

Fair Haven Planning Commission

Town of Fair Haven

September 15, 2021

Commissioners Present: David Eighmey - Chair, Deborah Fallon - clerk, Robert Richards, Cindy Pritchard, Patrick Frazier

Others Present: Jennifer Jackson - minute-taker, William Dodge - Adjoining Landowner, Steve Wilson representing Bohler Engineering and McDonalds USA, LLC

6:30 site visit viewing at 22 Washington Street was canceled due to weather.

1. Call to Order: 6:59 pm by David Eighmey

2. New Business:

- **“Following the 6:30 PM Commission site visit, review of McDonalds USA, LLC, revised site plan, rescheduled from the September 1, 2021 regular Planning Commission meeting. Applicant A2021-046 for approval of site improvements to widen the entrance and reconfigure the drive-thru services to two lanes with updated, digital, side-by-side menu boards, order here canopies, and pre-browse menu boards. Property owner: McDonalds, LLC. Location 22 Washington Street. Tax map # 20-01-01-02..”**

Mr. Wilson, from Bohler Engineering Firm representing McDonalds, reiterated the suggested addition to the plan - to widen the entrance throat by a whole lane, 10ft. He also suggested that McDonalds remove or clean-up the landscaping around the entrance to the restaurant. He also thought maybe the addition of a larger directional sign would attract people to the entrance to the property more readily. Ms. Fallon asked if the greenery around the entrance had a purpose. Mr. Wilson stated that it was there to mark off the parking area from the driving area. The widening of the entrance will cause McDonalds to lose one parking space from the east side of the entrance.

Mr. Wilson noted that with the median on Washington St. access road that the extra widening of the McDonalds entrance doesn't help traffic flow faster or enter the property more easily. Mr Dodge stated that he owns the median. Mr. Dodge restated his concerns about the traffic at McDonalds for Mr. Wilson, who wasn't at the previous meeting and agreed that shortening the median might help encourage people to use McDonalds property to move their vehicles around.

Mr. Wilson confirmed that the expanded drive through does improve efficiency of drive throughs generally which would cut down on the cars cueing and stacking. Ms Pritchard voiced her disagreement of the efficiency of the extra lane stating that there aren't enough employees at the restaurant to accommodate the volume of customers inside and at the drive through window. Mr. Wilson explained the reason McDonalds does this (add a second drive through lane) is because it does improve their efficiency because the slowest point is the drive through order board. Ms. Fallon said she will take Bohler's word that it will be more efficient because the number of customers won't drastically change just because there is an added lane. It will be more efficient because there will be the same number of cars in the widened area.

Mr. Eighmey asked if Mr. Dodge was willing to allow the median to be shortened, Mr. Dodge was in agreement. Mr. Richards then asked if the handicap green space area could be removed/decreased to allow exiting the property to be easier on larger vehicles.

Mr. Richards stated that the PC needs to trust that McDonalds knows their business and that the PC's role is to mitigate the best they can how to make adjoining property owners accommodated in the construction.

Mr Eighmey summarized the needed changes; 1. Remove green space knob, 2. Add ten feet and remove 1 parking space on the East side of the entrance, 3. Shorten the median. He then called for any other questions.

Mr. Richards asked Mr. Wilson that if the PC wrote a decision with the words knob, bush and median would that be understood. Mr Wilson said that would be fine they would understand.

Mr. Dodge asked that the decision be vague on how to shorten the median as he wasn't sure what can be cut back, he hadn't looked into it, but is prepared to help in that way. Mr. Richard told him he wasn't sure the PC is able to write the median into the decision as it isn't McDonalds property.

At 7:23 Mr. Wilson left. Mr. Dodge stated again there isn't any perfect solution to solve the traffic issues, but this change (widening the opening) and shortening the median should help. The shortening of the median wasn't something he had ever thought of before.

Mr. Frazier asked if there was another way to stop traffic from entering Mr. Dodge's business. Mr. Dodge said that Mr. Hearburg was paying for a no turn around sign for Mr. Dodge's business and that the current sign he has in place is followed by most tractor trailer drivers, but that the RV's and cars with trailers don't always follow the sign.

7:30 Mr. Dodge left.

Mr Eighmey asked for the meeting to go into a deliberative session at 7:32 pm.

7:56 pm the meeting was moved from a deliberative session.

Mr. Richards made a motion for the PC to accept the McDonalds application with the following additions; 1. Widening 10 feet on the East side of entrance, 2. Widening on the West side of the entrance and removing at least 10 feet of the green space, including bush and light pole. 3. A final large, revised, dated, site plan with needed changes be submitted to ZA Adams to be kept on file with the application prior to the issuance of the permit. Motion seconded by Ms. Fallon. Mr. Eighmey asked for those in favor; Mr. Frazier, Ms. Fallon, Mr. Richards, and Mr. Eighmey were in favor. Mr. Eighmey asked for those opposed; Ms. Pritchard was opposed. Application passed with additions.

3. Review of Minutes of Previous Meeting:

Approval of minutes: Regular meeting of September 1, 2021

The board asked to receive a copy of the meeting minutes earlier than at the meeting. It was asked that when the minutes were complete that they be e-mailed or shared with the Planning Commission.

Ms. Pritchard made a motion to accept the minutes of September 1, 2021 as presented, seconded by Mr. Richard. Mr. Frazier abstained from voting, citing his absence from the last meeting. Ms Fallon, Ms Pritchard, Mr. Eighmey, and Mr. Richard were all in favor and the motion carried.

4. Other Business:

Review of Mail:

Package from Dunkiel Sanders -PUC Case #21-3382 - NMP Application of MHG Solar LLC - known as Fair Haven Ave Solar Project.

Zoning Regulation Update - Thirty minutes:

8:07 pm begins. First Change is from Nov. 2, 2011 regular meeting minutes. Zoning Regulation Corrections Max Building Height needs to be changed in the industrial district from 40' to 80' and the stack height needs to be added as a new line for 110'. Terms will need to be defined, charts changed, and other sections of zoning will need to be reviewed for compliance. Chart is found on page 25 in the working copy.

From October 5, 2011 meeting; clarification on intent zoning bylaw definition for Retail Sale or Services definition. Need to remove "and shall exclude."

September 21, 2011 Minutes; Planning Commission discussed: adding a definition of single apartment. The minutes indicated that no motion was passed on the discussion so no change needs to be made until a discussion happens. This needs to be looked at further by the current Planning Commission.

August 3, 2011 - No motion was passed on the discussion of the Dwelling Unit. Chart needs updating including the following terms; lot size cell tower retail sales drive up; added to current PC" parking lot" for further discussion.

November 5, 2014 - Found in the side note letter with the minutes. Request to discuss concerns on the zoning district map and the zoning lines. No motion was made in the minutes recorded so further discussion will need to happen. Mr. Eighmey reminded the PC that a new zoning map was made in 2016, after this discussion in 2014 so maybe this matter has been sorted. The PC moved this into the "parking lot" pile for further research and to check the zoning map.

October 1, 2014 - Town plan update parks and recreation section of town plan. Spelling and grammatical corrections have been made; no specifics were stated in the meeting minutes. Fair Haven has a Town Plan that has passed, so this needs to be checked and put in a Town Plan parking lot for further research.

September 17, 2014 - Parks and Recreation section was passed out to be looked at for the next meeting but no paper was kept with the minutes to understand what they were to be viewing. Mr. Richard told the Planning Commission that the Town Plan was passed in 2016 so material from dates earlier than that concerning Town Plan does not need to be readdressed.

May 21, 2014 - Placed in Town plan pile

March 19, 2014 - Commission discussed what term "local" means and defined it for banner policy as events held within Fair Haven. Added to the Town Plan pile for other information.

May 24, 2013 - E-Mail attachment found within minutes. Section 9 24 VSA amended to read ~4449 Zoning Permits Certificates of Occupancy And Municipal Land Use Permit with Definitions. Zoning Regulation example of State Law Compliance. Fair Haven's definitions need to follow what this Vermont State Law is stating - you need a permit to develop.

January 16, 2013 - Zoning Regulation Update. ZA asked the Commission if a permit was needed concerning portable sheds, but no motion was made so it was placed in the "parking lot" for further research.

January 2, 2013 - Zoning Regulation Update Map review - Commissioner Reviewed definitions, but no motion made on so moved to the "parking lot" for further research. Mr. Eighmey wanted to make sure Zoning Regulation definitions match the zoning map in current use.

Late Spring 2012 - Dave Eighmey moved the commission to include auto service station in the table of uses mixed river district as a conditional use and add a C in the Table of Uses under mixed river.

Ms Pritchard will go through the remaining minutes and take out ones that have motions only for near future edits.

Public Comment:

If there is a change of schedule like the weather event tonight canceling the 6:30 portion of the meeting, how will the commission notify the members? Mr. Eighmey or ZA Adams will contact Ms Fallon and she will email the group to let them know of the change.

Ms Fallon asked the PC to please get her the decisions for both the McDonalds Application and the Dunkin Donuts application earlier rather than later so she, as clerk, can write up the decisions before the time runs out to complete them.

Mr. Richards made a motion to amend the agenda to allow discussion on the Dunkin Donuts permit application. Ms Fallon seconded the motion. All were in favor and the motion passed.

Discussion on Dunkin Donuts Permit Application - **addition to the agenda**

Discussion on Dunkin Donuts held in a deliberative session.

5. Adjournment:

Meeting Adjourned: Mr. Richards motioned to adjourn at 8:51pm. Mr. Frazier seconded the motion. All agreed and motion carried.

** Next Scheduled Regular Meeting in on October 6, 2021**

Respectfully Submitted,
Jennifer Jackson, Minute-taker
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