

Purpose: Public hearing to gather public comments on the Dupoise zoning district change request.

Planning Commission members present: Francie Caccavo, co-chair, Rob Litch, co-chair, Rod Case, Angie Dunbar, Pat Palmer, Benjamin Putnam

Others: Susie Leonard, John Madden, Kathy Barrett, Charlie Roy, Tammy Newmark, Jonathon Chapin, Marcia and Steve Dupoise, Jim Walsh and Dave Wetmore, ZA

Meeting minutes:

Francie, called meeting to order at 6:30 PM. The hearing is recorded and Dave Wetmore took minutes. The meeting was legally warned and posted as required by VT Law beginning July 2014.

**I. Call to order: by Francie Caccavo at 6:30 PM**

- a. Rob Litch read the warning and overview outlined in the hearing packet distributed to all present.
- b. Francie opened the hearing for public comments.

**II. Public Comments received:**

Susie Leonard- Acknowledged that the Dupoises request is part of the Business Planning Area (BPA) outlined in the Town Plan adopted in 2011. Ms. Leonard quoted the Town Plan citing that the BPA is not meant to be a zoning district. She supported the Town plan adoption as she thought the planning areas map would lead to the elimination of the RA-2 strips along the Towns road. She hoped that the Plan would have addressed her concerns relative to the RA-2 zoning district which she characterized as strip development. She would hope that future amendments would eliminate the RA-2 strip zoning.

Dave Wetmore- asked if the recording had been started. It had not and Francie started recording.

Susie continued.- She again cited the Plan which seeks to limit strip commercial development along Rte. 7. She does not support the change.

Tammy Newmark- Questioned the history of the Dupoise property and surrounding properties. Suggested that she believed that there are those who are interested in seeing commercial all along Rte.7. This change would just allow for more commercial development. What would stop a Rite Aide. Ms. Newmark acknowledged the commercial uses on the east side of Rte. 7 currently and the recent change to the Horn property. Why would we allow this change if the Plan does not support strip development. This would only contribute to strip development more and why would we want this. Ms. Newmark asked why is this meeting being held? The PC outlined the purpose of the hearing, specifically, the PC is executing the process outline in Statute regarding the Dupoises request and the PC is seeking to gather public comments on the request and will make a report to the Selectboard. The PC is executing the process. PC discussed the process further. Ms. Newmark stressed that she is not focusing on just this property, but rather the bigger picture given the vision outlined in the town Plan. Seems to support taking to a Town vote to make sure that future Boards honor the Towns will. Discussed the purpose of the planning area map and zoning district map. The planning area map does drive future zoning map.

Rod Case- Described the planning area maps purpose and the process to create it. Largely that there have been studies that identify the scenic and agricultural resources along Rte. 7 and they were considered when developing the planning area map.

Francie- Expressed her opinion and logic behind the way the planning area was created. Based on existing land uses this seems to be a logical area for change.

Tammy Newmark- Asked “ is this a slippery slope”. Where is the tipping point that accelerates and makes all of Rte. 7 commercial? Francie discussed the existing and future commercial along Rte.7, which is not all of Rte.7. Francie stressed that the purpose of this meeting is to take public comment on this specific request and make a report to the Selectboard..

John Madden- Provided a handout for all present. John also asked that the record state that the recording did not begin until Susie had described the planning area map in the Town Plan. John read from his handout, and noted the Environmental Court proceeding regarding the Horn property change from RA-10 to HC earlier this year. John does not feel that this is the proper procedure to amend the Zoning Map outlined in statute. He stressed the comments he heard from Tammy and Susie about a strip mall. He is very concerned about urban sprawl. John suggested that it is likely that a shopping mall/center would be cited at this location that would lead to stop lights and traffic safety concerns. Francie does not agree that this would be the outcome. This area has a reputation for traffic problems. That entrance to New Haven would become urbanized and should be noted in the report.

Kathy Barrett- This seems like a reasonable request and change. She does not want to see commercial development located along the Towns rural roads and potential conflicts with residential uses. Kathy does not believe this is productive agland, marginal at best. Where do we want our commercial to be located? There is commercial all around the Dupoise property. Kathy noted that the Dupoises have a very attractive business and hopes that others would be similar. All development would be reviewed by the DRB and must be in compliance with the Towns currently or amended Bylaws as well as Act 250. Spoke about recent Selectboard discussions with the PC/DRB where it was the desire to make the boundaries of the districts follow existing property boundary lines, which this proposal does.

John Madden- Responded by stating that the land had been used for agricultural purposes since he came here in 1972.

Charlie Roy- Acknowledged that he has been a farmer most of his life and has never seen that property support a successful corn crop. This is marginal agland. It was driving range for many years. Mr. Roy feels that the Dupoises have a good looking business and keep the property up well. As for the need for a traffic light, Charlie noted there is not one at Rte. 7 and Exchange Street or at the Junction where the Jiffy Mart is located. He suggested that it should not be assumed that commercial development will require a traffic light.

Jon Chapin- Jon has lived on Belden Falls Road since 1990. He understands that the Dupoises want to maximize the use of the land. He also respects the views expressed here tonight. He has seen the property used hay and a golf driving range. Jon agreed that this might be a good location for commercial development. Jon trusts that the PC will look out for the Town and consider and follow the vision outlined in the Town Plan. He reflects upon the comments made by others tonight. Spoke of the vote in 2010. This was an opportunity for the Town to speak and they did. Questions that the safety concerns would be dependent on the commercial use. There are a lot of unknowns and depending on the use. He remembers that at a previous meeting there had been 15+/- commercial lots available, has this changed? Francie and Dave Wetmore noted that not much had changed. Based on recent sales, the 2008 downturn was still being felt in New Haven. Why are we rushing to make this change since there has not been a lot of commercial development on Rte. 7? Jon asked about the average commercial lot size and how the Dupoise parcel compares. Jon then asked about the configuration and history of the existing lots Highway Commercial (HC) district. Why wasn't the entire parcel designated HC?

Francie- shared the comments from the minutes of the PC in May 2000. It appears that the Dupoises has approached the PC about changing the entire parcel to highway commercial prior to purchase. At that time it was agreed to only change the southern 10 acres due in large part to neighbor requests. This was part of a larger zoning amendment.

Marcia Dupoise- shared some of her memory of the discussions in 2000. Mainly that they had agreed to just the southern 10 acre change with the understanding that they could always come back and request the change to the remainder or the parcel.

Tammy Newmark- asked if an assessment had been done to determine the number of commercial lots currently available in the HC district? Francie states many lots are available. Dave responded that it has not been done for this discussion but it was considered as part of the PC's work regarding amendments to the HC district standards. Without water and sewer, New Haven does not make a strong commercial destination.

Jon Chapin- Raised questions about the process, agreements/understandings made by past Boards. He is concerned about this parcel being converted and then flipped for big profits. Jon hopes that the owner's objectives do not overshadow the Towns vision/objectives. He was not aware that the Dupoises had been told that they could request to expand the HC district in the future.

John Madden- Reminds all that this request is for the remainder of the Dupoise property (20 acres). He also cites that there are many HC parcels available for development without making more. He stresses that this process is flawed and should be voted on by the Town. The people will is sovereign. John noted that this has already been voted down twice.

PC- Discussed the law regarding amendments to the Towns Bylaws. Francie noted that the Towns attorney does not agree with John's interpretation of the Statute.

Jon Chapin- Asked what value the gas line will have on this change? Dave noted that the gas line is a transmission line and not distribution and therefore would have no real benefit to the property or other properties in this area.

Jon and Tammy- Support a good debate on this issue and a Town vote.

Rod Case- Stated that he was speaking as a resident and not as a PC member. He has lived there since 1985. He described the history of the uses and HC district. He also supports a Town vote but only because he would like to see the issue settled once and for all.

Dupoises- Stated that their plans do not involve a large parcel development but smaller parcels.

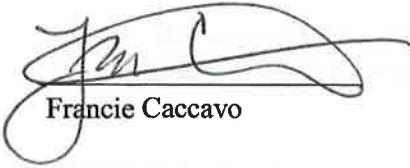
Francie- Stresses that the general public is encouraged to stay involved with the Towns planning work.

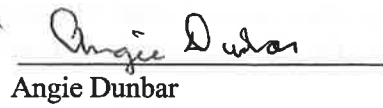
Rod- Explained the PC's present work. Tonight's discussion is all about the HC district and that is exactly (specific and performance standards) what the PC has been working on for the past 2 years.

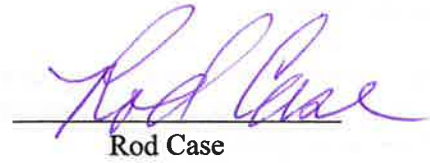
Francie- hearing concludes at 7:30 PM. Benjamin move to close the hearing, Rob 2nds. Voted 6-yes and 0-no.

Respectfully submitted:  
Dave Wetmore

Approved on 8/11/14

  
Francie Caccavo

  
Angie Dunbar

  
Rod Case

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Rob Litch

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Pat Palmer

  
Benjamin Putnam