

**TOWN OF NEW HAVEN
Development Review Board**

FINDINGS AND DECISION RE:

Conditional Use Permit #2023-DRB-01-CU Pike Industries, Inc. (Page 1)

1. This proceeding involves review of an application for conditional use submitted by Pike Industries, Inc., 174 Campground Road, New Haven, Vermont.
2. The application was received by the New Haven Zoning Administrator on January 9, 2022. A copy of the application is available at the New Haven Town Offices.
3. On January 19, 2023, notice of a public hearing was published in *The Addison Independent*.
4. On February 2, 2023, notice of public hearing was posted at the following places:
 - New Haven Town Offices
 - Village Green Market
 - New Haven Post Office
5. On January 17, 2023, a copy of the notice of a public hearing was emailed to the applicant, and a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the Certificate of Service:

6.

Map/ Parcel #	Adjoining property owners	Address
8/376	Phil Livingston	535 Daniels Rd., New Haven, VT
8/515/515.1 & 2	Alex Layn	4854 Mountain Rd., New Haven, VT
8/490	Mike Lee	3065 Ethan Allen Hwy., New Haven, VT
8/404	Mark Gilbert	3557 Ethan Allen Hwy., New Haven, VT
8/375	Rodney Cyr	4167 Ethan Allen Hwy., New Haven, VT
8/513	Dupoise-Lowell Trust	P.O. Box 534, Middlebury, VT
8/510	Kevin and Andrea Masse	337 Dallinger Rd., New Haven, VT
8/508.1	Tom Dykstra & Emily Vandeweert	802 Campground Rd., New Haven, VT
8/486	Sarah Virginia Deganahl, Venture, LLC	P.O. Box 310, Charlotte, VT
8/406.2	Joseph and Kerry Ask	3833 Ethan Allen Hwy., New Haven, VT
8/318	Lynn Paquette	4819 Ethan Allen Hwy., New Haven, VT
8/550/648.3	Peter and Dolores Norris	7 Windy Ridge, Hinesburg, VT
8/608	Kenneth Sachs	212 Dallinger Rd., New Haven, VT
8/508.2	Devall Farm, LLC	535 Daniels Rd., New Haven, VT
8/516	Layn Properties, LLC	2877 Ethan Allen Hwy., New Haven, VT
8/489	Lee's Small Engine Repair	3065 Ethan Allen Hwy., New Haven, VT
8/405	Peter and Deane Norris	296 King Farm Rd., New Haven, VT
8/406.3	Denise Lathrop	3981 Ethan Allen Hwy., New Haven, VT
8/512	Champlain Precision	P.O. Box 576, Middlebury, VT
8/511	Trailease Corporation	P.O. Box 119, New Haven, VT
8/606	Randall Ross & Jeffrey Heath	747 Campground Rd., New Haven, VT
8/493.1	Claire and Derrick Dykstra	1745 Pearson Rd., New Haven, VT

6. The Development Review Board reviewed this application on February 6, 2023, pursuant to the Town of New Haven Zoning Bylaws adopted and amended August 21, 2012.

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

Charlie Roy	Paul Audy
Kathy Barrett	Don Johnston
Tom Fyles	Victor LaBerge
Roger Hamilton	Carol Charbonneau
4. The names of other persons present and available to provide testimony:

Peggy Connor, Zoning Administrator
Bretton Gardner
Justin Zdunczyk
Patrick Needham
5. During the hearing the following exhibits were submitted to the DRB:
 - Permit application dated January 9, 2023
 - Written narrative received January 9, 2023
 - Noise Assessment re: Plant Night Operations for 2019 and 2021
 - DRB Findings and Decision re: Permit Application #2011-DRB-16These exhibits are available at the New Haven Town Office.

FINDINGS:

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

1. The applicant seeks to amend Conditional Use Permit #2011-DRB-16 to allow night operations for the 2023 construction season (May-October) six (6) nights per week (Sunday-Friday).
2. The property is located in the Industrial zoning district as described in the Town of New Haven Zoning Map on record at the Town of New Haven municipal office and Section 1005 of the Zoning Bylaws.
3. Friday nights are proposed to be available as an alternate work shift to recoup lost days due to weather or mechanical breakdowns.
4. Applicant's request is project-specific for a VTrans paving project on Route 7 from Charlotte to South Burlington, although they would like the ability to include other projects within the time period
5. It is anticipated that the project will require no more than 10 weeks throughout various segments of the construction season to be completed.
6. The normal maximum shift duration at the plant during night operations will be approximately 6:00 p.m. to 4:00 a.m.
7. Noise studies conducted in 2019 and 2021 confirm that the average sound levels do not exceed the permitted limit of 70dBA at the nearest residential property boundaries.
8. Maximum number of trucks to be used at night will be 10 trucks per hour.
9. Truck drivers will be instructed to limit the use of Jake Brakes.

DECISION AND CONDITIONS:

Based upon these findings, and subject to the conditions set forth below, the Development Review Board **GRANTS** the application for conditional use proposed by Pike Industries, Inc. in a vote of 8-0 (K. Barrett, P. Audy, V. LaBerge, T. Fyles, D. Johnston, C. Charbonneau, V. LaBerge, R. Hamilton)

- Operation of the asphalt plant shall be no more than six (6) nights per week for a 12-week period between May 1, and October 31, 2023.
- Operating hours shall be from 6:00 p.m. to 4:00 a.m. during the 12-week period.
- All exhibits presented in support of application # 2023-DRB-01-CU and findings of fact as recorded in this decision are included as conditions in the granting of this approval, unless otherwise amended in this approval.

Dated at New Haven, Vermont, this 16th day of February, 2023.


Charlie Roy


Kathy Barrett

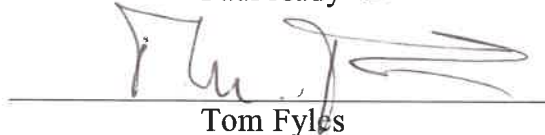
Don Johnston


Victor LaBerge

Carol Charbonneau


Paul Audy


Roger Hamilton


Tom Fyles

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding 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.