

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD
FINDINGS AND DECISION**

RE: CONDITIONAL USE APPLICATION NO. 2024-DRB-03-CU [Amended]

Applicant: Joseph Bodington
3378 Ethan Allen Highway
New Haven, VT 05472

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves an amended conditional use request submitted by Joseph Bodington d/b/a Champion Auto Glass and Auto Haven to amend DRB decision #2020-DRB-13-CU issued November 16, 2020, to reflect changes and bring into conformance, his home businesses located at 3378 Ethan Allen Highway, pursuant to Sections 341 and 504 of the New Having Zoning Bylaws.
2. The 4.3-acre parcel is grandfathered in RA-10 zoning district.
3. The application was received by the New Haven Zoning Administrator on January 4, 2024. A copy of the application is available at the New Haven Town Offices.
4. On January 18, 2024, notice of public hearing was published in *The Addison Independent*.
5. On February 1, 2024, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
6. On January 18, 2024, a copy of the public hearing was mailed to the following abutting property owners:

Parcel #	Adjoining Property Owner(s)	Address
#486	FR-IV Properties, Attn.: Bill Brooks	3423 Ethan Allen Hwy., New Haven, VT 05472
#485	Gus Palmer	3274 Ethan Allen Hwy., New Haven, VT 05472
#483	Philip & Diane Livingston	535 Daniels Rd., New Haven, VT 05472

7. The Development Review Board first reviewed this application on February 5, 2024, and continued the hearing February 19, 2024, pursuant to the Town of New Haven Zoning Bylaws adopted and amended August 21, 2012, and Interim Zoning Adopted October 17, 2013 and May 16, 2023.
8. The following members of the DRB participated in the application review and decision on February 19, 2024:

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

Member(s) Absent: Roger Hamilton

9. The names of other persons present and available to provide testimony:

Joseph Bodington
William Brooks, abutter
Peggy Connor, Zoning Administrator

10. The following exhibits were submitted to the DRB:

- DRB application #2024-DRB-03-CU [Amended] dated January 4, 2024
- Public Notice re #2024-DRB-03-CU [Amended]
- #2020-DRB-13-CU – DRB decision dated November 16, 2020
- #2023-CO-06 – permit for pole barn
- Applicant’s notes dated October 13, 2020 re #2020-DRB-13-CU
- #2020-ZP-45 – permit for lean-to
- ZA email correspondence with abutter Bill Brooks: 10/30/2023, 10/25/2023, 11/2/2023
- December 2, 2023 Notice of Violation
- December 28, 2023 Notice of Violation
- DRB Application dated July 27, 2020
- DRB meeting minutes for October 19, 2020
- DRB meeting minutes for September 21, 2020
- Letter to Abutters
- Web page from Secretary of State’s site indicating date “Rick’s Automotive” was dissolved
- Staff Notes re: #2020-DRB-13-CU
- Memo from abutter William Brooks to the DRB dated February 19, 2024

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

A site visit was conducted on Saturday, February 17, 2024 at 9:00 a.m. Present: DRB members Charlie Roy, Victor LaBerge, Carol Charbonneau, and Don Johnston. Also present: applicant Joe Bodington, tenant Scott Blaise, and Zoning Administrator Peggy Connor

FINDINGS:

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

- The DRB approved a name change from “Rick’s Automotive” to “Auto Haven” at its meeting February 5, 2024, in a vote of 6 in favor (C. Charbonneau, T. Fyles, R. Hamilton, V. LaBerge, P. Audy, D. Johnston) and 1 opposed (C. Roy).
- Applicant Joe Bodington resides on the property where his home business is located at 3378 Ethan Allen Highway.
- The Town’s Zoning and Subdivision Regulations do not distinguish between a large commercial business and a home-based business; nor do the regulations cite the number of parked cars allowed.
- Mr. Bodington is in compliance with the condition set forth in DRB decision #2020-DRB-13-CU dated November 16, 2020; specifically, to use only 500 square feet of the existing garage for business purposes, and the remaining area for personal use.

DECISION AND CONDITIONS:

Based on the application, testimony, and above findings, the DRB in a vote of 4-0 (C. Roy, C. Charbonneau, V. LaBerge, D. Johnston), and 3 abstaining (P. Audy, K. Barrett, T. Fyles) the DRB **APPROVED** conditional use permit #2024-DRB-02-CU as amended, contingent upon meeting all conditions set forth in the initial conditional use permit dated November 16, 2020, #2020-DRB-13-CU, as well as all applicable state and federal regulations.

Dated at New Haven, Vermont, this _____ day of _____, 2024.

Charlie Roy

Carol Charbonneau

Tom Fyles

Don Johnston

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.