

**Selectboard Public Hearing on the Proposed Zoning Amendments**  
**7:00 pm**  
**Town Hall Cafeteria**  
**Tuesday, June 12, 2012**

Present: Chair, Pam Marsh, Vice Chair, Kathy Barrett, Roger Boise, Kathleen Ready, Charlie Roy and Clerk, Pam Kingman

Visitors: Steve Dupoise, Mike McGrath, John Madden, Rob Litch, Angie Dunbar, Brandy Saxton, Zoning Administrator, Dave Wetmore, Kendal Dunbar, Michael Dunbar, Tamara Boise, Joey Boise, Pat Palmer, Rod Case, Barb Torian, Jim Walsh, Brian Kaeck, Rodney Boise, Harvey Smith and Iva Menard

Pam Marsh opened the Hearing at 7:05 pm with introductions to the Selectboard. Pam Marsh explained that tonight's Public Hearing is to look at only the limited Amendments listed brought forth by the Planning Commission.

**Barb Torian** – Asked for an overview of the changes.

**PC, Chair, Jim Walsh** – In the Proposed Amendments, all the changes are underlined. He went through the changes:

- Pg. 2 – ACCESSORY USE OR BUILDING – The PC has more clearly defined Accessory Use.
- Pg. 4 – FRONT YARD SETBACK – Is also more clearly defined.
- Pg. 5 – HISTORIC STRUCTURE – Defined, was not done before.
- Pg. 5 – HOME BUSINESS – This is newly added. There is a whole set of definitions for this on page 12 of the Amendments.
- Pg. 7 – PRINCIPAL USE – Defined what this is.
- Pg. 14 – TEMPORARY OR PORTABLE USES AND STRUCTURES – More clearly defined.

**Pam Marsh** – Asked if there are any questions about these changes.

**Kendal Dunbar** – Page one says "primary use", yet on page 7 it says principal use. This appears to be a typo.

**Pam Marsh** – The Selectboard received 3 comments from town resident, Susie Leonard. \*\*see attached\*\* 1) Section 130 – front yard setbacks; 2) Section 321 / bullet # 5 – Driveways and Accesses properly permitted by the Town. 3) Section 504 – Home Occupation. Brandy Saxton pointed out that this comment is now irrelevant because it has already been removed.

**Barb Torian** – Pg. 12 – Home Occupation, # 11 – She has concerns about the defined hours of operation, because some businesses start way too early and the noise level is

an issue. She wondered if there was a way to regulate the time; like begin at 7am or preferably 8am?

**PC member, Angie Dunbar** – explained the PC went back and forth on the times. They found they needed to compensate for contractors with an excavation business that may need to start at 6am to be on the job site by 7am.

**PC Chair, Jim Walsh** – Starting at 7 or 8 am is too late for any of the childcare facilities in town. It would be difficult for parents to drop off at that hour and then get to work on time.

Discussed businesses that fall under Home Based Businesses do require a permit from the DRB, and the DRB can be specific about limited times for noise factors. But once the permit is issued, it is out of the DRB's hands; it would be up to the neighbors to complain to the Zoning Administrator. However the DRB has the authority to say to the permittee there can be no impact on neighbors; and therefore limit activity prior to 7am. In the past some businesses have been ok for about the first year, then noise becomes an issue.

**Mike Dunbar** – As a business owner on Route 7, he has an issue with the 200' front yard setback, this does not allow a business to do anything. If these regulations go through, then half of his property is useless. He has looked at other area town's setbacks and only New Haven has setbacks like this.

**Pam Marsh** – Clarified the front yard setbacks are now 100'.

Discussed the differences between of a Home Occupation and a Home Based Business: Home Occupation the Zoning Administrator can permit without having to go through the DRB, because it is contained within the house. Home Based Business is a broader category, it allows more space. Home Based Business allows 2 residents and 2 employees who do not necessarily live in town to work there. The PC felt that this amount of employees was a good starting point, because the town has never had this before. It is allowed in areas not zoned commercial or industrial; and there is no adverse effect on the neighborhood.

**Iva Menard** – Asked where signs fell into this category, her business sign would end up behind her house.

**Dave Wetmore** – Signs are included in the front yard setback. Aware they are not perfect right now.

**Brandy Saxton** - The PC plans to address signs in there next phase of work. They will come back with recommendations.

More discussion on the front yard setback – For some business owners having the change to 100' will make things a bit better. But for those who need to store materials outside, feel this change doesn't help. An example was given of Hilltop RV and how close their campers/trailers were to Route 7; it was dangerous, and created a traffic hazard – this is why the front yard setback needs to be in place. Another business owner along Route 7 asked about approving things case by case, or having language in

place that was more lenient. Many were concerned that by doing that would cause spot zoning all over the place. The 100' setback applies to roads such as Route 7, it splits down the centerline of Route 7, making it a 75' setback with commercial on both sides. The three businesses mostly impacted by this are Cyclewise, Middlebury Fence and Mikes Auto. These businesses feel they need to be visible in order to grow more business. All agree that we don't want to see people do whatever they want. PC members encouraged the business owners to attend their meetings to voice their opinions and concerns. The PC meetings are held the second Wednesday of each month.

**Iva Menard** – Temporary structures like the Quonset huts, she would rather see those up year round so the stuff stored inside isn't visible.

**Dave Wetmore** – If people get a permit for them, they can stay up year round.

**Barb Torian** – Recognized the Planning Commission for their hard work.

**Harvey Smith** - Agreed, PC has done a good job. On the other hand has listened to the business owners, wondered about variances to retro fit something that already fits. He would like to see everyone work together for the community.

**Dave Wetmore** – The PC may be looking at waivers. No variance has ever withstood the environmental court.

Discuss the PC working towards waiver language in the future. It would have to be carefully designed waiver condition.

Public Hearing adjourned at 8:15pm.

**The Selectboard Meeting opened at 8:17pm**

## **AGENDA RESULTS:**

### **TOWN OFFICE BUSINESS:**

1. Town Hall Application – Turned out the person was not a New Haven resident. Suzy Roorda returned deposit and fee.
2. Outside Audit – Kathy Barrett thought this was to be a multi-year contract, with a provision that in the event our current Treasurer was not re-elected, the books cannot be turned over if not audited. This would be for the two months prior to elections. This will be an additional amount that Tome Telling and Assoc. will have to write up in a new proposal, have ready by the next meeting on Tuesday, June 19, 2012. The Selectboard is comfortable with the Auditors preparing things for the outside audit.
3. Copier – Pam Kingman got another quote on a table top copier/ printer from Ikon as requested by the Selectboard. Ikon's outright purchase price is \$2,499.00 compared to Symquest at \$1,452.94. Discussed the need for a second copier,

and leasing v. purchasing. Kathleen Ready made a motion to purchase a tabletop copier / printer from Symquest, seconded by Charlie Roy. 5 yes / 0 no

**TREASURER’S REPORT:**

- 1. Kathy Barrett made a motion to approve payroll for the week ending 6/9/12, in the amount of \$3,392.56, seconded by Kathleen Ready. 5 yes / 0 no

**ROAD COMMISSIONER’S REPORT:**

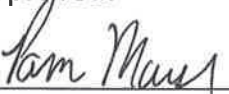
- 1. The new Ford 550 has already been released to the body company. We can anticipate the truck in roughly 3 - 4 weeks. Kathy Barrett made a motion to approve the invoice from Heritage Ford in the amount of \$39,374.00, seconded by Roger Boise. 5 yes / 0 no
- 2. The paving between the Town Hall and the school will be done by D & F Paving tomorrow. This will keep water from leaking into the cafeteria from rain and snow melt.

Adjourn: 8:45 pm

Respectfully submitted:


Pam Kingman


Approved:

  
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 Chair, Pam Marsh

  
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 Vice Chair, Kathy Barrett

  
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 Roger Boise

  
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 Kathleen Ready

  
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 Charlie Roy