

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD**

FINDINGS AND DECISION

RE: SUBDIVISION APPLICATION NO. 2024-DRB-13-SD

Applicant: Donna Seguin
209 Happy Valley Road
Middlebury, VT 05753

Property Location: 965 South Street
New Haven, VT 05472

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involved review of Application #2024-DRB-13-SD submitted by Donna Seguin for subdivision approval under 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 February 14, 2024.
3. Following a sketch review by the Development Review Board (DRB) on February 19, 2024, notice of the Final Plat Review was published in *The Addison Independent* on June 13, 2024.
4. On June 27, 2024, public notice of the Final Plat Review scheduled for July 1, 2024, was posted at the following locations:
 - The New Haven Town Offices
 - The Village Green Market
 - New Haven Post Office

On July 3, 2024, notice of the Final Plat Review was mailed to the following abutting property owners:

Parcel #	Adjoining Property Owner(s)	Address
346	Jerad & Ashley Gorton	967 South St., New Haven, VT05472
332.100	Gerald & Linda Sherman	181 Long Hill Rd., Concorn, VT 05824
349	Tony Jackson	1113 South St., New Haven, VT 05472
364	Jeannette Jackson	1086 South St., New Haven, VT 05472
348	Joyce Paquette	907 South St., New Haven, VT 05472
360.1	Kirk Webster	P.O. Box 381, Middlebury, VT 05753
365	Terese Lyons	956 South St., New Haven, VT 05472
330.100	Abby & Randy Warren	829 South St., New Haven, VT 05472
347.100	Regent Seguin	1217 South St., New Haven, VT 05472
366.1	Four Hills Farm	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:

Donna Seguin, applicant
Don Johnston, surveyor
Peggy Connor, zoning administrator

2. The following exhibits were submitted for the Sketch Plan Review on February 19, 2024:
 - DRB Application received and date-stamped February 14, 2024

- Sketch plan showing a total area of 103+/- acres to be subdivided into Lot #1 consisting of 10.20 +/- acres, and Lot #2 consisting of 10.10 +/- acres.

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 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:

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

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

Donna Seguin, applicant
Peggy Connor, zoning administrator

2. The following exhibits were submitted for the Final Plat Review on July 1, 2024:
 - Survey plat dated April 26, 2024, drafted by Donald A. Johnston
 - February 19, 2024, DRB meeting minutes that included the sketch review

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 Application #2024-DRB-13-SD, a minor 2-lot subdivision as determined by the DRB on February 19, 2024, located at 965 South Street in New Haven, Parcel #347.200, Map #9.
- The property lies in the RA-2, RA-10, and Forest District (FD) 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 to subdivide 50 acres from the southern portion of the 139.4 +/- acre farm to create Lot #3. Lot #2 will contain the remaining 89.4 +/- acres.
- Current Lot #1 (now Gorton) and Lot #2 (Seguin) were established in June 2020 (Map 267, Slide 102).
- Access to proposed Lot #3 to be provided by existing 50' right-of-way, per previous subdivision.

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:
- Right-of-way (ROW) should extend beyond pin shown on survey plat to access proposed Lot #3

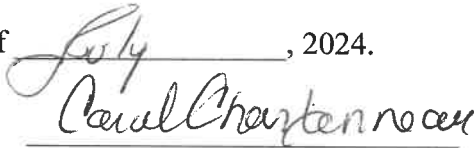
DECISION AND CONDITIONS:


Based on the application, testimony, and above findings, the DRB in a vote of 5-0 (K. Barrett, P. Audy, V. LaBerge, C. Charbonneau, T. Fyles) **APPROVE Application #2024-DRB-13-SD** as presented, contingent upon meeting the following conditions:

1. Applicants shall submit for approval an 18" x 24" Mylar, per Section 924 of the New Haven Zoning and Subdivision Regulations, that shows ROW extending into proposed Lot #3.
2. No additional land development shall occur without prior approval.
3. Applicants shall submit a copy of wastewater and potable water supply permit.
4. 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.
5. All exhibits presented in support of application #2024-DRB-13-SD and findings of fact as recorded in this decision are included as conditions in granting this approval.
6. 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 22nd day of July, 2024.


Kathy Barrett


Carol Charbonneau


Tom Fyles


Victor LaBerge


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.