

**Town of New Haven Selectboard Meeting**  
**7:00 pm**  
**Monday, June 23, 2014**  
**Town Offices**

Present: Chair, Kathy Barrett, Vice Chair, Roger Boise, Carole Hall, Doug Tolles, and Clerk, Pam Kingman

Development Review Board members present: Chair, Tim Bouton, Vice Chair, Jim Gallott, Kathy Barrett, Stephen Dupoise, Tom Fyles (Alternate)

Planning Commission members present: Co - Chair, Francie Caccavo, Co – Chair, Rob Litch, Angie Dunbar, Rod Case, Benj Putnam

Visitors: Marcia Dupoise, Steve Dupoise and Susan Smiley

Kathy Barrett opened the meeting at 7:00pm, and introductions were made.

**DRB Chair, Tim Bouton** – Had prepared a summary sheet of things the DRB would like to put into place or have the Planning Commission work on, with input from the Selectboard. He added there are some applicants who look at zoning and they would like to see more zoning regulations. The summary sheet Tim prepared is not prioritized (see attached)

- **Current status of the Land Use Map vs Zoning Districts in the zoning regulations.** Discussed whether they should match or not. Francie Caccavo said the land use map is distinctly different; with planning areas; and there is no intent to have them ever match. The Planning Commission is working towards having the zoning map become a working map. Revisions to zoning will include a more concise map to go along with recommendations. Rod Case is working on such a map, and it will now have zoning district boundary coincide with property lines.
- **Status of Highway Commercial zone standards.** Francie said they are almost done with it. They used the planning grant through Addison County Regional Planning Commission; and they are tweaking the draft provided by ACRPC. They are having trouble with signage and lighting, partially because there is no language for lumens. Tim suggested when the PC presents changes to the Selectboard; and the Selectboard adopts the changes, the PC should use the most stringent map to go along with the current zoning regulations.

- **Signs & Signage** – For example the DRB has been trying to figure out if hay bale sculptures are considered signs, art or advertising. Doug Tolles asked if there was an example of overly specific zoning regulations. Tim replied ours are to a certain extent. He gave an example of a property having 1,000 feet of road frontage allows that property to have a 1,000 square feet of signage, while a property with just 200 feet of road frontage could only have 200 square feet of signage. This is a potential issue. Francie said the PC is haggling about signs & signage, maybe the DRB and Selectboard would be willing to look things over and give them some feedback. Rob Litch asked if the PC could receive the DRB minutes in a timely fashion. Kathy Barrett spoke of the new open meeting law which goes into effect on July 1<sup>st</sup>, which requires the minutes of all committees and Boards to be posted on the website within 5 business days.
- **Lighting** – Only information is in the subdivision regulations. The PC is working on it, they have discussed lumens and how it affects drivers and neighborhoods. But none of them is an expert.
- **Expiration dates of certain permits** - The DRB feels it would be a good idea to have expiration dates on certain types of permits and or site plans. This way there would be a “check back” period to make sure folks are still complying. Jim Gallott gave the example of the trucking depot at Macintyre’s on Ethan Allen Highway, which still exists from the site plan, even though the trucking firm decided to move the depot to another town. Steve questioned how long this should last? Tim asked what happens when there is a change in ownership; the new owners may not be aware of existing site plan.
- **Curb Cuts** – The Selectboard currently approves these. The DRB is looking for standards for what is workable and what is not. Tim said recently someone came in and wanted to use an existing field access for a driveway, and he would encourage the Selectboard not to accept preexisting Ag curb cuts. Roger Boise said they would still need a permit, and they usually do not accept Ag curb cuts. Roger said driveways must be 30’ wide at the curb, they take site distance into consideration and the driveway must be 1 ½ car lengths wide.
- **Standards for Private driveways** – Tim said as a member of the Fire Dept. these driveways need to be larger. It would be helpful if longer driveways had pull-offs at regular intervals and were wider to accommodate Fire Dept. equipment for safety. He would like to see this incorporated in the zoning bylaws.
- **The Setbacks for Interior lots** – The language for this is buried in zoning regs under section 503. The DRB would like to see a footnote for interior

lots in each section of Article X. There may be some houses on Wild Apple Road for example that are non-conforming because the language is somewhat hidden.

- **Independent Expert for the DRB** – The DRB would like to be able to hire for independent review of proposals when the subject is beyond their capacity. The DRB would hire the person, and bill the applicant for the time the expert spent on it. The DRB feels some applicants come in with extremely detailed applications that are sometimes not completely understood by the Board. This would have to be written into the zoning regs.
- **General Standards, section 820** – If we are going to continue to enforce them. The Zoning Administrator may need support from the Selectboard.
- **Floodplain Regulations** – The Town could receive a higher level (up to 50%) of funding if some changes were made to the zoning map for floodplain areas. Structures within the floodplain have been there for a while. Francie said the floodplain maps do not match the insurance maps. Tim agreed, the floodplain maps were produced in 1983, and will not be updated. The State has identified areas of erosion, including along the New Haven River. The PC said they need to adjust their language for churches, daycares, public utilities, and schools because of Hurricane Irene. Kathy Barrett reminded the PC to eliminate language put into the Town Plan for the Sapphire School. An exemption was made 4 years ago for the school, because the owner was not licensed with the the State Board of Education. The exemption has now expired.
- **Parking Requirements** – This has mostly been solved.
- **Lot Line Adjustments** – Some Towns allow the Zoning Administrator to do this.
- **Municipal Districts** – This is something the DRB would like to see. It would be a district which would encompass all the land currently owned by the town and Beeman. It is suggested that the setbacks within the Municipal District would be eliminated if both landowners agreed. Discussed the issue with the ball field and new dugouts.

**Planning Commission Co – Chairs, Francie Caccavo and Rob Litch –**

**Rob Litch** - Mentioned our Zoning Administrator, Dave Wetmore would like to be able to have tools in place to enforce zoning, so he doesn't have to create different laws. At times, the ZA feels powerless to enforce the regulations; possibly there is a way to issue tickets for violations. Currently Dave is working on bringing businesses that are not in compliance, he is giving these folks a chance to come into compliance without having a

violation. Kathy Barrett said the zoning regs say he can issue fines, but the court has to impose the fines. The Selectboard can't enforce it, the court would then order mediation, and fines are levied to cover the cost of mediation. Tim Bouton suggested that it be made perfectly clear in the zoning regulations, no grey areas. Tim also suggested the Selectboard support ZA, Dave Wetmore, because he does an amazing job.

**Francie Caccavo** – Would like to see better communication between the Boards, if they could get warnings that directly impacts what they are working on. Kathy Barrett explained how the ZA sends out the agenda for the DRB, and posts the warnings in town and in the newspaper. Francie would also like to have someone review the Planning Commissions mail. They typically save the last few minutes of their meetings to review mail. They are asking if a staff person who is tech savvy, could review the mail, and respond to it in a timely fashion; especially now with VT Gas correspondence. Tim Bouton said there will be a lot of ACT 248 with VT Gas and wind projects. Francie said maybe the Zoning Assistant's time could be used towards some of this.

**Rob Litch** – Said with all the upcoming solar projects, at what point in time would you want to change the town's character? Tim Bouton suggested bringing the Planning Commission and Selectboard together to review solar farms. Discussed decommission process for solar farms, rate of return on some solar farms compared to others, and about taxing them. Kathy Barrett said it is something we need outside appraiser, Kermit Blaisdell to look into. Kathy also mentioned the phone conference the Selectboard had with Senator, Chris Bray about solar farms and how towns could tax them. He was going to do some research on the issue; but no one on the Selectboard has heard from him. Tim Bouton suggested a letter to the Public Service board stating the solar farms are only good for New Haven if we get money towards taxes.

The Selectboard thanked members of the DRB and PC for coming.

#### **TREASURER'S REPORT:**

1. Doug Tolles made a made a motion to approve the pay orders in the amount of \$12,185.65, for the week ending 6/23/14, seconded by Carole Hall. 4 yes / 0 no
2. Roger Boise made a motion to approve payroll in the amount of \$4,182.35, for the week ending 6/21/14, seconded by Carole Hall. 4 yes / 0 no
3. Roger Boise made a motion to sign the Non-Arbitrage Certificate, with the National Bank of Middlebury, in the amount of \$400,000; at .95%. (due in 2015) Motion seconded by Doug Tolles. 4 yes / 0 no
4. Carole Hall made a motion to sign the Municipal Line of Credit with the National Bank of Middlebury in the amount of \$400,000, seconded by Roger Boise. 4 yes / 0 no

5. Carole Hall made a motion to sign the Resolution with the National Bank of Middlebury, and to authorize the Treasurer to borrow \$400,000 on behalf of the Selectboard. Motion seconded by Doug Tolles. 4 yes / 0 no

**OTHER BUSINESS:**

1. Doug Tolles asked if letters are going to be sent to landowners whose property adjoins the old North South Highway. Pam Kingman will write the letters, under the guidance of the Selectboard and Town Attorney.

Adjourn: 9:05 pm

Respectfully submitted:

Pam Kingman

Approved:



Chair, Kathy Barrett



Vice Chair, Roger Boise



Carole Hall



Doug Tolles



## New Haven Zoning/Planning/Ordinance Thoughts

The following topics came up in a DRB brainstorm session or other discussions where some clarification of the regulations/status may be needed:

- Town Land Use Map in Town Plan vs Zoning Districts in Zoning Regulations. Should they line up exactly or is the land use map a guide only? In either case, what is the current status?
- What is the status of any new Highway Commercial zone standards? When are they to be proposed to the town? When do we need to start using them?
- Signs/Signage seems to be out of control on some properties and the current regulations seem overly permissive and overly restrictive at the same time. Are we looking at signs and how we regulate them? Any provision for temporary signs?
- Lighting is only addressed in our subdivisions and has not been updated since the advent of new lighting technology. We are not equipped to review or monitor lumens or off site lighting impacts. Are these regulations being looked at?
- We believe it would be good to have provisions for expiration of certain types of permits and/or site plans when the ownership of property changes or after a given number of years. Please explore.
- Please add language about obtaining a curb cut from the Selectboard for each subdivision and building permit. Pre-existing agricultural curb cuts should not be grandfathered for other more intensive/higher-use purposes. (Do we have existing standards for the Selectboard to use?)
- We should establish a set of rules in zoning that address minimum public safety standards for private driveways including maintained width, maximum length to first turnaround, maximum grade, etc.
- Setbacks for interior lots should be identified in Section X. They are currently buried in Section 503. We have recently found a few which are in violation and have been for a while likely due to not finding this section.
- It would be a good idea to make sure the DRB can hire independent review of proposals when the subject is beyond our capacity to review. The cost should be borne by the applicant. (Lighting, traffic flow, noise, landscaping, etc. can all be beyond the expertise of board members at times.)
- If we intend to continue Section 820 general standards, we need to make sure we have the ability to enforce them. (decibles, Ringlemann chart, peak velocity of vibration, etc.) The Zoning administrator must have support either via measuring equipment or authorization to hire experts as part of their job. (SB support)

- Floodplain regulations should be looked at to ensure compliance with new State funding rules and to adjust Section 518 to remove that exemption in the floodplain.
- Parking requirements should be looked at re: in front of vs. behind, and screened?
- Add some sort of provision for Lot Line Adjustments.
- Municipal Districts