

DRAFT

Fair Haven Planning Commission
Town of Fair Haven
June 1, 2022
Regular Meeting

Commissioners Present: David Eighmey - Chair, Robert Richards - Vice Chair, Deborah Laiacona - clerk, Patrick Frazier, Cindy Pritchard, Lorraine Brown, Linda Sienkiewicz

Others Present: Phil Adams - Zoning Administrator, Sharon Adams - Chairperson of the Fair Haven Listers

Agenda:

1. Call to Order:

- a. Mr. Eighmey called the meeting to order at 7:00 pm.

2. New Business:

- a. **Jessica Stannard - Application #2022-031 for approval of a free-standing sign for the Child Care Facility approved by the Zoning Board of Adjustment. Location: 400 River Street. Fair Haven Tax map number: 25-01-19.**

Miss Stannard is asking for a two sided sign to put in front of her Child Care Facility placed in the ground outside the right-of-way of the road. Mr. Richards asked about the dimensions of the sign. ZA Adams stated that the zoning regulations do not have restrictions on sign sizes for something other than home occupation signs. Because of the number of children to be served with the facility, the facility needed Zoning Board approval with a public hearing for a permit to begin. A neighbor had concerns about parking and Ms. Stannard shared her plans for parking which eased the concerns. The Zoning Board issued a written decision of approval for the childcare facility serving up to 35 children with 5 employees. Fair Haven does not have a separate zoning bylaw for childcare facility signage in the zoning regulations. Mr. Richards stated wouldn't we treat the facility as a business. ZA Adams stated yes but Fair Haven doesn't have any restrictions and that businesses need to follow State regulations in town. Ms. Laiacona asked for clarification as to why this wasn't a home occupation, she said she understood it was because no-one was living there and then she asked if the business was in a residential area and if they received a variance. ZA Adams stated that they received a conditional use from the Zoning Board, the applicant went through the proper approval process. ZA Adams explained that he brings something that is a little out of the norm to the Planning Commission rather than approve administratively to make sure all are aware of what is going on. Mrs. Pritchard asked for clarification on the location of the sign. ZA Adams explained that the applicant was looking to put the sign in front of the building, 25 feet from the center of the road. Mr Eighmey asked if the sign was to be illuminated. ZA Adams stated he did not believe so but referenced the application for clarification which confirmed that there will be no illumination.

Mr. Eighmey called for more questions if there were any. Mrs. Pritchard made a **motion to approve the application as written**. Mrs. Laiacona seconded the motion. All were in favor and the motion passed.

3. Review of Minutes of Previous Meeting:

a. Regular Meeting of May 18, 2022

ZA Adams stated he was confused about the approval of the Scotch Hill Brewing Co. sign, specifically the amendment to the motion. Mrs. Pritchard stated that the thought behind the amendment was to make sure pedestrian traffic wasn't impeded and to make sure that the neighbors were aware of the placement. Mr. Eighmey stated that the board did not want the applicant to place their boards in front of other businesses. ZA Adams stated he followed that logic, but the Planning Commission doesn't really have authority within Fair Haven's zoning regulations to say that an applicant must ask neighbors' approval before they are approved for a permit. The process of permitting may be appealed, but the amendment is vague and ZA Adams feels he isn't sure how to enforce the amendment. After this discussion the PC felt they needed to remove the amendment from the motion.

Mrs. Pritchards made a **motion to approve the Scotch Hill application with the condition that the sandwich boards must be in front of the walkway and not restrict the walkway for pedestrians**. Mrs. Laiacona stated that the motion is already in the minutes, what she believes needs to happen is that the minutes need to be approved but the amendment to the motion needs to be removed. Mrs. Laiacona **motioned to remove the motion to amend the Scotch Hill Brewing Co. application in the May 18th Planning Commission meeting stating that the applicant must ask the neighbors' permission before placing the signage**. Mrs. Brown seconded the motion. All were in favor of the motion and the motion passed.

The Planning Commission asked that the "withstricking" typo on page one be corrected to "restricting."

Sharon Adams asked to speak to the board about the Zoning Update on page two of the May 18th Meeting. In going through the change of assessment letters for this year there have been 11 small accessory buildings that have been assessed new this year and out of the 11 that we have to put in the Grand List July 1, 9 of them were because of permits that property owners have gotten for small accessory building permits. Most of the motion and notification of anything new in the lister office is through the permit process. Mrs. Adams couldn't get a report for all the small accessory buildings in town, but the fact that the 11 accessory buildings were added this past year enforces the idea that buildings are added and subtracted from the Grand List each year and that is important to everyone in town because that is how the tax base is decided and what tax appropriation everyone is assessed for. There is nothing that is non-taxable or taxable, it is all assessed or not assessed and the Listers get that information from the State on what to assess. The State is the organization that tells the listers what to assess and what not to assess. She felt the comment that something shouldn't be taxable does the lister office a disservice because they try very hard to be good neighbors and be fair and equitable to all in town and whether the Listers agree with the State tells them to do or not it is their job to do and they try to do it to the best of their ability. By eliminating permits for small

accessory buildings you are shutting the door to one avenue that the listers are able to realize what is happening in town and go and assess those.

Mr. Eighmey clarified the Planning Commission's intentions with the motions and discussion from the previous meeting. Mrs. Adams and the Planning Commission then went on to discuss the Listers' role in the town and property assessment procedures. The Planning Commission explained that they were trying to be accommodating to the people living in Fair Haven to encourage people to live in the Town and make it easier for the community to do simple things. The Planning Commission stated that they had been taking recommendations from the Rutland Regional Planning Commission as to how to make the town more attractive to future residents.

ZA Adams stated that in previous discussions on this issue it was discussed that smaller sized sheds had to be custom built, so increasing the size allowed for commercial purchasing. The shed still had to meet setbacks and the town had to be notified of the modification in structures on the property for a single shed.

Mr. Eighmey asked about the pods people use on their property and assessment. Mrs. Adams stated that they would still be able to be assessed if they were on the property long enough then they are able to be assessed. She also clarified the fallacy of movable buildings being not assessable, all buildings or anything that adds value to a property are able to be assessed.

Mr. Eighmey asked the commission to consider changing the motion made on May 18th to state only 1 shed can be constructed with a permit exemption but that it must also follow setback requirements. ZA Adams stated that this would help people to understand what they are actually able to put on their property or not and where within their property. The notification to the town would help the zoning administrator make sure they are helping the community be within the zoning requirements.

Mrs. Pritchards made a **motion to approve the minutes of May 18th with the amendments discussed.** Page 1; building not "withstricking" typo be corrected to "restricting." Page 2; remove the motion to amend the Scotch Hill Brewing Co. application starting at "Mrs. Pritchard asked" and ending at the end of the paragraph. Seconded by Mrs. Laiacona. All were in favor and the motion passed.

Mr. Eighmey asked about a community member's ability to object to a permit. ZA Adams explained that they have 30 days from a written decision from the Planning Commission and 15 days from any action the zoning administrator takes. Appeals go to the Zoning Board of Adjustment from a permit issued administratively from the Zoning Administrator. An appeal to a written decision from the Planning Commission goes to the Environmental Court.

Mrs. Pritchards made a **motion to amend her previous motion and remove to asking neighbors for permission before placing signage in the May 18th meeting.** Motion was seconded by Mr. Frazier. All were in favor and the motion passed.

Mrs. Pritchards made a **motion that an accessory building small should be changed to a 10ft x 12ft or 120ft² or less in floor area with a maximum height of 10 ft and follow all setback requirements listed in the zoning regulation. One accessory building small per property may be exempt from requiring a building permit but the property owner must**

notify the Town Listers or Zoning Administrator in writing of the addition of the building.
Seconded by Mrs. Laiacona. All were in favor and the motion carried.

4. Other Business:

a. Review of mail:

A letter was received from the Revival Church, Derek Kerber, concerning putting in a kitchen. ZA Adams approached the church about whether they were putting in a kitchen, they answered no and ZA Adams asked them to put the answer in writing. The letter stated that they are putting in a warming kitchen with a regular kitchen stove for the prep of pastries for church Sunday morning gatherings, and potential small weekly gatherings, and other church food needs. The PC would like to have the Church come in and clarify their kitchen intentions.

ZA Adams brought information on the outside seating permit that was issued for outside seating near the brewery with the Selectboard for the Scotch Hill Brewing Co. Mr. Richards stated that that was a miss-site by the Selectboard who should have deferred to the Planning Commission for a permit for outside seating.

b. Zoning Regulation Update - thirty minutes

Mrs. Laiacona stated that she and Mr. Bove spoke; he will be away until mid-June and they decided that they will try and get their work completed by the second meeting in July.

c. Public Comment:

Mr. Frazier asked about the Cannabis seminar and if anyone attended from the Planning Commission. Mrs. Pritchards asked about the Option Tax and if the town can have dispensaries without an option tax, she is unclear on the answer. Mrs. Pritchards will investigate the issue.

5. Adjournment:

- a. Mr. Frazier motioned to adjourn the meeting at 8:20 pm. The motion was seconded by Mrs. Laiacona, all were in favor and the motion passed.

**** Next Scheduled Regular Planning Commission Meeting is on June 15, 2022****

Respectfully Submitted,
Jennifer Jackson, Minute-taker