

Carlton Jr. (Joe) and Nancy Bertrand were present for this hearing along with Michael Gervais from Barnard & Gervais. Michael was sworn in, Mr. & Mrs. Bertrand were sworn in at a previous hearing. A few changes have been made to the plans since the last meeting. Mr. Bertrand wants to keep the easement there for more than just his son. The width is not indicated because the full triangular piece is noted on the plans. The easement info will be included with the deed. Mr. Bertrand does not have any further plans to build out back. Rick read through the requirements for final plan review. There were no further questions from the board or from the applicants. Motion by Rick Trombley to close this hearing @ 6:12pm. The motion was seconded by Tim Reynolds – **APPROVED.** The applicants will receive a decision letter in the mail.

Gagne, Fernand & Patricia

3 Lot Subdivision – Sketch Plan Review

Lamkin Street

Medium Density Residential District

Fernand and Pat Gagne were present for this hearing along with Michael Gervais from Barnard & Gervais. There was no one else present for this hearing. Rick Trombley swore everyone in. Michael handed out the plans for this 3 lot subdivision proposal. Currently the lot is permitted for seven units but they want to change that to three lots for single family homes. This is for ease of sale and these lots are better suited for single family homes. Michael got the lots as close to a rectangle as possible. All three lots are accessed through a 50' strip and the easement will continue to Norman Laroche's property, as he has a house out in the back already. There is already a clearing there for the utilities. The easement currently services the utilities, not the Laroche home. The soil is sandy so the septic will be simple. Everything can be fit in and meet isolation distances. This is as good as it gets for waste water systems and as noted already, this was previously approved for seven lots. Woody asked about a turn-around space for emergency vehicle access. There was discussion on the location of a cul-de-sac. Mr. Gervais would like to consider the middle of the second lot for this with the third driveway coming off the cul-de-sac. The right of way will be bigger in that location, so the building envelope for that lot would be smaller. He will be sure that well isolation areas are still compliant. Homeowners will be responsible for upkeep of the road. Association agreements will have to be incorporated into the deeds, and that covers everyone going forward. Rick read through the

requirements for sketch plan review. A-76 standards were discussed with regard to the road as they will need to be incorporated into the plans for final review. There was also further conversation about placing the cul-de-sac at the end of the road and working with Norman Laroche. There was nothing further from the board or the applicants. Motion by Tim Reynolds @ 6:28pm to move this to final review. The motion was seconded by Woody Rouse – **APPROVED.**

Nancy Browne was present with her realtor, Diana Benoit Kittell. Ms. Browne will be on the agenda for the April DRB meeting for a 3 lot subdivision on Campagna Road (Donald Campagna Estate). They were confused on whether or not they were supposed to be present tonight. They are not on tonight's agenda, nor were they noticed to attend. Wendi let Ms. Browne know that she will be noticed in a few weeks, prior to the April 12th DRB meeting.

**Colley Revocable Living Trust
Stephen & Carmen Colley, Trustees
2 Lot Subdivision – Sketch Plan Review &
Conditional Use Review
Country Club Road
Shoreline & Industrial Commercial Districts**

Steve Colley was present, as well as Lyne & Ronald Vincent, who are abutting property owners. Rick Trombley swore them all in. Mr. Colley gave an overview on his proposed project. This is a 9.5 acre parcel on the lake which is mostly rectangular with quite a bit of shoreline and a “tongue” portion that comes out onto Country Club Road. The northeast corner is zoned industrial / commercial which follows another property line and goes to the north. They are proposing to divide the property in half west to east. On the northern lot they are proposing a single family home with an accessory apartment over the garage. On the southern lot they are proposing a single family home and two cottages for seasonal short term rentals in the summer time. There is an existing waste water permit. The two cottages will go to one waste water disposal mound, which will service three bedrooms total (one cottage will have one bedroom, the other will have two bedrooms), incorporated into the same waste water permit. The two main residences will share a new system, which is a 1,000 gallon system, which will service a total of seven bedrooms (one in accessory apartment and three in each of the two homes). There will also be a storage barn which will be plumbed to have water and a small bathroom. His understanding is that the state does not count this as a bedroom, but he is waiting to hear from the state to let him know what they will need. Access to the property is from the “tongue” and currently there is a driveway there that goes to a neighboring house on the lake, which is not seen on the plans. The driveway that exists is quite flat. The proposal is to improve that and all the rest up to the new structures will all be new. The Colley’s already own the portion referred to as the tongue and use it for access. The right of way is proposed as 50’ and will service a total of five residences (neighbors home, two new primary residences, one of which will have an accessory dwelling, and two seasonal rental cottages). There is a trail that goes down to the lake which starts out quite wide and gets narrower. A cul-de-sac will be needed for emergency vehicle access and the radius necessary is 100’. Mr. Colley’s engineer will be able to work that into the plans. Because this will be considered a road, serving more than two residences, Heidi pointed out that these requirements are part of that process. Mr. Colley has applied for a subdivision and conditional use review, and there was some discussion on if a PUD (planned unit development) would be a better fit. This would put the review in a different category all together. Heidi explained that the accessory dwelling can be up to 30% of the habitable floor area of the single family dwelling or 600 square feet, whichever is greater. The requirements for the road will be the same either way they decide to go. Mr. Colley was looking for guidance from the board as to what they need to see to move forward. He does not see a PUD fitting his idea. With the rental units there will be two residential uses on one lot. With mixed use, you would have residential and commercial on one lot. When you have residential / residential that is not mixed use, that is more of a multi-family use and approval would be needed for multiple homes on one lot. The board will need to inform themselves more on this. Mr. Colley stated that the cottages are being proposed as rentals. A lodging establishment is a commercial use requiring a conditional use review, which is what he applied for. Mr. & Mrs. Vincent were present, they own the cement plant next door. Mr. Vincent would like to see a buffer of trees put up. The Vincent’s stated they had received a letter from a lawyer, but it was

clarified that the letter was actually from the waste water designer. It was also clarified that only the well shields touch the Vincent's property and that no septic systems can be put in that area. The Vincent's were looking for clarification on what Mr. Colley is proposing. There was more discussion on the right of way. Mr. Colley has not found any documentation and he has no intention of closing it off. This will all be formalized through this process. No full basements are being proposed. Mr. Colley will need an agreement with Mr. Andrenyi (neighbor) on how the road maintenance will be handled. Mr. Colley had thought about approaching the Vincents for a right of way coming from their direction. The road will need to be paved up to the cul-de-sac. This will be a private road. The owner needs to occupy either the main residence or the accessory dwelling. The board will look at the subdivision application and gather more info on the conditional use application. A letter will go out to Mr. Colley with a list of requirements before he can return before the board. The board pointed out some of the things that are missing from the plans. Heidi pointed out the requirements for this level of review from the development regulations. Mr. Colley has a copy of these regulations but was frustrated by the term "sketch" and feels it should be called something else. Mr. Colley worked hard on this proposal and was frustrated that he was being told that the board didn't have what they needed. He read aloud from our regulations/bylaws, and the board understood his frustration, but noted that from town to town what is required is pretty standard. He feels he had all the information needed and that our bylaws are not clear enough. The board is always open to suggestions on the process. Mr. Colley will receive a very clear letter from the town with the requirements listed out as to what the DRB is looking to see when he comes back. With regard to the conditional use, it comes down to the point of making a decision on how to look at the lodging. It would have to encompass all the conditional uses on that lot. This is not a typical application, and the board asked for him to be patient with them. Tim apologized and does not want him to leave angry. Motion by Tim Reynolds @ 7:26pm to continue this application. The motion was seconded by Woody Rouse – **APPROVED.**

***Leduc & Many, Inc. / Britch, Joseph
2 Lot Subdivision – Sketch Plan Review &
Boundary Line Adjustment
Parizo Road
Industrial Commercial District***

Andy and Rick Leduc were present, as well as Judy and Ron Durenleau, adjoining property owners. Brad Ruderman, engineer, could not be here. No one from the board needed to recuse themselves. Rick Trombley swore them all in. Rick Trombley stated there are a lot of questions and some missing information. Andy Leduc owns the road and has owned it for a very long time. There were houses there already when he acquired it. Homeowners on Parizo Road maintain the road, but there is no official agreement. Joe Britch lives at the end and he does the work. The road will need to be brought up to A76 standards. John Shower originally owned the road. Rick Trombley has driven down that road a few times over the last few weeks and it's in rough shape with water running down the center of the road. Rick Leduc feels they should be grandfathered in because the houses were there and they did not add anything. The plan is to access their property through Joe Britch's property at the end of the road. Mr. Durenleau thought the town used to maintain the road, and he has not seen any town equipment on Parizo Road since he purchased his home 24 years ago. Others felt it was Terry Hakey that maintained the road, not the town. Heidi is not sure if any road can be grandfathered. Sharon asked if homeowners on Parizo Road have rights in their deeds to access their property from Parizo Road. Mr. Durenleau had a copy of his deed in his truck, which he went to get. There was discussion on emergency vehicle access on Parizo Road. Andy would like to see an association on that road where everyone pays so the road can be maintained. There is a garage structure owned by the estate of Marvin Braley that is partially on the property now owned by the Leducs where this subdivision is being proposed. That is a big problem. The garage is partially on lot #2, now owned by Leduc & Many, Inc. Mr. Braley passed away a few years ago and his girlfriend still lives in the home. This non-conforming structure alone is grounds for denial of the subdivision application. A violation notice can be sent because if a structure was put up illegally it is up to the zoning office to deal with it. There was some discussion on the easement agreement proposed with Mr. Britch and in exchange Mr. Britch's property lines will change giving him more acreage. Until this project and the

land was surveyed it did not come to light that the Braley's garage is non-conforming. The Durenleau's said there is more than one structure back there, there is something else further back in the woods. The garage has burned twice, once from a lightning strike and the other from welding. No permits have been found on file in the land records. It is hard to say if the permits are filed and just weren't recorded when it was built, or if this happened during the brief few years that Highgate did not have zoning in the late 70's / early 80's timeframe. The Leduc's did not give permission, so it does not comply with the town or with the Leduc's. The town will be responsible to follow up with whomever lives there, her name is believed to be Cheryl Arbuckle. If she does not comply, we can follow up with a letter from the town's attorney. The Leduc's will follow up on their end with a letter as well. The issues with the structure(s) and the road can be considered conditions of approval. The Durenleau's also said the Parizo Road is too wide. Years of dodging pot holes and driving around them has turned grass to dirt, making it all now look like road. They believe that the section from Route 78 to the turn, half probably belongs to Harvest Equipment. The Durenleau's also stated they are on a shared well with the Braley estate residence. They just found out 3-4 years ago that they have been paying for their water for all these years and they aren't happy. Their light bill each month is between \$200-\$260. Regardless, the proposal is to add lots to a road that is insufficient. It is within the DRB's rights to set conditions, and this is the time to do that. Now is the time to bring the road into compliance so it is safe and well maintained. Mr. Durenleau pointed out that in the summer months it is so dusty you can't even stay outside. The board also needs to decide if they are going to review this as a minor subdivision or as a major subdivision because the two lots being proposed are in addition to an already established development. The Leduc's are not proposing any new development out back even though there is 60+ acres out there. They recently purchased property from Missisquoi Mining and Minerals. Any further development in the future would not come through Mr. Britch's property either. There are currently 14 homes on Parizo Road, so this could be looked at as a major subdivision application. Rick Leduc asked for clarification, if he were to build on Route 78 would that be considered a major development because there are already houses on Route 78? He doesn't believe it should be considered major. A letter will be sent out to the Braley estate about the structure(s) and a letter will be sent out to the applicants with a list of what is expected and required to move forward. Mrs. Durenleau also stated they believe there are a lot of things buried out there and that the property is contaminated. The Leduc's know nothing about that. Motion by Julie Rice @ 8:15pm to continue this application. The motion was seconded by Tim Reynolds – **APPROVED**.

III. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from February 8, 2018, as amended. The motion was seconded by Woody Rouse – **APPROVED**.

IV. OTHER BUSINESS & UPDATES

- Sharon asked about the radius of cul-de-sacs and also allowing for a town plow truck to fit through. There was discussion on the size needed for the plow and wing to safely and adequately make the turn, using Thak Blvd. as an example.
- Sharon welcomed Laura Barney as our zoning administrator.

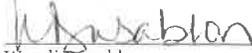
V. UPCOMING EVENTS

March 12	4pm	Finance Comm.	March 15	7pm	Selectboard Mtg. & ATV hearing
March 20	6pm	Planning Comm.	March 24	10-12	Rabies Clinic @ HVFD

VI. DELIBERATIVE SESSION

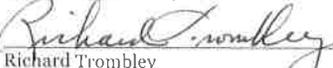
Motion by Rick Trombley to enter into deliberative session @ 8:28pm. The motion was seconded by Woody Rouse – **APPROVED**. Motion by Tim Reynolds to exit deliberative session @ 9:40pm. The motion was seconded by Julie Rice – **APPROVED**.

Minutes respectfully submitted by:


 Wendi Dusablon, Town Clerk & Public Meetings Clerk

4-13-18
 Date

Minutes approved by:


 Richard Trombley, DRB, Chair

4.16.18
 Date