

Findings and Decision

**Stephen Dupoise dba Ethan Allen Highway Storage, 229 Ethan Allen Highway
Site Plan Application # 2020-DRB-12-SP**

In re: Stephen Dupoise, property owner and dba Ethan Allen Highway Storage

Permit Application No. 2020-DRB-12-SP

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of a request to enlarge and move the previously approved location of storage building #11 at Ethan Allen Highway Storage, located at 229 Ethan Allen Highway. The previously approved size was 30' by 121'. The applicant proposes the new size to be 30' by 151'. The new proposed location for building #11 is to the south of existing driveway.
2. The application was considered by the Development Review Board (DRB) at a public hearing on August 3, 2020. The DRB reviewed the application under the Town of New Haven Zoning Bylaws adopted August 21, 2012. The applicant was Stephen Dupoise, owner of Ethan Allen Highway Storage.
3. Present at the August 3, 2020 hearing were the following members of the DRB:
 - Paul Audy
 - Kathy Barrett, Vice-Chair
 - Carol Charbonneau
 - Tom Fyles
 - Victor Laberge
 - Charlie Roy, Chair
 - Susan Smiley

Absent: Donald Johnston

4. The names of other persons present and available to provide testimony:
 - Aaron Brown, Zoning Administrator
 - Karen Gallot, Minute Taker
5. During the course of the hearing the following exhibit was submitted to the development review board:
 - Exhibit 1 – Site Plan labeled Drawing C-1 prepared by Otter Creek Engineering and dated April 10, 2020

This exhibit is available at the New Haven Town Office by request from the New Haven Zoning Administrator.

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FINDINGS:

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

1. The applicant seeks to enlarge the dimension of a previously approved storage building (#11) at an existing self-storage facility, Ethan Allen Highway Storage, from 30' by 121' to 30' by 151'.
2. The applicant proposes to move the location of building #11 from the northern portion of the property to the south of the existing driveway in order to comply with wetlands and prime agricultural soil conditions imposed by Act 250 Permit #9A0262-5, dated May 8, 2020. The location is depicted on Site Plan Sheet C-1.
3. The property is located at 229 Ethan Allen Highway (tax map #12, parcel #0787-000) in the Highway Commercial (HC) District as described on the Town of New Haven Zoning Map on record at the Town of New Haven Town Office and in section 1005 of the Zoning Bylaws.
4. Site Plan approval is requested to expand a self-storage facility previously permitted under Section 1005 B (9) as a permitted use within the HC District as that term is defined in Section 130 of the Zoning Bylaws
5. The site plan was properly warned and noticed.
6. The setback requirements for the HC District for non-residential uses are 50' from the centerline of the highway, 30' from the rear yard and 15' from the side yards. According to the site plan provided, all setbacks comply with requirements.
7. The Applicant provided the following in testimony which was relied upon by the DRB in making its decision and is hereby incorporated as part of that decision:
 - The applicant received an Act 250 amendment May 8, 2020 that required moving proposed building #11 to avoid wetlands and agricultural soils impacts.
 - All conditions and representations related to operations at the facility memorialized in previous permit applications will continue to be adhered to except as they relate to this application.
 - All proposed lighting will be downshielded.

CONCLUSIONS:

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

1. Harmonious relationship between proposed uses and existing adjacent uses.

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The proposal is to expand and move a previously permitted self-storage facility and will not change the character of the area.

2. Maximum safety of vehicular circulation between the site and the street network.
No changes between the road network and the site are being proposed.

3. Adequacy of circulations, parking and loading facilities, with particular attention to safety.
Additional parking spaces are being added but will have no adverse impact.

4. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
The facility as previously permitted will not be changed by this amendment. All setback requirements are met. The applicant proposes to move existing trees closer to Route 7 for landscaping and screening.

5. Freedom from flooding and ponding.
The applicant has three retention ponds to collect stormwater. The applicant purports that the Act 250 district commission requested that building #11 be moved to avoid wetlands impacts.

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 proposes to move existing trees closer to Route 7 for landscaping and screening.

7. Protection of renewable energy resources.
No changes to the use of renewable energy resources.

DECISION AND CONDITIONS:

Based upon the application record, testimony, above findings, and conclusions, the DRB determines that application # 2020-DRB-12-SP for an amended site plan complies with the requirements pursuant to section 350, 351, and 352 of the New Haven zoning regulations and hereby **APPROVES, subject to the following conditions,** #2020-DRB-12-SP 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. All new lighting will be downshielded as required under the New Haven Zoning By-Laws.
3. 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.

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- 4. 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.

Dated at New Haven, Vermont, this __th day of August, 2020.

Paul Audy

Kathy Barrett, Vice-Chair

Carol Charbonneau

Tom Fyles

Charlie Roy, Chair

Susan Smiley



Victor Laberge

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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