

**TOWN OF HIGHGATE**  
**Planning Commission**  
**July 18, 2023 @ 6pm**  
**APPROVED MINUTES**

*NOTE: All actions taken are unanimous unless otherwise stated.*

**Join Zoom Meeting: <https://us02web.zoom.us/j/87639338712>**

**I. CALL TO ORDER**

Luc Dupuis called the meeting to order @ 6:02pm. This meeting was a hybrid of in-person and Zoom. Those participating were in-person, unless otherwise noted.

**Planning Commission Board Members:** Luc Dupuis, Chair; Scott Bessette, Vice-Chair; Tom Conley; Jack Pelkey; Robyn Klein

**Town of Highgate Staff:** Sharon Bousquet, Town Administrator & Wendi Dusablon, Town Clerk / Public Meetings Clerk

**Public / Other:** Greta Brunswick, NRPC; Richard Flint; Ty Choiniere

**II. VELCO LETTER OF SUPPORT**

VELCO was present at the last meeting with a presentation and a letter of support was discussed. Sharon had prepared the letter of support for signatures. There were no objections, and each PC member signed the document.

**III. BYLAW MODERNIZATION – GRETA BRUNSWICK, NRPC**

Greta from North West Regional Planning Commission was present to continue the bylaw modernization discussion. She had prepared some documents to follow along with the discussion. These documents are attached to the end of these minutes. Her goal for tonight is to confirm our intent for changes we would like to see in our bylaws. Greta came up with some recommendations which were noted. Discussed were: Dimensional Standards – height / setbacks / lot size / lot frontage and width. Uses – type of review / structures per lot / definitions. Parking – spaces / location. Accessory Dwelling Units – ADU regulations. Development Review – administrative site plan. Road Standards – connectivity / sidewalks / road standards. The town's current zoning map was also reviewed to go along with the discussion. There was good discussion on all topics. The conversation was lengthy on lot size and district boundaries, wastewater and wells, tax rates, and senior housing options. The PC had some comfort level with reducing lot sizes in the village district in the center of town, more so than other areas of town that are designated as high-density or village centers. Tax relief programs were brought up, and our CLA (common level of appraisal) vs. tax rates and how one impacts the other. The number of structures to be allowed per lot was also a good conversation about duplexes, accessory dwellings and more. Parking will be affected by ACT47 which becomes effective state-wide in December 2024. Greta recapped the evening's discussion to see how the PC wants to move forward. This project needs to be completed by January 2024 in order to have our matching funds (approximately \$700.00) waived. Not all towns involved in this bylaw modernization project will meet the deadline. We have other amendments to consider, so Sharon recommended involving the DRB as well for their input. This adoption process will involve one public hearing with the Planning Commission and another public hearing with the Selectboard prior to adoption. Factoring in the holidays, we should consider having a draft document ready by October 1<sup>st</sup> to begin the adoption process, if we want to meet the deadline and waive the fee.

**IV. IMPACT FEE DISCUSSION**

Sharon included a study from 2004 on impact fees in the packet for this meeting. We have gone through this process before with consultant, Jeff Carr. The PC would like to revisit this topic and see if impact fees are a good fit for our town. Highgate would need to meet the criteria: have a CIP (yes, we do), have a current town plan (yes, we have the final hearing on Thursday night), and have a reasonable formula to assess impact fees (we do not have this, yet, but will if we move forward). The formula must be fact based. PC members expressed concern about additional burden to those people and families already here, versus a developer who builds just to sell and make profit. There was discussion on assessing impact fees just to those who build / develop solely to sell and profit and move on, not to add fees to those who wish to build their home to live here. Possible language was brought up and further discussion on if this would even be possible. Basing the fees on the number of lots is also a possibility. The funds from the impact fees are set aside as indicated and the funds need to be spent within six years. Impact fees are discouraged for industrial / commercial development. Sharon will look into other towns around our size / population and see what their impact fee schedule looks like.

**V. OTHER BUSINESS**

- Local options tax was discussed.
- Sharon had updates on local business in town and possibilities for the future.
- The special floor vote (must be present in person to vote) on the land purchase for the village wastewater system is July 20 at 6pm at the arena. We are a town that votes public questions and budgets from the floor, so until that is changed, this is how we vote. We have asked the voters a few times at town meeting, most recently in March 2023, and the issue was tabled, so it will likely be back on the next town meeting warning, March 2024.
- There were questions about our cell tower and when Verizon would be joining.
- Ty asked about HVFD and their involvement with new (and existing) industrial / commercial facilities. Richard responded that they used to more frequently tour these buildings and are working towards getting back to that as a standard practice.

**VI. APPROVAL OF MINUTES**

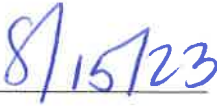
Motion by Robyn Klein to approve the minutes from *June 20, 2023*, as written. The motion was seconded by Jack Pelkey – **APPROVED.**

**VII. ADJOURNMENT**

Motion by Robyn Klein to adjourn the meeting @ 8:07pm. The motion was seconded by Tom Conley – **APPROVED.**

Minutes respectfully submitted by:

  
\_\_\_\_\_  
Wendi Dusablon, Town Clerk & Public Meetings Clerk

  
\_\_\_\_\_  
Date

Minutes approved by:

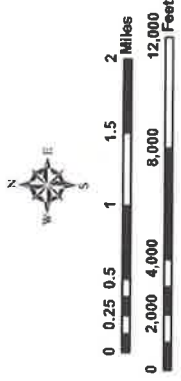
  
\_\_\_\_\_  
Luc Dupuis, Planning Commission Chair

  
\_\_\_\_\_  
Date

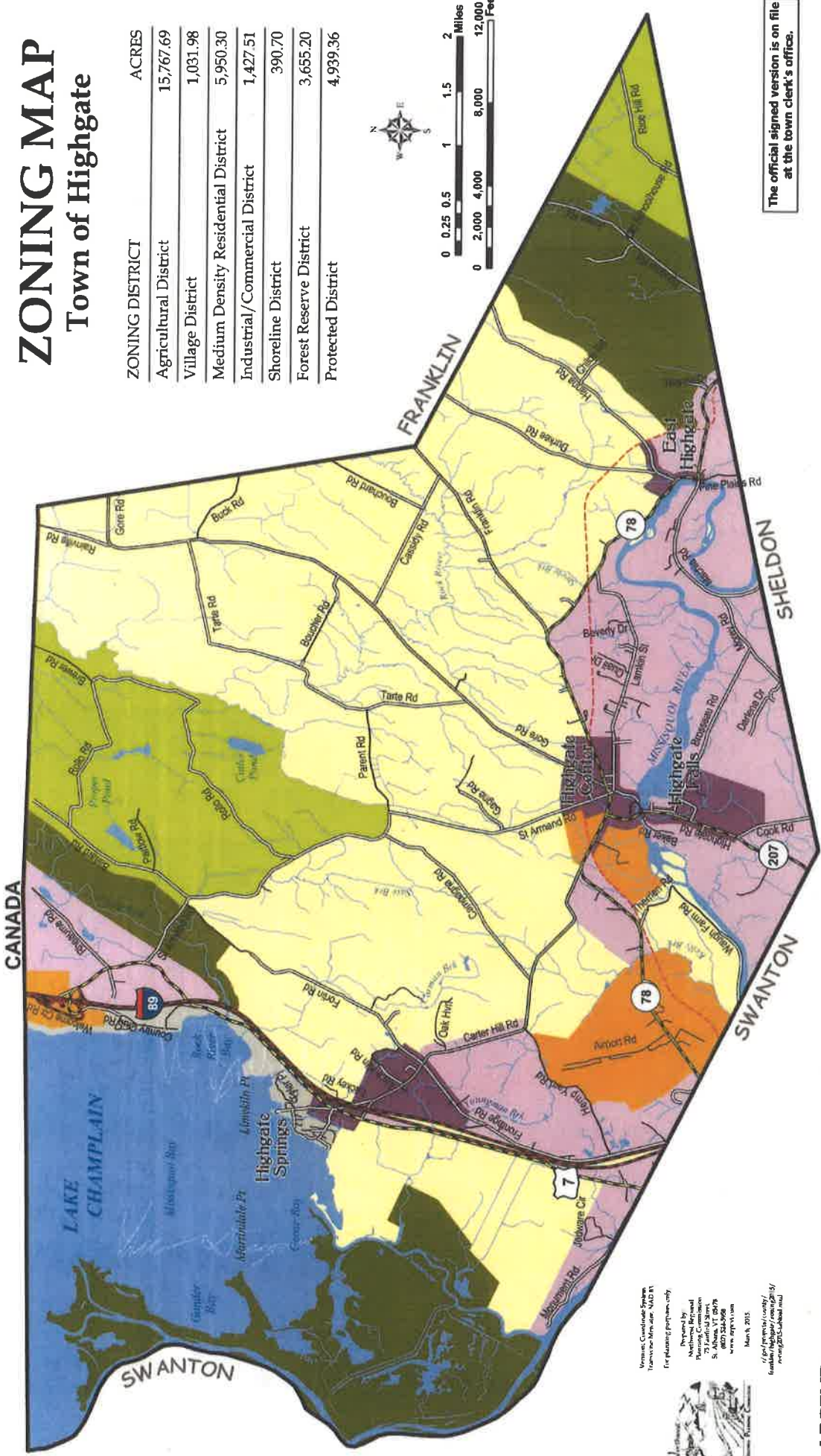
# ZONING MAP

## Town of Highgate

| ZONING DISTRICT                     | ACRES     |
|-------------------------------------|-----------|
| Agricultural District               | 15,767.69 |
| Village District                    | 1,031.98  |
| Medium Density Residential District | 5,950.30  |
| Industrial/Commercial District      | 1,427.51  |
| Shoreline District                  | 390.70    |
| Forest Reserve District             | 3,655.20  |
| Protected District                  | 4,939.36  |



The official signed version is on file at the town clerk's office.



### LEGEND

|                                |                        |                         |                                     |                                |
|--------------------------------|------------------------|-------------------------|-------------------------------------|--------------------------------|
| <b>Zoning Districts</b>        | Agricultural District  | Village District        | Medium Density Residential District | Industrial/Commercial District |
|                                | Shoreline District     | Forest Reserve District | Protected District                  |                                |
| <b>Transportation Features</b> | Interstate Highway     | Class 3 Town Highway    | Class 4 Town Highway                | Private Road                   |
|                                | Federal Highway        | State Highway           | Class 2 Town Highway                | Lamoille Valley Rail Trail     |
| <b>Surface Water Features</b>  | River, Stream or Brook | Lake, Pond or River     | Other Feature                       | Town Boundary                  |

Vermont, Central and Southern  
Transportation Map, VAD 81  
For planning purposes only.

Prepared by:  
Northern Regional  
Planning Commission  
St. Albans, VT 05478  
(802) 248-2608  
www.nrpl.com

March 2015  
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*Housing Choice and Affordability: Reducing Regulatory Barriers at the Local Level  
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| Highgate Housing Bylaw Audit - Recommended Zoning Standards |  |   |                              |
|---|--|---|------------------------------|
| DIMENSIONAL STANDARDS                                       |  |   |                              |
| Type  | Recommended Standard   | Notes   | Planning Commission Comments |
| Height  | <p>Add to Section 5.10 Height Limits</p> <p>In the Village District no structure shall exceed 3 stories. Any ground story exceeding 16 feet and any upper story exceeding 12 feet shall be considered two stories for the purposes of this section. In all other districts, no structure shall exceed thirty-five feet.</p> <p>Building height is measured vertically from the average (of the highest and lowest) finished grade at the foundation or base to the highest point on top of the structure (Figure 5.1).</p> <p><i>Alternative option</i></p> <p>Increase to maximum of 40 feet in the Village District.</p> | <p>35 ft restriction is not directly related to fire safety, was developed in '30s.</p> <p>Highgate Fire Department would call for mutual aid from Swanton and/or St. Albans for any large structure fire, including for a three-story fire since they do not have an aerial truck.</p> |                              |

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|  |   |   |  |
|--|---|---|--|
| <p><b>Setbacks</b></p>                   | <p>Incorporate build to zone into dimensional standard table for Village District, which establishes maximum setback. It allows for consistent size yards on streets and more efficient use of lands by creating the opportunity for more density over time.</p> <p><b>Build-To-Zone:</b> An area of lot designated for placement of a building façade along a street frontage, located parallel to a front or corner property line. The Build-to Zone defines an area in which the locations of building fronts can vary within a specified range, as described in Table X.</p> <p>Complete assessment to determine appropriate build-to-zone minimum and maximums. If you keep centerline measurement, perhaps 30-50 or 40-60 is appropriate.</p> | <p>Discuss changing measurement from lot line/edge of ROW.<br/>Front lot line/edge of ROW is usually at nearest edge of sidewalk if there is one or curb if not, except in cases where there is a ROW easement or private road.</p> |  |
| <p><b>Lot size</b></p>                   | <p>Reduce minimum lot size to ¼ acre in the Village District. Consider ½ or ¾ acre in the Medium Density District.</p> <p><i>*Discuss Act 47 and implication if municipal water and sewer are made available.</i></p>   | <p>Lot size (and other dimensional standards) will factor into the density of buildout. The other major factor is allowing for multiunit housing on each lot (this is addressed below).</p>   |  |
| <p><b>Lot frontage and Lot Width</b></p> | <p>Reduce lot width to 70 ft in Village Center and 100 ft in Medium Density District.</p>   |   |  |

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| <b>USES</b>                         |   |   |
|-------------------------------------|---|---|
| <i>Type</i>                         | <i>Specific Standard</i>  | <i>Notes</i>  |
| <b>Type of Review</b>               | <ul style="list-style-type: none"> <li>- Incorporate Tier 1/Tier 2 level of review in Village District— see notes.</li> <li>- See attached Administrative Site Plan Review language.</li> </ul>   | <p><b>Tier 1:</b> Duplex allowed everywhere</p> <p><b>Tier 2:</b> 3–4-dwelling units permitted with administrative site plan review; 5–12 dwelling units site plan review; &gt;12 dwelling units conditional use review.</p> <p><b>Tier 3:</b> 3–8 dwelling units permitted with administrative site plan review; 8–25 dwelling units site plan review; &gt;25 dwelling units conditional use review.</p> |
| <b>Uses/<br/>Structures per lot</b> | <p>Proposed language for Village District that would allow more than one use/structure per lot:</p> <p>“There is no restriction on the number of principal or accessory uses or structures per lot, provided that the minimum review process for each use or structure is followed and that all applicable bylaw standards are met. When additional principal or accessory uses or structures are proposed and where at least one of the uses or structures (existing or proposed) requires DRB approval, review and approval of all uses and structures shall be coordinated.”</p> |   |

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|                              |   |   |  |
|------------------------------|---|---|--|
| <p><b>Definitions</b></p>    | <p><b>Single-Unit Dwelling:</b> A structure containing one dwelling unit.<br/> <b>Duplex:</b> A structure containing two dwelling units.<br/> <b>Multi-Unit Dwelling:</b> A structure containing 3 or more dwelling units, including units that are located one over the other and units in a row separated (townhouses and rowhouses).<br/> <b>Dwelling Unit:</b> A distinct unit with facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Mobile homes and modular or pre-fabricated housing meeting this definition shall be considered a dwelling unit.</p> | <p>Single-Unit Dwelling<br/>Two-Unit Dwelling<br/>Multi-Unit Dwelling</p>   |  |
| <p><b>PARKING</b></p>        |   |   |  |
| <p><b>Parking spaces</b></p> | <p><b>Specific Standard</b><br/> A minimum of 1 parking space per dwelling unit (including ADUs) is required for residential development.<br/> Could add flexibility if desired. 1 parking space required for residential development less than one-quarter mile away from public parking or where the need for parking cannot be reasonably met through the use of on-street parking, public parking, or shared parking. For all other residential uses, 1.5 spaces per dwelling unit (including ADUs) rounded up to the nearest whole number is required.</p>   | <p><b>Notes</b><br/> Adapting from latest language Act 47/HOME Act. This part of the bill goes into effect December of 2024.<br/> Does the village have anything lots that would be considered public parking? Does the village allow for on-street parking, or is it just unregulated?</p> |  |

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|                                 |   |   |  |
|---------------------------------|---|---|--|
|                                 | Improve shared parking standards in 5.11. See attached language.  |   |  |
| Parking location                | Parking location for 3-4 units addressed in administrative Site Plan Review.  | It is recommended that parking be on the side or back of the structure for triplexes or larger.   |  |
| <b>ACCESSORY DWELLING UNITS</b> |   |   |  |
| <i>Specific Standard</i>        |   |   |  |
| <b>ADU regs</b>                 | <p><b>Section X.X Accessory Dwelling Units</b></p> <p>One accessory dwelling unit that is located within or appurtenant to a single-unit dwelling shall be a permitted use except in the flood hazard district. An accessory dwelling unit shall be defined as a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:</p> <ol style="list-style-type: none"> <li>1) The property has sufficient wastewater capacity,</li> <li>2) The unit does not exceed 30 percent of the total habitable floor area of the single-unit dwelling or 900 square feet, whichever is greater.</li> <li>3) Applicable setback, coverage and parking requirements specified by the bylaws are met; and</li> </ol> | <p><b>Notes</b></p> <p>ADU standards need to be updated to comply with statute.</p> <p>Could consider making ADUs more permissible.</p> |  |



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|                                 |  |              |  |
|---------------------------------|--|--------------|--|
|                                 | 4) The owner occupies either the primary dwelling or accessory dwelling.<br><br>**Consider allowing 40% of total habitable floor area and/or up to 2 ADUs.         |              |  |
| <b>DEVELOPMENT REVIEW</b>       |  |              |  |
| <i>Type</i>                     | <i>Specific Standard</i>   | <i>Notes</i> |  |
| <b>Administrative Site Plan</b> | See above.   |              |  |
| <b>ROAD STANDARDS</b>           |  |              |  |
| <i>Type</i>                     | <i>Specific Standard</i>   | <i>Notes</i> |  |
| <b>Connectivity</b>             | Delete Section 7.3(A)(2) Through Traffic as least in the Village District so as not to discourage the development of connected streets.                            |              |  |
| <b>Sidewalks</b>                | Consider sidewalk design standards. See language.  |              |  |
| <b>Road standards</b>           | Consider updating municipal standards when state updates its design standards from October 1997 to ensure lane widths and other standards are not too restrictive. |              |  |

### **Administrative Site Plan Review for 3–4 dwelling units:**

**Applicability:** Residential uses with 3 and 4 dwelling units (within a single or multiple structures on the same lot) are eligible for administrative site plan review in place of site plan review by the Development Review Board. Single unit and duplex uses do not require site plan review.

**Review Procedure:** Administrative site plan review applications shall be reviewed by the Administrative Officer. The Administrative Officer shall issue a written decision in accordance with Section X. The only exception is if the AO finds that conformance with a particular standard is not clear, the application may be referred to the Development Review Board for site plan review.

**Application Requirements:** The application for administrative site plan review shall be made on the zoning permit application. The map or sketch to shall include all requirements for zoning permits, in addition to trash storage, landscaping and screening, sidewalks and walkways, parking areas and exterior lighting.

**Review Standards:** Applications that require administrative site plan review, shall comply with the following standards in addition to other applicable standards in the regulations.

**Parking.** Parking areas shall be placed at the side or rear of the lot with a landscaped buffer [is grassed margin acceptable or should plantings be required] at least 4 feet wide separating the parking area from surrounding properties and adjacent public rights of ways. The site plan shall define a safe pedestrian route from the parking area to building entrance(s).

**Trash Enclosures.** Except on pick-up days, trash bins and dumpsters must be stored within a structure or trash enclosure, unless otherwise screened from adjacent property and the ROW by fencing or landscaping. Trash enclosures shall be readily accessible from all dwelling units. The site plan shall provide a plan for trash storage.

**Exterior Lighting.** Exterior lighting will be designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties. The site plan shall identify all exterior lighting fixtures.

**Trees and Plants.** Existing healthy tree and shrubs shall be preserved to the extent possible. Invasive species are prohibited as listed on <http://www.vtinvasiveplants.org/invaders.php>.

### **Proposed Language for Shared Parking**

In recognition of the Village District's concentrated nature, off-street parking spaces may be provided on-site or off-site within approximately 600 feet from the use. The Development Review Board encourages applicants to make use of shared parking spaces for uses with peak parking demands at different times, such as uses operating primarily on the weekends, weekday daytime, or nighttime. For off-site and shared parking, a written legal agreement between the owners of each use for which shared parking will apply, or in the case of off-site parking, between the owner of the off-site parking land and each use for which off-site parking will apply, is required. The legal agreement shall guarantee access to, use of, and management of designated shared or off-site parking spaces.

When not feasible due to small lot sizes and high-density development, the Development Review Board may reduce off street parking space requirements required in Table X by up to 50% for commercial uses in the Village District that do not require overnight or long-term parking (such as lodging establishments). Before any reductions are approved, all opportunities for shared and off-site parking are used and parking space requirements are still not met.

### **Example Sidewalk Construction and Design Standards**

1. Walking surfaces shall be asphalt or concrete [specify if one preferred].
2. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Exceptions may be allowed by the DRB where deemed necessary due to topography.
3. The clear width of paved walking surfaces shall be 48 inches minimum. The DRB may approve sidewalks as narrow as 36 inches if topographic constraints prevent 48 inch sidewalks. Sidewalks shall be constructed according to ADA compliant standards, including passing spaces, curb ramps and tactile paving at crosswalks.
4. Base material, surface crowning, surface drainage, embankments, ditching, culverts, and erosion control shall be as deemed by the DRB to be adequate for maintaining the sidewalk in good condition. These specifications may be as rigorous as, but not to exceed, those for Road Construction and Design.