

**Town of New Haven
Selectboard Public Hearing
7:00 pm Town Offices
Wednesday, May 7, 2008**

Present: Keith Hall, Lowell Nottingham, Roger Boise, Pat Paquette, Pam Marsh and Pam Kingman

Others: David Peck, John Madden, Jim Walsh, Susie Leonard, Marcia Dupoise, Stephen Dupoise, Richard Esty, Ron LaFave, Stacey Brown, Jonathan Chapin, Cyrus Levesque, Steve Davis, Patrick Whitley and Phillip Nowell

Public Hearing was called to order at 7:00 pm by the Selectboard Chair, Keith Hall.

Keith Hall stated that this is the second Public Hearing for the Dupoise Petition, the first one was held by the Planning Commission on April 3, 2008.

Petition to the Town of New Haven Voters:

Shall the Town of New Haven amend the official Zoning Map and therefore the Town of New Haven Zoning by-laws to change the existing Rural Agriculture (RA-10) District which runs south of Beldon Falls Road to the existing HC District and which also runs west of Ethan Allen Highway to lots owned by Michael and Marlene Forte (Lot 785) and Craig and Beth Bemis (Lot 784) identifying the same as Highway Commercial (HC) District? The total acreage which is the subject of the amendment (Lot 787) is approximately 30 acres, ten of which has already been rezoned Highway Commercial (HC). The lands and premises described are owned by Stephen and Marcia Dupoise.

Ron LaFave - Questioned how half of the property could be commercial and the other half RA10? Were there any concerns from neighbors? He also stated that this is the place you want to have commercial property, along Route 7.

Steve Dupoise – Originally went to the Planning Commission back in 2000 to change the whole parcel to Highway Commercial, some of the neighbors had issues with lighting. He noted some of the neighbors still have concerns, where some do not. It was agreed in 2000, the Dupoises' would change only 10 acres on the south end of the parcel to Highway Commercial.

Keith Hall – A few years ago the Planning Commission put out a questionnaire. Results were that most folks in Town wanted Highway Commercial along Route 7, not in the residential areas.

Susie Leonard – Added the survey responses were: 61% wanted commercial property to be kept in the Junction, 38% along Route 7 and some in various other locations. The Planning Commission wrote up their report. The Town Plan

currently talks about limiting commercial spread along route 7 and that is why there is some controversy in changing parcels to commercial.

Discussion on the exact location of the property the Dupoise's would like to change to Highway Commercial.

Jim Walsh – Wanted to clarify a mistake he made at the Planning Commission Public Hearing. He allowed liberal comments during the meeting and he wants to clarify that the discussion about potential development on the lot were strictly conceptual. Until the Town votes on changing the zoning, everything is conceptual.

Discussion on how the process works when a petition is received. The Planning Commission process is similar to the Selectboards. This is the second meeting in the petition process it will then go to a Town vote.

John Madden – **1)** Things to change Town Plan, **2)** Change to zoning bylaws – Years ago the Town voted to make changes to the Town Plan. There was some controversy as to whether the Selectboard can make changes to the Town Plan or to change bylaw amendments. Mr. Madden asked when the voting on this petition would be held.

Keith Hall – The Selectboard will look into it, but will probably wait 30 days before deciding when to hold the vote.

Richard Esty - Feels it is difficult to figure out what the alternatives would be for New Haven for growth; it seems there seems to be a need to restrict growth and not support it. He questioned if this is the way State laws are written? One reason the Planning Commission did not recommend the change is because it would promote “auto dependent use”, and he questioned why the Town is against this.

Susie Leonard – There is developable land along Route 7; that land is now zoned Highway Commercial. The Planning Commission is working on a major renovation to the Town Plan, they will be asking for a lot of public input. The P.C. would like to put the “auto dependent use” all in one location. This will make it easier for people to get to instead of spreading it out in different locations.

Steve Dupoise – Said this is the first time he has heard about clustering businesses, it sounds like a strip mall.

Susie Leonard - What she meant by clustering was that the P.C. would like to limit the areas that get developed, by building things close together and making them easily accessible.

Marcia Dupoise – Asked how you plan for common water and sewer when you look at clustering?

Steve Dupoise – As the P.C. looks at the new Town Plan, are they going to tell the landowner to change to different zoning when they don't want to? As a landowner along Route 7, he is willing to change his property to Commercial. He pointed out that there is not a lot of Commercial land left in the Junction.

Stacey Brown – Wonders why the P.C. wouldn't want to change this parcel to Commercial, as there aren't many other commercial parcels available.

Jonathan Chapin – He feels this should be looked at from many different angles. Some will benefit from the changes because it will boost their property value; while others who have the VELCO line going thru their property will probably see a decrease in theirs. Mr. Chapin said this is a unique situation for the Dupoises. It was purchased as Residential / Commercial and if it gets changed it will be a huge windfall for that property, and will open the door to a precedent. He questions if this is a good use for a petition? Mr. Chapin asked the Selectboard if they had received Milo Schaefer's letter in regards to this situation, and read the letter aloud. (See Attached)

Richard Esty – Attended the Planning Commission Public Hearing, he feels he has not been educated on how he should vote on this when the time comes. He said there needs to be true alternatives for people looking to buy / sell commercial property. He is not sure why the P.C. could not endorse this proposed change.

Pam Marsh – Don't think you can put the P.C. opinion in the petition. Those concerns can be addressed prior to the vote.

Keith Hall – You can't put sentences that sway the vote. Right now the Selectboard is getting input, our job is to try to educate in the process; the Board can't discuss their philosophy. The Board is on the record, Minutes are being taken.

David Peck – Served on the P.C. through the 1980's - it is a thankless job. He wondered when the P.C. evolved into approving or disapproving, they used to advise on what you have to do to change zoning. No farmers along these areas are going to be happy. Can the Selectboard still change the peoples vote?

Pam Marsh – The Dupoises have a right to petition the Town to amend the Town Plan, The Townspeople make the change when it is voted on. Zoning has to conform to the Town Plan. You can't change the wording on the petition to make it biased. You have to warn it exactly as the petitioner worded it.

Steve Dupoise – In response to Milo Schaefer’s letter, there are not a lot of options for developing Commercial land away from Route 7.

John Madden – There is a division of opinion on developing Route 7, this vote will be helpful.

Jonathan Chapin - He is not anti development, feels there should be a certain amount of growth and this potential application is a good one. Tricky aspect, this parcel is currently zoned RA10 and rezoning it will open it up to others. Dunbar’s were the start of converting to commercial use. Dunbar’s have a pretty good location, but feels the process is not good; you purchase the land as is and then want to change it. It will be challenging for New Haven not to end up like Shelburne, we need to find a compromise.

Susie Leonard - Said it would be helpful if people would attend the P.C. meetings to see what they work on.

Stacey Brown – The desire to cluster business makes sense, why not do it in this location. You already have Cyclewise, Home Health & Sugarhouse Hotel right there now.

Pam Marsh – Warning has to be published prior to the vote, posted in Town. It’s possible it can be put in the Town Newsletter too.

Keith Hall – There will be a Special Town Meeting the night before voting. He thanked everyone for coming.

Pam Marsh made a motion to adjourn at 8:00pm, seconded by Roger Boise. 5 yes / 0 no

Respectfully Submitted:
Pam Kingman
Approved:

Keith Hall, Chair

Roger Boise

Pam Marsh

Lowell Nottingham

Pat Paquette

