

Findings and Decision

**Sean Flynn d/b/a Silver Maple Construction, 46 River Road, New Haven, VT
Conditional Use Application No. 2022-DRB-12-CU**

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of an application for site plan approval and conditional use submitted by Sean Flynn d/b/a Silver Maple Construction, 46 River Road, New Haven, Vermont.
2. The application was received by the New Haven Zoning Administrator on August 31, 2022. A copy of the application is available at the New Haven Town Offices.
3. On September 15, 2022, notice of a public hearing was published in *The Addison Independent*.
4. On September 29, 2022, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On September 15, 2022, a copy of the notice of a public hearing was emailed to the applicant, and 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 October 3, 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 application review and decision:
 - Kathy Barrett Carol Charbonneau
 - Paul Audy Don Johnston
 - Tom Fyles
 Members absent: Charlie Roy, Victor LaBerge, Roger Hamilton
4. The names of other persons present and available to provide testimony:
 - Peggy Connor, Zoning Administrator Sean Flynn
 - John Tenny Brent Rakowski

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5. During the hearing, the following exhibits were submitted to the DRB:
- Application to DRB dated August 31, 2022
 - Location Map
 - Building plans, drawing A101P, A201P, A101W as prepared by Timeless Designs, LLC dated June 13, 2022
 - Drawings C-1 through C-6 as prepared by Otter Creek Engineering dated July 11, 2022
 - Construction Documents as prepared by Timeless Designs, LLC dated September 1, 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 approval and a conditional use permit to construct three new buildings to serve as an office, workshop, and warehouse space on a 11.33-acre parcel located on Belden Falls Road.
2. The property is located in the Highway Commercial zoning district as described in the Town of New Haven Zoning Map on record at the Town of New Haven municipal office and Section 1005 of the Zoning Bylaws.
3. The 30,000-square-foot principal structure will measure 200' long, 150' deep, and 34' tall at its highest point, and serve as a panel manufacturing facility.
4. The two 11,000-square-foot ancillary warehouses to the south will store raw materials and completed panels.
5. Site improvements will include a new curb cut from Belden Falls Road, drive, parking for 28 lots plus a handicap space, grading drainage, and stormwater treatment.
6. A new mound wastewater system designed for up to 24 employees and drilled well will provide sanitary sewer disposal and water supply to the buildings.
7. Landscaping for screening along Route 7.
8. The same RAB lights installed on the existing building will be used on the new facility.
9. Heat is proposed to be provided by pellet stoves.
10. Percentage of lot area covered by building area will be 10.6%.

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DECISION AND CONDITIONS:

Based upon these findings, and subject to the conditions set forth below, the Development Review Board **GRANTS** the application for site approval and conditional use proposed by Sean Flynn d/b/a Silver Maple Construction in a vote of 5-0 (C. Charbonneau, T. Fyles, D. Johnston, P. Audy, K. Barrett)


- Correct labeling on the final plan; i.e., “office” to read “workshop”
- Show down-shield lighting on proposed buildings and parking lot
- 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-12-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 13 day of October, 2022.


Kathy Barrett, Vice Chair


Paul Audy


Don Johnston


Tom Fyles


Carol Charbonneau

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.