

**Development Review Board Minutes
Town Office New Haven, Vermont
September 18, 2017**

Members Present: Kathy Barrett, Carol Charbonneau, Tom Fyles, Donald Johnston, Charlie Roy, Susan Smiley

Members Absent: Mike Sweeney

Staff: Dave Wetmore, Zoning Administrator & Karen Gallott-Minute Taker

Guests: Candy Davidson, John Roleau, John Perkins

At 7:00 PM, Kathy Barrett, Chair called the Development Review Board (DRB) to order.

Introductions were made.

There were no adjustments to the agenda.

There was no Visitors Business.

Public Hearing

- a) *2017DRB-11-NCU – change to a non-conforming use by Roleau Real Estate LLC and John Roleau.*

Barrett asked the DRB members their thoughts if she should recuse herself from this hearing as she worked with Roleau on the New Haven Select Board. Members of the board and visitors did not feel there was a conflict. Barrett continued as Chair of the DRB.

Roleau owner of Packard of Vermont and the its accompanying junk yard presented. Roleau would like to change the technology he is currently using within the Junkyard business regarding the disposal of vehicles. Currently he is using a loader and excavator to load between 6 and 7 cars onto a flatbed after he has captured all fluids form each vehicle. Roleau would like to install a sandwich crusher within a building on site. Installation of this crusher will enable Roleau to load 10 to 12 cars onto the flatbed for disposal; and eliminate the use of the excavator currently used for this purpose.

The proposed crusher with a 4-cylinder diesel engine, would be installed inside the building on site by cutting out the side of the building and inserting the crusher which will be located on a cement floor. Exhaust from the crusher will be piped outside the building. Noise and dust levels for this machine is undetermined now. Roleau feels if the machine is inside a building the noise level will be slightly reduced.

Roleau would like to do one load of 10 to 12 cars or other scrap steel per week. He felt he would be running the machine 8 to 10 hours per week.

The zoning administrator (ZA) mentioned the New Haven Regulations indicate the decibel level of 70 decibels at the property line. A four 4-cycle riding lawnmower is about 85 decibels.

Open for Public Comment

Candy Davidson a neighbor expressed her concerns.

- Noise issue
- Air pollution from the exhaust

- Expansion of business due to success
- Her biggest concern is if the business is sold how would that affect her property and property value
- Concerned about the loss her property value

Barrett indicated that the DRB can restrict the hours that the machinery is run

Roleau indicated that he was not looking to become a large recycling junkyard. His current one-acre junkyard holds approximately 70 cars. He indicated that the crusher would run less time than the current excavator, and the loader run time would be the same as now. If the noise level was unacceptable the DRB indicated that Roleau could insulate the inside of the building. The exhaust would be vented through a muffler and chimney that would vent out the west wall of the building.

John Perkins indicated that if the machine is located inside a building the noise usually stays inside the building.

The Chair read outload Section 512 Non-Conforming Uses of the New Haven Zoning Regulations.

If the DRB approves this change of a non-conforming use, conditions addressing: noise decibel level, number of truck loads, hours of crusher operation, number of cars crushed per week; can be used to protect the neighborhood.

Roleau indicated that traffic in and out of the business will not increase with the installation of a crusher. The only cars that Roleau will put through the crusher are his cars.

Public Comment Period Closed

Charbonneau indicated the Roleau's business is currently heavily regulated by the State. The business should continue to stay in good standing with valid permits. Any changes to the business; or if the business is sold, all conditions will continue with the new owners and said owner will need to come back before the DRB.

Barrett made the motion to approve Roleau's use of a crusher only, with the following conditions:

- Crusher will be housed inside the building that was specified at this hearing
- Noise level will not exceed 70 decibels at the property line
- Hours of operation of the crusher will be Monday through Friday from 8:00 AM to 12:00 noon
 - No operation of crusher on holidays or weekends
- Maximum hours are 12 hours per week
- Diesel will be vented to the west
- The business must remain in good standing

Smiley seconded

Discussion – none

Vote: Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Roy, Smiley)

No – 0

Abstention – 0

Motion carries

End of Public Hearing @ 8:05 PM.

Sketch Plan Reviews

- a) *Boundary line adjustment between Recline LLC (parcel #0176) and John and Ann Perkins (Parcel #0175-200). Property is located on the east side of North Street.*

John Perkins would like to move the northern boundary line of his current property. To do this would remove 4 acres from Recline's property of 96.5 acres and add 4 acres to the Perkins' property making that a total of 14.48 acres.

This boundary line adjustment will not affect the Bottom property.

No road frontage changes

Johnston made the motion to approve a boundary line adjustment as submitted

Charbonneau seconded

Discussion – John Perkins will check with the State regarding wastewater permitting

Vote: Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Roy, Smiley)

No – 0

Abstention – 0

Motion carries

DRB Business

1. Minutes – August 21, 2017

Smiley made the motion to approve the DRB minutes of August 21, 2017 as presented

Fyles seconded

Discussion – none

Vote: Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Smiley)

No – 0

Abstention – 1 (Roy)

Motion carries

2. Review and Sign Decisions – none

3. Review Decision Compliance and/or Sign Final Plats – none

4. Correspondence – none

5. Old Business – none

6. New Business

There was discussion regarding the possibility of October 2, 2017 DRB meeting. ZA indicated the only item on the agenda would be the approval and signing of the Findings and Decision for the Roleau hearing. If the DRB was agreeable, the ZA will notify board members when a draft Findings and Decision was ready for review and comments. After that then the Chair could sign for final approval.

Charbonneau made the motion to authorize the Chair to sign the Roleau Findings and Decision after DRB members have reviewed and approved.

Smiley seconded

Discussion – none

Vote: Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Roy, Smiley)

No – 0

Abstention – 0

Motion carries

There will be no October 2, 2017 DRB meeting.

Charbonneau made the motion to adjourn

Roy seconded

Discussion – none

Vote: Yes – 6 (Barrett, Charbonneau, Fyles, Johnston, Roy, Smiley)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:20 PM

Respectfully Submitted By

Karen Gallott



Kathy Barrett, Chair



Susan Smiley, Vice Chair



Donald Johnston, Clerk



Carol Charbonneau



Tom Fyles

Charlie Roy