

Town of New Haven
DEVELOPMENT REVIEW BOARD MEETING
HYBRID Public Meeting
Monday, February 6, 2023
Meeting Minutes

DRB Members Present:

In Person: Charlie Roy, Kathy Barrett, Paul Audy, Carol Charbonneau

Remote: Victor LaBerge, Roger Hamilton, Don Johnston, Tom Fyles

Staff Present:

Peggy Connor, Zoning Administrator, Minutes

Visitors Present:

Bretton Gardner, Justin Zdunczyk, Patrick Needham (Pike Industries), Quinn McElwain, Adam Miller, Esq. (McElwain property)

Call to Order:

DRB Chair Charlie Roy called the meeting to order at 7:00 p.m.

I. Adjustments to Agenda:

None.

II. Visitors' Business

None.

III. Conditional Use Application #2023-DRB-01-CU submitted by Pike Industries, Inc. located at 174 Campground Road to allow night operations at the asphalt plant for the 2023 construction season

Bretton Gardner, Environmental Coordinator for Pike Industries, provided the following details of the conditional use application for the quarry and asphalt plant:

- Seeks to modify permit #2011-DRB-16 to allow night operations to be conducted for the 2023 construction season (May-October) Sunday-Friday nights each week;
- Friday nights are proposed to be available as an alternate work shift to recoup lost days due to weather or mechanical breakdowns;
- The request is project specific for a VTrans paving project on Route 7 from Charlotte to South Burlington;
- It is anticipated that the project will require no more than 10 weeks throughout various segments of the season to be completed;
- The normal maximum shift duration at the plant during night operations would be approximately 6:00 p.m. to 4:00 a.m.;
- Noise studies conducted in 2019 and 2021 confirmed that the average sound levels did not exceed the permitted limit of 70dBA at the nearest residential property boundaries;
- Maximum number of trucks used at night will be 10 per hour;
- Truck drivers will be instructed to limit the use of jake brakes.

Kathy Barrett moved to approve an amended Conditional Use Permit for Pike Industries, Inc. to allow operation of the asphalt plan for no more than six (6) nights per week for a 12-week period between May 1 and October 31, 2023 with operating hours from 6 p.m. to 4 a.m.; Paul Audy seconded.

Roll call vote: Yes – 8 (T. Fyles, V. LaBerge, P. Audy, D. Johnston, K. Barrett, C. Charbonneau, C. Roy, R. Hamilton)

No – 0

MOTION PASSED. Conditional Use Permit Approved for Pike Industries, Inc.

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IV. Discussion re: Proposed plans for McElwain property at 5772 Ethan Allen Highway

New property owner Quinn McElwain explained his plans to make improvements to the 1.8-acre parcel located in the R-10 and Industrial zoning districts. He proposed removing the existing structure and constructing a two-family dwelling to the east, outside of the Route 7 right-of-way, and replace the septic system to accommodate an additional three bedrooms for a total of five.

Kathy Barrett noted that if the existing structure is moved, it would be subject to the zoning regulations for both the RA-10 district and Industrial districts. However, the Industrial district does not allow for residential development, and because the current structure is deemed non-conforming in the RA-10 zoning district, it cannot be moved without increasing the degree of non-conformity.

Quinn advised that reconstruction will only involve the existing footprint, or less. Attorney Adam Miller added that the zoning regulations indicate two-family dwellings appear to be a permitted use in the RA-10 district. Kathy Barrett advised that reconstruction plans constitute a change of use and will require a certificate of occupancy once completed.

V. Approval of December 5, 2022, meeting minutes

Kathy Barrett moved to approve DRB meeting minutes for December 5, 2022; Carol Charbonneau seconded.

Roll call vote: Yes – 8 (T. Fyles, V. LaBerge, D. Johnston, K. Barrett, P. Audy, C. Charbonneau, C. Roy, R. Hamilton)

No – 0

MOTION PASSED.

Adjournment

Carol Charbonneau moved to adjourn; Tom Fyles seconded.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 7:50 p.m.

Respectfully submitted,
Peggy Connor

Charlie Roy, Chair

Kathy Barrett, Vice Chair

Don Johnston

Victor LaBerge

Carol Charbonneau

Tom Fyles

Roger Hamilton

Paul Audy