

**TOWN OF NEW HAVEN
DEVELOPMENT REVIEW BOARD**

FINDINGS AND DECISION

RE: CONDITIONAL USE APPLICATION NO. 2024-DRB-18-CU

**Applicant: Pike Industries, Inc.
174 Campground Road
New Haven, VT 05472**

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves a conditional use request by PIKE INDUSTRIES, INC. to amend existing conditional use permits 2011-DRB-16 and 2023-DRB-01-CU to allow night work out of the Hot Mix Asphalt (HMA) plant on an ongoing basis, as necessary.
2. The 470.24+/- acre parcel is located in the Industrial zoning district at 174 Campground Road.
3. The application was received by the New Haven Zoning Administrator on September 16, 2024. A copy of the application is available at the New Haven Town Offices.
4. On October 3, 2024, notice of public hearing was published in *The Addison Independent*.
5. On October 17, 2024, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
6. On October 3, 2024, a copy of the public hearing was mailed to the following abutting property owners:

Parcel #	Adjoining Property Owners	Address
376	Phil Livingston	535 Daniels Rd., New Haven, VT 05472
515, 515.1 & 2	Alex Layn	4854 Mountain Rd., Bristol, VT 05443
490	Mike Lee	3065 Ethan Allen Hwy., New Haven, VT 05472
404	Mark Gilbert	3557 Ethan Allen Hwy., New Haven, VT 05472
375	Rodney Cyr	4167 Ethan Allen Hwy., New Haven, VT 05472
513	Dupoise-Lowell Trust	P.O. Box 534, Middlebury, VT 05753
510	Kevin and Andrea Masse	337 Dallinger Rd., New Haven, VT 05472
508.1	Tom Dykstra & Emily Vandeweert	802 Campground Rd., New Haven, VT 05472
486	FR-IV Properties	P.O. Box 310, Charlotte, VT 05445
406.2	Joseph and Kerry Ask	3833 Ethan Allen Hwy., New Haven, VT 05472
318	Lynn Paquette	4819 Ethan Allen Hwy., New Haven, VT 05472
550, 648.3	Addison Cty. Solid Waste Mgmt. Dist.	1223 U.S.-7, Middlebury, VT 05753
608	Kenneth Sachs	212 Dallinger Rd., New Haven, VT 05472
508.2	Devall Farm, LLC	535 Daniels Rd., New Haven, VT 05472
516	Layn Properties, LLC	2877 Ethan Allen Hwy., New Haven, VT 05472
489	Lee's Small Engine Repair	3065 Ethan Allen Hwy., New Haven, VT 05472
405	Peter and Deenan Norris	296 King Farm Rd., New Haven, VT 05472
406.3	Denise Lathrop	3981 Ethan Allen Hwy., New Haven, VT 05472
512	Champlain Precision	P.O. Box 576, Middlebury, VT 05753
511	Trailease Corporation	P.O. Box 119, New Haven, VT 05472
606	Randall Ross & Jeffrey Heath	747 Campground Rd., New Haven, VT 05472
493.1	Claire & Derrick Dykstra	1745 Pearson Rd., New Haven, VT 05472

7. The Development Review Board reviewed this application on October 21, 2024, pursuant to the Town of New Haven Zoning and Subdivision Regulations adopted April 2024.

8. The following members of the DRB participated in the application review and decision:

Charlie Roy

Carol Charbonneau

Kathy Barrett

Victor LaBerge

Tom Fyles

Member(s) Absent: Paul Audy

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

On behalf of Pike Industries: Brett Gardner

Justin Zdunczyk

Patrick Needham

Joe Ask, resident

Peggy Connor, Zoning Administrator

10. During the hearing, the following exhibits were submitted to the DRB:

- DRB application dated September 16, 2024
- Proposal narrative received September 16, 2024
- RSG 2023 Noise Assessment dated September 2023
- 3.0 Sound Level Monitoring conducted by RSG, received October 21, 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:

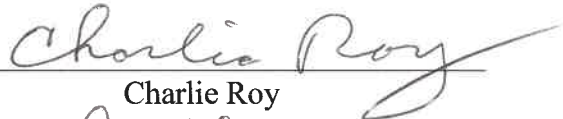
- Night operations are not standard operating hours at the Hot Mix Asphalt (HMA) plant. Night-time operations are only utilized when roadway construction project stipulations require night work and/or when road worker or public safety concerns make it necessary, such as for emergency repairs.
- Night operations permitted from the HMA plant, only; crushing and blasting will be conducted during previously approved day hours, only.
- Night operations from the HMA plant will be conducted as required, based on project specific contract requirements and worker safety concerns.
- Night operations will be limited from May 1 – October 31 annually to a maximum of six nights per week (Sunday-Friday). No night operations shall occur on Saturdays.
- The normal maximum shift duration during night hours will be from 6:00 p.m. to 4:00 a.m.
- The results of a noise study conducted in the summer of 2023 by Resource Systems Group, Inc. (RSG) concluded that actual sound levels during night operations are within the Town of New Haven's zoning regulation of 70 decibels maximum at property lines, and the state standard of 45 decibels average at adjacent residences. The sound study eliminated the noise of the train passing through.
- Pike Industries, Inc. is actively pursuing an Act 250 permit amendment from the State.
- Pike Industries does not anticipate engaging in any night in the immediate future.

DECISION AND CONDITIONS:

Based on the application, testimony, and above findings, the DRB in a vote of 5-0 (C. Roy, K. Barrett, C. Charbonneau, V. LaBerge, T. Fyles) **APPROVE** conditional use permit #2024-DRB-18-CU contingent upon the following conditions:

- Night work will be allowed out of the Hot Mix Asphalt plant only on an ongoing basis from May 1st through October 31st.
- Pike Industries must notify all abutters prior to commencement of night work.
- Pike Industries will notify truckers to limit the use of Jake brakes.
- Limited use of Jake brakes.
- Hours of night operation shall be limited to 6:00 p.m. on Saturday to 4:00 a.m. Sunday through Friday, with no night work on Saturday nights.

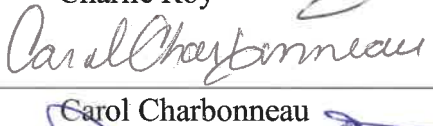
Dated at New Haven, Vermont, this 14th day of November, 2024.




Charlie Roy




Kathy Barrett



Carol Charbonneau



Victor LaBerge



Tom Fyles

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.