

**Findings and Decision**

**Gerald and James Sherman, 630 East Street, New Haven, VT**

**Minor Subdivision Application No. 2020-DRB-01-SD**

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**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of permit application #2020-DRB-01-SD, a minor subdivision application submitted by Donald Johnston on behalf of Gerald and James Sherman for a parcel numbered 0332-000 on map #9. The property is located at 630 East Street and consists of 213.1 acres.
2. The application was considered by the Development Review Board (DRB) at a public hearing on January 6, 2020. The DRB reviewed the application pursuant to the Town of New Haven Subdivision Regulations adopted and amended in July 2006 and the Town of New Haven Zoning regulations as adopted August 21, 2012.
3. The following members of the DRB participated in the applications review and decision:
  - Kathy Barrett
  - Paul Audy
  - Carol Charbonneau
  - Victor Laberge (alternate)
  - Charlie Roy
  - Susan Smiley

DRB member Donald Johnston recused himself and represented the applicant. Member Tom Fyles was absent.

4. The names of other persons present and available to provide testimony:
  - Aaron Brown, Zoning Administrator
  - John Duclos
  - Judy Hayes
  - Donald Johnston
  - Gerald Sherman
  - James Sherman
5. During the course of the hearing the following exhibits were submitted to the DRB:
  1. Site Plan by Donald Johnston dated December 18, 2019
  2. Septic System Design by Spencer Harris of Vermont Contours dated January 6, 2020

These exhibits and application are on file and available by contacting the New Haven Zoning Administrator.

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**FINDINGS OF FACT**

Based on the provided site plan, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. This proceeding involves review of permit application #2020-DRB-01-SD, a minor two-lot subdivision located at 630 East Street on map #9.
2. The property is located in both the RA-2 and RA-10 Districts.
3. Proposed Lot 1 contains no buildings and the applicants intend to keep it in agricultural use. Its proposed size is 164 acres with 1,133 feet of road frontage. The applicants expressed interest in possibly building a barn to store tractors and other agricultural equipment. The applicants plan to apply for a new driveway access with a culvert approximately 25 feet from the property line of Lot 2.
4. Proposed Lot 2 contains a house, two barns, a shed, a former chicken coop, and a detached garage. The house is currently served by a private well and septic system, and Spencer Harris of Vermont Contours has designed and submitted to the State Department of Environmental Conservation a replacement septic design in the event of failure. The proposed size of Lot 2 is 48 acres with 460.6 feet of road frontage.
5. No additional lots will be created, either intentionally or unintentionally, by the proposed subdivision.

**CONCLUSIONS:**

The New Haven Development Review Board concludes that:

1. The minor two-lot subdivision as proposed will create legal conforming parcels as described in the specific standards for section 1001.

**DECISION AND CONDITIONS**

Based upon the application record, testimony, above findings, and conclusions, the DRB in a vote of 5-0 (Johnston abstained), approves the boundary line adjustment proposed by Gerald and James Sherman at parcel 0332-000 depicted on the final site plan and application 2020-DRB-01-SD.

The following conditions are applied to this site plan approval:

- The applicants shall submit for approval a survey/Mylar that complies with the required minimum standards.

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- Prior to or at the time of submission of the survey/Mylar, the applicant shall submit a copy of wastewater and potable water supply permit.
- Further development of either lot may require an amendment to wastewater/potable water supply and other state or federal permits. Please contact Rick Oberkirch, Permit Assistance Specialist at the Agency of Natural Resources, for more information: (802) 282-6498 or [Rick.Oberkirch@vermont.gov](mailto:Rick.Oberkirch@vermont.gov).
- All exhibits presented in support of application # 2020-DRB-01-SD and findings of fact as recorded in this decision are included as conditions in the granting of this approval.
- The approval of the DRB shall expire 180 days from the date of this decision, unless the approved plat is duly filed and recorded in the office of the municipal clerk.

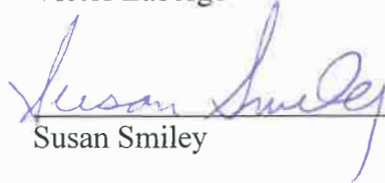
Dated at New Haven, Vermont, this 3<sup>rd</sup> Day of February 2020.

  
Kathy Barrett, Chair

  
Paul Audy

  
Victor Laberge

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Carol Charbonneau

  
Susan Smiley

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Charlie Roy

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the development review board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.