

**Town of New Haven Selectboard Meeting**  
**7:00 pm**  
**Tuesday, October 28, 2014**  
**Town Offices**

Present: Chair, Kathy Barrett, Vice Chair, Roger Boise, Carole Hall, Charlie Roy, Doug Tolles, Treasurer, Barb Torian and Clerk, Pam Kingman  
Visitors: Steve Dupoise, Marcia Dupoise, Peter Rothschild and Jono Chapin

**AGENDA RESULTS:**

Chair, Kathy Barrett read from the warning that this meeting is to discuss the Zoning Amendment to section 220 "zoning map" per the October 23, 2014 Public Hearing in the New Haven Town Hall. This notice was posted pursuant to 1 V.S.A. §312. Kathy noted that this is a revised agenda, it was posted in 3 places around town, on the website, Front Porch Forum and the Addison Independent was notified. Kathy reminded the audience that the public discussion is now closed.

Carole Hall – Feels she needs a clearer understanding of why they are doing what they are doing.

Kathy Barrett – The Town Plan was changed to include a Business Planning District in this area. The Town Plan was approved by the voters in March of 2011. It is the Planning Commissions job to amend the zoning bylaws to come into conformance with the Town Plan. The Dupoise sent a letter to the PC asking them to make the change to their parcel at the corner of Belden Falls Rd. and Route 7.

The Planning Commission creates and revises the Town Plan; it then goes to the voters. The goal of the PC is to have the zoning bylaws conform to the Town Plan. The Dupoise's parcel now conforms to the Town Plan.

The PC held their public hearing on July 14, 2014; their recommendation to the Selectboard is that this parcel be changed to Highway Commercial. The Selectboard held their public hearing last week. The Selectboard can approve the change, reject the change or take it to the voters.

The PC looks at each district and whether they conform to property boundary lines. The Horn Property for example the front part of their property is highway commercial, but the back is not. The goal of the PC is to make the whole parcel be highway commercial.

Doug Tolles – Is concerned about the Madden lawsuit, because it is still alive in the court system.



Kathy Barrett – Town Attorney Hill has filed a motion to dismiss and Madden has not appealed. She doesn't feel the Board should alter their decision based on the Horn property. If the public isn't happy with the Selectboards decision they can petition for a vote.

Charlie Roy – We cannot predict what Madden will do, and the Board cannot be held hostage by him.

Doug Tolles – Concerned there is an open lawsuit on the Horn parcel.

Carole Hall – Said both Charlie and Doug's comments are reasonable.

Roger Boise – He has been on the Board for 7 years, and Madden continues to file complaints.

Doug Tolles – The Dupoise parcel is currently in 2 parts. Because this has been voted on twice before, he feels it should go back to the voters.

Roger Boise made a motion to change the balance of parcel #0787, from Rural Agricultural (RA-10) to Highway Commercial District (HC), per section 1005 (NHZB). Motion seconded by Charlie Roy. 3 yes (Barrett / Roy / Boise) 1 no (Tolles) 1 abstention (Hall)

**Prior to the motion being seconded, further discussion included:**

Carole Hall – She doesn't know how controversial it may be having the Selectboard vote on it.

Kathy Barrett: There are 3 issues:

- 1) Should it be changed to HC
- 2) What is HC? There is some concern about a large retail store going in there.
- 3) Should it go to a town wide vote?

The Planning Commission needs to finish up restrictions in the Highway Commercial district. RE: retail space, how many feet should it be so that it cannot be a Rite Aid or Walmart. It is up to the PC, they were hoping to get changes to the Selectboard by this fall, but a lot of their time has been take up by all of the proposed Solar arrays in town.



Jono Chapin – Can it be assumed that the Dupoise’s don’t have plans to sell the property?

Carole Hall – They could sell it, and then there is no control.

Kathy Barrett – There is still control through the Development Review Board for a commercial property, because it has to have a Site Plan Review and go through ACT 250.

Carole Hall – Is there a chance the zoning could be tightened up if it were to go to a town wide vote?

Marcia Dupoise – The Town Plan was approved in 2011, which was 3 years ago. This could take another 3 years. She said they have no intention of selling the property.

Kathy Barrett – The PC understands this has a higher priority if it passes.

Jono Chapin – Feels this is a large controversy, with lots of layers. He attended the Planning Commissions public hearing, in his perspective; folks were evenly divided over the issue. He was unable to attend the Selectboard public hearing. He is concerned that after reading minutes from the PC hearing and Selectboard hearing that the PC wants to do changes in chunks. To him that is spot zoning. He feels it would be better to put it to the voters. He has a great respect for the Dupoise family, and acknowledges how hard the PC has worked. Whatever the outcome, still feels the towns people should vote on it.

Kathy Barrett – Respects Jono’s opinion. She said Francie Caccavo said it best at the Selectboard public hearing, “It is not necessary to go to a town vote, as it is supported by the Town Plan. It may become a marketing vote, as to who has the most friends.”

Doug Tolles -She also said 5 people may not be smarter than 500(voters). Francie could not find any evidence in old minutes where it states the PC would be willing to change the parcel in the future for the Dupoise’s. He spoke to Al Karnatz, former PC Chair. Al said he does not recall ever hearing the PC would change it.

Kathy Barrett – Francie Caccavo spoke to Gary Baker, former PC member, he does remember the PC telling the Dupoise’s they would work with them to change it.

Carole Hall Can the Selectboard ask the PC to expedite this?



Kathy Barrett – The PC has requested time on the agenda for the November 18, 2014 Selectboard meeting.

Carole Hall – Sympathizes with the Dupoise's, but would like the PC to tighten things up prior to the Selectboard making their decision.

Doug Tolles – State Statute says the Selectboard has 1 year from the PC decision before they have to decide. (August 2015)

Carole Hall made a motion that the Selectboard strongly encourages the Planning Commission to revise the Highway Commercial (HC) portion of the New Haven Zoning Bylaws (NHZB) and bring them to the Selectboard, so it is not a spot zoning issue. Motion seconded by Charlie Roy. 5 yes / 0 no

Jono Chapin – Thanked the Selectboard for making the motion to push the PC along. He thanked the Selectboard for all they do.

Steve Dupoise – Thanked the Selectboard. The Planning Commission and Selectboard job never ends.

Peter Rothschild – Attended his first PC meeting as a member. As a governing board would like to see more structure. The PC is exasperated right now by all the solar projects, and feels the PC should meet twice a month. He would also like to see the PC meet with the Selectboard once a month. He'd like to see the PC and Selectboard work together as a united front.

Barb Torian – There is money in the budget for the PC to hire a consultant.

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

1. Doug Tolles made a motion to approve payroll for the week ending 10/25/14, in the amount of \$3595.49, seconded by Carole Hall. 5 yes / 0 no
2. Charlie Roy made a motion to approve payroll for the week ending 10/28/14, in the amount of \$31,603.49, seconded by Carole Hall. 5 yes / 0 no

#### **OTHER BUSINESS:**

Carole Hall talked about each individual Selectboard member's strengths; and the importance of being respectful and working as a team





Adjourn:

Respectfully submitted:

Pam Kingman

Approved:

Kathy Barrett  
Chair, Kathy Barrett

Roger Boise  
Vice Chair, Roger Boise

Carole Hall  
Carole Hall

Charlie Roy  
Charlie Roy

Doug Tolles  
Doug Tolles

