

**Development Review Board Minutes
Town Offices, New Haven, Vermont
January 20, 2014**

Members Present: Kathy Barrett, Tim Bouton, Jim Gallott, Donald Johnston, Mike Sweeney

Members Absent: Donna Blaise, Steve Dupoise, Victor Bolduc (alternate)

Staff: Zoning Administrator-Dave Wetmore

Visitors: David Santos, Pete Bolduc

Tim Bouton, Chair, recused himself from the Public Hearing tonight. Bouton is an abutting neighbor to the Phoenix Feeds Site. Jim Gallott, Vice-Chair, called the Development Review Board (DRB) to order at 7:00 PM.

Visitors Business – none

Public Hearing

1. *Application 2013DRB-11-A Appeal of decision of ZA to issue "Notice of Violation" dated 11/5/2013.*

Requested from the Zoning Administrator (ZA), the Town's attorney and Mr. Punderson (Mr. Lee's attorney) that this application to be moved to the DRB meeting of March 17, 2014.

Sweeney made the motion to move "Notice of Violation Appeal" Application 2013DRB-11-A to the DRB meeting of March 17, 2014.

Johnston seconded

Discussion – none

Vote: Yes – 4 (Barrett, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

2. *Application 2013DRB-12-AP amended site plan approval request by Newton Holdings LLC and Craig Newton, dba Phoenix Feeds and Nutrition, Inc.*

David Santos a co-owner of Phoenix Feeds and Nutrition, Inc. presented tonight. Phoenix Feeds proposes to build a (26' wide x 30' long x 30' high) shed with roof that will enclose the receiving pit. This structure will protect the area from snow and rain and will confine the airborne dust during the unloading procedure. The proposed shed will be attached to the current building, have roll up doors that will be closed when not in use and will be sided to match other area buildings. Trucks will receive product or dump product the same way as now- from the west and north sides. The receiving pit area was part of a project that was approved by the DRB in March of 2013.

There are no other changes in operation and hours. There currently are no plans to change the current outside lighting from what is there currently. There will be a light inside the building.

Opened for Public Comment

Bouton asked about the status of the commuter lot and bus shelter.

Santos indicated that the bus company never followed through with their plans for this. It is not in the plans anymore.

Bouton asked if Phoenix Feeds would be willing to remove this plan from the Phoenix Feeds site plan.

Santos indicated that it was previously brought to his attention by the ZA but it was unable to be done before tonight's meeting.

Bouton mentioned that it looked like access to the receiving pit area was through State property. Does Phoenix Feeds have any permits or permission of agreement to use this property as an access? If this access was lost would it affect the traffic flow to the site?

Santos is not aware of any official permission, but they have been using this property as an access. If access was lost through the State property, Phoenix Feeds would use another access point on their property.

With regard to the bus commuter lot Barrett mentioned the bus operation has two years to establish this lot and does not think it appropriate to remove this from the site plan unless there was a formal letter to do so. Also the commuter lot is not relevant to tonight's application.

Public Comment Period Closed

The ZA mentioned that the measured setbacks from Route 7 exceed regulations.

The Vice-Chair read off the Exhibit List Items 1 through 5 (See Attached).

Barrett made the motion to approve the application with all of the previous conditions still relevant.

Sweeney seconded

Discussion – none

Vote: Yes – 4 (Barrett, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

End of Public Hearing Session at 7:20 PM

DRB Business

Bouton joined the meeting as a board member.

1. Sketch plan reviews – none

2. Minutes

a) *December 16, 2013* – There was no motion to approve these minutes tonight as the required board members were not present.

b) *January 6, 2014*

Bouton made the motion to approve the minutes of DRB January 6, 2014 meeting with corrections.

Barrett seconded
Discussion – none
Vote: Yes – 5 (Barrett, Bouton, Gallott, Johnston, Sweeney)
No – 0
Abstention – 0
Motion carries

3. Review and Sign Decisions

a) 2013DRB-10-NCS, Schlein

There was considerable discussion related to the Conclusions of Law and Findings of Fact. It was determined that the DRB did come to a conclusion and agreed that the new Schlein residence is not in the same location as the old house.

Barrett made the motion to approve the Findings of Fact and Conclusions of Law as presented.

Sweeney seconded
Discussion – none
Vote: Yes – 5 (Barrett, Bouton, Gallott, Johnston, Sweeney)
No – 0
Abstention – 0
Motion carries

4. Review for compliance and Sign final plats – none

5. Correspondence – none

6. New Business - VT Gas questions

VT Gas Systems wants to set up at least two staging areas for equipment and pipe, as well as a gate station in which VT Gas Systems would physically own the land but the lots would be less than the required minimum size as stated in the Zoning Bylaws.

7. Old Business - none

Barrett made the motion to adjourn
Johnston seconded
Discussion – none
Vote: Yes – 5 (Barrett, Bouton, Gallott, Johnston, Sweeney)
No – 0
Abstention – 0
Motion carries

The meeting was adjourned at 8:25 PM


Respectfully Submitted By
Karen Gallott



Tim Bouton, Chair



Jim Gallott, Vice-Chair



Kathy Barrett

Donald Johnston, Secretary



Mike Sweeney

