

Development Review Board Minutes
Town Offices, New Haven, Vermont
September 15, 2014

ORIGINAL

Members Present: Kathy Barrett, Tim Bouton, Steve Dupoise, Jim Gallott, Donald Johnston, Mike Sweeney

Members &

Alternates Absent: Donna Blaise, Victor Bolduc-Alternate, Tom Fyles-Alternate

Guests: Liam Murphy, Esq., David Santos, Eric Benson, Peter Norris, John Kipp, Bridget Kipp, Brandon Kipp, Rick Shappy, Todd Duguay

Tim Bouton, Chair, called the September 15, 2014 Development Review Board (DRB) meeting to order at 7:00 PM.

Visitors Business – none

Public Hearing

1. *John Kipp #2014-10-SP (site plan), request for canoe/kayak display in Junction.*

The Kipp's are opening a sporting goods store at the former Knits & Bolts shop located at the Junction. They would like to have outside displays for canoes, kayaks and tree stands during the spring, summer and fall. A canoe/kayak rack would be located on the north side of the building, and in front of the store underneath the roof overhang. The tree stand display would also be located in the front of the building underneath the roof overhang. The Kipp's would also like to have a deer weigh station located behind the building. Kipp's are not sure at this time about outside displays during the winter months.

The building setback is approximately 45 feet from Route 7 centerline. The regulations indicate the setback is 75 feet. The DRB indicated that outside displays cannot extend any further forward into the setback area than the front edge of building.

Open for Public Comment

None

Public Comment Closed

Sweeney made the motion to approve the site plan as presented for both canoe/kayak racks, the tree stand display and the weigh in poles as shown on the site plan with the following conditions:

- Letter of agreement from the property owners (Clark's)
- No display will go past the front edge of the building thus it will not enter any further into the setback
- Letter from VT-Trans agreeing to the application
- Temporary setup of tent(s) for occasional sales is permissible – No camping tents for outside display

Dupoise seconded

Discussion – none

Vote: Yes – 6- (Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

2. *Peter and Daenen Norris, #2014DRB-11-BLA (boundary line adjustment).*

Peter Norris, Jr. presented a boundary line adjustment to combine lands owned by Peter Norris Jr., into lands owned by GreenHaven.

There was discussion regarding the shape of the proposed lot created from the boundary line adjustment. With further discussion regarding the BLA as it creates an interior lot with no road frontage.

Open for Public Comment

None

Public Comment Closed

The notes on the plat indicate a 50 foot wide right-of-way; but the right-of-way is shown as 50 foot off Route 7 to the State Police Lots and then reduced to 32 feet wide to lots 1 and 4. The DRB asked the Zoning Administrator (ZA) to check prior decisions and the deed to the State Police lots to clarify the right-of-way discrepancy.

Dupoise made the motion to continue this hearing to October 6, 2014 DRB meeting.

Barrett seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

3. *Newton Holdings LLC, Phoenix Feeds, 2014DRB07-SP (site plan) – continued from 8/18/2014, feed mill upgrades and track shed.*

The chair (Bouton) and Dupoise recused themselves from this hearing. Vice –Chair Gallott officiated.

Santos and Murphy, Esq.; presented. A packet was handed out to all DRB members. The packet included the following:

- September 11, 2014 letter from Murphy, Sullivan, Kronk – RE: Phoenix Feeds Application and Federal Pre-emption of Noise Regulations of Railroad Activities
- Phoenix Feeds aerial map of New Haven Feed Mill master plan
- Drawings depicting construction plans of the Phoenix Feeds Rail Car Shed
- Copy of email from John Dunleavy – RE: VTR-New Haven-Phoenix Feeds & Nutrition
- Noise Impact Assessment Phoenix Feeds & Nutrition, Inc.
- Report Addendum #2, Phoenix Feeds & Nutrition, Inc., track shed sound assessment

The ZA provided the DRB with correspondence from Cindy Hill (Town's Attorney); indicating that the track shed is not under DRB authority as per federal law.

Santos presented a map showing the proposed track shed will be located on railroad property. The track shed is of a pole barn type of construction, insulated to meet fire codes. The track shed is designed without end doors. The track shed is scheduled to be completed in 5 to 6 weeks (before winter).

The DRB then looked at the installation of a new mill #3 on the site plan, and the addition of four bins to Building #14 on the site plan. The proposed new bins are the same height at the existing bins.

The new proposed mill will increase output and reduce working hours. There was discussion regarding the set hours of operation and the compliance of these hours by Phoenix Feeds. Santos indicated that he felt Phoenix Feeds would be

compliant to the hours of operation (4 AM to 11 PM) upon the completion of the new mill, twelve (12) months from now.

The DRB went through the list of concerned items that were brought up at the August 18, 2014 DRB meeting:

- Noise level from new elevator
 - Addressed in the Noise Impact Assessment Study
- Noise level from vibrator and sledge hammer
 - Addressed in the Noise Impact Assessment Study; and with the correct way of using the vibrator by employees
- Rail shed location
 - Addressed at tonight's meeting
- Hours of operation with penalty for not following hours of operation
 - Has been discussed at length. The DRB will not give permission for extended hours but will reiterate the hours of operation. The track shed operation should not be activated outside of plant/business hours of operation.
- Lighting exterior/internal for the rail shed
 - DRB has no jurisdiction over this; it was recommend that lighting regulations be followed
- Letter requesting permission from land owner/land lease owner for permission to construct the rail shed
 - Received
- Plans for construction of rail shed and impact of sound study
 - Addressed in the Noise Impact Assessment Study and Addendum 2

Open for Public Comment

Tim Bouton indicated that is reasonable for the DRB to set the hours of operation of the new mill elevator. Santos indicated that the mill will run only when the plant operates from 4 AM to 11PM.

Public Comment Closed

Section 352 of the regulations were read and addressed.

The DRB indicated that Phoenix Feeds will follow the recommendations as noted in the noise impact study.

Sweeney made the motion to approve the site plan as presented and noted on the site map #14 the addition of four new bins; and #3 Elevators and Day Mill with the following conditions:

- Hours of operation will be 4:00 AM to 11:00 PM as per previous DRB decisions
- Act 250 permits and conditions must be met
- Performance standards of Article 8, Section 820 and Section 352 of the New Haven Zoning Bylaws will be met.

Barrett seconded

Discussion – none

Vote: Yes – 4 (Barrett, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

End of Public Hearing

Vice-Chair Gallott turned the meeting over to Chair Bouton.

DRB Business

1. **Sketch Plan Reviews** – none

2. **Minutes – August 18, 2014**

Barrett made the motion to accept the minutes with changes

Gallott seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Gallott, Sweeney)

No – 0

Abstention – 2 (Dupoise, Johnston)

Motion carries

3. Review and Sign Decisions – Volk

Barrett made the motion to accept the decision as presented

Sweeney seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Gallott, Sweeney)

No – 0

Abstention – 2 (Dupoise, Johnston)

Motion carries

4. Review for Compliance and Sign Final Plats – none

5. Correspondence

- Madden vs. Horn property
- Madden vs. Town of New Haven – docket 49-414

6. New Business

a) ZA questions regarding SD (Subdivision) in FHD (Flood Hazard District)

b) Appointment of Zoning Administrator's Assistant

7. Old Business

Gallott made the motion to adjourn

Barrett seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 9:16 PM

Respectfully Submitted By

Karen Gallott

Tim Bouton, Chair

Jim Gallott Vice-Chair

Kathy Barrett

Steve Dupoise

Donald Johnston

Mike Sweeney