

Findings and Decision

**Mike Lee d/b/a New Haven Power Equipment, 3065 Ethan Allen Highway, New Haven, VT
Site Plan Approval Application No. 2023-DRB-05-SP**

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of an application for site plan approval submitted by Mike Lee d/b/a New Haven Power Equipment, 3065 Ethan Allen Highway, New Haven, Vermont.
2. The application was received by the New Haven Zoning Administrator on May 3, 2023, and forwarded to the Development Review Board (DRB). A copy of the application is available at the New Haven Town Offices.
3. On May 18, 2023, notice of a public hearing was published in *The Addison Independent*.
4. On June 1, 2023, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On May 11, 2023, a copy of the notice of public hearing was mailed to the following abutting property owners:

Map/ Parcel #	Adjoining property owners	Address
8/486	Sarah Virginia De Ganahl Venture, LLC	PO Box 310, Charlotte, VT 05445
8/514	Pike Industries	3 Eastgate Park Rd., Belmont, NH 03220
8/515.200/100	50 Campground Rd., LLC	2877 Ethan Allen Hwy., New Haven, VT 05472
8/488.200	Jennifer Courtemanche	3134 Ethan Allen Hwy., New Haven, VT 05472
8/488.100	David Pidgeon	3088 Ethan Allen Hwy., New Haven, VT 0472

6. The Development Review Board reviewed this application on June 5, 2023, and continued the hearing on June 19, 2023 following a site visit, 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 on June 19, 2023:

Charlie Roy	Carol Charbonneau
Paul Audy	Don Johnston
Tom Fyles	Victor LaBerge

Members absent: Kathy Barrett, Roger Hamilton
8. The names of persons present and available to provide testimony at the June 5, 2023 hearing:
 - Michael Lee, Applicant
 - Steve Delphia
 - Alex Layn
 - Peggy Connor, Zoning Administrator
9. The names of persons present and available to provide testimony at the June 19, 2023 hearing:
 - Michael Lee, Applicant
 - Peggy Connor, Zoning Administrator
10. Prior to the hearing on June 19, 2023, DRB members conducted a site visit, and the following exhibits were submitted:
 - Application to DRB dated May 3, 2023
 - Site Plan drafted by Jason Barnard Consulting, LLC, dated March 7, 2014

These exhibits are available at the New Haven Town Office.

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FINDINGS:

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

1. The property is located at 3065 Ethan Allen Highway (tax map #8, parcel #490) in the Highway Commercial (HC) 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.
2. The applicant seeks site plan review, per Section 352 of the New Haven Zoning Regulations, and conditional use approval for sales and service of outdoor power equipment, and sheds/portable buildings, per Section 341 of the New Haven Zoning Regulations.
3. Grading shall be completed as shown on the site plan, and in accordance with Section 560 of the New Haven Zoning Regulations.

DECISION AND CONDITIONS:

Based upon these findings, the Development Review Board **APPROVES** the proposed site plan as presented in a vote of 5-0 (P. Audy, D. Johnston, V. LaBerge, C. Roy, T. Fyles) and 1 abstention (C. Charbonneau), on the following conditions:

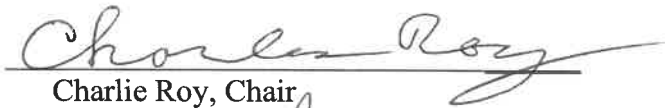
- Upon the understanding that the granting of this site plan approval in no way relieves Mike Lee of obligations imposed by judgment issued in pending enforcement actions by the Town of New Haven and State of Vermont.
- Any and all judgments pertaining to the property remain valid after the issuance of this approval, and any and all orders within those judgments requiring Mike Lee to take actions regarding the property and to pay fines and other sums owned remain in effect.
- The proposed structures consisting of 5 display areas and the location of a 40' x 70' building as shown on the site plan shall meet all setback requirements in accordance with Specific Standards for the Highway Commercial District per Section 1005-A of the New Haven Zoning Bylaws; specifically, the two display areas shown on the site plan along Route 7 shall be 75 feet back from the centerline of the road.
- Grading shall be completed as shown on the site plan drafted by Jason Barnard Consulting, LLC, dated March 7, 2014, and comply with Section 560 of the New Haven Zoning Regulations which leaves the slope in excess of one to two (i.e.; no more than 1 foot for every 2-foot horizontal drop)
- All structures, landscaping, and grading should be completed in accordance with the site plan, which is attached and made part of this approval.
- All State permits must be received, specifically with regard to Act 250.
- 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 via email: Rick.Oberkirch@vermont.gov.

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- All exhibits presented in support of Application #2023-DRB-05-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 17th day of July, 2023.



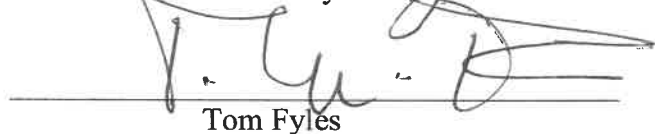
Charlie Roy, Chair



Paul Audy



Don Johnston



Tom Fyles



Carol Charbonneau



Victor LaBerge

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings 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.

