

**New Haven Planning Commission Public Hearing
Zoning Bylaw amendment**

**January 28, 2014
New Haven Town Hall**

ORIGINAL

Attending:

PC members: Chair, Francie Caccavo, Angie Dunbar, Pat Palmer, Jim Walsh, Rob Litch, Rod Case

Public: Kathleen Barrett, Paul Horn, John Madden, Ed McGuire, John Nelson, Barb Torian
and Zoning Administrator, Dave Wetmore

Public Hearing general notes: Hearing was recorded and minutes were taken by Dave Wetmore

Call to Order: Francie called hearing to order at 7:00 PM and introduces Planning Commission members (PC). The agenda was posted and it is attached.

Rob Litch- Read the warning printed in the paper and posted at the Town Office, Post Office and Village Market.

Francie- Reviewed for the public the purpose of the hearing, outlining the history of the Horn property. The history is presented in the packet prepared for the hearing. A Town vote in 1980 had established a stretch of land on the east side of Rte. 7, 2200-ft in length and 320-ft deep extending southerly of the intersection of River Road as designated Highway Commercial. This included the Horn property. The exclusion of the Horn property from HC came to light in 2009. It was determined then that sometime after 1990 and most likely in the adoption of the 2006 Town Plan the Horn property was inadvertently removed from Highway Commercial (HC). The PC believes this was clearly a mistake and the error could not be changed until the Town Plan supported the change, which the 2011 Town Plan does. This is the only change/amendment being requested.

Francie- asked the public comment on the proposed change.

Paul Horn- Thanks the PC for bringing this forward. When he bought the property it was zoned commercial. It is unfortunate that it got changed and believes that it was just an error and not removed from HC on purpose.

Kathy Barrett- Why was this change not considered along with the other changes proposed in the Town Plan? Jim Walsh responded that there is not a lot of support by the PC to make wide spread changes to the HC district as allowed in the Town Plan. Dave Wetmore explained that the Town Plan and specifically the Land Use Map implements the concept of "planning areas". "Planning areas" should not be mistaken for zoning districts. Dave read from the Town Plan regarding the purpose of "planning areas".

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Rob Litch- Expressed that the purpose of this amendment proposal is to correct an oversight that had previously occurred. We are fixing an error. He supports this amendment to the bylaws and feels that it is only right to correct the error. This change should take place before the broader discussion regarding changes to the HC district takes place.

John Madden- Handed out a document dated 1/7/2014- John cited the VT Constitution that -government should be for the common benefit of the community and not for the advantage of a single person. John expressed that he did not believe that the land use map met the requirements identified in VSA §4382, 4385. It is his opinion that the Town Plan needs to be amended before this change can be adopted, requiring an Australian ballot vote.

Francie- Stated that the PC had consulted with the Town's attorney and she agrees that the proposed amendment is compliant with State law requirements.

John- would like to discuss his concerns with the Town attorney, in an attempt to avoid a law suit. He asked the PC to direct Cindy to have that discussion with him in an attempt to resolve his concerns.

John Nelson- asked if Mr. Madden was suggesting that he would take legal action? John Madden said yes if required.

Barb Torian- Asked if this proposed amendment is supported by the Town Plan?

Francie- Explained the history of the HC district in the area and showed the Land Use Map/ "planning area" map to Barb. The current Town Plan, adopted in 2011, clearly allows for the amendment to the HC district currently being proposed/discussed.

John Madden- Read from the Town Plan regarding rural character and scenic quality of Rte.7. He believes this change would allow for a strip mall development which does not conform to the Town Plan. This change will put a great deal of pressure for the future development of a strip mall, which is not characteristic of a rural area.

Francie- Reminds John that this was previously designated HC, and there is no evidence that it was changed on purpose.

John Madden- PC amendment process is flawed and a small number of people should not be making public policy. He reminded PC that the Town had previously voted down converting the Dupoise property (across road) to HC.

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Francie- At the time the Dupoise property change was proposed, it was not supported by the Town Plan. However, the Horn property was supported by a Town vote (1980) and is supported by the current Town Plan.

Rob- asked if John acknowledges the validity of the vote in 1980?

John Madden- Expressed that he would need to look into it further. John questions how well informed the voters were at the time.

Ed McGuire- States he supports the change.

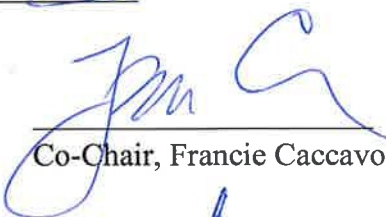
Francie- asked for additional comments? No other comments presented. Francie thanks all for attending.


Francie asks for a motion to close hearing. Rob moved to close at 7:30 PM, Pat 2nds. Motion to close hearing approved 6-yes and 0-no

Respectfully submitted:
Dave Wetmore

Approved on _____

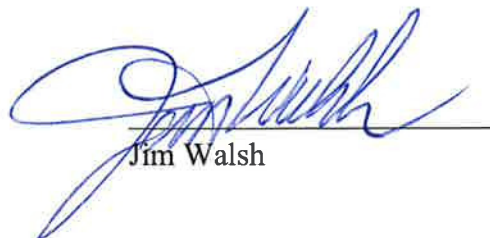

Rod Case


Co-Chair, Francie Caccavo


Angie Dunbar

Rob Litch


Pat Palmer


Jim Walsh

