

Findings and Decision

Ronald and Patricia Gagnon, 1229 Main Street, New Haven, VT

Boundary Line Adjustment Application No. 2023-DRB-12-BLA

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of boundary line adjustment application #2023-DRB-12-BLA submitted by Ronald and Patricia Gagnon and located at 1229 Main Street, New Haven, Vermont.
2. The application was received by the New Haven Zoning Administrator on October 26, 2023, and forwarded to the Development Review Board (DRB).
3. On November 16, 2023, a public hearing notice was published in the *Addison Independent*.
4. On November 30, 2023, notice of public hearing was posted at the following locations:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On November 15, 2023, a copy of the notice of public hearing was mailed to the following owners of properties abutting the property owners:

Map/ Parcel #	Adjoining property owners	Address
5/209	Tucker Dike	1213 Main St., New Haven, VT 05472
5/206	Wayne & Sheila Marcelle	1373 Main St., New Haven, VT 05472
5/208	Town of New Haven	78 North Street, New Haven, VT 05472
5/252	Candace Davidson	P.O. Box 76, New Haven, VT 05472

6. The Development Review Board (DRB) reviewed this application on December 4, 2023, pursuant to the Town of New Haven Subdivision Regulations adopted and amended in July 2006 and the Town of New Haven Zoning regulations as adopted August 21, 2012.
7. The following members of the DRB participated in the applications review and decision:
 - Kathy Barrett (in person)
 - Paul Audy (in person)
 - Victor LaBerge (in person)
 - Carol Charbonneau (remote)
 - Roger Hamilton (remote)
 - Tom Fyles (remote)
4. The names of other persons present and available to provide testimony:
 - Peggy Connor, Zoning Administrator
 - Ronald Gagnon
 - Patricia Gagnon

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5. During the hearing the following exhibits were submitted to the DRB:
 - Application to Development Review Board dated October 26, 2023, including narrative
 - Boundary Line Adjustment Preliminary Plat dated 2023 and received October 26, 2023, drafted by Seth Kittredge, L.S.

The application is on file and available by contacting the New Haven Zoning Administrator.

FINDINGS OF FACT

Based on the provided preliminary plat, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. This proceeding involves a boundary line adjustment on lands owned by Ronald and Patricia Gagnon located at 1229 Main Street, New Haven, Vermont.
2. The property contains land located within the Neighborhood Commercial zoning district, and was purchased as two separate lots: #210 and #211.
3. The applicant plans to sell Lot #210 and retain Lot #211 with existing house and garage.
4. The boundary line adjustment seeks to move the boundary line to the west to include the garage on Lot #211 prior to potential sale of Lot #210.
5. The survey notes on the preliminary plat presented shows incorrect parcel sizes to be created by a boundary line adjustment. Applicants are requested to provide a corrected survey/Mylar upon approval of the boundary line adjustment.

CONCLUSIONS:

The New Haven Development Review Board concludes that:

1. Lot #210 is deeded to Ronald J. and Patricia I. Gagnon.
2. Lot #211 is held by the Life Estate of Ronald J. and Patricia I. Gagnon.
3. Lot #210 is a +/-0.43-acre lot.
4. Lot #211 is a +/-0.57-acre lot with existing house, and garage which sits partially on Lot #210.
5. The proposed boundary line adjustment to include the garage entirely on Lot #211, next to existing house, will decrease Lot #210 to +/-0.29 acres, and increase Lot #211 to +/-0.71 acres.
6. As pre-existing, non-conforming lots in the Neighborhood Commercial zoning district, the boundary line adjustment will result in the continuation of two non-conforming lots.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the DRB in a vote of 6-0 (R. Hamilton, T. Fyles, C. Charbonneau, V. LaBerge, P. Audy, K. Barrett) GRANTS the application for a boundary line adjustment as proposed by Ronald and Patricia Gagnon.

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The following conditions are applied to this approval:

- The applicants shall submit for approval a corrected survey/Mylar with accurate verbiage regarding acreage within 180 days. The correct language to read as follows:
 - Lot #211: +/-0.57 acres before boundary adjustment
+/-0.71 after boundary adjustment
 - Lot #210: +/-0.43 acres before boundary adjustment
+/-0.29 acres after boundary adjustment
- 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-12-BLA 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 ___ day of _____, 2023.

Kathy Barrett, DRB Vice Chair

Paul Audy

Victor LaBerge

Carol Charbonneau

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.