

Town of New Haven
DEVELOPMENT REVIEW BOARD MEETING
HYBRID Public Meeting
Monday, August 15, 2022
Meeting Minutes

DRB Members Present:

In Person: Kathy Barrett, Tom Fyles, Don Johnston, Victor LaBerge, Roger Hamilton

Remote: Paul Audy (joined meeting at 7:15) and Carol Charbonneau

Absent: Charlie Roy

Staff Present:

Peggy Connor, Zoning Administrator, Minutes

Visitors Present:

Steve Dupoise joined remotely (applicant); Wayne Nelson and Paul Lekstutis (Cross Pollination)

Call to Order:

DRB Vice Chair K. Barrett called the meeting to order at 7:01 p.m.

I. Adjustments to Agenda:

K. Barrett moved to rescind motion made at the DRB's meeting on August 1, 2022, to continue application 2022-DRB-11-SP (Dupoise) to September 19, 2022, and instead continue the hearing on August 15, 2022; Victor LaBerge seconded.

Roll call vote:

Yes – 5 (K. Barrett, V. LaBerge, T. Fyles, R. Hamilton, C. Charbonneau)

No – 0

Abstention – 1 (D. Johnston)

MOTION PASSED. Hearing re: #2022-DRB-11- SP continued to August 15, 2022

K. Barrett noted that abutting property owner, Sally Dwire, who attended the first hearing on August 1, 2022, had been notified by ZA Peggy Connor by phone of the change in date for the continued hearing.

II. Visitors' Business

None.

III. Continuation of hearing held August 1, 2022, re: Site Plan review application 2022-DRB-11-SP by Steve and Marcia Dupoise to build two (2) additional storage units at 229 Ethan Allen Highway

Joining the meeting remotely, applicant Steve Dupoise reviewed the updated site plan submitted by Otter Creek Engineering on August 15, 2022. He explained that the following changes were made in anticipation of further Act 250 and jurisdictional Wetlands requirements:

- the 171' x 42' building will be moved 5' to the west;
- the 201' x 30' building will be moved 10' to the west; and
- the driveway narrowed by five feet.

The existing pond and the number of trees to be moved is also part of the ongoing Act 250 and Wetlands permitting process. Steve also noted that 26-watt LED down-shielded lights will be attached to the buildings in a fashion similar to existing lighting. There will be no lighting on poles.

K. Barrett suggested that the DRB consider approval of the site plan as described: 1) that the maximum dimensions of the buildings be 171' x 42' and 201' x 30', respectively; the

57 requirements for setbacks are met; wetlands are not impacted; and the down-shielded lights will
58 be attached to the buildings. T. Fyles moved to approve the conditional use permit, subject to
59 approval of Act 250, and State Department of Environmental Conservation regarding Vermont
60 Wetland Rules; that the two proposed storage buildings will be no larger than 171' x 42' for one,
61 and 201' x 30' for the second; and the required 75' setback will be maintained; Victor LaBerge
62 seconded.

63
64 **Roll call vote:**

65 **Yes – 5 (K. Barrett, V. LaBerge, T. Fyles, C. Charbonneau, R. Hamilton)**

66 **No – 0**

67 **Recused – 1 (D. Johnston)**

68 **MOTION PASSED. #2022-DRB-11-SP APPROVED**

69
70 **IV. DISCUSSION: Proposal for repurposing barn located at 7263 Ethan Allen**
71 **Highway (Cross Pollination) for indoor cannabis-growing operation**

72 At the June 7, 2022, Selectboard meeting, attorney Mark Hall, representing Cross Pollination,
73 advised he had contacted the Public Utility Commission with a request to take down the existing
74 historic barn at the site of the solar farm, and replace it with a prefab steel building. Because
75 restoring the historic barn had been part of the original proposal to the Town of New Haven and
76 a condition of the Certificate of Public Good, the Selectboard withheld their support for
77 demolishing the barn and asked that they come back with a Plan B to maintain and reuse the
78 barn.

79
80 Paul Lekstutis and Wayne Nelson from Cross Pollination have proposed repurposing the barn
81 for an indoor cannabis-growing operation. Since Act 158 (S.188), the bill that clarifies statutes
82 governing cannabis regulation, was just signed into law on May 31, 2022, the concept is a new
83 one for municipalities; however, according to the regulations on the State's Cannabis Control
84 Board (CCB) website (<https://ccb.vermont.gov/laws-rules-and-regulations>), growers who wish
85 to cultivate cannabis must register with the CCB and abide by the prohibitions, restrictions, and
86 requirements of Chapter 33, Title 7 of the Vermont Statutes.

87
88 Paul and Wayne explained that growing, trimming and hand-drying would be done on site, and
89 then the product would be packaged and shipped for processing. They have met with Lance
90 Waterman regarding the reconstruction of the existing barn including louvered panels versus
91 exhaust fans, a carbon air filtration system for odor control, if needed, and all new underground
92 utilities. There would be no retail sales on site.

93
94 K. Barrett noted that cannabis produced from cultivation is not considered an agricultural
95 product, and since the 174.88-acre parcel is located in the RA-10 zoning district, manufacturing
96 is not included as a conditional use. Don Johnston suggested reaching out to Town Attorney
97 Cindy Hill to ask what options may be available. All were in agreement.

98
99 **V. Approval of DRB meeting minutes for August 1, 2022**

100 T. Fyles moved to approve DRB meeting minutes for August 1, 2022; V. LaBerge seconded.

101
102 **Roll call vote:**

103 **Yes – 5 (K. Barrett, V. LaBerge, R. Hamilton, T. Fyles, D. Johnston)**

104 **No – 0**

105 **Abstention: 1 (C. Charbonneau)**

106 **MOTION PASSED. August 1, 2022, minutes approved as presented.**

107
108 **Adjournment**

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109 T. Fyles moved to adjourn; R. Hamilton seconded.

110 **MOTION PASSED UNANIMOUSLY. Meeting adjourned at 7:55 p.m.**

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112 The next DRB meeting is scheduled for Monday, September 19, 2022, at 7:00 p.m. at the Town
113 Offices.

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115 Respectfully submitted,
116 Peggy Connor

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120 Kathy Barrett, Vice Chair

Victor LaBerge

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125 Roger Hamilton

Don Johnston

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130 Tom Fyles

Carol Charbonneau

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136 Paul Audy