

**Development Review Board**  
**December 16, 2019**  
**Town Office, New Haven, VT**

**DRB Members Present:** Kathy Barrett, Carol Charbonneau, Donald Johnston, Susan Smiley  
**DRB Members Absent:** Paul Audy, Tom Fyles, Charlie Roy  
**DRB Alternate Present:** Victor LaBerge  
**Staff Present:** Karen Gallott – Minute Taker  
Aaron Brown – Zoning Administrator & Town Administrator  
**Guests:** Jay Jipner, Jeremy Revell, John Sequin, Donna Sequin, Chris Huston,  
Lesley Huston, James Dumont Esq., Tony Stout, Amanda Bodell,  
Jeffrey Glassberg, John Mazzuchi Esq., Jim Foley Sr., Michael Barry Paul

The Sequin's left before the meeting was called to order.  
Kathy Barrett, DRB Chair, called the meeting to order at 7:00 PM.  
DRB Alternate Victor LaBerge will be a voting member this evening.

**I. Adjustments to the Agenda:**

- The Zoning Administrator (ZA) asked if the site plan for All Star Group should be projected. The answer was affirmative.
- Correction to the Agenda, DRB Business, item #2C should read: 2019-DRB-09-AP, not 2019-DRB-10-AP as typed.

**II. Visitors Business – none**

**III. Remand of Hearing 2018-DRB-01-SD All Star Group, LLC at 1451 Hallock Road.**

This subdivision application was remanded back to the DRB from the court because the Town of Waltham was not notified.

The ZA indicated that this is not a hearing but a de novo hearing (as if the case was being heard for the first time)

All Star Group (Jipner) has property on Hallock Road and wanted to do subdivision. [*minor subdivision to divide a 9.186 acre lot located on Hallock Road, into 2 lots: the new lot will contain 3.482 acres and the remaining lot will be 5.684 acres this was taken from the March 19, 2018 DRB meeting*]. There was discussion on setbacks and what could be done within the proposed new lot. The DRB went to the Planning Commission (PC) for a definitive answer on what the building envelope is on a RA2 piece of property. The result was the DRB denied the All Star Group LLC subdivision. This went to court there was a countersuit by the other parties and now it is back to the DRB.

John Mazzuchi Esq., representing Jay Jipner and All Start Group LLC presented.

The issue is not the building envelope but the depth of the RA2 zone as depicted in the regulations. The regulations definition of a RA2 lot is one lot deep along all road of the town with some exceptions. The RA 2 zone extends from the road and goes all the way to the back of a lot. The zoning map doesn't depict this. This is a conflict between the map and the text of the Bylaws.

Mazzuchi in conversation with Bev Landon at a meeting of the Planning Commission the zoning map was never to be shown the limit of the RA2 zone it was supposed to show the minimum depth of the RA2 zone.

The zoning map shows 200 feet on either side of town rd. the minimum depth of newly created lot is 200 ft. two options:

- the RA2 zone goes all the way to the end of the lot
- the limit of the RA2 zone and the limit is actually the same as the minimum depth in all lots in RA2 need to be precisely 200 ft deep at every point.

Mazzuchi doesn't think the map is in conflict with the Bylaws, but the map is consistent with the Bylaws, and the subdivision is OK.

DRB Chair stated the reason the DRB went to the Planning Commission (PC) because the Bylaws state that if there is a question of zoning district boundaries the PC will clarify. The PC made the decision and at this point in time, the map rules and the map shows 200 ft. The RA2 only goes back 200 ft and beyond that is the RA 10 district.

Mazzuchi asked if the DRB would go back to the PC.

DRB chair indicated the DRB can only interpret the Bylaws as best they can. The PC is currently working on other language and the DRB Chair can't give a time frame.

James Dumont Esq indicated that the DRB Chair has given an appropriate summarization of the situation.

Tony Stout – Lakeside Environmental presented a detailed presentation to the board a year ago but with a new board member the Chair indicated Stout could give a presentation. Stout also provided a packet of maps

- 1857 map showing the settlement pattern in Waltham
- 1975 VTrans highway map
- General Highway map for Waltham
- General Highway map for New Haven
- Vermont GIS town Boundary map

Presented evidence that the zoning map shows the 400 ft strip (200 feet either side of the centerline) to a partial "fillit" a 200 foot radius at the end of the road, that the RA 2 district allows.

There was discussion regarding the location of the town lines for Waltham and New Haven.

The DRB stated that nothing new was presented this evening from either party and the DRB must operate under the current Bylaws and cannot decide based on future changes to the Bylaws. The letter from the Town of Waltham agrees with New Haven's denial of the subdivision and their zoning district is limited to 10 acres (no RA2 district in that area of Waltham).

Johnston made the motion to uphold the DRB's original decision, the subdivision denial is based on not conforming with the zones as depicted on the zoning map. If the Bylaws change the applicant could reapply.

LaBerge seconded

Discussion – none

Vote: Yes 5 – (Barrett, Charbonneau, Johnston, LaBerge, Smiley)

No – 0

Abstention – 0

Motion carries

Johnston made the motion to close the hearing on 2018-DRB-01-SD All Star Group, LLC at 1451 Hallock Road.

LaBerge seconded

Discussion – none

Vote: Yes 5 – (Barrett, Charbonneau, Johnston, LaBerge, Smiley)

No – 0

Abstention – 0

Motion carries

## **DRB Business**

### **1. Minutes**

Smiley made the motion to approve the DRB minutes of December 2, 2019 as presented.

Charbonneau seconded

Discussion – none

Vote: Yes 5 (Barrett, Charbonneau, Johnston, LaBerge, Smiley)

No – 0

Abstention -0

Motion carries

### **2. Review and Sign Decisions**

#### ***a. 2019-DRB-14-SD Farnsworth***

Barrett made the motion to approve the Findings and Decisions as presented.

Charbonneau seconded

Discussion – none

Vote: Yes 4 (Barrett, Charbonneau, LaBerge, Smiley)

No – 0

Abstention -1 (Johnston)

Motion carries

#### ***b. 2019-DRB-07-SP Parker Site Plan***

Items #3 and 4 have a 60 day limit from the date the Findings and Decisions was mailed via certified mail. DRB chair indicated to the ZA, if the applicant is able to show just cause that the required material asked for in the Findings and Decisions has been unattainable and he has made a concerted attempt to get the material, the ZA has the authority to grant an additional 30 days.

Smiley made the motion to approve the Findings and Decision for 2019-DRB-07-SP Parker Site Plan as presented.

Barrett seconded

Discussion – none

Vote: Yes 4 (Barrett, Charbonneau, Johnston, Smiley)

No – 0

Abstention -1 (LaBerge)

Motion carries

#### ***c. 2019-DRB-09-AP Parker Appeal***

Smiley made the motion to approve the Findings and Decision for 2019-DRB-09-AP Parker Appeal as presented.

Johnston seconded

Discussion – There was discussion regarding fines. No fines to be assessed at this time, but if another Notice of Violation occurs it will be up to the Select Board to assess fines.

Johnston felt the ZA was correct

Vote: Yes 4 (Barrett, Charbonneau, Johnston, Smiley)

No – 0

Abstention -1 (LaBerge)

Motion carries

8:12 PM Michael Barry Paul showed up. DRB Chair informed him that the DRB upheld the original decision and Jipner is welcome to come back to the DRB if the Planning Commission changes the zoning map. Michael Barry Paul left the meeting.

**3. Review Decision Compliance and/or Sign Final Plats – none**

**4. Correspondence – none**

**5. Old Business – none**

**6. New Business**

January 6, 2020 DRB meeting discussed items to go on the agenda  
Tom Fyles term will expire in 2020

Smiley made the motion to adjourn

LaBerge seconded

Discussion – none

Vote: Yes 5 – (Barrett, Charbonneau, Johnston, LaBerge, Smiley)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:37 PM


Respectfully Submitted By  
Karen Gallott

  
Kathy Barrett, Chair

  
Donald Johnston, Clerk

  
Carol Charbonneau

Victor LaBerge

  
Susan Smiley