

Fair Haven Planning Commission
Town of Fair Haven
August 18, 2021

Commissioners Present: David Eighmey - Chair, Deborah Fallon, Bob Richards, Patrick Frazier

Commissioners Absent: Cindy Pritchard,

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - minute-taker, William Wells, Kevin Durkee, Laura Merone-Walsh, applicant via phone

1. Call to Order: 7:11pm by David Eighmey

2. New Business:

- **"MT Associates, Application A2021-044 for approval of a new 1875 square foot Dunkin Donuts restaurant with drive-through and walk-in service. All existing structures to be removed. Property owner: Kevin Durkee. Location 71 Washington Street. Tax map # 20-01-09-3."**

Mr. Durkee stated that the new construction will be prettier than what is there now. Laura Merone-Walsh attended the meeting via phone call.

Mr. Frazier started the questioning by asking about lighting and signing. Ms. Merone-Walsh stated that they are applying for lighting in the application that is on file. She will also have a larger site plan including lighting at a later time. Mr. Eighmey asked if the restaurant will be eat-in as well as drive through and walk-in. Ms. Merone-Walsh affirmed it will be. Mr. Frazier asked if the restaurant front will face Washington St. Again Ms. Merone-Walsh affirmed it will be.

Mr. Eighmey acknowledged that this application will need a site plan review because of a major nature as well as coordinated with the zoning board meeting for variances.

ZA Adams stated that there are two variances needed for this build. Through title searching an existing sewer line-easement was discovered and a mandate stating there cannot be buildings on an easement, the Dunkin Donuts now needs to be 10 ft off center line. This move causes the driveway on Airport Rd to not be the needed 100ft from the intersection of two roads, which needs a variance for approval. Second a variance for front yard set-back on Airport Rd side which does not meet the 40ft set back requirement. PC Table of Uses requires a drive-through to get conditional use approval through the zoning board of adjustment. ZA Adams would like to conduct all three needed meetings on the same evening concerning the construction of the Dunkin Donuts. The board set a tentative date for September 13th at 6:30pm. The date seemed to fit the needs of all parties present, but Ms Merone-Walsh would check with her partner and civil engineer and get back to ZA Adams by the end of the next week and ZA Adams would check with the members of the Zoning Board for availability.

Mr. Eighmey asked Ms Merone-Walsh if there was anything else she needed to inform the board of at the present time. She responded that, no there wasn't. She will present a larger sketch on a storyboard and a map of the layout and lighting later and asked if a topographical map was needed. ZA Adams said they will need to know what type of illumination there is and what the illumination will be at the boundary of the property so they can see how it will impact the residential properties in the area. Mr. Eighmey asked if the boundary will be bigger than the property in Fort Ann. Ms Merone-Walsh responded yes it would be. It will be similar to the Granville, NY location but have the next Dunkin Donuts generation coloring.

Mr. Richards arrived at 7:27pm and was given a small summary of what had taken place so far. He asked if the Tenneybrook Dunkin Donuts will be removed. Ms Merone-Walsh responded that the franchise from Tenneybrook will be relocated to the Washington St. intersection.

Mr Frazier asked about delivery times and if they would block traffic. Ms Merone-Walsh stated that every day the transit, or larger van, deliveries happen in the early morning. Delivery takes about 15 minutes. Then once to twice a week a tractor trailer delivers goods between 10am-4pm. Neither delivery should block traffic as they pull into the Dunkin Donuts yard. ZA Adams asked which road they use for deliveries, Ms Merone-Walsh stated they will use Washington St. because it will have a larger entrance. ZA Adams let her know that Fair Haven citizens have raised concerns about tractor trailers using Airport Rd in the past.

The hours of operation for the new Dunkin Donuts aren't set exactly but most likely will be 5:30 am until 8:30 or 9:00 pm seven days a week. At closing the building will be lighted with pack lights mounted on the building that shield down on doorways, and a light on the drive through area or the service door for security reasons.

ZA Adams asked about dumpster placement, pick-up times, and screening. Ms Merone-Walsh stated she didn't know about pick up times yet as she hadn't spoken with the services, but they are usually within daylight hours. The dumpsters will be placed on Airport Rd near Walgreens side and will be screened on three sides with green mesh like the building in Castleton and will have 2 gates on the front.

Mr. Eighmey stated that we should plan for September 13th at 6:30 for site plan review, the meeting with the zoning board, and the start of the variance portion. ZA Adams said he will verify the date with the Planning Commission for the site plan review and the Zoning Board of Adjustment for the variance part and conditional use portion to make sure it works out.

At 7:38 pm Ms Merone-Walsh left the meeting.

Mr Eighmey asked if the entrance on Washington Street needed State approval. ZA Adams said that Ms Merone-Walsh should be advised to check, that Walgreens had approval and that the State can be finicky about too many entrances on State roadways. ZA Adams will try and verify that the entrance isn't in the State realm.

At 7:42 pm Mr. Durkee leaves.

3. Review of Minutes of Previous Meeting:

Approval of minutes: Mr Richards made a motion to accept the minutes of August 4, 2021 as written, seconded by Ms. Fallon. All in favor and motion carried.

4. Other Business:

Resignation of Commissioner Bill Wells and appointment of new Commissioner Deborah Fallon.

Mr. Wells passed his materials over to Ms Fallon and said his good-byes.

Review of Mail:

1. Ed Bove sent an example of less restrictive zoning. A handout entitled "Uses" was passed out by ZA Adams. (please see attached)

Zoning Regulation Update - Thirty minutes:

1. Mr. Eighmey had two comments about the Zoning Regulation Update; first he wanted to wait for Ms Pritchard to conduct this business as she was most clear on how to proceed, second he said he spoke with Joe Gunter and was told that there was a hefty price tag to have Ed Bove and the Rutland Regional Planning Commission help with the updating of zoning regulations. That it could be around \$5/7000. Mr. Eighmey hoped he heard the comment incorrectly. Mr. Richards said he will e-mail Mr. Bove because that seemed an extreme cost when the RRPC's goal is to help local municipalities.

Ms Fallon wanted to let the board know that she works as a professional editor and she could help with editing the document once created.

Mr. Frazier asked if they hired an outside entity could the town get a grant to cover the cost. ZA Adams said that would be a question for Mr. Bove. Mr Richards stated that he has tried to get the RRPC to explain all the ways they can help out municipalities before.

The PC was in agreement that \$7000 was too much money for assistance and they are in agreement to postpone Zoning Regulation Update work until Ms Prichard was present.

Public Comment:

1. ZA Adams asked who the PC would like to write the decision if they do a site plan review. Ms Fallon was happy to take on the task if given a template or past example to

follow. Mr. Richard said he would ask Mr. Bove for a template when he contacts him about the cost of RRPC's help.

Mr. Frazier asked if the Zoning Board of Administrators can be part of the site plan review. ZA Adams said he had asked Mr. Bove and it could only be that way if it had been written into the zoning plan that way.

5. Adjournment:

Meeting Adjourned: Mr. Frazier motioned to adjourn at 8:20pm. Mr. Richard seconded the motion. All agreed and motion carried.

**** Next Scheduled Regular Meeting in on September 1, 2021****

Respectfully Submitted,
Jennifer Jackson, Minute-taker
jennifer.jackson110882@gmail.com

USES

Development associated with the uses below requires a Town of Sunderland permit. The ZA will make the final determination of the use category for the proposed development. The type of review required for each use is shown on the following page - Table of Uses and Types of Review Per Zoning District.

See the General, Use and Performance Standards on page 16 for specific regulations pertaining to certain development activities. Development located within Flood Hazard Areas is subject to standards of the underlying zoning district and Flood Hazard Area regulations beginning on page 27.

- **Low Impact Uses:** Non-exempt development including, but not limited to landscaping, porches, decks, driveways, sheds, accessory structures, fences, solar and wind generation infrastructure less than 15kw (that don't directly feed into the electrical grid), demolition of structures over 150 sq. ft., and continuous tag/yard/garage sales.
- **Residential Uses:** Non-exempt development including, but not limited to single and two-family dwelling units, residential care or group homes, family childcare facility, short-term rentals, travel trailer camp or tent site, accessory dwelling units, and home occupations.
- **Professional/Commercial Uses:** Uses that because of their size, activity level or the nature of the business or its operation are not likely to have a significant impact on the environment, town infrastructure or services, and nearby property owners and residences. Professional/Commercial Uses include, but are not limited to professional offices, light manufacturing, retail space under 3,000 sq. ft., and business change of use.
- **Large Commercial, Industrial and High Impact Uses:** Uses that because of their size activity level or the nature of the business or operation are likely to have a significant impact on environment, town infrastructure or services and nearby property owners and residences. Large Commercial, Industrial and High Impact Uses include, but are not limited to, manufacturing, commercial/retail space larger than 3,000 sq. ft., multi-family residential (more than two units), mobile home parks, commercial vehicle gas/charging stations, Recreational Vehicle (RV) Parks, Planned Residential Development (PRD), recreational, solid waste management facilities, indoor/outdoor shooting ranges, earth products removal, riding/boarding stables, commercial farming and forestry uses not exempt under the RAPs and not an accessory on-farm business, and business change of use.

Commercial energy generation facilities are regulated by the Public Utilities Commission (PUC) and subject to standards in the Town of Sunderland Municipal Plan, which has received a determination of energy compliance by the Bennington County Regional Commission.

- **Open Space Uses:** Low impact uses for private or public recreation. Structures are permitted, but only for seasonal or accessory uses to the primary open space use.
- **Subdivision of Land:** See page 42.
- **Any use in Flood Hazard Area Overlay Districts:** In addition to the standards on page 27, these uses are subject to the standards of the underlying zoning district.

TABLE OF USES AND TYPE OF REVIEW PER ZONING DISTRICT

A = Administrative Review by Zoning Administrator
 S = Site Plan Review by Planning Commission
 C = Conditional Use Review by Planning Commission
 X = Prohibited

			Performance Standards Apply (pg. 23)	Performance Standards Apply (pg. 23)	
Residential Use	A	A	S	A	X
Low Impact Use	A	A	A	A	C
Commercial Use	X	C	S	A	X
Industrial Use	X	X	C	C	X
Office/Professional Use	C	C	S	S	C

DIMENSIONAL REQUIREMENTS PER DISTRICT

	2 acres	1 acre	.5 acre	1.5 acre	N/A
Minimum Lot Area	60,000 sq. ft.	25,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	25 acres
Minimum Front Setback (from property line)	30 ft.	15 ft.	10 ft.	30 ft.	250 ft.
Minimum Side Setback (from property line)	30 ft.	15 ft.	10 ft.	20 ft.	250 ft.
Minimum Rear Setback (from property line)	30 ft.	15 ft.	10 ft.	20 ft.	250 ft.
Minimum Lot Coverage (%)	30%	30%	50%	40%	20 ft.
Minimum Lot Width	20%	None	None	75%	10%
Maximum Height	1	2	No limit	No limit	None