

Findings and Decision  
Phoenix Feeds and Nutrition  
Site Plan and Conditional Use Application # 2020-DRB-08-SP

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In re: Phoenix Feeds and Nutrition Site Plan and Conditional Use

Permit Application No. 2020-DRB-08-SP

**INTRODUCTION AND PROCEDURAL HISTORY:**

1. This proceeding involves review of Phoenix Feeds and Nutrition's site plan/conditional use application 2020-DRB-08-SP. Phoenix Feeds seeks to build a new truck maintenance garage and expand its office space located at 5482 Ethan Allen Highway.
2. The application was considered by the Development Review Board (DRB) at a public hearing on April 6, 2020. The DRB reviewed the application under the Town of New Haven Zoning Bylaws adopted August 21, 2012. The applicants included David Santos, owner of Phoenix Feeds, Phoenix Feeds employee and New Haven Selectboard member Jim Walsh, attorney Liam Murphy, and consultant Brent Radkowski.
3. The following members of the DRB participated in the applications review and decision:
  - Kathy Barrett
  - Donald Johnston
  - Victor Laberge
  - Charlie Roy
  - Susan Smiley
  - Tom Fyles, Alternate
4. The names of other persons present and available to provide testimony:
  - Aaron Brown, Zoning Administrator
5. During the hearing the following exhibits presented to the development review board were:
  - Exhibit 1 – Application cover letter dated March 11, 2020 prepared by consultant Otter Creek Engineering
  - Exhibit 2 – Overall Site Plan dated April 3, 2020 prepared by consultant Otter Creek Engineering
  - Exhibit 3 – Addition Plans dated October 29, 2019 prepared by R.K. Miles
  - Exhibit 4 – Site Elevations undated prepared by Lester Buildings
  - Exhibit 5 – Garage Dimensions dated October 29, 2019 prepared by R.K. Miles

These exhibits are available at the New Haven Town Office through the Zoning Administrator and on the Town Website.

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**FINDINGS:**

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

1. Phoenix Feeds seeks to construct a 24-foot by 45-foot single-story office addition and a new 72-foot by 100-foot stand-alone garage to maintain its vehicle fleet, as described in materials prepared by Otter Creek Engineering, R.K. Miles, and Lester Buildings as noted above.
2. The project area is located within the Industrial District directly north of the intersection of Routes 7 and 17 at 5482 Ethan Allen Highway.
3. 2020-DRB-08 was properly warned and noticed.

**CONCLUSIONS:**

As required under Section 352 "Site Plan Review Procedure," the following was reviewed:

1. Harmonious relationship between proposed uses and existing adjacent uses.  
**The proposed use is in alignment with the current use of the property and may result in less noise from vehicle maintenance.**
2. Maximum safety of vehicular circulation between the site and the street network.  
**No changes between the road network and the site are proposed.**
3. Adequacy of circulations, parking and loading facilities, with particular attention to safety.  
**No changes to parking or circulation for the office are proposed. A new driveway will be built for the garage as presented on the site plan.**
4. Adequacy of landscaping, screening and setbacks to achieve maximum compatibility and protection to adjacent property.  
**The maintenance garage will not operate before 7 AM or past 8 PM Monday – Friday except in the case of emergencies. All outdoor lighting must be downshielded.**
5. Freedom from flooding and ponding.  
**The applicant does not propose to develop any known flood areas.**
6. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.  
**The applicant does not propose any relevant changes to shading.**
7. Protection of renewable energy resources.  
**The applicant is exploring the use of solar photovoltaic energy and does not propose to disturb neighboring properties' potential use of renewable energy.**

## TOWN OF NEW HAVEN

## Development Review Board

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**DECISION AND CONDITIONS:**

Based upon the application record, testimony, above findings, and conclusions, the DRB offers a motion to approve application 2020-DRB-08, subject to the following conditions, as submitted.

The following conditions are applied to this site plan approval:

1. All findings as recorded in this decision are included as conditions in the granting of this approval.
2. The applicant must meet Article VIII: Performance Standards of the 2012 New Haven Zoning Bylaws. The burden of proof that the standards are met shall be on the applicant. The Zoning Administrator may refer questions of compliance to the Development Review Board or determine the method for demonstrating compliance. Such determinations may be appealed to the Development Review Board.
3. The applicant must secure all wastewater and potable water supply permits required for the installation and use of a new septic tank, pump station, and mound system.
4. The applicant must secure any additional state or federal permits required for the proposed development. The applicant may contact the Agency of Natural Resources Permit Specialist at 802.282.6488 for more information.
5. The owner and his/her representative shall abide by the practices in the Vermont DEC Low Risk Site Handbook for Erosion Prevent and Sediment Control as necessary to ensure that sediment and sediment laden water do not leave the project parcel. Contact 802.540.1748 for a hard copy or visit <http://dec.vermont.gov/watershed/stormwater> for more information.
6. The applicant must obtain a certificate of occupancy for each proposed improvement: i.e. one is required for the garage and a second for the office addition.

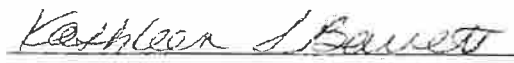
**Vote:**

Aye: 6

Nay:

Abstain:

Dated at New Haven, Vermont, this 20<sup>th</sup> day of May 2020.



Kathy Barrett

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 Tom Fyles

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Susan Smiley

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Victor Laberge

  
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Charlie Roy, Chair

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Donald Johnston

**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.

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