

TOWN OF HIGHGATE
Planning Commission
September 19, 2023 @ 6pm
APPROVED MINUTES

NOTE: All actions taken are unanimous unless otherwise stated.

Join Zoom Meeting: <https://us02web.zoom.us/j/83174095694>

I. CALL TO ORDER

Luc Dupuis called the meeting to order @ 6:00pm. 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; Tom Conley; Jack Pelkey; Robyn Klein *absent – Scott Bessette, Vice-Chair*

Development Review Board Members: Richard Trombley

Selectboard Members: Vern Brosky III (Vern left at 7pm)

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

Public / Other: Rebecca Manning; Amy Rainville; Carolyn Towsley

II. REVIEW OF ZONING BYLAW CHANGES – PUBLIC HEARING

This is the second meeting / hearing with regard to bylaw modifications. Sharon put together a list based off of the last meeting on August 15th for review at this meeting, and it will then go on to the Selectboard for another public hearing. The complete list of proposed changes / modifications / edits is attached to the end of these minutes. The group went through them with discussion and questions / concerns along the way. Further questions can be forwarded to Sharon prior to this going before the Selectboard on 10/5/23, which will also be warned to the public. We are hopeful that NRPC can assist with putting together the final document, but Sharon is also willing to do that if NRPC doesn't have the staffing or time.

III. VILLAGE CORE UPDATE / LIBRARY TRUSTEE UPDATE

Rebecca Manning and Amy Rainville, both Library Trustees, were present for this update. Rebecca gave a recap on stats from the library which include data over the last three years. Visits to HLCC range from 2,600 – 4,000 per year, which is impressive for our small facility. Year to date they are at 2,800 visits for 2023 with a few months remaining. HLCC has added a “library of things” to check out, so it's not just books: cake pans, tablets, paddle boards, bikes, and much more! Total check-outs by year: 2021 – 4,695; 2022 – 5,060; 2023 – so far 4,200. Programming continues to expand, and the focus isn't just on young children, it's also for teens, adults, and seniors. The trustees are very impressed with our librarian, Adah, who has been with us for three years now. Rebecca has heard comments through the VCMP process that the library isn't used, or that libraries are a thing of the past – which is simply not true! Over the last three years, between 50-80 new library cards have been issued each year in Highgate. Adah has acquired \$87,000.00 in grant funding since becoming our Library Director. Amy is a newer trustee and she spoke to the faces of the board changing over the years, with Rebecca adding that several have been with HLCC for years and some newer, with the average age being around 40 years old. Amy would love to see a larger space with greater separation for programming and needs in our community. For example, those that work from home could benefit from HLCC but our small space makes it difficult for quiet space. She would love to see a larger space to be safe, learn, explore, and utilize. There is so much potential. A possible café within a new space was mentioned. The wastewater system for the Village Core property was discussed, as well as plans and ideas for the property. The VCMP group is working with Otter Creek

and GBA on that project. Sharon added that people are under the impression that the town will be redeveloping that entire property, which is not the case. The town is interested in exploring options for a new library and community center and if that is feasible for our town. As far as commercial development and anything else, like senior housing options, the town is hopeful to work with someone who shares our vision, whatever that may be. Rebecca would like to see the town and the various boards involved communicate more effectively. It was a big shock in July at the special meeting to see and hear the amount of uninformed people and misinformation out there. The village wastewater system won't go out to bid until spring 2024 and we have to hold a public vote to go to construction. There was further discussion on the timeline of this. If we have our ducks in a row, we could possibly present this and vote on Town Meeting Day 2024, but we need a solid plan. We are hoping to have this fully funded, so Sharon continues to look for funding opportunities. The town simply can't take on all this debt with everything else we have going on (airport project / landslides). The Library Trustees and VCMP committee invite the public to join their meetings. Library Trustees meet the first Wednesday of each month at the library at 6:30pm. The Village Core committee meets the second Wednesday of each month at the town office at 6pm.

IV. TRANSFER STATION PRESENTATION

We were running short on time, but Sharon recapped issues at the transfer station site, with photos on the overhead screen. We have a new giant sink hole that has formed at the landfill, and this is in addition to issues we have been trying to address for years. FEMA showed up yesterday and there was a site visit done. We are being reconsidered for assistance with this new issue, and all of the rain this summer has not helped. Sharon continues to monitor it with photos and the area is sectioned off for safety.

V. MACHIA ROAD UPDATE

Was not discussed, due to time constraints.

VI. AIRPORT SEWER / WATER PROJECT UPDATE

Was not discussed, due to time constraints.

VII. APPROVAL OF MINUTES

Motion by Tom Conley to approve the minutes from August 15, 2023, as written. The motion was seconded by Jack Pelkey – **APPROVED**.

Motion by Jack Pelkey to exit the regular meeting @ 7:10pm. The motion was seconded by Robyn Klein – **APPROVED**.

VIII. EXECUTIVE SESSION

Motion by Jack Pelkey enter into executive session @ 7:10pm with Rick Trombley, Wendi Dusablon, Sharon Bousquet, and the ZA applicant to discuss personnel, where premature general public knowledge would place the town and / or the individuals involved at a substantial disadvantage. The motion was seconded by Tom Conley – **APPROVED**. Motion by Tom Conley to exit executive session @ 7:45pm. The motion was seconded by Jack Pelkey – **APPROVED**. Motion by Jack Pelkey to forward the Planning Commission's recommendation for the new ZA hire on to the Selectboard at their meeting on 9/21/23. The motion was seconded by Robyn Klein – **APPROVED**.

IX. ADJOURNMENT

Motion by Jack Pelkey to adjourn the meeting @ 7:45pm. The motion was seconded by Tom Conley – **APPROVED**.

Minutes respectfully submitted by:



Wendi Dusablon, Town Clerk & Public Meetings Clerk

10-17-23
Date

Minutes approved by:



Luc Dupuis, Planning Commission Chair

10/17/2023
Date

Town of Highgate
Zoning Bylaw Changes Suggested
August 15, 2023

In coordination with NRPC:

Bylaw Modernization – Village Center District

- Allow 3 story buildings
- Allow change of ROW measurement
- Allow ¼ acre lot size (only in Center Village designation)
- Allow for village-designated overlay for ½ acre lot size in other areas
- Allow duplexes and add definition of multi-unit dwellings(middle types)
- Allow a parking min. of 1 space/unit via DRB Approval
- **Medium Density District**
 - Allow 3 story buildings
 - Allow change of ROW measurement
 - Allow duplexes and 3-8 unit structures
 - Allow multi-unit dwelling as a permitted use
 - Add definition of multi-unit dwelling to include missing types
 - Allow a parking min. of 1 space/unit via DRB Approval
- **Street Standards**
 - Approve language that discourages discontinuous streets
 - Require ROW to be set aside for future continuation and connection
- **Accessory Dwelling Units**
 - Update to meet State min. regulations
 - Allow more than 1 ADU per lot if setback/parking requirements met
- **Development Review Provisions**
 - To be reviewed once a new Zoning Administrator is in place

Suggested by Previous & former zoning officials

- 1) A76 Road Standards to include paving as a requirement with an engineer block submitted on final plat to show compliance required
- 2) A76 Trigger clarification – 2 lots on one access drive can remain gravel; but 3 (+) lots on one access drive trigger A76 standards requirement
- 3) Add legal definition for “driveway” in appendix – “improved land on a highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land”
- 4) Mandate a Letter of Compliance from the Zoning Administrator prior to occupancy
- 5) All permit processes, meeting attendance, decisions are non-refundable steps
- 6) Bond Standard Process included for any 3(+) lot subdivision, % and based on to be determined
- 7) Mandate all commercial/industrial buildings have a lockbox for emergency access
- 8) Land Reconstruction exempt from permit if the footprint, square footage, # of bedrooms and use stays the same
- 9) Add “Temporary Permits” to Table of contents as Section 3.2(E)
- 10) Mandate Demolition Permit – cost \$10.00, issued by Zoning Administrator, forwarded to Lister’s Office
- 11) Mobile Vendors covered under Town Ordinances – raise the fee
- 12) Table 2.2 Land Use Chart – include site plan required in all districts
- 13) Trucking Terminal to be Conditional Use in all districts save the Shoreland District
- 14) Professional Services needed for Site Plan; not for Sketch Plan
- 15) Page 19 – Temporary permits refers to conforming and non-conforming structures
- 16) Delete requirement for sidewalks in Medium Density Zone
- 17) Require ADA Compliant parking to public and commercial/industrial buildings
- 18) Page 37 – 1st extension = 6 months, 2nd. Extension = 3 months, no other extensions permitted
- 19) Space between driveways is at the discretion of the DRB
- 20) The requirement of surveying on a subdivision is at the discretion of the DRB
- 21) Page 40 – Development of Roads – “sole discretion of sitting Selectboard” for taking over private roads

- 22) Mandate Site Visit by Zoning Administrator to check permit/subdivision layout prior to concrete
- 23) Businesses are required to apply for all necessary and appropriate permits for footprint, square footage, # of bathrooms or usage changes
- 24) Campers – Propose permit system with State sign-off on septic provisions in cases where seasonal campers are used as an accessory dwelling (allow 6-month usage?)

Added Language (via Rick)

Subdivisions

The DRB may, where it deems necessary and with the consent of the Selectboard, retain legal or engineering professionals to review aspects of a Final Plat application requiring a more in-depth technical review. Costs associated with professional review shall be the sole responsibility of the applicant.

All roads, drainage, water, wastewater, stormwater, sewer, landscaping, lighting, monumentation or any other improvements within the Town approved subdivision shall be installed at the sole expense of the owner(s)/developer. A letter of credit or approved bond to secure completion of the project, adequate stabilization or protection of public facilities that may be affected by a project may be required by the DRB (not to exceed 3 years?) At which time, the developer shall provide the DRB with a reasonable cost estimate of all infrastructure and landscaping. The DRB shall determine the amount and terms of the letter of credit/bond up to the value of the cost of improvements to guarantee the performance and completion of all required landscaping, site restoration, screening, fencing, paving, and public improvements.

Site Plan Review

In reviewing site plans, the DRB may impose appropriate conditions and safeguards with respect to:

Vehicular access onto the street network including safe sight distance, traffic flow and control, pedestrian safety, and location.

Adequacy of vehicular circulation, parking, and loading facilities with particular attention to safety.

Provisions for safe and convenient pedestrian facilities, including connections to the street network, on-site circulation, and sidewalks

Adequacy of landscaping, screening and setbacks with regard to achieving compatibility and protection to adjoining property and existing natural features.

Compatibility with existing, adjoining uses and structures and the character of the area.

Adequacy of provisions for erosion control, runoff, refuse removal, snow removal, water supply, sewage disposal, storm drainage and control systems. Particular consideration may be given to the use of low impact development and best management practices.

Effect of noise, glare or odors on adjoining properties.

Impact on significant natural features located on the parcel.

The utilization of renewable energy resources and energy efficiency.

PUDs

All applications for PUDs must include the following:

- A brief summary of the project that explains how it meets the goals and purposes of a PUD.
- A statement setting forth the nature of all requested modifications, changes or supplementations

To the zoning provisions of these Regulations including but not limited to proposed increases in allowed density and differences from district dimensional requirements.

- A description of any deed covenants, homeowner's association articles and bylaws, and maintenance or management plans.
- Any additional information required by the DRB to determine whether the proposed mix or uses, density, scale, and intensity of uses will meet the standards of these regulations

PUD Standards

- 1) The proposed PUD shall conform to the purposes of the Town Plan and the requirements of these regulations.
- 2) Streets and Highways shall follow the standards of the Highgate Road Ordinances
- 3) The land shown on such plats shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- 4) Suitable survey monuments shall be placed at street intersections and other necessary points as may be required, and the location thereof is shown on the map of such plat
- 5) A PUD shall make adequate provision for appropriate protection of open space and/or common land. The DRB shall consider:

- location, shape, size, and character of the designated open space and/or common land relative to the size, density, topography, number, and type of units proposed in the PUD

- Open space should be contiguous with existing or potential open space on adjoining properties

- designated open space/common land should encompass land characterized by greens, parks, or playgrounds, fragile or significant natural features, wildlife habitat, slopes in excess of twenty (20) percent, buffers, path and trail corridors, views and vistas, and productive farm or forest land. Sewer disposal areas, utility and road right of ways or easements shall not be considered open space/common land.

- Provisions for the maintenance of any infrastructure, greens, parks, or playgrounds must be provided with an application including open space/common land

- The DRB may make specific conditions of approval (i.e. Requirement to establish an organization or trust for the ownership & maintenance of any common facilities or open space) to assure the preservation of such lands for their intended use.

- All costs associated with administering and maintaining open space/common land shall run with the record owner of the land

- The DRB may require a letter of credit or approved bond, up to the value of the improvements, to guarantee the performance and completion of all improvements

Bonds

The DRB may accept a bond in lieu of a letter of credit. The Applicant shall agree to retain legal review by an attorney approved by the Town prior to the Town's acceptance of the bond. The Town's attorney shall review all bonds to ensure adequate coverage on the Town's behalf prior to the Town's acceptance of a bond. The cost of the professional review shall be the sole responsibility of the applicant.

Appeals

Appeal of Zoning Administrator – In addition to the applicant, any interested person may appeal any decision or action taken by the Zoning Administrator by filing a written notice of appeal with the Clerk of the DRB within 15 days of such decision or act.

- The written appeal must include:

1) Name and address of appellant

2) A brief description of the property or action with respect to which appeal is taken

- 3) Reference to the regulatory provision applicable
- 4) The relief requested by appellant
- 5) The alleged grounds why the relief requested is believed proper under the circumstances

The DRB shall set a date and place for a public hearing of an appeal that shall be within 60 days of the filing of the notice of appeal. Public notice and a mailed copy of the public notice to the appellant shall occur at least 15 days prior to the hearing.

The DRB shall render a decision on the appeal within forty-five (45) days of the date of final hearing. The decision shall be sent certified mail to the appellant within the forty-five (45) day period. Copies of the decision shall be provided to each person or body that testifies at the hearing. And the decision will be recorded with the Town Clerk and filed with the Zoning Administrator.

Appeal of DRB Decision

A person who has been granted interested party status and who has participated in a DRB proceeding may appeal a decision or act of the Board rendered in that proceeding to the Vermont Superior Court, Environmental Division following rules set forth in S 4471 of the Act. Participation in a DRB proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

Notice of appeal shall be filed by certified mailing within thirty (30) days of such DRD decision or act, with fees, to the Environmental Division and by mailing a copy to the Zoning Administrator, who shall supply a list of interested persons to the appellant within five (5) working days.

Marina bylaws?