

**TOWN OF NEW HAVEN
Development Review Board
Subdivision Review**

FINDINGS AND DECISION

New Haven Town Clerk's Office
Received May 15 2023
at 9 O'clock 30 Minutes pm
and Recorded in Land Records
Book 94 Pages 18-19
Attest: Daniel Hubbell asst.
TOWN CLERK

IN RE: Langdon G. Smith, Jr.
PERMIT APPLICATION: #2023-DRB-03 SD

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involved review of an application submitted by Langdon G. Smith, Jr. for subdivision approval under the Town of New Haven's Subdivision Regulations adopted and amended July 2006.
2. The DRB application was received by the zoning administrator on January 31, 2023, and survey plat on April 24, 2023. A revised survey plat was received on May 11, 2023. Copies of the application and plats are available on the town's website at: newhavenvt.com
3. On March 2, 2023, notice of a public hearing for final plat review was published in *The Addison Independent*.
4. On March 2, 2023, notice of the final plat review was posted at the following places:
 - New Haven Town Offices
 - The Village Green
 - New Haven Post Office
5. On March 2, 2023, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Map/ Parcel #	Adjoining property owners	Address
5/178	James Derosia	669 North Street, New Haven, VT 05472
5/180	Jean Smith	793 North Street, New Haven, VT 05472
5/236.2	Christopher Landon	528 North Street, New Haven, VT 05472
5/175.1	John Perkins	680 North Street, New Haven, VT 05472

6. The application and initial plat were considered by the Development Review Board at a public hearing on March 20, 2023, continued to April 3, 2023, and again to May 1, 2023, and once again to May 15, 2023, under the Town of New Haven's Subdivision Regulations as adopted and amended July 2006.
7. Present at the May 15, 2023 final plat approval hearing were the following members of the Development Review Board:
 - Charlie Roy, Chair
 - Kathy Barrett, Vice Chair
 - Don Johnston
 - Victor LaBerge
 - Carol Charbonneau
 - Tom Fyles
8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. §4465(b) to demonstrate that the criteria set forth in that statute could be met.

Present: Applicant Langdon G. Smith, Jr.

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
- DRB application dated January 31, 2023
 - preliminary plat prepared by Barnard & Gervais, LLC dated April 23, 2023
 - revised subdivision plat dated May 2, 2023

These exhibits are available at the Town Offices or on the town's website at: newhavenvt.com

FINDINGS:

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

1. This proceeding involved review of permit application #2023-DRB-03-SD, a minor two-lot subdivision as determined by the DRB on February 20, 2023, located at 547 North Street in New Haven, Parcel #0179-000, Map #5.
2. The property is located in the RA-2/RA-10 zoning districts as described on the Town of New Haven Zoning Map on record at the Town of New Haven municipal office and Sections 1001 and 1003 of the Zoning Bylaws.
3. Applicant seeks to subdivide the current 9.7+/- acre parcel to create Lot #1 consisting of 7.69+/- acres with an existing house, and Lot #2 consisting of 2.01+/- for construction of a new house. The existing leach field will serve both lots, and an easement is proposed from Lot #2 to Lot #1.

CONCLUSIONS:

The New Haven Development Review Board concludes that:

1. The minor two-lot subdivision as proposed will create conforming parcels as described in the specific standards for Sections 1001 and 1003.

DECISION AND CONDITIONS:

Based upon the application, record, testimony, above findings, and conclusions, the DRB in a vote of 6-0 approves the two-lot subdivision proposed by Langdon G. Smith, Jr., as depicted on the revised survey plat prepared by Barnard & Gervais, LLC dated May 2, 2023.

The following conditions are applied to this subdivision approval:

- Compliance with Note 11 on the plat stating that: "The common boundary lines between the lands of Langdon Smith, Jr. & Catherine Smith and the lands of James Derosia & Connie Gendreau are based upon the location agreed upon by the aforementioned parties, oral testimony from Langdon Smith, Jr. dated 4/10/2023, and the recorded distances stated in two warranty deeds found in Volume 36 at Pages 215 and 218 of the Town of New Haven land records. It is advised that quit-claim deeds be transferred between said landowners and recorded in the town land records concurrent with this two-lot subdivision survey plat."
- Corner posts to be put in ground for final survey.
- The applicant shall submit for approval a survey/Mylar that complies with the required minimum standards.
- The applicant shall submit a copy of wastewater and potable water supply permit.

- Further development of either lot may require an amendment to 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 #2023-DRB-03-SD and findings of fact as recorded in this decision are included as conditions in granting 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 May, 2023

Charlie Roy
Charlie Roy, Chair

Kathy Barrett
Kathy Barrett, Vice Chair

Carol Charbonneau
Carol Charbonneau

Victor LaBerge
Victor LaBerge

Don Johnston
Don Johnston

Tom Fyles
Tom Fyles