

Findings and Decision

Addison County Solid Waste Management District (ACSWMD), Lot 6, Kings Way, New Haven, VT

Conditional Use Application No. 2022-DRB-07-CU

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of an application for conditional use submitted by Addison County Solid Waste Management District (ACSWMD) with headquarters located at 1223 US Route 7 South, Middlebury, Vermont.
2. The application was received by the New Haven Zoning Administrator on May 22, 2022. A copy of the application is available at the New Haven Town Offices.
3. On June 30, 2022, notice of a public hearing was published in *The Addison Independent*.
4. On July 14, 2022, notice of a public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On July 13, 2022, a copy of the notice of public hearing was emailed to the applicant. On June 27, 2022, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the Certificate of Service:

	Adjoining property owners	Address
0511-000	Trailcase Corp.	P.O. Box 119, New Haven, VT
0512-000	Julie & Peter Whittlemore	P.O. Box 576, Middlebury, VT
0513-000	Dupoise Lowell Family Trust	P.O. Box 534, Middlebury, VT
0550-000	Peter & Dolores Norris	7 Windy Ridge Rd., Hinesburg, VT
0520-000	Tire Barn Realty Trust	275 East Main St., Orange, MA 01364
612-300;628-310	Peter & Daenen Norris	296 King Farm Rd., New Haven, VT
0612-140	State of VT, Dept. of Bldgs. & Svcs.	2 Governor Aiken Ave., Montpelier, VT
0648-120	Kerry & Rodney Conlev	7698 Plank Rd., Bristol, VT

6. The application was considered by the Development Review Board at a public hearing on July 18, 2022. The hearing was adjourned and continued on August 1, 2022. The final public hearing was held on August 1, 2022. The Development Review Board reviewed the application under the Town of New Haven Zoning Bylaws, as adopted and amended August 21, 2012.
7. The following members of the DRB participated in the application review and decision:

Charlie Roy	Paul Audy
Kathy Barrett	Don Johnston
Tom Fyles	Victor LaBerge
Roger Hamilton	

Members absent: Carol Charbonneau
8. The names of other persons present and available to provide testimony:
 - Peggy Connor, Zoning Administrator
 - Peter Norris, landowner
 - Teri Kuczynski, ACSWMD district manager
 - Shane Mullen, Weston & Sampson project manager for ACSWMD
 - Jeff Santacruce, Weston & Sampson traffic engineer
9. During the hearing the following exhibits were submitted to the DRB:

Findings and Decision

Addison County Solid Waste Management District (ACSWMD), Lot 6, Kings Way, New Haven, VT

Conditional Use Application No. 2022-DRB-07-CU

- DRB application dated June 6, 2022
- Site plan set prepared by Weston & Sampson dated May 31, 2022
- Narrative dated Jun 6, 2022
- Traffic study (last revised March 2022)
- Correspondence from Chris Clow of VTrans dated May 23, 2022

These exhibits are available at the New Haven Town Office.

FINDINGS:

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

1. The applicant seeks a conditional use permit to construct a satellite residential transfer station on land located at Lot 6, Kings Way, in New Haven, currently owned by Peter Norris for which there is a pending purchase and sale agreement with Addison County Solid Waste Management District (ACSWMD).
2. The property is located in the Industrial zoning district as described in the Town of New Haven Zoning Map on record at the Town of New Haven municipal office and Section 1006 of the Zoning Bylaws.
3. Conditional use approval is requested for the project as a residential transfer station as that term is defined in Section 1006-A of the Zoning Bylaws.
4. The facility on Lot 6 will be built in two phases: one with limited site improvements to be operated by a third party subcontractor, and the second to be a more extensive facility operated by ACSWMD.
5. Phase 1 will consist of a driveway, queuing lane to accommodate up to 26 vehicles, staging area for solid waste and recycling, compactor vehicles, and two concrete bunkers, one to store tires and the other for leaf/yard debris.
6. Phase 2 will expand the types of accepted residential waste and be fully staffed by ACSWMD personnel. Stationary compactors will be used for bagged solid waste and bagged single stream recyclables, and construction of a second access from Kings Way on the south side of the property to allow trucks to empty and remove roll-off boxes. Also accepted will be scrap metal, electronic waste, fluorescent bulbs, books and film plastic. Bagged trash and recyclables will be deposited by customers into one of two 30-cubic yard compactors to include platforms and a 4-foot retaining wall to access the hopper. Food waste will be temporarily stored in 55-gallon totes in a 12' x 12' shed, and later deposited into a fully sealed 15-cubic-yard "sludge box" type container. ACSWMD will purchase a toter lifter device and mobile pressure washing apparatus to clean the totes, with a self-contained water supply and wastewater storage tanks. Sea containers will be used to store other accepted waste items, removed by hand and loaded onto a box truck for recycling or disposal. Also being constructed during Phase 2 will be an administrative building with payment window for customers, office space with common area and restrooms, and a 16' x 20' storage shed.
7. Luminaires on 18' light posts will be downcast in conformance with Section 820 of the New Haven zoning regulations.
8. Upon partial removal of existing trees, some 80-100 feet of trees will remain along the south side, with additional dark American arborvitae to be planted measuring 5-6' tall and 3' wide. It is

Findings and Decision

Addison County Solid Waste Management District (ACSWMD), Lot 6, Kings Way, New Haven, VT

Conditional Use Application No. 2022-DRB-07-CU

expected that by the time Phase 2 is built in approximately two years, the trees will be more mature, creating an effective screen from Route 7.

- 9. According to the manufacturer, the anticipated noise level of the compactor is 62 decibels at 50 feet and 52 decibels at 130 feet. The compactors are approximately 75' from the property line and located below grade in relation to King's Way.

DECISION AND CONDITIONS:

Based upon these findings, and subject to the conditions set forth below, the Development Review Board GRANTS the application for conditional use proposed by Addison County Solid Waste Management District for Phase 1 and Phase 2 in a vote of 6-1 (K. Barrett, P. Audy, V. LaBerge, C. Roy, D. Johnston, R. Hamilton). (Tom Fyles voting no)

- The applicant shall plant and maintain all vegetation as depicted in the plan as presented.
The applicant shall limit hours of operation from 7:00 a.m. to 2:00 p.m. on two (2) weekdays and Fridays; and from 7:00 a.m. to noon Saturdays.
No additional land development shall occur without prior approval.
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.
All exhibits presented in support of application # 2022-DRB-07-CU and findings of fact as recorded in this decision are included as conditions in the granting of this approval, unless otherwise amended in this approval.
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 1st day of August, 2022.

Charlie Roy, Chair

Kathy Barrett, Vice Chair

Paul Audy

Don Johnston

Roger Hamilton

Tom Fyles

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.