

Town of New Haven Planning Commission Meeting
Monday, January 13, 2020
New Haven, VT Town Office
MINUTES

Planning Commission Members Present: Benjamin (Benj) Putnam, Co-Chair; Rob Litch, Co-Chair, Bev Landon, and Dan Monger

Members Absent: Pat Palmer and Maggie Eaton

Staff: Zoning Administrator Aaron Brown

Visitors: Amanda Bodell, Jeffrey Glassberg, John Mazzuchi, Esq., Jeanne Choquette, Albert Choquette, Rodney Case, and Jim Walsh

I. Meeting Commenced: 7:07 PM

1. **Adjustments to the Agenda:** Aaron Brown announced that Maggie Eaton will not be at the meeting to provide an energy plan update. Bev Landon said she would speak about the update. Benj Putnam said the group should discuss the correspondence from Jim Walsh and Doug Tolles as part of the minutes because they are related. Additional correspondence of note includes notification from VELCO that it plans to hold a public hearing February 13 to discuss its proposed back-up operations center.
2. **Discussion of Recording Meetings:** Putnam explained that Landon has previously asked to record Planning Commission meetings. Landon said recording meetings would make the Planning Commission consistent with other Town boards, aid in transparency, and make it easier to discuss fine points. Landon made a motion to record future meetings. Rob Litch seconded. Motion passed 4/0.
3. **Visitors' Business:** John Mazzuchi circulated a memorandum that recommends language for RA-2 district depth, which reads "This district shall consist of all areas within 600' of either side of the centerline of all present roads of the Town other than U.S. Route 7, Vermont State Highway 17, and River Road, excepting those areas otherwise designated as a different district on the zoning map." He also raised the question of what happens when a lot crosses town lines and might not have the required frontage within one of the two towns. Landon suggested that this is likely a legal issue to be resolved by attorneys. Putnam agreed that this is a good point to raise and added that some roads, such as Cobble Road, are unclear to some people. Jim Walsh said that Cobble Road is half in New Haven and half in Middlebury.

II. Standing Items

1. ZA Update

ZA Brown reported that continues to receive Certificate of Occupancy applications thanks to sending out a reminder in the Town newsletter. Building activity is quiet

given the winter months, but some people have come in to discuss potential projects. The Development Review Board has two decisions to sign for minor two-lot subdivisions. The end of the year saw two signage permits.

2. Town Plan Update/Energy Plan Update

Landon said she would like the energy plan to include information about available energy incentives. Brown agreed that it would be a good goal to include what Efficiency Vermont and Vermont Gas offer to New Haven residents. Brown added that he plans to update the Town website at the end of each month with any significant changes to the energy plan.

3. Workshops

No report.

4. ACRPC Activities

Brown announced that the Town with Regional Planning has now completed both the road and culvert inventory and the Capital Improvement Plan.

5. Zoning Revisions

Brown reviewed two documents related to the zoning revisions: one deals with definitions not previously found in the zoning regulations, the other with subdivision changes. Brown reviewed the definitions. Most are straightforward. Brown said events have been an issue and he compared language that Burlington and Rutland use for “nightclubs,” which is the term most often used to describe that type of use. Dan Monger asked if the timing of events is the main reason this has been raised as an issue, and Brown added that frequency has also been a concern.

The group discussed updated the subdivision regulations to address boundary line adjustments (BLAs). Brown provided language Williston uses to allow administrative review of boundary adjustments. The group agreed that allowing administrative review – with ZA discretion to put BLA proposals to the DRB – would be beneficial to local landowners. BLAs would have to meet lot and use conformance standards in order to receive approval. The group agreed that granting waivers to BLAs that result in conservation projects, which found in Williston’s regulations, seems beneficial as well.

Further discussion occurred regarding the ZA’s discretion to forward BLA applications to the DRB. Landon suggested an acreage standard could exist, and Litch responded that the ZA should use his discretion. Monger agreed that the ZA should have discretion.

Putnam made a distinction with cases that result in a previously undevelopable lot becoming developable.

The discussion moved to draft language about lot depth. Walsh remarked that the draft language essentially changes RA-2 to require three-acre lots. Putnam asked for clarification about current required lot depth for RA-2. Walsh said 200' and Brown and Litch agreed. Putnam said the draft language should reflect an effort not to change required lot depth, but instead district boundaries.

Landon added that the reason for changing district depth language in the first place is to reflect recent development patterns.

Brown apologized for confusing the proposed language to indicate required lot depth instead of district depth.

The group discussed the process for scheduling public hearings on zoning changes. Brown provided relevant statutory language. A minimum 15-day notice is required to warn a meeting. If approved, the proposed revision then goes to the Selectboard for approval. The Selectboard must provide at least 15 days' notice as well. Walsh clarified that the Selectboard can take up to 120 days to hold the hearing. If the Selectboard approves changes, they become effective 21 days later.

Putnam urged that both the map and regulatory revisions occur at the same time.

The group discussed appointing Landon as the representative to work with the Regional Planning Commission on zoning map revisions. Putnam moved to appoint Landon as the group representative. Litch seconded. Motion passed 3 ayes/0 naves/1 abstention (Landon).

Putnam motioned that the Town request that Regional Planning depict all roads as they are described in the official town highway report submitted to the Agency of Transportation. A discussion occurred about how to depict the so-called "North-South Highway." Landon said the map should depict it as "untraveled" because the 2015 VTrans map depicts it as such.

Visitors Allen and Jeanne Choquette, who reside at one end of the North-South Highway, said the road is untraveled. Monger asked if the Town devotes funding to maintaining this road. Landon said no. Walsh said that the Town did, however, do a survey of this area several years ago. Putnam said he thought Class III roads qualify for state funding, but Class IV do not.

Litch seconded Putnam's motion to make sure the zoning map conforms to the AOT highway map. All voted in favor. Motion passed 4/0.

Putnam asked if there were further items to discuss regarding the zoning map. Walsh identified problems in the southern Highway Commercial District on Route 7 and questioned whether the District was properly sized on the map. Home Health, for example, has a split lot located in Highway Commercial and a residential district, but it built its parking lot on the residential side. Discussion ensued about previous plans to change district lot size requirements in the early 2010s. Landon said in the end no change was made. Putnam asked if Home Health had a permit to construct its parking lot in the residential area, and Walsh said no. Putnam said he does not want to revise the zoning map just to bring non-conforming lots into conformance.

Rodney Case said he thought the Planning Commission did change the map when he served on the board. He showed some aerial imagery and explained previous efforts to change district boundaries on Route 7, particularly to match lot lines where feasible. Litch said he recalls previous efforts to clean up residential and commercial district boundaries. Putnam asked how the group wants to proceed with this map confusion. Case said he remembers voting on map changes in this area of Route 7. Landon said she would support previous attempts to change the highway commercial area. Litch added that he does not remember if the Planning Commission made a vote at that time, but he was involved in discussions about aligning district and property lines. Litch said there were cases where lots might have been zoned commercial but it was impossible to develop them commercially due to setback issues.

Putnam motioned to ask Regional Planning to reflect previously approved Highway Commercial areas on the map. Landon seconded. Motion passed 4/0.

Jeff Glassberg requested to make comments and circulated a short memo that he and Amanda Bodell wrote. He voiced objections to the district depth of the RA-2 zone from 200' to 600' because he does not see how it conforms to the Town Plan. He cited the goal of the Town Plan to preserve New Haven's rural character and prevent strip development. He urged the Town to more seriously consider development review protocols such as Planned Unit Developments (PUDs). Glassberg reminded the Commission about Planner Tony Stout's June 2019 presentation that showed potential dense build-out scenarios that might occur under some considered district depth changes. He said that current efforts to change district depths constitute an attempt to placate an applicant (All-Star Group) that was recently denied a

subdivision and that this effort is spot zoning. Glassberg said no other subdivision has been denied because applicants can typically meet requirements and that this “lays bare” an attempt to change the rules for one landowner.

Landon and Putnam challenged the claim. Landon said the intent of the proposed district changes originates from a Supreme Court ruling that places a greater demand on towns to have accurate zoning maps. The map, she said, was known to be wrong. She said efforts underway are attempting to recognize irregular contours, lot shapes, etc. Putnam added that the Planning Commission works on behalf of the whole town and not an individual property owner.

III. Review of Minutes

Discussion occurred of the November and December minutes. Monger voted to approve the November 14, 2019 minutes. Landon seconded. Litch said he had to abstain because he wasn't present. Putnam urged to defer voting on the minutes. Vote was deferred.

The group reviewed correspondence from Doug Tolles and Jim Walsh regarding the North-South Highway. Putnam summarized Walsh's comments, saying that the markings of the North-South Highway on the zoning map are not consistent with other Class IV roads. Walsh's letter also addressed incorrect district depths and an area known as the “chutes.” Putnam asked for clarification on the “chutes,” and Landon said that is a hill on Route 17 that leads down to the Post Office. Putnam asked Brown to amend the minutes to reflect Walsh's comments minus his comment that he forwarded a Supreme Court ruling to the Planning Commission (which did not occur during the meeting and should be considered part of the minutes).

Putnam then moved on to Tolles' correspondence and said he thought the letter more represents thoughts on the North-South Highway and not a change to what was stated at the December meeting. He stressed that the group had considered his comments on the North-South Highway during this meeting. Putnam deferred a vote on the December minutes until Walsh's requested changes occur.

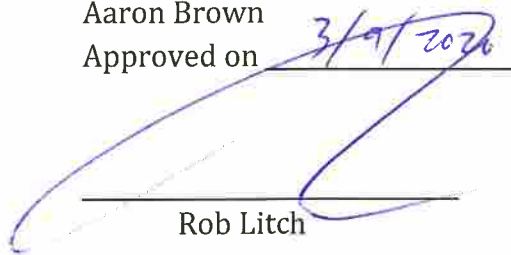
IV. Adjourn

Bev moved to adjourn the meeting. Benj seconded the motion. All members voted in favor of the motion. The meeting adjourned at 9:30 PM.

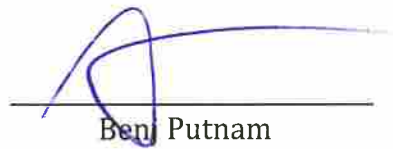
Respectfully Submitted,

Aaron Brown

Approved on 3/9/2026



Rob Litch



Ben Putnam



Beverly Landon

[abstain]
Pat Palmer



Dan Monger

[abstain]
Maggie Eaton