

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD**

**FINDINGS AND DECISION
RE: SUBDIVISION APPLICATION NO. 2024-DRB-21-SD**

Applicant: Jay Jipner
8 Elm Street
Bristol, VT 05443

Landowner: Shannon Jipner
1451 Hallock Road
New Haven, VT 05472

Property Location: 1451 Hallock Road, New Haven, VT 05472

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involved review of Application #2024-DRB-21-SD submitted by Jay Jipner for subdivision approval under Article IX of the New Haven 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 September 19, 2024.
3. Following a sketch review by the Development Review Board (DRB) on October 7, 2024, notice of the Final Plat Review was published in *The Addison Independent* on October 17, 2024.
4. On October 31, 2024, public notice of the Final Plat Review scheduled for November 4, 2024, was posted at the following locations:
 - The New Haven Town Offices
 - The Village Green Market
 - New Haven Post Office

On October 17, 2024, notice of the Final Plat Review was mailed to the following abutting property owners:

Parcel #	Adjoining Property Owner(s)	Address
381.13	Theodore & Deborah Nason	1361 Hallock Rd., Vergennes, VT 05491
382/355.1/7-20-05	Glassberg & Bodell Family, LLC	P.O. Box 136, Vergennes, VT 05491
10-20-06	Christopher & Lesley Huston	3689 Maple St., Vergennes, VT 05491
	Waltham Town Clerk	P.O. Box 175, Vergennes, VT 05491

FINDINGS AT SKETCH PLAN REVIEW:

DRB members present for the Sketch Plan Review on October 7, 2024: Charlie Roy, Kathy Barrett, Tom Fyles, Paul Audy, and Carol Charbonneau.

Absent: Victor LaBerge

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

- Peggy Connor, zoning administrator
- Applicant Jay Jipner
- Attorney John Mazzuchi
- Surveyor Barry Michael Paul

The following exhibits were submitted for the Sketch Plan Review on October 7, 2024:

- DRB Application received September 19, 2024
- 3-page narrative from Barry M. Paul dated September 9, 2024

- Minor Subdivision Sketch Plat
- Site Plan with state-approved Wetland Delineation dated June 25, 2024
- Wastewater System Design Details dated August 12, 2018 prepared by Lincoln Applied Geology
- Water System Design Details dated August 12, 2018 prepared by Lincoln Applied Geology
- Wetland Delineation confirmation letter prepared by Ms. Zapata Courage, District Wetland Ecologist for the Dept. of Environmental Conservation (Wetland Project #2018-204) dated June 17, 2024
- List of abutting property owners

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

The proposed subdivision of Parcel #383.1, a 10.1-acre lot located at 1451 Hallock Road in New Haven is situated in the RA-2 zoning district. In a vote of 5-0 (K. Barrett, C. Charbonneau, C. Roy, P. Audy, T. Fyles), the DRB moved to classify the proposal as a minor subdivision, to be scheduled for Final Plat Review, per Section 923 of the New Haven Zoning and Subdivision Regulations, adopted April 2024.

FINDINGS AT FINAL PLAT REVIEW:

DRB members present for the Final Plat Review on November 4, 2024: Charlie Roy, Kathy Barrett, Paul Audy, Carol Charbonneau, Victor LaBerge, Tom Fyles.

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

- Peggy Connor, zoning administrator
- Applicant Jay Jipner
- Attorney John Mazzuchi
- Surveyor Barry Michael Paul
- Abutting property owners Amanda Bodell and Jeff Glassberg
- Abutting property owner Lesley Huston (remote)
- Jeremy Revell of Lincoln Applied Geology
- Anthony Stout of Lakeside Environmental Group

In addition to the list of exhibits noted above for the Sketch Plan Review on October 7, 2024, the following additional exhibits were submitted for the Final Plat Review on November 4, 2024:

- Letter received October 30, 2024 from neighbors Amanda Bodell and Jeffery Glassberg advising their names should appear on the draft plat as record owners of parcel 7-20-05 in Waltham. They also authorized Anthony Stout of Lakeside Environmental Group to speak on their behalf at the Final Plat Review hearing on November 4, 2025.
- Revised list of abutting property owners received October 30, 2024 from Barry M. Paul.
- Revised Subdivision Plat received October 30, 2024 from Barry M. Paul showing correct name of owners for Waltham Tax Lot 7-20-05.
- Correspondence from Anthony Stout received November 5, 2024 that included:
 - a 4-page narrative;
 - an alternative site plan;
 - map of zoning districts at north end of Hallock Road in New Haven;
 - 1972 New Haven Surface Map;
 - enlarged image of Waltham/New Haven Town line on 1972 New Haven

Surface Map;

- 1972 Town of Waltham field inventory map;
- enlarged image of Waltham/New Haven Town line on 1972 Town of Waltham field inventory map;
- Vermont GIS Town Boundary aerial map generated by Vermont Agency of Natural Resources depicting town boundary line.

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

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

- This proceeding involved review of Application #2024-DRB-21-SD, a minor 2-lot subdivision as determined by the DRB on October 7, 2024, located at 1451 Hallock Road in New Haven, Parcel #383.100, Map #7.
- The property lies in the RA-2 zoning district 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.
- Applicant proposes to subdivide Parcel #383.100 to create Lot 2 consisting of 3.594+/- acres, and remainder Lot #1 consisting of 5.788+/- acres.
- There is an existing barn with two existing driveways on Lot #2, and an existing one-story dwelling with driveway on Lot #1.
- An environmental assessment of the site has been performed by Jeremy Revell of Lincoln Applied Geology.
- A Wetland Delineation has been completed on site and approved by the State of Vermont
- A wastewater system and potable water supply permit has been obtained for the site.
- The construction of a new house on the proposed lot is harmonious with the use and character of adjacent properties.
- There will be no issue with traffic safety given the adequacy of sight lines.
- There will be no adverse impact on renewable energy resources.

CONCLUSIONS:

The New Haven Development Review Board concluded that:

- The minor 2-lot subdivision as proposed will create conforming parcels, in accordance with the Zoning Districts Table contained in the New Haven Zoning and Subdivision Regulations: remainder Lot #1 consisting of 5.788 acres and created Lot #2 consisting of 3.594 acres.
- There are no improvements planned for Lot #1.
- The proposed house site on Lot #2 meets dimensional standards and setbacks.
- An environmental assessment of the site has been performed by Jeremy Revell of Lincoln Applied Geology.

- A Wetland Delineation has been completed on site and approved by the State of Vermont.
- A wastewater system and potable water supply permit has been obtained for the site.
- The existing house on Lot #1 is now served by a shallow well connection to the barn. A drilled well will serve the new house and barn on Lot #2.
- The existing barn is used for personal storage (i.e., snowmobiles, 4-wheeler, various equipment).
- Existing curb cut to the field was permitted by the Town of New Haven.
- Road frontage for newly created Lot #2 is estimated to be 240-250 feet, and the lot goes back less than 600 feet, both dimensions exceeding those required for the RA-2 zoning district as defined by the New Haven Zoning and Subdivision Regulations.






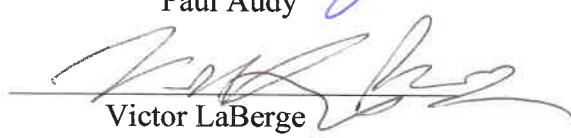
DECISION AND CONDITIONS:

Based on the application, testimony, and above findings, the DRB in a vote of 6-0 (Kathy Barrett, Carol Charbonneau, Victor LaBerge, Charlie Roy, Paul Audy, Tom Fyles) **APPROVE**

Application #2024-DRB-21-SD as presented, contingent upon meeting the following conditions:

1. Applicant shall submit for approval a survey/Mylar that shows:
 - location for the proposed well and septic;
 - location of wetlands; and
 - northern curb cut for the proposed house site upgraded from agricultural to residential.
2. No additional land development shall occur without prior approval.
3. 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.
4. All exhibits presented in support of application #2024-DRB-21-SD and findings of fact as recorded in this decision are included as conditions in granting this approval.
5. 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 21st day of November, 2024.

 _____ Kathy Barrett	 _____ Charlie Roy
 _____ Tom Fyles	 _____ Paul Audy
 _____ Carol Charbonneau	 _____ 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.