

Town of New Haven
DEVELOPMENT REVIEW BOARD MEETING
HYBRID Public Meeting
Monday, February 19, 2024
Meeting Minutes

DRB Members Present:

In person: Carol Charbonneau, Paul Audy, Don Johnston. *Remote:* Charlie Roy, Kathy Barrett, Victor LaBerge, Tom Fyles
Absent: Roger Hamilton

Staff Present:

Peggy Connor, Zoning Administrator, Minutes

Visitors Present:

In person: applicant Joseph Bodington, abutter William Brooks; applicant Donna Sequin and Mark Stone; applicants Francie and David Caccavo

Call to Order:

DRB Chair Charlie Roy called the meeting to order at 7:08 p.m.

I. Adjustments to Agenda:

Consider abutter Bill Brooks' memo received earlier in the day regarding amended conditional use hearing for Joe Bodington (memo is available on the Town's website).

II. Visitors Business

None.

III. Sketch Plan Application #2024-DRB-03-SK submitted by Frances Caccavo to subdivide a 52-acre parcel located at 1423 North Street in the RA-2/RA-10 zoning districts

Applicant Francie Caccavo provided: 1) an additional sketch plan showing a total area of 208 acres as referenced in deed 35:223; 2) a portion of the tax map highlighting the 50.5-acre parcel; and 3) an aerial view highlighting the 51-acre parcel. The proposal is to use a portion of the south edge of the 51-acre parcel to develop 3-4 lots in the RA-2 zoning district. The applicant advised that the soils are good, eliminating the need for mound systems, and there will be no impact on the adjoining farmland. Ron LaRose prepared the original plat, and is in the process of drafting an updated map for the subdivision hearing.

Tom Fyles moved to classify the sketch plan as a major subdivision; Carol Charbonneau seconded.

MOTION PASSED:

7 - Yes (C. Roy, K. Barrett, C. Charbonneau, T. Fyles, V. LaBerge, P. Audy, D. Johnston)
0 - No

Per Section 921 of the updated Zoning and Subdivision Regulations, the applicant shall provide a Preliminary Plat within six months to be considered by the DRB at the first of two public hearings as a major subdivision.

IV. Sketch Plan Application #2024-DRB-05-SK submitted by Donna Sequin to subdivide a 155.2-acre parcel located at 965 South Street in the RA-2/RA-10 and Forest District (FD) zoning districts

Don Johnston spoke on behalf of applicant Donna Sequin who proposes to subdivide 50 acres from the southern portion of the 103+/- acre farm with access provided by the existing 50' right-

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60 of-way (ROW), per the 1999 subdivision. Page 2 of the sketch plan shows the ROW as well as
61 a culvert and farm road.

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63 Tom Fyles moved to classify the sketch plan as a minor subdivision; Carol Charbonneau
64 seconded.

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67 **MOTION PASSED:**
68 **6 - Yes (C. Roy, K. Barrett, C. Charbonneau, T. Fyles, V. LaBerge, P. Audy)**
69 **0 - No**
70 **1 - Abstention (D. Johnston)**

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72 Per Section 921 of the updated Zoning and Subdivision Regulations, the applicant shall provide
73 a Final Plat within six months to be considered by the DRB for final plat approval as a minor
74 subdivision.

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76 **V. CONTINUED HEARING RE: Amended Conditional Use Application #2020-DRB-**
77 **13-CU for Joe Bodington d/b/a Champion Auto Glass and Auto Haven**

78 At the DRB's initial hearing on the Bodington amended conditional use application on February
79 5, 2024, formal action was taken to approve the name change from "Rick's Automotive" to "Auto
80 Haven," and to conduct a site visit. DRB members Charlie Roy, Carol Charbonneau, Don
81 Johnston, and Victor LaBerge met at the Bodington property on Saturday, February 17th at 9
82 a.m., and were joined by ZA Peggy Connor, owner Joe Bodington, and tenant Scott Blaise. Bill
83 Brooks, who lives across the street on the west side from the Bodington property, submitted a
84 written statement to DRB members earlier in the day on February 19, 2024, available on the
85 Town's website. Highlights of the memo include:

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- The Town Plan is clear on the size of home-based businesses in that they must be of a scale and impact that is compatible with surrounding land uses.
 - The Town has long designated the Route 7 corridor as one of three roadways as scenic corridors, which must be maintained and preserved.
 - There appears to be up to three home businesses on the Bodington property: 1) Champion Auto Glass; 2) Auto Haven f/k/a Rick's Automotive; and 3) car sales.
 - According to the Secretary of State's website, Rick's Automotive was dissolved in August 2022, and Auto Haven is registered to Joseph Bodington.
 - The three sections of the accessory building exceed the 1,200 square-foot maximum.
 - The number of parked vehicles on the Bodington property far exceeds the number allowed for a residential property with a home business.
 - Hours of operation extend into evening hours.
 - The number of employees appears to exceed the maximum of 2 full-time non-resident employees, as defined in the Town's zoning regulations.
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102 Applicant Joe Bodington responded:

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- He appreciates the scenic views around his property and makes every effort to ensure his businesses are well-kempt.
 - After receiving DRB approval for a conditional use permit on behalf of his son Rick to operate a diesel repair shop in October 2020, Rick subsequently moved to New York State; however, because Mr. Bodington had significantly invested in his son's business, he took it over and hired an employee to work with him.
 - Champion Auto Glass was registered with the state in 1999.
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- The permitted 32' x 14' pole barn is used for personal cold storage.
 - Vehicles currently on site include 13 insured cars, 2 Corvettes, an International Fifth Wheel truck, race car hauler, a 1-ton Dodge dually, 3 Subarus for motor/parts, in addition to a number of vans used for the glass business, and 2 cars that are being restored
 - There is one non-resident full-time employee and one part-time employee who lives on site who, together with Mr. Bodington, may work in the garage into the evening hours on personal projects.
 - The parts cars located behind the trees behind the business have since been removed.
 - Mr. Bodington extended an invitation to Mr. Brooks to visit his property.

123 Discussion:

124 Charlie Roy counted 27 vehicles on the property during the site visit, and has observed that the
125 business continues to expand. He asked at what point a small home business become a
126 commercial business. Mr. Bodington reminded the DRB that he also resides on the property,
127 and he has titles to all the cars parked there.

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129 Kathy Barrett pointed out that the Town's zoning regulations do not distinguish between a large
130 commercial business and a home-based business; nor do the regulations cite the number of
131 parked cars allowed. As long as 500 square feet of the existing garage is used for business
132 purposes, and the remaining area for personal use, Mr. Bodington is in compliance with
133 conditions set forth by the DRB in its decision #2020-DRB-13-CU dated November 16, 2020.

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135 Charlie Roy asked about the pile of tires observed during the site visit. Joe confirmed they were
136 part of his business. Victor LaBerge inquired about the car he noticed with New Hampshire
137 plates. Joe explained that the car belongs to a customer who appears to have abandoned it
138 once he learned the cost of repairing the head gasket. Joe intends to either donate the car or
139 use it for parts.

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141 Carol Charbonneau moved to close the hearing, noting that conditions set forth in the initial
142 DRB decision of November 16, 2020 appear to continue to be met; specifically:

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- Only 500 square feet of the existing garage may be used for business purposes. The remaining area is for personal use only.
 - Business hours are limited to 8:00 a.m. – 6:00 p.m. Monday-Friday, and five (5) additional Saturdays per year.
 - No more than 8 cars may be sold from the property on an annual basis.

148 Victor LaBerge seconded the motion.

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150 **MOTION PASSED:**

151 **4 - Yes (C. Roy, C. Charbonneau, V. LaBerge, D. Johnston)**

152 **0 - No**

153 **3 - Abstentions (P. Audy, K. Barrett, T. Fyles)**

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155 **HEARING CLOSED; Decision to be drafted within 45 days.**

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157 **VI. Approval of Minutes for July 3, 2023**

158 DEFERRED for lack of quorum of those present on July 3, 2023.

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160 **Approval of Minutes for February 5, 2024**

161 Carol Charbonneau moved to approve DRB meeting minutes for February 5, 2024; Tom Fyles
162 seconded.

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164 **MOTION PASSED:**
165 **7 - Yes (C. Charbonneau, T. Fyles, R. Hamilton, V. LaBerge, P. Audy, D. Johnston, C. Roy)**
166 **0 - No**
167 **1 - Abstention (K. Barrett)**

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169 **VII. Adjourn**

170 Carol Charbonneau moved to adjourn; T. Files seconded.

171 **MOTION PASSED:**
172 **7 - Yes (P. Audy, K. Barrett, T. Fyles, C. Charbonneau, V. LaBerge, D. Johnston, C. Roy)**
173 **0 - No**

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175 Meeting adjourned at 8:20 p.m.

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177 Respectfully submitted,
178 Peggy Connor

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185 Charlie Roy, Vice Chair



Paul Audy

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189 Carol Charbonneau

Victor LaBerge

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194 Tom Fyles



Kathy Barrett

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199 Don Johnston
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New Haven, Vermont Development Review Board

Agenda

February 19, 2024

78 North Street, New Haven, VT 05472 | **Remote Attendance Available**

Pursuant to 24 VSA 117, the New Haven Development Review Board will hold a public meeting on Monday, February 19, 2024, at 7:00 p.m. to consider the following business:

- I. Adjustments to Agenda
- II. Visitors' Business
- III. Sketch Plan Application #2024-DRB-03-SK submitted by Frances Caccavo to subdivide a 52-acre parcel located at 1423 North Street in the RA-2 and RA-10 zoning districts.
- IV. Sketch Plan Application #2024-DRB-05-SK submitted by Donna Seguin to subdivide a 155.2-acre parcel located at 965 South Street in the RA-2/RA-10 and Forest District (FD) zoning districts.
- V. CONTINUED HEARING RE: Amended Conditional Use Application #2020-DRB-13-CU for Joe Bodington d/b/a Champion Auto Glass and Auto Haven
- VI. Approval of minutes for July 3, 2023 and February 5, 2024
- VII. Adjourn

To join meeting remotely via Zoom:

<https://zoom.us/j/98142119190?pwd=U0pFdDQ2a1ZRZzVCRkN4ZGcyYUF3dz09>

Meeting ID: 981 4211 9190

Passcode: 4jYbTA

Posted: 2/15/2024 at the Village Green Market, New Haven Post Office, and New Haven Town Office

