

Findings and Decision

**Steve and Marcia Dupoise d/b/a Ethan Allen Highway Storage, 229 Ethan Allen Highway,
New Haven, VT**

Site Plan Application No. 2022-DRB-11-SP

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves application for site plan approval to build two (2) additional storage units at 229 Ethan Allen Highway.
2. The application was received by the New Haven Zoning Administrator on July 6, 2022. A copy of the application is available at the New Haven Town Offices.
3. On July 14, 2022, notice of a public hearing was published in *The Addison Independent*.
4. On July 28, 2022, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On July 27, 2022, a copy of the notice of a public hearing was emailed to the applicant. On July 21, 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:

Map/ Parcel #	Adjoining property owners	Address
12/780; 777	Anthony Neri Property Rentals	658 Exchange St., Middlebury, VT
12/785	Chad & Stephanie Rule	163 Belden Falls Rd., New Haven, VT
12/820-100	Vt. Gas Systems, Inc.	85 Swift St., So. Burlington, VT
12/788-100	Silver Maple Const.	50 River Rd., New Haven, VT
12/789-100	Rodney & Joan Case	388 Ethan Allen Hwy., New Haven, VT
12/790	Donna & James Kendall	350 Ethan Allen Hwy., New Haven, VT
12/791	Sally Dwire	282 Ethan Allen Hwy., New Haven, VT
12/792-100	Addison Co. Home Health & Care	P.O. Box 754, Middlebury, VT
12/792-300	Jap Dhanguru Nanak, LLC	P.O. Box 48, Middlebury, VT
817-120	Joey & Tamara Boise	132 Ethan Allen Hwy., New Haven, VT
788-200	Numondo America, LP	5507 Ethan Allen Hwy., New Haven, VT

6. The Development Review Board reviewed this application on August 1, 2022, and on August 15, 2022, pursuant to the Town of New Haven Zoning Bylaws adopted and amended August 21, 2012.
7. The following members of the DRB participated in the review of the application on August 1, 2022:

Charlie Roy	Kathy Barrett
Tom Fyles	Don Johnston
Victor LaBerge	Paul Audy
Roger Hamilton	<u>Absent:</u> Carol Charbonneau

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8. The following members of the DRB participated in the **decision** of the application on August 15, 2022:

- | | |
|-------------------|-----------------------------|
| Kathy Barrett | Tom Fyles |
| Victor LaBerge | Don Johnston |
| Roger Hamilton | Paul Audy |
| Carol Charbonneau | <u>Absent</u> : Charlie Roy |

4. The names of other persons present and available to provide testimony:
Steve Dupoise, applicant
Peggy Connor, Zoning Administrator

5. During the hearing the following exhibits were submitted to the DRB:

- Permit application dated July 6, 2022
- Site plan dated July 6, 2022
- Site plan developed by Otter Creek Engineering dated August 10, 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 Site Plan approval 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.
2. The Site Plan was properly warned and noticed.
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. In order to comply with Act 250 and Wetland requirements, the applicant proposes to move the location of Building “W” measuring 171’ x 42’ as shown on the site plan dated August 10, 2022, five (5) feet to the west; Building “E” measuring 201’ x 30’ ten (10) feet to the west, and the driveway narrowed by five (5) feet.
5. The setback requirements for the HC District for non-residential uses are 75’ from the centerline of the highway, 30’ from the rear yard, and 20’ from the side yards. According to the site plan provided, all setbacks comply with requirements.

DECISION AND CONDITIONS:

Based upon these findings, and subject to the conditions set forth below, the Development Review Board, in a vote of 5-0 (K. Barrett, V. LaBerge, T. Fyles, C. Charbonneau, R. Hamilton) and 1 recusal (D. Johnston) **APPROVES #2022-DRB-11-SP subject to the following conditions:**

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- Maximum dimensions of the two buildings to be constructed will be 171' x 42' and 201' x 30'.
- Required setbacks for the HC zoning district are met.
- Wetlands are not impacted.
- LED down-shielded lights will be attached to buildings.
- Act 250 and Wetlands 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-11-SP 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.~~

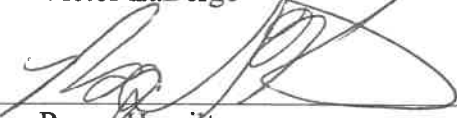
Dated at New Haven, Vermont, this 15th day of August, 2022.


Kathy Barrett, Vice Chair


Carol Charbonneau


Victor LaBerge


Tom Fyles


Roger Hamilton

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.