

Findings and Decision

Dylan Case, 388 Ethan Allen Highway, New Haven, VT

Conditional Use Application No. 2023-DRB-08-CU

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of an application for conditional use submitted by Dylan Case, 388 Ethan Allen Highway, New Haven, Vermont.
2. The application was received by the New Haven Zoning Administrator on June 13, 2023. A copy of the application is available at the New Haven Town Offices.
3. On June 29, 2023, notice of a public hearing was published in *The Addison Independent*.
4. On July 13, 2023, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On June 26, 2023, 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 abutting property owners:

| Parcel # | Adjoining Property Owner(s) | Address |
|-----------------|------------------------------------|--|
| 0788.200 | Numando America, LP | 5507 Ethan Allen Hwy., New Haven, VT 05472 |
| 0787.000 | Steven & Marcia Dupoise | 1217 Ethan Allen Hwy., New Haven, VT 05472 |
| 0793.000 | Chris & Michaela Granstrom | 939 North Street, New Haven, VT 05472 |
| 0790.000 | James & Donna Kendall | 350 Ethan Allen Hwy., New Haven, VT 05472 |

6. The Development Review Board reviewed this application on July 17, 2023, 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:

| | |
|-------------------|----------------|
| Charlie Roy | Paul Audy |
| Kathy Barrett | Don Johnston |
| Tom Fyles | Victor LaBerge |
| Carol Charbonneau | |

 Member(s) Absent: Roger Hamilton
8. The names of other persons present and available to provide testimony:
 - Dylan Case
 - Rod Case
 - Peggy Connor, Zoning Administrator
9. During the hearing the following exhibits were submitted to the DRB:
 - Permit application for garage dated August 31, 2022
 - Application to DRB dated June 13, 2023
 These exhibits are available at the New Haven Town Office.

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FINDINGS:

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

1. The applicant seeks conditional use approval to operate an auto repair shop in the newly constructed 50' x 30' garage located at 388 Ethan Allen Highway in New Haven.
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.

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 Dylan Case in a vote of 5-0 (K. Barrett, V. LaBerge, C. Charbonneau, T. Fyles, D. Johnston) (1 abstention: P. Audy)

- Services include repair of cars, pickups, and light-duty vehicles.
- No floor drains; motor oil to be pumped into barrels and taken off-site.
- Hours of operation will be from 7:00 a.m. to 9:00 p.m. 7 days/week.
- Parking area on east side of garage to accommodate up to 1-2 cars daily.
- No water/sewer planned at this time.
- No junk cars will be stored on the property.
- There will be no car sales.
- Existing screening to be maintained.
- No outside lighting planned at this time; any future outside lighting to be down-shielded.
- No additional signage, other than the required signage on the building for State inspections.
- 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 # 2023-DRB-08-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.

Dated this 26th day of July, 2023.

Charlie Roy
Charlie Roy

Kathy Barrett
Kathy Barrett

Carol Charbonneau
Carol Charbonneau

Don Johnston
Don Johnston

Victor LaBerge
Victor LaBerge

Tom Fyles
Tom Fyles

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.

Tom Fyles