

**Development Review Board
Town Offices, New Haven, Vermont
August 20, 2012**

Members Present: Kathy Barrett, Donna Blaise, Tim Bouton, Steve Dupoise, Jim Gallott,
Donald Johnston, Mike Sweeney

Alternates Present: Victor Bolduc

Staff: Zoning Administrator-Dave Wetmore

Guests: Marcia Dupoise, Steve Dupoise

Tim Bouton, Chair, called the Development Review Board (DRB) meeting to order at 6:58 PM. The schedule of tonight meeting was changed to reflect Visitor's Business before the Public Hearing.

Visitors Business

Sketch plan in preparation for Site Plan Review for Ethan Allen Storage by Steve Dupoise. Steve has asked that the DRB pre-review his site plan in anticipation of a Site Plan hearing to be held September 17, 2012.

Steve Dupoise indicated he would not be present on 9/17/2012 and Donald Johnston (surveyor) will present the Site Plan on that evening. This is why Dupoise asked for a pre-review tonight to make sure everything is correct on the Site Plan for the 9/17/2012 meeting.

Additions and improvements that Dupoise proposes for the site are:

Current sign will be lighted with downward LED lights

Install a gate with key system and fencing along the east side of the property for added security

A total of four new storage buildings - two proposed storage building were discussed at the 8/6/2012 DRB meeting

Landscaping

The DRB indicated that a letter authorizing Donald Johnston to speak on Steve Dupoise's behalf will need to be presented at the 9/17/2012 DRB meeting.

Future landscaping was discussed and will need to be shown on the Site Plan. If there are any current trees being removed to make way for construction of the new buildings, then it was advised that 5 to 6 foot tall trees be planted now. DRB will require a comprehensive landscaping plan.

Dupoise would like to pour the concrete pads this fall and begin construction in the spring of 2013.

No action was taken by the DRB tonight.

Public Hearing

1. *Town of New Haven/Beeman Elementary School, variance request, #2012-DRB-05 – this is the variance request for the dugouts along the ball fields. Continued from 8/6/2012*

Kathy Barrett recused herself as she is a member of the Selectboard and Steve Dupoise recused himself as he is the presenter.

Victor Bolduc will be voting member.

Dupoise provided handouts to the board addressing the five (5) items of the variance worksheet request. Dupoise explained that the proposed dugout along the south end of the ball field does meet the setbacks, he is asking for a variance

for the proposed dug out along the west side of the ball field. Dupoise would like to begin construction of the dugouts this fall so they will be completed before the beginning of the 2013 ball season.

Dugouts are suggested by the A Safety Awareness Program (ASAP) and required for Little League tournaments. The Town is asking for the variance, but Beeman Elementary school will also benefit from this

There was considerable discussion regarding this variance. Gallott pointed out that the Vermont Environmental Court and the Vermont Supreme Court have never upheld any variance from any town. The town already has use of the town property (town offices, library, Park & Ride, parking), the town negotiations set the boundary where it was, and had built the parking lot in its current location (therefore responsible for the problem).

Sweeney made the motion to approve the variance on its minimal impact of 10.5 feet from the setback for the dugout on town property.

Bolduc seconded

Discussion – the DRB then reviewed the five items on the Variance Worksheet

Item #1 – in order to meet the setback of 30 feet the dugout would be located in the parking lot.

The location of the paved parking lot creates the hardship – the setback is not the issue.

Item #2 – the physical circumstances or conditions – is the location of the parking lot

Item #3 – hardship – the hardship was created by the appellant (Town of New Haven)

Item #4 – no

Item #5 – yes

There was considerable discussion regarding Item #3 (hardship) with no uniform decision.

Dupoise indicated that he would be open to another avenue to pursue if these other avenues would permit construction of the dugouts this fall

The Chair mentioned that there may be other options that could be looked into if time constraints were not an issue.

- The PC could establish a municipal district whereby setbacks would only apply to the exterior of the district
- Or the dugout in question could be considered a non-conforming structure.
 - Temporary structure is good for 1 year and with a 1 year renewal – during these 2 years Dupoise’s goal will be to go to the Planning Commission to request that the zoning for the school and town property be changed to a Municipal Center or Community Center.

Sweeney asked if there would be a downside to changing the zoning to a municipal center.

Bouton indicated If the town wanted to divest itself of any lands within the municipal district if the municipal district was identified as zone 4 municipal purposes only, that may be a downside, but the size of the municipal district could be adjusted.

Dupoise would be willing, as a representative from the DRB, to present the concept of a Municipal District or Community Center to the Planning Commission.

Sweeney withdrew his original motion.

Bolduc was in agreement of the withdrawal.

The Applicant is withdrawing his request for a variance application and the DRB accepts this withdrawal without prejudice.

Sweeney made the motion to have the DRB consider this to be a temporary structure that meets the requirements of Section 516, for period of one year with a one year renewal.

Bolduc seconded

Discussion – none

Vote Yes – 6 (Blaise, Bolduc, Bouton, Gallott, Johnston, Sweeney)

No – 0

Abstention – 2 (Barrett, Dupoise)

Motion carries

The Public Hearing was closed at 8:45 PM.

DRB Business

I Sketch Plan Reviews – none

II Review Minutes

a) August 6, 2012

Bolduc made the motion to accept the August 6, 2012 DRB minutes with the following corrections:

Paragraph at the bottom on page 1 – change the wording from ...the “Old Dog Team Restaurant” property on Dog Team Road... to read ...map 12, parcel #0682 on Dog Team Road...

Barrett seconded

Roman Numeral headings changed to

IV Correspondence

V New Business

VI Old Business

Discussion – none

Vote: Yes – 8 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

III Review Sign Decisions – none

IV Review for Compliance and Sign Final Plat – none

V Correspondence – none

VI New Business – none

VII Old Business – none

Dupoise made the motion to adjourn

Gallott seconded

Discussion – none

Vote: Yes – 8 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:50 PM

Respectfully Submitted By

Karen Gallott

Tim Bouton, Chair

Jim Gallott, Vice Chair

Donna Blaise

Kathy Barrett

Victor Bolduc

Steve Dupoise

Donald Johnston

Mike Sweeney

