

TOWN OF HIGHGATE

Development Review Board

January 10, 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 @ 6:02pm, 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: Jeremy Dean; Richard F. Hamlin, P.E.; Paul Gregoire; Rob Goodwin; Peter St. Germain; John Ferland; John Rainville; Paul Cadieux; Nancy Bockus; Peter McGinn; Mark McGinn; Donald Bessette; Judi Rainville

II. PUBLIC HEARINGS

Ferland, John & Jane

Boundary Line Adjustment

3565 Gore Road

Agricultural District

John Ferland and John Rainville were present for this hearing and sworn in by Rick Trombley. Judi Rainville arrived @ 6:09pm and was also sworn in. John Ferland plans to sell part of the farm and sell everything on the west side. Mr. Ferland is working with Harvey Chaffee on the plans and considered this to be a BLA. Mr. Rainville, who will be purchasing the property, is already an abutting land owner. Members of the board questioned whether this was a BLA or a subdivision being proposed. Mr. Ferland purchased the farm with 212 acres originally. He further stated that as part of a tax mapping project with the town, his acreage was adjusted down to 191 acres. The boundaries of his property did not change, but that is why the acreage listed on his property card changed. He is currently taxed on 191 acres. There was discussion on how the BLA proposal would create a non-conforming lot with no access. Mr. Rainville added that he will have access to it through his current property on Tarte Road. Mr. Ferland asked for more information and for the board to define "non-conforming". The board would like to see the entire Ferland property surveyed and presented on the plans, not just the portion with the proposed changes. Mr. Ferland stated that he felt he was being penalized by having to survey the entire property when there are no changes being proposed other than one boundary line, which is being shown. Mr. Ferland's original deed states there is a parcel #1 and parcel #2 and the board would like to see all of that on the plans. The original fences are gone now, but there should be some pins. His surveyor will go through the land records here to locate the property lines on all sides of Mr. Ferland's farm. The board discussed with Mr. Ferland and Mr. Rainville the possibility of doing two separate line adjustments to do away with the non-conforming piece and adding Mr. Rainville's name to the application. In this case, Mr. Rainville's property would also need to be shown in its entirety on the plans as well. This will be a large survey map and everything will need to be labeled correctly showing both properties (Ferland and Rainville) on one plat. Mr. Rainville would like to be included as an applicant. He signed and dated the original application, originally started and submitted by Mr. Ferland. Mr. Ferland will consult with Harvey Chaffee to have both properties surveyed entirely before this hearing will be continued. The applicants will notify us when they are ready to proceed. A follow up letter will be sent by Anna with what needs to happen before moving forward. Motion by Tim Reynolds to continue this hearing. The motion was seconded by Woody Rouse – **APPROVED.**

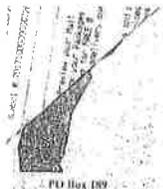
*Missisquoi Valley Union High School
Conditional Use Review & Site Plan Review
175 Thunderbird Drive
Medium Density Residential District*

Present for this hearing were Paul Gregoire, Facilities Director @ MVU, Jeremy Dean and Richard F. Hamlin, P.E., Donald L. Hamlin Consulting Engineers, Inc. Paul Gregoire and Richard Hamlin approached the table for this hearing and both were sworn in by Rick Trombley. They are here for a Conditional Use Review and Site Plan Review for work proposed at the school property. Mr. Hamlin gave an overview of the proposed project, which takes place in several locations around the school campus. The goal is for better security and to improve on the heating and cooling system efficiency. 1) Main Entrance Area – proposal to create a double set of doors at the entry as part of the main entrance. This will create an air lock entry and added security. New soffit lighting is being proposed at the entrance as well. 2) Enclosed Connector to Jpod Building – this is the biggest component of the plan to enclose the corridor between the main building and Jpod. This will allow for increased climate control and security for students, staff and visitors. This connector will have windows at a higher level, so natural light can go in, but you can't look in from outside. Emergency exit doors will be installed as well. 3) Wood Chip Plant Facility – the existing chip plant is now being proposed as a new chip plant with a pad to include a chiller, ice tank and emergency generator. All of the improvements being proposed are related to heating / cooling efficiency and added security. The insurance company is asking to see the boilers elevated. Diagrams and plans were shared with the board members. At the entrance to the school where the new wall goes it will meet the existing sidewalk. The sidewalk will be cut back and new walking paths will be installed at grade. Mr. Hamlin went through the criteria for a Conditional Use Review from our regulations, sitting at each point how this project is meeting the criteria. No new students or employees are related to this proposal, so there is no change in use. All public facilities, including schools, are required to seek conditional use approval. There will be interior amendments as well, which are exempt from this review. There will be no changes in traffic (other than some during construction), students or staff. None of the changes will be visible from off campus. Construction will be put out to bid to select a general contractor. The wood chip area will be fenced off and work will hopefully start in late March or early April. Other construction won't commence until after school gets out for the summer. Paul noted that during the school year, contractors can use the entrance to the school off Frontage Road. Paul also noted the school has three heating sources; wood chip, gas and fuel. He explained some of the proposed lighting changes included in the project, pointing out the areas on the plans. Storm water management was addressed. Run off from new structures will infiltrate into the new storm water grassed "bowl area" designed to meet state regulations and a permit will be part of that process. The "bowl" will be a low natural grade and isn't intended to pond water. The soils at MVU are very sandy and perfect for this use. The chiller tanks will be fenced in with permanent 6' chain link fence. The wood chip plant addition will house two boilers at ground level. There are many reasons for wanting to relocate the utilities. Paul let the board know that MVU has not relied on oil since 2010 and that extensive line changes would be costly. Tim asked Paul if the new structure near the Ag building was permitted by the town – no, it was not, but it will be included as part of the town permit for this project now that it has been brought to Paul's attention. Rick read through the criteria for a site plan review from the development regulations. Zoning district and tax map parcel numbers will be added to the plans, as well as the area of land, and deed references. Paul did bring in a survey of the MVU campus to Wendi earlier in 2018 to be recorded and it is on file. Motion by Rick Trombley to close this hearing. The motion was seconded by Tim Reynolds – **APPROVED**. A written decision letter will follow this hearing.

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

Rob Goodwin (Barnard & Gervais), Nancy Bockus and Paul Cadieux were present for this hearing. Paul was not present last time and was sworn in by Rick Trombley. They are here this evening to provide additional information as requested following the last hearing. Anna noted that the EC permit noted for Charbonneau's had an incorrect number and should be #EC-6-0579. On

the follow up letter, there were four items sited for clarification prior to moving forward with this proposal. The letter sent can be seen below:



December 18, 2018
137 PG: 145
FNST: 00097146

RECEIVED FOR RECORD
Dec 18 2018 11:00:00AM
LENDI BUSHBLOM
TOWN CLERK
HIGHGATE, VT

Estate of Betty Cadieux
c/o Nancy Bockus
79 Waugh Farm road
Swanton, VT 05488

RE: Estate of Betty Cadieux
BLA
550, 551 Vermont Route 78

Dear Ms. Bockus:

I am writing to follow up on the DRB meeting held December 13, 2018 at which your Boundary Line Adjustment Application was reviewed.

The Development Review Board would like the following items addressed and presented to them in order for the Board to consider the Boundary Line Adjustment as proposed. I have summarized the items that need attention below:

- #1 Amended Site Plan needed to have the following information:
All parcels (1-4) need to show location of wastewater systems;
All parcels (1-4) need to show location of easements for well and/or wastewater systems;
Title/Location/Description information on Plan;
Tax Map information for Parcel
- #2 Road maintenance agreement for private road;
- #3 Legal documentation for easements on property for water and wastewater systems;
- #4 Location of existing culvert which will need to be replaced with Town approved culvert size

If you wish to move forward with this application and be heard at the next DRB meeting on January 10, 2019, you must submit this additional information by the December 21st deadline. If you miss this deadline, the next meeting is on February 14, 2019 with a deadline of January 28, 2019. Please contact me as soon as possible to let me know your intentions for this project.

Sincerely,

Anna Roberts
Highgate Zoning Administrator

Cc: Rob Ouellet, Daniel A. Genes

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1890 Vermont Route 78
Highgate, VT 05459
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Fax: 802-863-3061
www.highgatevt.org

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hvalente@highgatevt.org

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Highgate Tax Collector
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Wendi Duvall
Town Clerk
Ext. Planning & Subdivision Clerk
Ext. 202
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Anna Roberts
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Alison K. Perry
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Sharon Hunsper
Bruce Butler
Randy Connolly
Steve Lator
Justin LaHogue
Highgate Police Dept.

One change is that the waste water system of the mobile home occupied by Mrs. Hazard is on the other side of the trailer on the north east side of the parcel. There is some recorded information on the rights to the well but the names have changed. Language will be included for conveyance with regard to lots 2, 3 and 4 to use the well. Rob submitted this information into the record. The title block has been updated and parcel numbers with summaries of books and pages for each parcel is now shown. The road maintenance agreement info will be inserted into the deed also. There will be a joint maintenance agreement between parcels 2, 3 and 4. A 50' wide easement has been created going out to Route 78 along the road that is posted as Cadieux Lane. It does narrow down to 38' of frontage. Anna had questions about the maintenance agreement, which was prepared by Tim Hawkins. There are revisions needed to this document. Nancy noted that they have sat down with the potential buyers and discussed all of these things. A BLA needs to be done prior to the sale. She understands that the easement for the roadway will remain there and she supports it, as it has been there since 1974. A copy of the road agreement is needed for the file as well. The culvert at the end of Cadieux Lane is creating water issues. It was clarified that the culvert is not collapsed. Nancy spoke to Butch with our Public Works Department who stated this is a state issue, as Cadieux Lane meets a state road, Route 78. She contacted the state and was told they can't do anything with culverts from Dec. 15 – April 15. Back in 2014 when Route 78 was paved Nancy contacted the state because it appeared that Cadieux Lane was collecting run off. The response was that her concerns would be passed along and she has never heard anything. The issue with the water there is when the ground is frozen. It drains well all other times of the year and the soils are very sandy. Nancy found a document from 1974 which was titled as a site report. It stated that soil boring was done down 8' and no water, ledge or other materials were located. The entire property is within a foot level amongst all four parcels. The existing culvert is 6" or maybe 8", and quite far down so you can't really see it. Changes in the law in the future will require culverts to be 15". The applicant's don't feel a larger culvert will fix the issue. This culvert should be included as part of the shared road maintenance agreement as well. Signature blocks are needed for the final plat. Tim and Scott would like to see the documents being discussed prior to closing this hearing. Nancy let the board know that probate court wants to see the BLA

paperwork and have given them a deadline of Feb. 13th. She expressed frustration with the process, stating that she doesn't feel they are any closer to selling the property because they continue to wait on this BLA. The DRB meets again on Feb. 14th @ 6pm. Nancy does not have to be present at this meeting unless she wants to be, and as long as the documents are submitted for the board to review. A decision letter won't be signed until the Feb. 14th meeting, regardless, and by statute the DRB has 45 days to issue their written decision. These documents being requested protect everyone involved, the DRB is not trying to be difficult by prolonging the process. Motion by Tim Reynolds to continue this hearing, pending the receipt and review of the documents requested. The motion was seconded by Woody Rouse – **APPROVED.**

***M5 Property Group, LLC
Request for amendment(s) to a previous
Conditional Use Review & Site Plan Review Approval
689 Cook Road
Medium Density Residential District***

Present for this hearing were Peter McGinn and Mark McGinn, applicants, and Donald Bessette, abutting land owner. Mark and Donald were sworn in, as they were not present at the original hearing back on 7/13/17. Following this meeting in 2017 a decision letter was issued on 8/11/17 with a list of 20 conditions to be met. M5 worked to get them all completed and an email was received on June 19th confirming that the conditions had been met, with the last piece being installation of the waste water system. M5 has received a state permit but installation of the system will be costly, between \$35,000.00 - \$40,000.00. M5 is concerned that the placement of the system will limit them in the future and that the system would have to ultimately be removed. Their request this evening is for the town to grant them their COAL (Certificate Of Approved Location) so they can receive their state permit. They are asking the DRB to approve the use of port-o-let(s) and issue the COAL so they can move forward with the state. Vince from the state has told them that the use of port-o-lets is not a problem. Once the state issues their permit, the DRB can give M5 a timeline for installation of the actual waste water system. They are worried that if they are denied their business permit through the state that the WW system will have to be taken out of the ground. The state won't speak to them until the COAL is issued by the town, and that is the hold up, they are caught in a "catch 22". The existing system on the property is not functional. A WW permit was issued by the state on 4/30/18 and was recorded with the town on 5/31/18. Mark & Peter both feel that installing the system now, prior to receiving further permits from the state would really limit the use of the property. Peter stated that early on in the process during a site visit he did ask if port-o-lets would be allowed. Mark stated that he met with Heidi Britch-Valenta back in May and she eluded that it may be a possibility but it was not her decision. Mark does not see any down side to the DRB allowing port-o-lets on a temporary basis. Peter stated that there is currently no business being run at the location and that they are currently permitted for storage. Their proposal tonight is for the COAL to be issued so that business can take place there, pending state permits. Anna had questions about the location of the septic system. Mark clarified that the business to be proposed will occupy 8 acres of the 49 acre property. Peter sees no point in putting in a WW system that would likely be decommissioned if the state were to turn them down for their business permit. There are no employees on site currently, so there was discussion on whether more than one port-o-let would be needed. Donald Bessette, abutting land owner, asked for confirmation that the goal for M5 is to ultimately operate a salvage yard. He also asked about fencing on the west side of the property. This was not a requirement of the town, but they would be open to additional fencing and working with the neighbors if necessary. The town already approved their application without that requirement. The state considers M5 as unapproved at this time, because the town has not issued the COAL. The last piece of the puzzle is this discussion tonight about the port-o-let(s). There was discussion on the water supply and what will be used as office space. Mark clarified that the only dispute they have come upon was two storage units on site and only one had been permitted. This situation has been rectified. Mr. Bessette asked about another storage structure in the back. Mark answered that a temporary permit was issued after the fact because they didn't know they needed one. That structure is now permitted (6 months

temporary) and they will likely be asking for an extension on that temporary permit. M5 appreciates the board's time this evening. Motion by Rick Trombley to continue this hearing. The motion was seconded by Tim Reynolds – **APPROVED.**

III. APPROVAL OF MINUTES

Motion by Rick Trombley to approve the minutes from December 13, 2018, as written. The motion was seconded by Woody Rouse – **APPROVED.**

IV. OTHER BUSINESS & UPDATES

Sadly, Anna has submitted her resignation today as Zoning Administrator. This will be her last DRB meeting with us. She will do her best to finalize everything she can in the office with regard to permits and open DRB files. Thank you, Anna, it has been a pleasure to work with you and we will miss you! The position will be posted very soon.

V. DELIBERATIVE SESSION

Motion by Tim Reynolds to enter into deliberative session @ 8:12pm. The motion was seconded by Rick Trombley – **APPROVED.** Motion by Woody Rouse to exit deliberative session @ 8:46pm. The motion was seconded by Scott Martin – **APPROVED.**

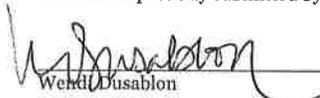
VI. UPCOMING EVENTS

Jan. 15	6pm	Planning Commission Mtg.
Jan. 17	7pm	Selectboard Mtg.
Jan. 17	7pm	Village Core Master Plan – presentation of concepts
Jan. 17	by 5pm	Petitions for warned articles are due
Jan. 21		Offices are CLOSED – MLK Jr. Day
Jan. 28	by 5pm	Petitions for elected offices are due

VII. ADJOURNMENT

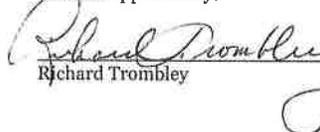
Motion by Rick Trombley to adjourn the meeting @ 8:47pm. The motion was seconded by Woody Rouse – **APPROVED.**

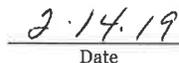
Minutes respectfully submitted by:


Wendy Dusablon, Town Clerk &
Public Meetings Clerk


Date

Minutes approved by:


Richard Trombley, DRB, Chair


Date