

**Development Review Board Minutes
Town Office New Haven, Vermont
September 17, 2018**

ORIGINAL

Members Present: Kathy Barrett, Tim Bouton, Tom Fyles, Donald Johnston

Members Absent: Carol Charbonneau, Charlie Roy, Susan Smiley

Staff: Karen Gallott-Minute Taker; Katie Raycroft-Meyer-Zoning Administrator

Guests: Josh Clark, Alex Layn, Bev Landon, Brittany Leno, Linda Sweeney, Matthew Sweeney, Maggie Eaton, Anthony Stout, James Dumont, Amanda Bodell, Jeff Glassberg, Tim Glassberg, David Wetmore, Jay Jipner, Jim Foley, Jeremy Revell

Kathy Barrett, Chair called the Development Review Board (DRB) meeting to order at 7:17pm. Introductions were made.

Adjustments to the Agenda: None

Visitors Business: None

Public Hearings:

a) 2018DRB-09—SD – Sweeney Family, 3 lot subdivision at 716 Hunt Rd.

Brittany Leno presented. Tonight's hearing is the first of two hearings as this is a major subdivision. Currently the Sweeney's have a 20 acre lot and would like to subdivide it into 3 lots. Lot 1 with the existing house and buildings would be +/- 2.9 acres; Lot 2 +/- 2 acres and Lot 3 +/- 14.74 acres. Wastewater permits have been applied for.

There were no changes to the site plan from the August 20, 2018 meeting.

The property is in the RA 2 district.

DRB asked to have all road frontages for each proposed lot indicated at the site plan at the next hearing.

- Regulations require a 200 foot road frontage and a 200 foot lot depth from center line of the road.

Open for Public Comment

No comments from the public

Closed Public Comment

Bouton made the motion to close the initial hearing and schedule the next hearing for next DRB meeting on October 1, 2018.

Fyles seconded

Discussion – a survey needs to be done prior to the next hearing.

Vote: Yes – 4 (Barrett, Bouton, Fyles, Johnston)

No – 0

Abstention – 0

Motion carries

b) 2018DRB-10-CU; Alex Layn, Conditional Use review for sales and service of farm implements and contractor's equipment at 2877 Ethan Allen Highway.

Alex Layn presented. He is proposing to lease the warehouse area located in the back of the building to Monroe Tractor for storage, sales and service of farm implements and contractor's equipment. There would be two businesses located on site.

The Zoning Administrator indicated that this is an amended conditional use permit to add agricultural and contractor equipment to the existing permit.

There will be new signage; one for Monroe Tractor and one for Layn's current business, office space which is located in the front building. Signage would help facilitate traffic flow to the individual businesses.

Layn indicated where the outside lighting would be located on the building. Two lights on front of building, one light on south side and one light on the west side.

DRB asked if the storage facilities were part of Layn's business. Layn indicated that that is a separate business that he owns which is located on a separate piece of property. Access to the storage units would be through the north driveway.

Open for Public Comment

Dave Wetmore thought there was a previous amendment allowing for inside storage in the main building. Didn't want any storage precluded from this application.

Public Comment Closed

Bouton made the motion close the hearing and enter into deliberative session with a written decision available at the next DRB meeting.

Fyles seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Fyles, Johnston)

No – 0

Abstention – 0

Motion carries

c) 2018DRB-01-SD; All-Star Group LLC (continued from April 16, 2018 as a minor subdivision)

Jim Foley, Esq. presented, and the presentation was on how this subdivision complies with the Zoning Regulation; road frontage, usage and building envelope.

Other items discussed:

- Town Line
 - Where is the town line?
 - The above question was addressed by a series of maps created by Ken Weston done for Glassberg in the past. Weston's maps show every foot of Jipner's property on the New Haven side not the Waltham side.
 - The title searches indicate poor descriptions of what the property lines are. Weston's Survey map indicated...location of the town line is only speculative and is not certified to be correct and seems to be based on bits of information gathered by sources both of record
 - Other Weston maps show the Town Line at the center of the road or east of the road.
 - This road is considered a 3 rod road, other evidence show the road as a 4 rod road, Jipner would be willing to do a quit claim deed to bring it into the 4 rod road width.
 - Previous proceedings in 4/20/1989 show that this area is RA2 zoning.
 - Regional Planning show this area is RA2
 - Zoning Regulations read RA 2 is one lot deep
- Wetlands
 - Confirmed as a Class 2 wetland
- Well Shield
 - Jeremy Revell (Lincoln Applied Geology) indicated where the well shield and septic shield were located on the map.

- Overshadowing of the well shield is a separate review by Agency of Natural Resource

Open for Public Comment

Bev Landon indicated that the zoning maps are full of errors and gave an example.

Public Comment Closed

Jim Dumont Esq. presented and provided evidence and explained why this subdivision should be opposed.

- why wasn't the official town highway map referred to
- Ruling by Judge Durkin how zoning standards apply when the area of a project extends from a less restrictive zoning district (RA2) into a more restrictive zoning district (RA10)
- The official zoning maps are the "control" over ordinance regulations
- The law states that zoning maps are the way to go, Section 220, page 18 of the zoning regulations.

Anthony Stout from Lakeside Environmental presented.

- Provided a photo copy of the zoning map from the NH office. The map depicts the RA 2 zone goes up along Maple Street.
- The 2015 VTrans map also show the RA 2 zone goes up along Maple Street
- Presented evidence that the zoning map showing a partial "fillit" a 200 foot radius at the end of the road, that the RA 2 district allows.
- Section 230 of the New Haven zoning regulations indicate that if the DRB is uncertain as to a ruling, the DRB can pass this on to the Planning Commission for a ruling.

Open for Public Comment

- Bev Landon indicated that adopted 1972 Development Plan and Zoning Regulations, Section 606A indicated for residential purpose a lot area minimum is 2 acres with frontage minimum 400 feet and a depth minimum 200 feet.
- Bev Landon again emphasized that the zoning maps are erroneous
- Dave Wetmore stated if the intent of the RA2 district is that it is only 200 feet deep, indicated by a 400 ft band centered on the road, this dimension would be depicted on each road, but it has never been interpreted this way.

Public Comment Closed

Bouton made the motion close the hearing and enter into deliberative session with a written decision available at the next DRB meeting.

Fyles seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Fyles, Johnston)

No – 0

Abstention – 0

Motion carries

DRB went into open deliberative session at 8:52PM

DRB came out of open deliberative session at 9:15 PM

DRB Business

1. Review minutes for August 20, 2018

Bouton made the motion to accept the DRB August 20, 2018 minutes as presented.

Fyles seconded

Discussion – none

Vote: Yes (Barrett, Bouton, Fyles, Johnston)

No -0
Abstention -0
Motion carries

2. Review and sign decisions – none

3. Review decision compliance and/or sign final plat – none

4. Correspondence – none

5. Old Business – none

6. New Business

Discussion on the VT League of Cities and Towns workshop on Open Meeting Law procedure.

New procedure should be made clear to the public at the beginning of the meeting

- o There will be no vote by the DRB during the meeting.
- o The written Findings of Facts when presented will be voted on and will be the final decision

Bouton made the motion to adjourn

Fyles seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Fyles, Johnston)

No – 0

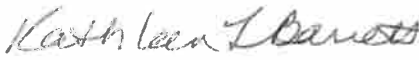
Abstention – 0

Motion carries

The meeting was adjourned at 9:30 PM


Respectfully Submitted By

Karen Gallott


Kathy Barrett, Chair


Donald Johnston, Clerk


Tom Fyles


Timothy Bouton