

TOWN OF NEW HAVEN
Development Review Board

Findings and Decisions
RE: Applications for Variance and Subdivision

In re: VARIANCE REQUEST by Terri Lyons Permit Application No. 2022-DRB-02

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a variance related to subdivision application #2022-DRB-02 submitted by Terri Lyons under the Town of New Haven Zoning Bylaws.
2. The application was received at the Town Office on February 8, 2022. A copy of the application is available at the New Haven Town Office.
3. On February 17, 2022, notice of a public hearing was published in the *Addison Independent*.
4. On March 3, 2022, notice of a public hearing was posted at the following places:
 - a. The New Haven Town Office
 - b. Village Green Market
 - c. New Haven Post Office
5. On February 14, 2022, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Ron Hill, Four Hills Farm, 722 Burpee Rd., Bristol, VT 05443
 - Joyce Paquette, 907 South St., New Haven, VT 05472
 - John Sequin, 967 South St., New Haven, VT 05472
 - Jared Gorton, 967 South St., New Haven, VT 05472
6. The application was considered by the Development Review Board at a public hearing on March 7, 2022. The Development Review Board reviewed the application under the Town of New Haven Zoning Bylaws, as adopted and amended on August 21, 2012.
7. Present at the hearing were the following members of the Development Review Board:
 - Kathy Barrett, DRB Vice Chair
 - Don Johnston
 - Paul Audy
 - Susan Smiley
 - Carol Charbonneau
 - Tom Fyles
8. Others present:
 - Terri Lyons
 - Corey Collette
 - Summer Rivers
9. During the hearing the following exhibits were submitted to the Development Review Board:
 - LaRose survey map dated February 1, 2022
 - photographs showing the area proposed for the variance on the property

These exhibits are available from the zoning administrator.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a variance to construct a single-family dwelling. The subject property is a proposed 2.52-acre parcel located at 956 South Street in the Town of New Haven (Parcel ID#0365, Map #9).

2. The property is in the RA-2/RA-10 districts as described on the Town of New Haven Zoning Map on record at the Town of New Haven municipal office and Article X Sections 1001-A and 1003-A of the Zoning Bylaws as adopted August 21, 2012.
3. The following variance is sought by the applicant:
To extend the building envelope beyond the RA-2 zoning district into the RA-10 zoning district. The variance request requires review under the following section of the Zoning Bylaws: Article III Section 342.
4. The following unique physical circumstances or conditions peculiar to the subject property are found:
Applicant Terri Lyons advised that because the location of the new house will be situated in the back of the property where the RA-2 zoning district ends and the RA-10 district begins behind a pond, the only location for a new dwelling is on the elevated open land that lies in the RA-10 zoning district.
5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.
6. Unnecessary hardship has not been created by the applicant.
7. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
8. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

DECISION

Based upon these findings, the Development Review Board, in a vote of 5-0 and 1 abstention, approves the request for a variance that meets all five requirements identified in the zoning bylaws, Section 342 and 24 VSA 4496.


Dated at _____ Vermont, this _____ day of _____, 2022.




Kathy Barrett, Vice Chair



Don Johnston



Susan Smiley



Paul Audy



Carol Charbonneau

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

TOWN OF NEW HAVEN DEVELOPMENT REVIEW BOARD

Findings and Decision

Terri Lyons, 956 South Street, New Haven, VT 05472

Subdivision Application No. 2022-DRB-02-SD

In re: SUBDIVISION APPLICATION by Terri Lyons Permit Application No. 2022-DRB-02

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of permit application #2022-DRB-02-SD, a minor subdivision application relative to an existing 6.52-acre parcel located at 956 South Street in New Haven, Vermont (Parcel ID #0365, Map #9).
2. The Development Review Board (DRB) reviewed the sketch plan for this application on January 24, 2022, and classified it as a minor subdivision. The DRB reviewed the subsequent application for the subdivision at a meeting held **March 7, 2022**, pursuant to the Town of New Haven Subdivision Regulations adopted and amended in July 2006, and the Town of New Haven Zoning regulations as adopted and amended August 21, 2012.
3. The following members of the DRB participated in the application review and decision:
 - Kathy Barrett, Vice Chair
 - Carol Charbonneau
 - Tom Fyles
 - Susan Smiley
 - Paul Audy
 - Don Johnston

The following members were absent from the February 7, 2022 hearing:

- Charlie Roy
 - Victor LaBerge
4. The names of other persons present and available to provide testimony:
 - Peggy Connor, Zoning Administrator
 - Terri Lyons, Corey Collette, Summer Rivers
 5. During the hearing, the following exhibits were submitted to the DRB:
 - a. DRB application dated January 17, 2022
 - b. LaRose survey map dated February 1, 2022
 - c. Photographs showing the area proposed for a variance on the property

These exhibits and application are on file and available by contacting the New Haven Zoning Administrator at 802-453-3516 or by email: zoningnewhaven@gmavt.net

FINDINGS OF FACT

Based on the provided site plan, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. This proceeding involved the minor subdivision application relative to an existing 6.52-acre parcel located at 956 South Street in New Haven, Vermont (Parcel ID #0365, Map #9).
2. The property contains land located within the Rural Agricultural 2-Acre (RA-2) and Rural Agricultural 10-Acre (RA-10) zoning districts.

CONCLUSIONS:

The New Haven Development Review Board concludes that:

1. Lot 1 is proposed to be 4 acres on which there is an existing home and barn
2. Lot 2 is proposed to be a 2.52-acre parcel to be conveyed to Corey Collette and Summer Rivers on which a single-family dwelling will be built

3. It is further proposed that a 4-foot culvert, 30 feet in length will be installed under the proposed driveway north of the existing cross culvert

4. **DECISION AND CONDITIONS**

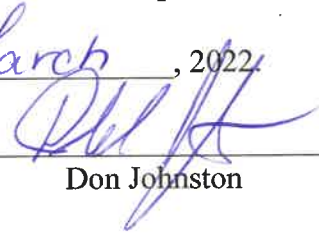
Based upon the application record, testimony, above findings, and conclusions, the DRB in a vote of 6-0, approves the subdivision proposed by Terri Lyons as shown in the final application 2022-DRB-02-SD. The following conditions are applied to this site plan approval:

- No additional land development shall occur without prior approval.
- The applicants must submit an updated wastewater permit from the Department of Environmental Conservation
- The final mylar must show the location of the well, septic system and building envelope as discussed at the hearing
- Further development of the lot may require wastewater/potable water supply and other state or federal permits. Please contact Rick Oberkirch, Permit Assistance Specialist at the Agency of Natural Resources, for more information: (802) 282-6498 or Rick.Oberkirch@vermont.gov.
- All exhibits presented in support of application # 2022-DRB-02-SD and findings of fact as recorded in this decision are included as conditions in the granting of this approval unless otherwise amended in this approval.
- The approval of the DRB shall expire 180 days from the date of this decision unless the approved plat is duly filed and recorded in the office of the municipal clerk.

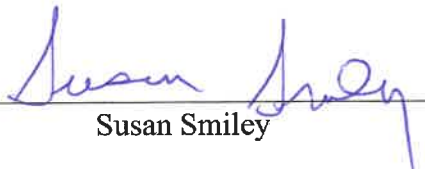
Dated at New Haven, Vermont this 31st day of March, 2022.



Kathy Barrett



Don Johnston



Susan Smiley



Paul Audy

Tom Fyles



Carol Charbonneau

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the development review board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.