

**Development Review Board Minutes  
Town Office New Haven, Vermont  
March 19, 2018**

**Members Present:** Kathy Barrett, Tim Bouton, Carol Charbonneau, Tom Fyles, Donald Johnston, Susan Smiley

**Members Absent:** Charlie Roy

**Staff:** Karen Gallott-Minute Taker

**Guests:** Ted Foster, Debra Foster, Andrew Martin (Town of Waltham), Tim Glassberg, Jeffry Glassberg, Amanda Bodell, Don Mitchell, Cheryl Mitchell, Benj Putnam, B. Michael Paul, Jay Jipner, Ethan Mitchell

Barrett, Development Review Board (DRB) Chair, called the meeting to order at 7:00 PM

**Introductions were made.**

**Adjustments to the agenda:**

In reference to the letter submitted by James Dumont, Esq. tonight will be a sketch plan review for All Star Group, LLC, with a continuation for a public hearing at the next DRB meeting. Additional sketch plans to be reviewed: Don & Cheryl Mitchell and Wright Stowe. DRB Minutes from December 4, 2017 will be deferred to the next DRB meeting.

Tim Bouton was welcomed back to the DRB.

**Sketch Plan:**

- a) *All Star Group LLC, Jay Jipner, request to subdivide a 9.186 acre lot at 1451 Hallock Road, into 2 lots.*

B.M. Paul presented this evening, representing for Jipner. All Star Group is asking for a minor subdivision to divide a 9.186 acre lot located on Hallock Road, into 2 lots: the new lot will contain 3.482 acres and the remaining lot will be 5.684 acres. Both lots will meet all zoning requirements for the RA2 zone. The new lot has an existing barn with two existing entries. Jipner would like to put a residence on this lot.; the remaining lot has an existing residence.

Topography of the area shows, no trees, wide open tract, one seasonal drainage swale through the fields.

**Open for public comment:**

Debra Foster asked where the proposed residence will be built. Proposed residence will be by the red barn.

Jeffry Glassberg confirmed with B.M. Paul, that the map B.M. Paul presented tonight does not show the Waltham Town Line. B.M. Paul indicated he felt showing the Waltham Town Line would “muddy the waters” on the map.

Glassberg presented various maps showing that the northern portion of Hallock Rd was located in the Town of Waltham . There is 2 acre zone along all present roads in New Haven and the 2 acre zone stops

where Hallock Rd crosses into Waltham. According to Glassberg, New Haven does not have jurisdiction over that portion of Hallock Rd, the property needs to be developed from the New Haven frontage off Hallock Rd. When it comes to development of the lot, there will be a Class 2 wetland delineation making the development window limited. If the development of the lot is moved further north, it then sits in the RA -10 district and there is not enough land.

Andrew Martin, indicated that he was here tonight as a resident of the Town of Waltham and not as a representative of the Town of Waltham; even though Martin is a Waltham Town Select Board member. Martin mentioned there is no formal agreement between Waltham and New Haven concerning the maintenance of Maple/Hallock Rd, Waltham continues what has been practiced before; and believes the road is in Waltham.

Glassberg also pointed out that he and Amanda Bodell, residing at 3613 Maple Street, did not receive a mailed notice of this meeting. A notice was sent to Glassberg Family Trust LLC at 3616 Maple St., Glassberg Family Trust mail is received by Tim Glassberg. Glassberg indicated there was another abutting land owner that also didn't receive notice.

B.M. Paul shared a map dated 1870 that shows the New Haven Town Line on the east side of Hallock Rd.

#### **Public Hearing comment closed**

After much discussion the DRB indicated more research needs to be done as to which town Hallock Rd belongs in. The DRB will look closely at the evidence presented tonight. But the DRB will be deciding if this is a minor or major subdivision.

Johnston made the motion to accept the concept of the sketch plan for a 2 lot minor subdivision as opposed to major subdivision.

Bouton seconded

Discussion: Glassberg indicated the DRB has discretion to look at this as a major subdivision to insure it meets all planning standards, the area is highly floodable and to look at the development capacity, as it relates to Section 410 of Planning Standards in the Subdivision Regulations.

Vote: Yes – 5 (Barrett, Bouton, Charbonneau, Fyles, Johnston)

No – 1 (Smiley)

Abstention – 0

Motion carries.

Smiley made the motion to defer the public hearing for this subdivision to April 16, 2018.

Fyles seconded

Discussion: none

Vote: Yes – 6 (Barrett, Bouton, Charbonneau, Fyles, Johnston, Smiley)

No – 0

Abstention – 0

Motion carries.

*b) Sketch plan for change of use with regards to the Don & Cheryl Mitchell property located on Hallock Road.*

Currently there are 4 residences located on a single lot. Mitchell's would like a change of use for 82 Mitchell Drive, currently a 2 bedroom single family residence, and rent the house out to Willowwell Foundation to run a nature based preschool program. A current preschool located in Starksboro, with 15 children ages 3 to 5 years of age and 2 teachers is losing its location and wants to move to the Mitchell property.

This change of use would be licensed by the VT State Dept of Education and falls under Section 518 of the New Haven Zoning ByLaws. Mitchell indicated there is adequate parking on site.

The other change would be to the 1,000 sq foot Annex located at 164 Mitchell Drive, permitting events, lectures, for the adult public. This would be considered a home based business.

**Open for Public Comment**

Debra Foster expressed concern regarding visibility and the width of the current driveway. She also indicated that the owners of the property will comply with all state rules and requirements.

Ethan Mitchell indicated they also have had license inspections with regards to lead, fire and the pond is located some distance away from the house (proposed preschool) would not be a concern and no fence was needed.

**End of Public Comments:**

The DRB mentioned if the Mitchell's did a subdivision of the property it would ease some on the confusion of the many building located on the property. Mitchell's did not want to do a subdivision.

The DRB would be willing to do a site visit.

For the preschool, the Mitchell's need to review Section 341 of the Zoning Regulations as it relates to the proposed site plan.

The DRB indicated the next possible date to review a site plan for the preschool the application would need to be received by March 26, 2018 for a public hearing on April 16, 2018.

The Mitchell's will do two separate applications to the DRB, one for the preschool at 82 Mitchell Road and later an application for the public use of 164 Mitchell Rd.

*c) Wright H. Stowe Revocable Trust, sketch plan hearing for a Boundary Line Adjustment and Four-Lot Subdivision, 434 East Street.*

Donald Johnston recused himself from this hearing.

Step #1: Boundary Line Adjustment - In the beginning Stowe's sold to Heim (lot #261.16 of 14.79 acres) Stowe's would like to do a boundary line adjustment adding approximately +/- 4 acres to Stowe Lot #261.17, and reducing the size of the Heim Lot #261.16.

Step #2: Preliminary review for a major subdivision – Currently Stowe’s have 2 lots based on previous subdivisions (Lot 261.1 and 261.17) Lot 261.17 will be made bigger with the BLA (see above). Lots 261.1 and 261.17 will then be subdivided again each lot into 2 lots or a total of 4 lots. 3 lots front on East St. with the proper road frontage and these lots will be 2 acres; the back lot will be 10 acres accessed with a right-of-way.

Bouton made the motion to look at this as a major subdivision.

Fyles seconded

Discussion – none

Vote: Yes – 5 (Barrett, Bouton, Charbonneau, Fyles, Smiley)

No – 0

Abstention – 1 (Johnston)

Motion carries

Smiley made the motion to adjourn.

Charbonneau seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Charbonneau, Fyles, Johnston, Smiley)

No – 0

Abstention – 0

Motion carries.

The meeting was adjourned at 9:00 PM.

Respectfully Submitted By

Karen Gallott



Kathy Barrett, Chair

Susan Smiley, Vice Chair



Donald Johnston, Clerk

Tim Bouton

  
Carol Charbonneau

Tom Fyles

