

Town of New Haven Selectboard Public Hearing
Zoning Amendment for the Dupoise Property
7:00 pm
Thursday, October 23, 2014
Town Hall Cafeteria

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

Visitors: Steve Dupoise, Marcia Dupoise, Barb Torian, Phil Livingston, Peter Rothschild, Francie Caccavo, Tammy Newmark, Lanny Smith, Lucas Smith

Selectboard Chair, Kathy Barrett read the Warning, (see attached). She also acknowledged 2 letters to the Selectboard, one from Jonathan Chapin and the other from John Madden. The Planning Commission held their Public Hearing on this Amendment on July 14, 2014. The Planning Commission is recommending this parcel be changed to Highway Commercial (HC).

Kathy Barrett opened the hearing up for public comment:

Planning Commission Chair, Francie Caccavo – We now have a Business Planning District. She doesn't think we can conserve all the land on Route 7. She would like to see all commercial property together.

Phil Livingston – Supports the change, and it's close to Middlebury. He has farmed the land for years, and said it is not good Ag land. The change may bring in new local jobs.

Lanny Smith – Also supports the change. He likes what the Dupoise's have done with the southern portion of the land. Any additional traffic will be on the state road not town road.

Tammy Newmark – Is concerned about what can be built in the Highway Commercial Zone. She feels this should be a town vote in March, not just a handful of people make this decision. Once it is switched to Highway Commercial, the land could be sold and a Rite Aid could go in there.

Francie Caccavo – This has been voted on before, it was voted down then, she feels because it did not fit the Town Plan. Now it fits under the Business Planning Area. It is appropriate because it is adjacent to other HC areas. Planning is about change, and thinking about the future. This particular spot is good for commercial. Prior the Dupoise's purchasing the lot; they approached the Planning Commission and asked if it

could be changed to commercial, they were led to believe that change wouldn't be an issue. Francie feels the town has an obligation to honor that.

Tammy Newmark – Then there is no limit as to what commercial property could be there.

Francie Caccavo - That is where zoning comes in. Once it is approved, zoning dictates what can go in there. There is a list of By Right Uses, and it must go through the Development Review Board.

Kathy Barrett – Is also a DRB member. She said the DRB must approve a site plan for any HC. Some of the issues they look at include, but not limited to, traffic patterns, number of expected trips into the site, screening, parking lots, lighting. If it looks like it'll be 100 cars a day, then they will probably say no. If it is a small operation with minimal traffic, probably say ok. Once the DRB approves a site plan with conditions, the property owner must apply for an ACT 250 permit.

Discussed the difficulties in getting curb cuts from the state for Route 7, and how ACT 250 would come in to play.

Kathy Barrett – It seems that there are two issues here, one is the zoning change and the second is who votes on the proposed change. This hearing is to hear the opinion of the people as to whether this change should be approved.

Doug Tolles – Why should 5 people decide, when it could be 500 voters?

Lanny Smith – You are elected officials with a job to do.

Francie Caccavo – Follow the laws of the state. These are volunteer boards; it is nice to move some things along. The PC started working on the Town Plan in 2007, they are working to make changes in the hopes that townsfolk want to see these changes. It is hard when it gets struck down by one or two individuals. The PC is trying to move projects along in chunks. They just presented the Horn property, and the Selectboard did the same. The PC currently has about 10 projects on their list.

Steve Dupoise – They have been working towards this since they purchased the property.

Tammy Newmark – Doesn't consider this a project, just a zoning change. Finds it hard to make a decision on what the property will be used for.

Francie Caccavo – They are not changing it for what it will be used for. It is an identified area that will be a good change. The Dupoises have been working on this change for a while.

Doug Tolles – The Selectboard doesn't need to act on this until next August.

Barb Torian – What happens when this changes, are permits grandfathered?

Kathy Barrett – Once a permit is issued it is conditioned on the zoning by-laws that were in effect at the time the permit is issued.

Barb Torian – Could the Board speak to how they feel about if they make the change or if it goes to a town vote?

Roger Boise – Would rather see it as Highway Commercial. Dupoise's take good care of their property.

Doug Tolles – His personal preference would be to have it go to a town vote. It was voted down twice before. He feels it should go to Australian ballot at Town Meeting.

Kathy Barrett – The Selectboard has the power and authority to approve the change, reject the change or send it to the voters. At the time it was previously voted down, the Town Plan did not support this property as HC. The new Town Plan now says it is a business portion of the map, with all due reference to Doug Tolles.

Doug Tolles - Doesn't argue with that, if the Selectboard votes for a change. The Town Plan was voted on positively, which infers town support of the change. His personal preference is to allow the entire town vote on it.

Carole Hall – Agrees with both Kathy Barrett and Doug Tolles. If there is a big conflict, then it should go to a vote.

Doug Tolles – Should the Selectboard not approve the change, the Dupoise's could petition to have the change voted on by the town.

Carole Hall – What is the harm in waiting until March?

Francie Caccavo – They have been waiting since they purchased the property.

Kathy Barrett closed the public hearing at 7:50 pm.


The Selectboard will hold a Special Meeting on Tuesday, October 28, 2014 at 7:00 pm in the Town Offices.

Adjourn:


Respectfully submitted:

Pam Kingman

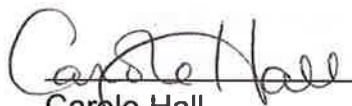
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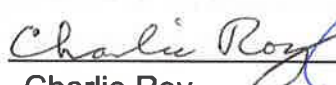
Chair, Kathy Barrett



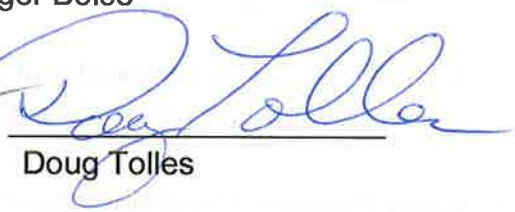
Vice Chair, Roger Boise



Carole Hall



Charlie Roy



Doug Tolles