

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD**

FINDINGS AND DECISION

RE: SUBDIVISION APPLICATION NO. 2024-DRB-08-SD

Applicants: David and Frances Caccavo
1423 North Street
New Haven, VT 05472

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involved review of an application submitted by David and Frances Caccavo for subdivision approval under the Town of New Haven’s Zoning and Subdivision Regulations adopted April 2024.
2. The DRB application for a Sketch Plan Review was received by the New Haven Zoning Administrator on February 5, 2024, and DRB application for a major subdivision was received April 16, 2024.
3. On May 2, 2024, notice of the Preliminary Plat Review was published in *The Addison Independent*, and on May 30, 2024, notice of the Final Plat Review was published in *The Addison Independent*.
4. On May 16, 2024, notice of the Preliminary Plat Review scheduled for May 20, 2024, and the Final Plat Review scheduled for June 17, 2024, were posted at the following locations:
 - The New Haven Town Offices
 - The Village Green Market
 - New Haven Post Office

On May 7, 2024, a copy of the public hearing notice regarding the Preliminary Plat Review was mailed to the abutting property owners; and on May 30, 2024, a copy of the public hearing notice regarding the Final Plat Review was also mailed to the following abutting property owners:

Parcel #	Adjoining Property Owner(s)	Address
83	Alan & Deb Bessette	781 Quarry Rd., New Haven, VT 05472
163	Estate of Arthur Farnsworth	165 Quarry Rd., New Haven, VT 05472
151, 161	Michael Farnsworth	63 Exchange St., Middlebury, VT 05753
180.100	Phyllis Smith	1148 North St., New Haven, VT 05472
106.400	Rachel Smith	1250 North St., New Haven, VT 05472
106.200	Maralee Smith	1322 North St., New Haven, VT 05472
84.100	Four Hills Gen-3	722 Burpee Rd., Bristol, VT 05443

FINDINGS AT SKETCH PLAN REVIEW:

1. DRB members present for the Sketch Plan Review on February 19, 2024: Charlie Roy, Paul Audy, Kathy Barrett, Don Johnston, Carol Charbonneau, Tom Fyles, Victor LaBerge. Absent: Roger Hamilton

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

David and Frances Caccavo, applicants
Peggy Connor, zoning administrator

2. The following exhibits were submitted for the Sketch Plan Review on February 19, 2024:
 - Sketch plan showing a total area of 208 acres as referenced in deed 35:223
 - Portion of tax map highlighting the 50.5-acre parcel
 - An aerial view of the 50.5-acre parcel

These exhibits are available at the Town Offices or on the Town’s website at: newhavenvt.com

3. The DRB classified the proposal as a major subdivision, to be scheduled for a Preliminary Plat Review, followed by a Final Plat Review, per Section 921 of the New Haven Zoning and Subdivision Regulations, adopted April 2024.

FINDINGS AT PRELIMINARY PLAT REVIEW:

1. A Preliminary Plat Review was held May 20, 2024, pursuant to Section 921 of the New Haven Zoning and Subdivision Regulations.
2. The following members of the DRB were present at the May 20, 2024 Preliminary Plat Review: Kathy Barrett, Paul Audy, Victor LaBerge, Tom Fyles. Absent: Charlie Roy, Carol Charbonneau.
3. The names of other persons present and available to provide testimony:
David and Frances Caccavo, applicants
Peggy Connor, zoning administrator
4. The following exhibits were submitted for the Preliminary Plat Review on May 20, 2024:
 - DRB application received April 16, 2024
 - Survey plat dated April 1, 2024, from LaRose Surveys, P.C., received April 16, 2024
 - List of abutting property owners
 - Narrative dated April 15, 2024

These exhibits are available at the Town Offices or on the Town's website at: newhavenvt.com

5. Applicants proposed creating an additional 4 lots on their 52+/- acre parcel in the RA-2 zoning district:
 - a. Lot 1: 4.4+/- acres
 - b. Lot 2: 2.3 +/- acres
 - c. Lot 3: 2 +/- acres
 - d. Lot 4: 2.1 +/- acres
 - e. Lot 5: w/existing house and barns: 40.5+/- acres
6. DRB members approved the proposal as presented to be scheduled for a Final Plat Review.

FINDINGS AT FINAL PLAT REVIEW:

1. DRB members present for the Final Plat Review on June 17, 2024: Charlie Roy, Paul Audy, Kathy Barrett, Victor LaBerge, and Carol Charbonneau. Absent: Tom Fyles

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

David and Frances Caccavo, applicants
Peggy Connor, zoning administrator

2. The following exhibits were submitted for the Final Plat Review on June 17, 2024:
 - Survey plat dated April 1, 2024, from LaRose Surveys, P.C. received June 17, 2024
 - February 19, 2024 and May 20, 2024 DRB meeting minutes regarding the sketch review and preliminary plat review, respectively.

These exhibits are available at the Town Offices or on the Town's website at: newhavenvt.com

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

- This proceeding involved review of permit application #2024-DRB-08-SD, a major 5-lot subdivision as determined by the DRB on May 20, 2024, located at 1423 North Street in New Haven, parcel #0107, Map #5.
- The property lies in the RA-2 and RA-10 zoning districts as described on the Town of New Haven Zoning Map on record at the Town of New Haven Town Office, and on page 9 of the New Haven Zoning and Subdivision Regulations adopted April 2024.

- Applicants propose creating 4 lots, in addition to the existing the 40.5+/- acre parcel to create:
 - Lot 1: 4.4+/- acres
 - Lot 2: 2.3+/- acres
 - Lot 3: 2+/- acres
 - Lot 4: 2.1 +/- acres
 - Lot 5: w/existing house and barns: 40.5+/- acres

CONCLUSIONS:

The New Haven Development Review Board concluded that:

- The major 5-lot subdivision as proposed will create conforming parcels, in accordance with the Zoning Districts Table contained in the New Haven Zoning and Subdivision Regulations.
- The updated survey plat shows the following lot dimensions:
 - Lot #1: 4.4+- acres with 569'+/- road frontage; min. depth of 417.54' +/-
 - Lot #2: 2.3+/- acres and 200'+/- road frontage; min. depth of 413.01' +/-
 - Lot #3: 2.0+/- acres with 200'+/- road frontage; min. depth of 356.83' +/-
 - Lot #4: 2.1+/- acres with 275'+/- road frontage; min. depth of 300' +/-
 - Lot #5: 40.5 +/- acres with existing 4 barns, garage, shed, and house; min. depth of 980.60'+/-

DECISION AND CONDITIONS:

Based on the application, testimony, and above findings, the DRB in a vote of 5-0 (C. Roy, K. Barrett, P. Audy, V. LaBerge, C. Charbonneau) **APPROVE Application #2024-DRB-08-SD** as presented, contingent upon meeting the following conditions:

1. Applicants shall submit for approval a survey/Mylar that shows curb cuts, upon approval of a road/driveway access permit by the Selectboard.
2. Mylar shall also show location of well(s) and septic.
3. No additional land development shall occur without prior approval.
4. Applicants shall submit a copy of wastewater and potable water supply permit.
5. Further development of any of the lots may require an amendment to wastewater/potable water supply and other state or federal permits. Please contact the Department of Environmental Conservation Rutland regional office at: (802) 786-5915.
6. All exhibits presented in support of application #2024-DRB-08-SD and findings of fact as recorded in this decision are included as conditions in granting this approval.
7. The approval of the DRB shall expire 180 days from the date of this decision unless the approved Mylar is duly filed and recorded in the office of the municipal clerk.

Dated at New Haven, Vermont, this 15th day of July, 2024.

Charlie Roy
Charlie Roy

Kathleen Barrett
Kathy Barrett

Carol Charbonneau
Carol Charbonneau

Victor LaBerge
Victor LaBerge

Paul Audy
Paul Audy

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.