

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD**

FINDINGS AND DECISION

RE: CONDITIONAL USE APPLICATION NO. 2024-DRB-01-CU

Applicant: Addison County Fair & Field Days, Inc. (aka "Field Days")
1790 Field Days Road
New Haven, VT 05472

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves a conditional use request for commercial outdoor recreation related to non-fair events at the Addison County Fair & Field Days site located at 1790 Field Days Road, New Haven, VT in the RA-2/RA-10 zoning districts per New Haven Zoning Bylaws Section 341.
2. The application was received by the New Haven Zoning Administrator on December 27, 2023. A copy of the application is available at the New Haven Town Offices.
3. On January 4, 2024, and on March 7, 2023 notice of public hearing was published in *The Addison Independent*.
4. On January 18, 2024, and on March 15, 2024 notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On January 2, 2024, a copy of the public hearing was mailed to the following abutting property owners, and again to *interested parties on March 5, 2024:

Parcel #	Adjoining Property Owner(s)	Address
379.1	Craig Newton	229 Cow Hill Rd., Cornwall, VT 05753
378.3	Dubois Farm, Inc.	2038 VT. Rt. 17E, Addison, VT 05491
496.1	Brent Newton-Devall Farm LLC	535 Daniels Rd., New Haven, VT 05472
496	Kayhart Farms, Inc.	2819 Maple St., Vergennes, VT 05491
392	Brian & Cindy Kayhart	4188 Otter Creek Hwy., Vergennes, VT 05491
389.1	Albert & Jeanne Choquette	3432 Otter Creek Hwy., Vergennes, VT 05491
378.1	Brian & Lisa Myers	60 Fair View Lane, New Haven, VT 05472
391	*Joshua & Tiffany Shaw	3326 Otter Creek Hwy., New Haven, VT 05472
499	Julie Foote	1932 Leland Rd., Salisbury, VT 05769
	*Kathy Nisun	2017 Middle Rd., Salisbury, VT 05769
	*Ken Button	352 Halladay Rd., Middlebury, VT 05753
	*Benj Deppman	433 Foote Farm, Cornwall, VT 05753
	*Bruce Putnam	8 Hopkins Rd., Vergennes, VT 05491
	*Brenda Deering	942 Cave Rd., Weybridge, VT 05753
	*Megan Sutton	Oxbow Ln., Weybridge, VT 05753
	*Cindy Kayhart	4188 Otter Creek Hwy., Vergennes, VT 05491
	*Paul Quesnel	P.O.B 53, 258 North Main St., Whiting, VT 05778
	*Cara Mosier	1087 VT Rte 17E, Addison, VT 05491

6. The Development Review Board reviewed this application on January 22, 2024, and continued the hearing on March 18, 2024, 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 decision on March 18, 2024:

Charlie Roy	Kathy Barrett
Carol Charbonneau	Roger Hamilton
Tom Fyles	

Member(s) Absent: Don Johnston, Victor LaBerge, Paul Audy
8. The names of other persons present and available to provide testimony at the hearing held January 22, 2024:

In person:	Remote:
Benj Deppman	Mike Reed
Cara Mosier	Tiffany and Josh Shaw
Megan Sutton	Paul Metzger
Brenda Deering	
Bruce Putnam	
Cindy Kayhart	
Kathy Nisun	
Paul Quesnel	
Ken Button	
Peggy Connor, Zoning Administrator	
9. The names of other persons present and available to provide testimony at the hearing held March 18, 2024:

In person:
Benj Deppman
Leonard Barrett
Cindy Kayhart
Ken Button
Megan Sutton
Brenda Deering
Peggy Connor, Zoning Administrator
10. During the hearing held January 22, 2024, and continued on March 18, 2024, the following exhibits were submitted to the DRB:
 - DRB application dated December 27, 2023
 - 2023 Calendar of Events at Field Days site
 - Site map of the fairgrounds
 - January 22, 2024 DRB meeting minutes
 - Tax map showing parcels of abutting property owners
 - Email to DRB from Benj Deppman dated January 22, 2024

These exhibits are available at the New Haven Town Office and on the Town's website.

FINDINGS:

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

- Field Days is located in the RA-2/RA-10 zoning districts, both of which allow for commercial outdoor recreation as a conditional use.


- Although Field Days is considered to be an agricultural fair, it is not legally considered a zoning-exempt agricultural practice, nor does the non-profit status of its parent organization mean it is exempt from zoning.
- The Field Days fair has been regularly held since before the advent of New Haven zoning. Once zoning came into effect, however, Field Days became a pre-existing, non-conforming use: non-conforming only in that it does not have an existing conditional use permit for the property and whatever events were occurring continually (without more than a one-year break) on the property.
- Those non-conforming uses which were occurring continually (without more than a one-year break) at the time zoning was adopted can continue, in their same size and configuration, without further permitting in accordance with New Haven Zoning Bylaws Sections 512 and 513, provided that they meet the performance standards found in Sections 810 and 820 of the New Haven Zoning Bylaws adopted August 21, 2012.
- Any changes in use or expansions of use on the property require a conditional use permit, including expansion of the parking lot, in accordance with Section 610 of the New Haven Zoning Bylaws.
- Any new buildings constructed, and any expansion of the number of events or changes in types of events held on the property from the date of adoption of zoning forward, would also require a conditional use permit.
- In accordance with Section 523 of the New Haven Zoning Bylaws, campers may not be used as permanent living quarters, not be hooked up to water or sewer utilities, and may be parked on the property for a period of time not to exceed ten (10) days.

DECISION AND CONDITIONS:

Based on the application, testimony, and above findings, the DRB in a vote of 4-0 (K. Barrett, C. Roy, C. Charbonneau, R. Hamilton) with 1 abstention (T. Fyles due to a conflict of interest) **APPROVE** conditional use permit #2024-DRB-01-CU with the following conditions:

- Music for weddings held at the venue must end at 10:00 p.m.
- All lighting shall be down-shielded, and shall be turned off at night.
- Campers may be connected to water and power only, and parked at the lower end of the parking lot during Field Days; campers are not allowed overnight at any other time.
- Any new construction must come before the DRB for a site plan review.
- The 10:00 p.m. end time may be extended for the benefit tractor pull held in September.
- Compliance with all applicable state and federal regulations.

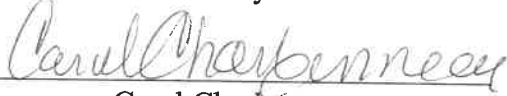
Dated at New Haven, Vermont, this 26th day of March, 2024.



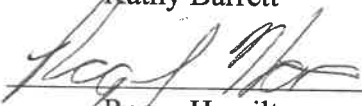
 Charlie Roy



 Kathy Barrett



 Carol Charbonneau



 Roger Hamilton

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.