

Town of New Haven Selectboard Public Hearing
Zoning Amendment for the Horn Property
7:00 pm
Thursday, February 27, 2014
Town Offices

Present: Chair, Kathy Barrett, Vice Chair, Pam Marsh, Roger Boise, Charlie Roy, Clerk Pam Kingman

Absent: Kathleen Ready

Visitors: Lesley Deppman, representing Steve & Marcia Dupoise, John Madden, Jim Walsh, Rod Case, Stephen Dupoise, Barb Torian, Paul Horn, Jono Chapin, Angie Dunbar, Michaela Granstrom, Chris Granstrom, Francie Caccavo, Carole Hall, Doug Tolles, Ed McGuire, Mary McGuire, Rob Litch and Allen Karnatz,

Pam Marsh opened the meeting at 7:00 pm, Kathy Barrett has asked her to chair the hearing tonight because Kathy is on the Development Review Board and doesn't want there to be a conflict.

Pam Marsh acknowledged the Selectboard had received correspondence from Deppman & Foley for the Steve & Marcia Dupoise, John Madden as well as the minutes from the Planning Commissions public hearing on this zoning amendment for the Horn Property. Pam said they are all available for public viewing.

History of the Horn property located at the corner of River Road and Route 7. There was a Town vote in 1980 that had established a stretch of land on the east side of Route 7 where it intersects with River Road as designated Highway Commercial; this included the property owned by the Horns. In 2009 it was discovered that the Horn property was excluded from the Highway Commercial. At some point after 1990, and most likely in the adoption of the 2006 Town Plan the Horn property was removed from Highway Commercial. The Planning Commission believes this was an error that could not be changed until the Town Plan supported the change which happened after the 2011 Town Plan was approved by voters.

Open the meeting up for public comment:

Paul Horn – Property owner – The 4 acres he owns, part of it is still zoned commercial.

Francie Caccavo – Produced a zoning map from 2007 with a blown up section; clearly showing where that section has not been changed to Highway Commercial (HC). The parcel is about the size of a pinhead, not easy to spot the error.

John Madden – Handout, would appreciate folks reading it. He feels this should go to a town vote.

Jono Chapin – This was an error. The property was originally zoned HC, should restore to the previous status. Basically should be corrected. He agreed with John Madden in that the town should be careful, but this is a correction. If it had not been a mistake then he feels it should go to a town vote.

Lesley Deppman (for Dupoise)– She disagrees that this should be considered an error, it was not a mistake to go from HC to RA10. The change was voted on 3 times in 2006, 2007 and 2011; she has the correspondence to back it up. Steve & Marcia Dupoise have no objection to the change. They believe all the parcels in the “business planning zone” should be treated equally, and that they should be given the same consideration in changing their parcel across the street to HC.

Pam Marsh – Not sure she agrees with Ms. Deppmans interpretation of Town Attorney, Cindy Hill’s response to correspondence received earlier in the day from Deppman & Foley. This was an error by Addison County Regional Planning Commission. The Town Plan map and the zoning map are not in accordance, it went through the voting process at least twice. The Horns did not ask for a public vote. In 2011 the Town plan map was amended for the business planning area.

Al Karnatz – There was never any intent to change the zoning on the Horn property to RA10. He still feels it was an error; it has been this way for too long. We should try to correct it.

John Madden – Hear the conversation about the error; it is now zoned RA 10. History shouldn’t matter; it should require a town vote. The Dupoise parcel went to a town vote twice and was voted down twice.

Pam Marsh – It does not require a public vote unless the public petitions for a town vote with 5% of the checklist signing the petition. For instances, Steve & Marcia Dupoise asked the Selectboard to change their property to HC. When the Selectboard declined their request, they petitioned the town for a public vote. This is the procedure that needs to be followed.

Stephen Dupoise – He hopes the Horns get what they want. He wants to caution the Selectboard to be careful about due process for everyone. He thinks they are opening a can of worms.

Rod Case – The Town Plan has a business planning area and the Planning Commission is working on it, but is not ready to bring any new zoning by-laws to the Selectboard at this time.

Kathy Barrett – She chose not to chair the meeting because she has strong feelings about this being considered a “technical correction.” In the PC minutes, it is put in there as a business district, but there doesn’t seem to be a lot of support from the PC to change to HC. She misinterpreted the Town Plan; she thought the whole area would be HC. She feels it is a one sided argument, in favor of only one side of the street; while the other side is ignored.

Chris Granstrom – He understands where John Madden and Stephen Dupoise are coming from, in that we need to follow the correct process. His property borders the Horns on 2 sides. He feels this is a clerical error and the right thing to do is to correct the error.

Al Karnatz – The Selectboard can change without a town vote. He disagrees with John Madden, as this has nothing to do with the Dupoise lot across the street.

John Madden – The Selectboard has the authority, and there is a history of them changing bylaws. He agrees with Stephen Dupoise, that we are stepping outside the boundaries. He feels this should go to a town vote.

Jono Chapin – It is clear why it isn’t going to a town vote, because it was originally zoned commercial. It is not the Horns fault, they have been very patient. It only came up when they decided to sell their property. A mistake occurred, and this is a chance to fix it.

Rod Case – the town voted the town planning map with the Town Plan, it also showed the planning area, and it was approved.

Barb Torian – Can you clarify the process. She wants to be sure it hasn’t changed. You go to the Planning Commission and ask for a public hearing, then have hearing and then it goes to the Selectboard to hold their hearing.

Pam Marsh – PC may not pass on to the Selectboard if it is not in accordance with the Town Plan. However, you do have the right to petition; although some may be turned down. It doesn't go to the Selectboard unless the PC passes it on. If the petition is accepted, then you bypass the process.

Lesley Deppman – Wanted to know the intended use of the property.

Paul Horn – The property has been on the market for several years. In the past it has been a carpet store, Holst candy, a trading post and a Bed & Breakfast.

Pam Marsh – Whoever purchased will have to come to the Development Review Board for a change of use.

Al Karnatz – In many towns the Selectboard has the right to change the zoning map and the bylaws.

Lesley Deppman – The zoning map is being redrawn, just the Horn property is being rezoned. Is there a plan to change a broader area?

Francie Caccavo – Not right now, the PC is currently working on something else.

Lesley Deppman – Maybe consider doing all at once instead of piecemeal.

Francie Caccavo – Feels strongly that this was an error and they should be kept separate.

Kathy Barrett – When the PC brought it to the Selectboard, she asked them why not do both properties at the same time.

Francie Caccavo – The PC felt strongly that they should keep them separate.

Pam Marsh – The Selectboard has the option to adopt or not adopt or go to a town vote. The Board is hoping to discuss this tonight at their meeting following the hearing. They would like to act on it tonight, because the Selectboard will be changing next week after the Town Meeting vote. Once the public hearing is adjourned, there will be no further comment.

Charlie Roy made a motion to close the public hearing at 7:45pm, seconded by Roger Boise. 4 yes / 0 no

Town of New Haven Selectboard Meeting
7:45 pm
Town Hall Cafeteria

Present: Chair, Pam Marsh, Kathy Barrett, Roger Boise, Charlie Roy and Clerk, Pam Kingman

Absent: Kathleen Ready

Visitors: Lesley Deppman from Deppman & Foley, representing Steve & Marcia Dupoise, John Madden, Jim Walsh, Rod Case, Stephen Dupoise, Barb Torian, Paul Hórn, Jono Chapin, Angie Dunbar, Michaela Granstrom, Chris Granstrom, Francie Caccavo, Carole Hall, Doug Tolles, Ed McGuire, Mary McGuire, Rob Litch and Allen Karnatz

VISITOR BUSINESS: None

TOWN OFFICE BUSINESS:

1. Lister Appointment – Defer until next meeting.

TREASURER'S REPORT:

1. Charlie Roy made a motion to approve the payroll for the week ending 2/22/14, in the amount of \$10,025.83, seconded by Roger Boise. 4 yes / 0 no
2. Kathy Barrett made a motion to approve the pay orders for the week ending 2/27/14, in the amount of \$23,042.85, seconded by Roger Boise. 4 yes / 0 no
3. Audit – defer until the next meeting.

ROAD COMMISSIONERS REPORT:

1. Pam Marsh made a motion to approve the Nash Bridge Agreement with VTRANS, seconded by Roger Boise. 4 yes / 0 no

NEW BUSINESS:

1. Set up Organizational meeting for Tuesday, March 11, 2014 at 7:00 pm in the Town Offices.

REGULAR BUSINESS:

1. Roger Boise made a motion to approve the minutes from February 4, 2014, seconded by Charlie Roy. 4 yes / 0 no
2. Kathy Barrett made a motion to approve the minutes from February 18, 2014, seconded by Roger Boise. 3 yes / 1 abstention (Roy)

OTHER BUSINESS:**Discuss the Horn Property:**

Roger Boise – Feels it was an error; that should be corrected.

Charlie Roy – Historically was zoned HC, should accept that and change it back to former use.

Kathy Barrett – It was noticed in 2009 that the property had been changed. She has no problem with moving forward, but has a hard time accepting it as a clerical error.

Pam Marsh – She has never been in favor of spot zoning for individuals. She feels this was an error. The Town Plan map showed the property as residential district, she believes this was an error that should be corrected, and that the Selectboard should do that. Pam recalled a few years back the Planning Commission held a Saturday meeting encouraging townsfolk to come and participate. They broke off into small groups. She said all 4 groups marked that area of town as Highway Commercial.

Charlie Roy made a motion to repair the error and approve the amendment to the zoning map, as recommended by the Planning Commission. Motion seconded by Roger Boise. 3 yes / 1 abstention (Barrett)

Adjourn: 8:15 pm

Respectfully submitted:

Pam Kingman

Approved:




Chair, Kathy Barrett

Vice Chair, Pam Marsh



Roger Boise



Charlie Roy