

**Development Review Board
Town Offices, New Haven, Vermont
February 21, 2011**

Members Present: Kathy Barrett, Donna Blaise, Jim Gallott, Donald Johnston, Mike Sweeney

Members Absent: George Apgar, Tim Bouton

Alternates Present: Steve Dupoise

Alternates Absent: Andy Dykstra

Staff: Zoning Administrator– Dave Wetmore

Guests: Brent Rakowski-Otter Creek Engineering; Brien Elithorpe; Michelle Litch; Rob Litch; Brian Hill; Chanin Hill

Sweeney made the motion to elect Jim Gallott as Acting Chair for this meeting of the Development Review Board (DRB).

Johnston seconded

Discussion – none

Vote: Yes - 4 (Barrett, Blaise, Johnston, Sweeney)

No – 0

Abstention – 1 (Gallott)

Motion carries

Gallott called the meeting of the DRB to order at 7:05 PM. Steve Dupoise will be a voting member this evening.

Public Hearing

1) Application #2001-DRB-02 request for Site Plan Review by Newton-Elithorpe Holdings LLC, dba Phoenix Feeds for installation of additional elevator and eight (8) new storage bins pursuant to section 350.

Brent Rakowski from Otter Creek Engineering introduced himself and indicated that he was there tonight representing Brian Elithorpe/Phoenix Feeds. Rakowski explained that Newton-Elithorpe Holdings LLC dba Phoenix Feeds would like to install eight (8) additional load out bins with a lighted conveyor supported catwalk elevator. This elevator would be used to fill the 8 bins with feed.

Load out bins allow the business to have feed mixed ahead of time and stored in these bins; making loading time into the trucks via gravity drop more efficient and less time consuming. Currently there are 4 load out bins on site. The additional bins will give Newton-Elithorpe Holdings LLC dba Phoenix Feeds a total of 12 load out bins.

An additional mixer will be brought in and placed inside the building that currently houses the existing mixer. A third elevator would be installed in the same location and same height (80 feet

in the air) as the two existing elevators. An overhead conveyer would be installed to connect the elevators to the load out bins. The load out bins will be approximately 69 feet in the air. Building #5 on the site will block the view of the bins from the Route 7.

The bins and elevator does not change what they are currently doing on site.

The DRB looked at Section 352 of the regulations and found the following:

- Site Plan Proposal met the harmonious relationship between proposed uses and existing adjacent uses.
- No change in vehicular safety or circulation
- This addition makes an improvement to the safety of loading facilities
- Landscaping is adequate
- Meets the original site plan regarding flooding & ponding
- No shading of adjacent buildings
- No damage to renewable resources

Open for Public Comments

None

Public Comment Closed

Sweeney made the motion to approve the Site Plan as presented

Barrett seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

2. Application #2011-DRB-03 request for a variance by Michelle Litch for the relocation of a non-conforming garage. Parcel #0363, Map #9 located at 1282 South Street in the RA-2 District.

The Litch's explained they would like to tear down the existing garage which is located too close to the road (35 feet from centerline of road), and rebuild a new garage with breezeway attached to the house. They have been before the DRB numerous times with this proposal and each time came away with different suggestions to try from the DRB. Some of the suggestions given by the DRB were:

- Talk with the neighbors (Hill's) about selling the Litch's additional land. The Hill's declined this proposal
- Locate the garage behind the house – cannot do this because of State septic regulations

When the new garage is rebuilt it will be a larger structure than the old garage and will be rebuilt on the side of the house; and located further back from the front of the house. It was determined that the front of the porch on the house is 51 ft from the center line of road. This puts the location of the garage at approximately 80 ft from center line of the road (Regulation set back is 100 feet); and puts the side of the garage 8 feet from the Litch's north boundary line; or 8 feet from the Hill's southern boundary line. Regulations state side yard set back is 25 feet.

The DRB agreed to consider this application as a variance, and is subject to Section 342 of the zoning regulations. The DRB found that all variance criteria have been met.

- Lot size is less than one acre. The problem exists because of the size of the lot, there is no other place to relocate the garage with the septic and leach field located behind the house.
- A new garage is reasonable use as there is an existing garage already located on the property. The proposal from the Litch's relocates the garage in a safer area thus making it a reasonable use. A new garage would have the same use as the old; rebuilding the garage in a new location conforms the structure better to the regulations.
- A hardship was not created by the appellant as the current house and garage were bought on a pre-existing lot that did not conform to regulations
- By granting a variance this be an improvement to the neighborhood
- Yes, the variance will represent the minimum that will afford relief and the least deviation possible from the regulations.

Public Comment

Brain Hill expressed that rebuilding the garage in a new location is better in the long run. Currently it is a safety issue where it is currently located.

Public Comment Closed

Barrett made the motion to continue this hearing to the next scheduled DRB meeting on March 14, 2011 at 7PM.

Dupoise seconded

Discussion – this continuation will allow the Litch's to accurately take measurements for the front and side setbacks and present their findings at the next March DRB meeting.

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Minutes

Barrett made the motion to approve the minutes of the DRB meeting of February 14, 2011 as presented.

Johnston seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Barrett made the motion to approve the Findings and Decisions for **Packard of VT LLC. & CLR Sales representing Champlain Oil Co.** with the minor corrections made by the DRB.

Sweeney seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Blaise made the motion to approve the Conditional Use for **Packard of VT LLC. & CLR Sales representing Champlain Oil Co.**

with the minor corrections made by the DRB.

Dupoise seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Correspondence – none

New Business – none

Old Business

Review and approve the “Rules of Procedures” was tabled to the next scheduled DRB meeting on March 14, 2011.

Barrett made the motion to adjourn.

Dupoise seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Dupoise, Gallott, Johnston, Sweeney)

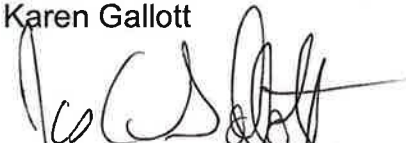
No – 0

Abstention – 0

Motion carries

The meeting adjourned at 8:40 PM.

Respectfully Submitted By
Karen Gallott



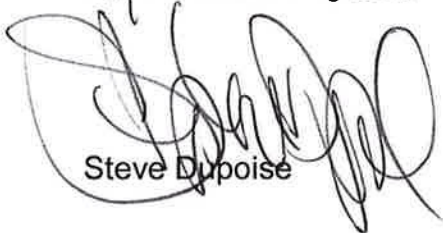
Jim Gallott, Acting Chair



Kathy Barrett



Donna Blaise



Steve Dupoise



Donald Johnston

Mike Sweeney