

Findings and Decision

Sherman Lane Neighbors Appeal of Zoning Permit #2020-ZP-25 WAF, LLC
#2020-DRB-10-AP

In re: Sherman Lane Neighbors Appeal

Permit Application No. 2012-DRB-10-AP

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves an appeal of Zoning Permit #2020-ZP-25 issued by the Zoning Administrator to WAF, LLC (Ron Yara and Maggie Eaton) to convert a former 3-bedroom primary residence to a 1-bedroom accessory dwelling.
2. The application was considered by the Development Review Board (DRB) at a remote public hearing on July 20, 2020. The DRB reviewed the appeal under the Town of New Haven Zoning Bylaws adopted August 21, 2012. The appellant was a group of neighbors on Sherman Lane including Dave Matthews (281 Sherman Lane), Alyssa Rittendale and David Maille (184 Sherman Lane), Jeff Meyers and Tammy Newmark (249 Sherman Lane), and Lynn Wolf (392 Sherman Lane). The application was submitted by Jeff Meyers and Tammy Newmark.
3. The hearing was closed September 21, 2020.
4. Present at the hearings were the following members of the DRB:
 - Charlie Roy, Chair
 - Kathy Barrett, Vice-Chair
 - Tom Fyles
 - Susan Smiley
 - Carol Charbonneau
 - Donald Johnston
 - Victor Laberge
5. The names of other persons present and available to provide testimony: Karen Gallot (minute taker); Aaron Brown (Zoning Administrator); Jeff Meyers; Tammy Newmark; Dave Matthews, Alyssa Rittendale; David Maille; Lynn Wolf; David Munzer; Ron Yara; Maggie Eaton
6. During the course of the hearing the following exhibits were submitted to the development review board. These exhibits are available at the Town Office:
 - Exhibit 1 – Testimony of Jeffrey Meyers
 - Exhibit 2 – Questions to the DRB from Jeff Meyers and Tammy Newmark dated July 20, 2020
 - Exhibit 3 – Testimony of Aaron Brown
 - Exhibit 4 – 2020-ZP-25 WAF, LLC
 - Exhibit 5 – 2019-CO-07 WAF, LLC

New Haven Town Clerk's Office
 Received October 2 2020
 at 9 O'clock 30 Minutes AM
 and Recorded in Land Records
 Book 90 Pages 147-148
 Attest: Danielle Cingol
 TOWN CLERK

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FINDINGS:

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

1. 2020-DRB-10-AP was properly warned and noticed.
2. The period to appeal 2020-ZP-25 was June 5-June 19, 2020. Appellants filed a timely appeal June 19, 2020.
3. The accessory dwelling and single family home met setback requirements.
4. The Yara/Eaton received wastewater permit WW-9-2561 on 06/21/2018 for the new residence and approved the existing separate on-site water supply and wastewater system for the 1 bedroom accessory dwelling (formerly Boise house)
5. The accessory dwelling does not exceed 30% of the habitable floor area of the primary dwelling.

CONCLUSIONS:

1. The appellant appealed permit 2020-ZP-25 in a timely manner.
2. The accessory dwelling shall meet Town of New Haven section 130:definitions – Accessory Dwelling

DECISION AND CONDITIONS:

Based upon the application record, testimony, above findings, and conclusions, the DRB offers a motion concerning 2020-DRB-10-AP as follows:

1. The DRB upholds the ZA issuance of a zoning permit #2020-ZP-25 (Yara/Eaton) for conversion of a 3-BR primary residence to a 1 BR Accessory Dwelling.

Vote:

Aye: 6 (Barrett ,Charbonneau, Fyles, Laberge, Smiley and Roy

Nay: 1 (Johnston voting on common sense)

Abstain: 0

Dated at New Haven, Vermont, this ____ day of _____, 2020.



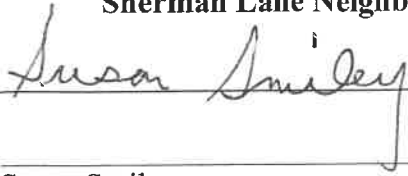
Charlie Roy, Chair



Kathy Barrett, Vice Chair

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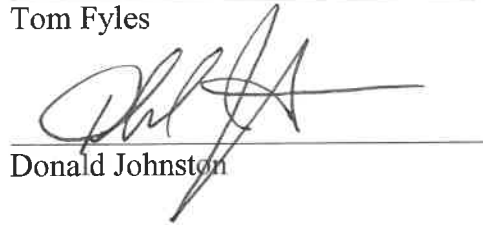


Susan Smiley

Tom Fyles



Victor Laberge



Donald Johnston



Carol Charbonneau

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.