

Town of New Haven
DEVELOPMENT REVIEW BOARD MEETING
HYBRID Public Meeting
Monday, June 19, 2023
Meeting Minutes

DRB Members Present:

Charlie Roy (remote), Carol Charbonneau, Victor LaBerge, Don Johnston, Paul Audy, Tom Fyles (remote)

Absent: Kathy Barrett, Roger Hamilton

Staff Present:

Peggy Connor, Zoning Administrator, Minutes

Visitors Present:

Mike Lee (applicant)

Call to Order:

Following a site visit to New Haven Power Equipment at 6:00 p.m., Chair Charlie Roy called the meeting to order at 7:05 p.m.

I. Adjustments to Agenda:

None.

II. Visitors Business

None.

III. CONTINUATION OF HEARING FROM JUNE 5, 2023 RE: Application #2023-DRB-05: Mike Lee d/b/a New Haven Power Equipment is requesting site plan review and approval for sales and service of outdoor power equipment and sheds/portable buildings, located at 3065 Ethan Allen Highway, in accordance with Article II, Sections 341 and 352

At their June 5th Development Review Board meeting, members agreed to conduct a site visit to New Haven Power Equipment prior to meeting on June 19th. Charlie Roy noted that he had visited the property last week, and asked DRB members what they observed on their site visit prior to the meeting. Don Johnston advised that he, Carol Charbonneau, Paul Audy, and Victor LaBerge were shown the location of the proposed 40' x 70' building by owner Mike Lee, and his plans for re-grading along the north side of the existing building. Don added that they did not discuss the location for outdoor power equipment displays. Charlie noted the required 75' minimum front yard setback that measures from the center line of the road for non-residential uses in the Highway Commercial zoning district. During the tour, Mike Lee had advised that displays in front of the building will be located behind the existing cement light pedestals.

Don Johnson pointed out that the site plan map shows the three issues discussed at the DRB's June 5th meeting: 1) grading north of existing building; 2) location of proposed new building; and 3) location of five display areas. Mike Lee asked the DRB to approve the site plan as presented with the understanding that the topography will change once grading improvements are made.

Noting the "1-Foot Ground Surface Contour" and "Finish Grade" on the site plan's legend, Don Johnston pointed out that the map shows the proposed and finished grade. Mike Lee was not aware that the map included "Finish Grade," but offered to write in the changes. Paul Audy pointed out that the application and current site map had been warned and should not be altered during the meeting; however, the DRB could request an updated site plan be submitted for review at a subsequent meeting. Carol Charbonneau suggested that the Board postpone taking any action since the submitted site plan is more than nine years old, and Mr. Lee was unaware that it shows proposed grading changes.

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60 Mike Lee advised he could submit an updated plan, but asked the DRB to approve the existing
61 conditions as shown on the site plan he has submitted, and if there is any objection to his plans
62 for re-grading or to the display areas. Don Johnston explained that the DRB is tasked with
63 considering future plans, not existing conditions on site. Paul Audy had no objection to the
64 proposed grading to achieve an even slope throughout the parcel, adding that any map
65 presented must accurately depict the changes. Don Johnston suggested that an updated map
66 show: 1) the new building location; 2) display areas; and 3) grading.
67

68 Tom Fyles suggested the board consider approving the plan with contingencies. Mike Lee noted
69 that grading is not a priority and asked the DRB to approve the location of the proposed 40' x
70 70' storage building, and five display areas as shown on the site plan. Charlie Roy advised Mr.
71 Lee that any action taken by the DRB on the site plan will have no bearing on any outstanding
72 violations or judgment orders.
73

74 Don Johnston moved to approve the site plan dated March 7, 2014 drafted by Jason Barnard as
75 presented showing 1) the location of a 40' x 70' building; 2) five display areas, including two
76 located between the existing building and highway that meet the required setback of 75'
77 measured from the center line of the road; and 3) grading shown on the area northwest of the
78 existing building. Approval is contingent upon the understanding that the granting of this site
79 plan approval in no way relieves Mike Lee of obligations imposed by judgment issued in
80 pending enforcement actions by the Town of New Haven and State of Vermont. Specifically,
81 any and all judgments pertaining to the property remain valid after the issuance of this approval,
82 and any and all orders within those judgments requiring Mr. Lee to take actions regarding the
83 property and to pay fines and other sums owed remain in effect. Victor LaBerge seconded the
84 motion.
85

86 **MOTION PASSED:**

87 **5 - Yes (P. Audy, D. Johnston, V. LaBerge, C. Roy, T. Fyles)**

88 **0 - No**

89 **1 - Abstaining (C. Charbonneau)**
90

91 **IV. Approval of June 5, 2023 Meeting Minutes**

92 Carol Charbonneau moved to approve DRB meeting minutes for June 5, 2023; Victor LaBerge
93 seconded.

94 **Motion PASSED:**

95 **5 – Yes (C. Roy, D. Johnston, V. LaBerge, P. Audy, C. Charbonneau)**

96 **0 – No**

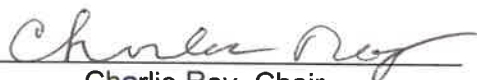
97 **1 – Abstention (T. Fyles)**
98

99 **V. Adjourn**

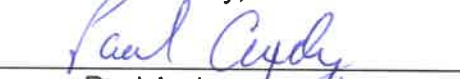
100 Carol Charbonneau moved to adjourn; Tom Fyles seconded.
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102 **Motion PASSED unanimously; meeting adjourned at 8:15 p.m.**
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104 Respectfully submitted,
105 Peggy Connor

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107 
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109 Charlie Roy, Chair

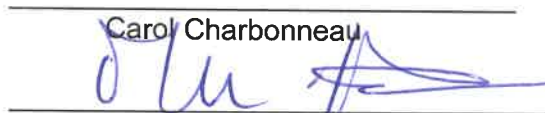

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112 Paul Audy

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115 Don Johnston


Victor LaBerge


Carol Charbonneau

Tom Fyles