

**TOWN OF NEW HAVEN Development Review Board**  
**Findings and Decision**  
**Joe and Tamara Boise, 130 Ethan Allen Highway, New Haven, VT**  
**Conditional Use Application No. 2022-DRB-03-CU**

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**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of permit application #2022-DRB-03-CU, a conditional use application for Joe and Tamara Boise (BIYD Properties) d/b/a Cyclewise, Inc., 130 Ethan Allan Highway, New Haven, Vermont.
2. The Development Review Board (DRB) reviewed this application April 18, 2022 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:
  - Charlie Roy, Chair
  - Kathy Barrett, Vice-Chair
  - Carol Charbonneau
  - Tom Fyles
  - Don Johnston
  - Victor LaBerge

Members Absent: Paul Audy, Susan Smiley

4. The names of other persons present and available to provide testimony:
  - Peggy Connor, Zoning Administrator
  - John Madden correspondence
5. During the hearing, the following exhibits were submitted to the DRB:
  - a. Building Permit application submitted by Tamara and Joe Boise on March 14, 2022
  - b. Conditional Use application submitted by Tamara and Joe Boise April 14, 2022
  - c. Site plan update submitted April 18, 2022 (meeting was warned prior to receipt of final application materials)

The application is on file and available by contacting the New Haven Zoning Administrator.

**FINDINGS OF FACT**

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

1. This proceeding involved a conditional use application to expand Cyclewise, Inc., listed under B.I.Y.D. Properties owned by Joe and Tamara Boise located at 130 Ethan Allen Highway, Parcel #792.2, Map #12.
2. The 2.17-acre property contains land located within the Highway Commercial (HC) zoning district.
3. The proposal is to add to the existing 6,500-square-foot building a 67' x 122' addition. The addition is one story with a mezzanine centrally located in the building to host offices and extra storage. The front façade will be based on a modern barn look to blend with the Vermont landscape.
4. The existing 2,000-square-foot storage building to the north side of the current dealership will be relocated out behind the newly renovated dealership with an added 28' x 56' open wing.
5. The use of the property is not changing nor are the hours of operation.
6. There will not be any significant changes to the outside display area.
7. The few additional parking spaces needed will comply with setback regulations.

**CONCLUSIONS:**

The New Haven Development Review Board concludes that:

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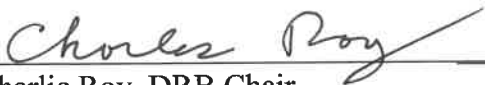
1. The property consists of a 2.17-acre lot in the Highway Commercial zoning district.
2. The proposed addition to the existing business “constitutes such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining uses,” in accordance with Section 1005 Conditional Uses #9 cited in the Town of New Haven Zoning Bylaws adopted August 21, 2012.
3. The DRB also reviewed Section 341(3) and found:
  - a. There will be no adverse effect on the capacity of community facilities.
  - b. The character of the area will not be adversely affected.
  - c. There will be no adverse effect on traffic.
  - d. The proposal confirms with the current zoning bylaws.
  - e. Renewable energy resources will not be impacted.
4. Front yard setback minimum should appear on the plan showing location of parking lot in relationship to setback.

**DECISION AND CONDITIONS**


Based upon the application record, testimony, above findings, and conclusions, the DRB in a vote of 6-0, approves the conditional use application proposed by Joe and Tamara Boise (BIYD Properties) d/b/a Cyclewise, Inc. as depicted on the final application 2022-DRB-03-CU. The following conditions are applied to this site plan approval:


- Conditional Use Permit approval contingent upon Act 250 approval and all wastewater permits
- Final Plat to show 75’ front yard setback minimum
- Applicants may apply for a separate permit to relocate the 2,000-square-foot storage building.
- Further development of the lot may require 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).
- 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 10<sup>th</sup> day of May, 2022.

  
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Charlie Roy, DRB Chair

  
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Kathy Barrett, DRB Vice Chair

  
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Carol Charbonneau

  
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Tom Fyles

  
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Victor LaBerge

  
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Don Johnston

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**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.