

**Development Review Board
Town Offices, New Haven, Vermont
September 17, 2012**

Members Present: Kathy Barrett, Donna Blaise, Tim Bouton, Steve Dupoise, Jim Gallott, Donald Johnston

Members Absent: Mike Sweeney

Alternates Present: Victor Bolduc

Staff: Zoning Administrator-Dave Wetmore

Guests: Jim Walsh, Michael Jackman, Peter DeGraff, Rod Case, Jim Kendall, Megan Battey, George Todd, Meredith Birkoff, Chris Bray

Tim Bouton, Chair, called the Development Review Board (DRB) meeting to order at 7:00 PM. Victor Bolduc will be a voting member tonight.

Visitors Business – none

Public Hearing

1. *Application #2012-DRB-07 is a request for a site plan approval by Steve and Marcia Dupoise, dba Ethan Allen Highway Storage.*

Steve Dupoise (Board Member) recused himself as he is a relation to the applicants.
Donald Johnston (Board Member) recused himself as he is speaking on behalf of Steve and Marcia Dupoise.

Johnston presented a letter from the Dupoise's indicating that Johnston has permission to speak on their behalf. The letter provided was not signed by the Dupoise's, the DRB indicated that at the August 20, 2012 meeting the Dupoise's verbally indicated that Johnston would be speaking at this meeting on their behalf. The DRB accepted this but indicated that Johnston should get a signed letter for inclusion in the file.

The overall property has a total acreage of 29+/- . Tonight's application deals with only 10+/- acreage located in the Highway Commercial Area. Buildings #1 through #5 already exist, the Dupoise's are proposing buildings #6, #7, #8 and #9 to be built in the order that they are numbered. Buildings #6 and #7 to be built in 2012 and #8 and #9 later on (date uncertain).

The site plan shows all building sizes, the distance between buildings and the setback areas. Access to building #6 will be via a driveway that goes all the way around the building. In order to build the driveway a culvert will be installed in the existing swale and backfilled. Access to building #7 will be from the front (or the east side) only. Buildings #8 and #9 will have driveways that go all the way around them.

The proposed lighting for the proposed buildings is also shown on the site plan. And lighting is proposed for the existing sign.

Landscape screening – the existing trees (east side) will be removed to enable the construction of buildings #8 and 9. The site plan shows a proposed “green belt” to the east of building #9 and will be planted with additional trees. Existing landscaping located to the north on the lot will remain.

The DRB wanted to make sure the Dupoise’s were aware that an amendment to the existing stormwater permit would need to be applied for.

The DRB asked about the fencing and gate that was verbally mentioned at the August 20, 2012 but is not shown on the site plan presented tonight. The Zoning Administrator (ZA) indicated that a fence of less than eight feet in height is exempt so he did not request that it be shown on the site plan.

Open for Public Comment

Rod Case and Jim Kendall abutting neighbors to the property expressed an interest in this application.

Jim Kendall asked what the distance of building #9 was to Route 7. Johnston explained it was 275 feet from the edge of the boundary line of the property.

Rod Case indicated that he would like to see the entire property zoned Highway Commercial. This, in his opinion, would eliminate build outs so close to Route 7 and instead build outs would progress more to the north and leave a swath of “green belt” along Route 7.

Rod Case asked about the sign and the proposed lighting for it. The ZA indicated the lighting would be down shield.

Jim Kendall questioned the need for a lit sign. A lit sign is to attract customers (like a motel) and he does not see the need for this here.

Public Comment Period Closed

Gallott made the motion to accept the site plan as presented with the condition:

- that the proposed “green belt” landscaping to the east of building #9 match in type (same mixed of evergreen and hardwood) and spacing of the section of trees at the north end of Building #1; or match the trees that are where building #8 is proposed to go.

Barrett seconded

Discussion: the ZA indicated that the motion should include; that all State permits need to be complied with.

Gallott added an amendment to the above motion to include the condition:

- The site plan needs to meet all local/State/Federal permits.

Barrett seconded

The new motion now reads:

To accept the site plan as presented with the condition:

- that the proposed “green belt” landscaping to the east of building #9 match in type (same mixed of evergreen and hardwood) and spacing of the section of trees at the north end of Building #1; or match the trees that are where building #8 are proposed to go.

- The site plan needs to meet all local/State/Federal permits.

Discussion – none

Vote: Yes – 5 (Barrett, Blaise, Bolduc, Bouton, Gallott)

No – 0

Abstention – 0

Motion carries

2. *Application #2012-DRB-06 is a request for final plat approval for 2-lot subdivision by Charles and Heather Post.*

Donald Johnston (Board Member) recused himself as he did the boundary survey.

Peter DeGraff from Otter Creek Engineering was representing the Post's tonight. A letter was presented from the Ericksen's giving the Post's authority to speak on their behalf. There was no current letter giving DeGraff to speak on behalf of the Post's. Barrett said because DeGraff was present and spoke at the August 6, 2012 sketch plan it would be acceptable for DeGraff to speak tonight.

The DRB indicated that DeGraff should submit a letter from the Post's giving him the authority to represent them.

DeGraff presented a site plan showing a two lot subdivision showing Lot #1 of 2 + acres and Lot #2 3.12 acres. The site plan shows the proposed house sites for each lot, which are located outside of the FEMA flood plan line; as well as septic sites and easements for the shared well. Both lots meet the setbacks; and the wastewater permit from the State has been approved.

Open for Public Comment

Michael Jackman abutting neighbor, owner of the B&B and the 3rd party user for the shared well; expressed his concern regarding the rights/usage to the well. DeGraff indicated that according to the deed the Jackman had rights to usage of the well; and the existing Dog Team Permit indicated a water consumption and waste water usage of 5,400 gallons/day the proposed two new residences would use 980 gallons/day confirming that there will be an adequate supply for three residences.

Megan Battey and George Todd abutting neighbors to the north.

- Expressed concern about wastewater contamination issues downstream in the past.
- Would there be public access to the river? DeGraff and the DRB indicated that there is currently nothing proposing any public access to the river.
- Is there any chance that these lots could be subdivided again in the future? The DRB confirmed that the zoning indicates this site as a 2 acres lot, under current regulations these lots could not be further subdivided.
- Can the proposed owners build west of the FEMA flood line? The DRB indicated that yes they can under the Town's current flood regulations but there would be substantial restrictions. There is no request to build to the west of the flood line at this time.

Public Hearing Closed

Blaise made the motion to accept the subdivision site plan as presented with conditions.

- That all easements (the proposed easements as well as the existing Jackman easement to the well and the required “sharing” easement language are shown on the Final Plat.
- That all easements to the septic are shown on the Final Plat.
- A letter from the Post’s giving permission for DeGraff to speak on their behalf.

Bolduc seconded

Discussion – none

Vote: Yes – 6 (Barrett, Blaise, Bolduc, Bouton, Dupoise, Gallott)

No – 0

Abstention – 0

Motion carries

3. *Application #2012-DRB-08 is a request for conditional use and site plan approval by the Newton-Elithorpe Holdings, for a bus stop and associated parking for Chittenden County Transit Authority.*

A letter from Craig Newton (Newton-Elithorpe Holdings) was presented giving Jim Walsh and Meredith Birkoff representing the Chittenden County Transit Authority (CCTA) to speak on his behalf.

The CCTA would like to put a bus stop with parking located on Phoenix Feeds property near the junction of Route 7 and Route 17 for the link express bus this would include:

- Parking for 10 cars
- Lot would be a gravel parking lot with no parking lines
- No lights
- No shelter
- CCTA would hire contract plowing and adequate maintenance would be maintained in the winter
- There would be 2 buses in the AM and again in the PM
- There would be signage saying “Commuter Parking”
- It is hopeful that the Addison County Transit Authority (ACTR) would also want to use this site - this currently has not been discussed with ACTR.

Bouton expressed clarification that this is not a public park n’ride but a parking location exclusively for the CCTA bus only.

The DRB expressed their concern regarding safety/ security, lack of lighting as well as overnight parking and illegal parking. DRB would like to see a better plan for parking and parking size.

Open for Public Comment

Peter Bolduc expressed concern regarding landscape screening.

Chris Bray expressed his concern that the DRB’s requirements would become too strict and costly and Newton-Elithorpe Holdings may withdraw their interest in the project. Bray wants to encourage this project.

Public Comment Period Closed

The Chair explained there are two items to be considered

1. Does this use qualify as a Conditional Use?
2. If it does, can this site plan for the Conditional Use meet all the requirements for a site plan and can it be approved?

Gallott made a motion to consider this use as a Conditional Use under Section 7 of the regulations.
Barrett seconded

Discussion – The consideration of this project as a Conditional Use is based on the similarity of the requirements for Section 7.

Vote Yes- 7 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston)

No – 0

Abstention – 0

Motion carries

To consider this project as a site plan proposal the DRB would like to see CCTA address the following:

- Parking lot designation and traffic flow
- Proposed lighting
- The Board removed the requirement for screening
- Show dimension and layout of parking
- Show where signage would be located
- Show drop off and pickup exact location
- Number of trips in and out for CCTA and for possible usage by ACTR

Gallott made the motion to continue the CCTA site plan to the next regularly scheduled DRB meeting on October 1, 2012.

Dupoise seconded

Discussion – the Chair encouraged all board members to check out the site before the October 1, 2012 meeting.

Vote Yes- 7 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston)

No – 0

Abstention – 0

Motion carries

Public Hearing Closed

DRB Business

I Sketch Plan Reviews – none

II Minutes

Dupoise made the motion to approve the DRB minutes of August 20, 2012 as presented.

Blaise seconded

Discussion – none

Vote Yes- 7 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston)

No – 0

Abstention – 0

Motion carries

III Review and Sign Decisions – none

- IV Review for Compliance and Sign Final Plat
 - A. Wright Stowe – not available tonight

- V Correspondence
 - John Madden vs. VT Public Service Board
 - John Madden Notice of Appeal
 - John Madden Letter to the New Haven Select Board
 - Wastewater Permit for Burt J. Allen
 - Wastewater Permit for Jason and Victoria Boise

- VI New Business – none

- VII Old Business - none

Barrett made the motion to adjourn

Gallott seconded

Discussion – none

Vote Yes- 7 (Blaise, Barrett, Bolduc, Bouton, Dupoise, Gallott, Johnston)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 9:20 PM

Respectfully Submitted By
Karen Gallott



Tim Bouton, Chair



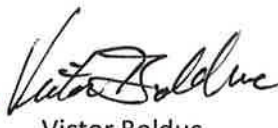
Jim Gallott, Vice Chair




Donna Blaise



Kathy Barrett



Victor Bolduc



Steve Dupoise

Donald Johnston