

Fair Haven Planning Commission

Town of Fair Haven - October 12, 2022 - Special Meeting

Commissioners Present: David Eighmey - Chair, Robert Richards - Vice Chair, Deborah Laiacona - clerk, Cindy Pritchard, Linda Sienkiewicz (via phone), Lorraine Brown

Commissioners Absent: Patrick Frazier

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - minute-taker, Ed Bove - Rutland Regional Planning Commission

1. Call to Order:

Mr. Eighmey called the meeting to order at 7:04pm.

2. New Business:

- a. Ed Bove of the Rutland Regional Planning Commission - Consultation and assistance with the work to finalize the update of the Fair Haven Zoning Regulations..

Mr. Bove passed out three copies of the Zoning Bylaws with changes marked in red. He stated that all the Fair Haven Planning Commission changes have been added. He also let the PC know that there is an opportunity for a Bylaw Modernization Grant (<https://accd.vermont.gov/content/bylaw-modernization-grants>) from the State, due November 1, that they should apply for. They applied last year and were not accepted as there were many applicants. This year he knows of only one other applicant so the probability of being granted the funding is higher. Town Manager Gunter needs to submit the application. Mr. Richards stated he would speak with Mngr Gunter. ZA Adams asked if this was the same as the Municipal Planning Grant

(<https://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant>)

. Mr. Bove explained that this grant is only for bylaw modernization work. The Municipal Planning Grant, Due December 1, can be used for many projects, the Bylaw Modernization Grant can only be used for costs collected from improving Zoning Bylaws. Mr. Bove stated he was going away for 10 days which overlap with the deadline for application so if the Town Manger or the PC needed assistance they needed to reach out to him before October 22. The PC would need their Chairperson to sign a resolution before they can apply. The point of the Bylaw Modernization Grant is to unlock economic development in a town. ZA Adams stated he would print the application for the PC if they'd like. They agreed.

Mr. Bove stated that with Fair Haven's Zoning Bylaws there wasn't much to look at. Regarding his previous suggestions the only parts left that needed to be addressed were Dimensional Requirements page 17 and Parking and Loading Requirements page 28 and 29. He suggested that the PC focus on things that are holding back housing and business expansion. He suggested the PC specifically look at the Dimensional Requirements for The Downtown area, the Commercial District, and the Mixed River Use area. He stated that the Downtown district looked good; that it doesn't have many restrictions. The Mixed River and

Commercial districts have somewhat restricting standards; meaning a maximum building coverage or 30% building coverage is low, in a DT district should be like 80%. This causes the area to have many non-conforming buildings. He suggested that the PC talk about what fits better with the area. The purpose of the standards are to make new buildings follow the rules, but most don't fit in. Not allowing people to use all their land hurts the tax revenue for the town. Mrs. Pritchard asked if they could change the regulations tonight. Mr. Bove stated that the PC would have to follow the process of changing with hearings and public warnings. Tonight he will point out what needs to be looked at. The process of change requires a 15 day zoning warning with the Planning Commission, then a 15 day warning with the Selectboard and an appeal period of 21 days.

Mr. Bove then went on to talk about set back requirements and minimum lot size and how other towns have an average of 6500 ft² for minimum lot size for family area if connected to water and sewer connected, which allow for more housing units. Base set backs in Fair Haven should be lower to allow for more housing. Poultney was toying with the idea of getting rid of all minimum lot size decrease and they were asking what the purpose of minimum lot size was they decided it was for their subdivisions. Mr. Bove asked the PC to think about the point of minimum lots size in FH regs, as we aren't creating new lots. ZA Adams stated that the point of lot sizes was for maintaining density of the town. If they are smaller you have more flexibility with existing homes if the lot size was reduced. Mr. Bove stated that on page 38 General Regulations - Existing Small Lots, there is a clause "Any lot that is legally subdivided and is in individual and separate and non-affiliated ownership from surrounding properties, and is in existence on the effective date of regulations may be developed for the purpose permitted in the district in which it is located even though not conforming to minimum lot size requirements of the new bylaw." This basically allows the development of existing small lots. Through discussion about this matter it was determined that there was some confusion, Mr. Bove stated that lot sizing is for creating new lots - which doesn't happen that often because Fair Haven doesn't have subdivisions. ZA Adams stated that if people want to subdivide for building lots they still need to meet new lot requirements with a subdivision permit. Mr. Bove asked what happens if you are subdividing and don't know why you're subdividing? ZA Adams explained an example would be if you wanted to subdivide for a wood lot. I would direct the citizen to the State for permitting. I might have asked for proof that the existing lot is still meeting requirements.

The commission then turned their attention to the chart on page 17 and how to interpret the charts meanings and possible mistakes. The blank sections were confusing as to their meaning and the "Q"s in the chart under Mixed River Use were most likely supposed to be "O". Clarification work is needed. Mr. Bove stated we are supposed to be looking forwards, not just what is happening now. It might be a good idea to look at a map of zoning areas with building parcels over it to see how much of the buildings covered the lot. He explained he went with Poultney's Planning Commission and actually measured dwelling setbacks to see what percentage actually fit the zoning. In general in settlement districts people like the density of buildings, the walkability, and mixed uses.

The PC moved on the page 28-29 and parking regulations. Mr. Bove stated that more town's bylaws are going to 1 parking space per dwelling unit rather than 2 per dwelling, but that the change is very political. Mr. Eighmey asked why as the average family has two vehicles.

Mr. Bove explained that these are minimum requirements, more can be provided, and that they are just trying to not force one to have more parking than needed. Mrs. Pritchard stated that FH bylaws state two spaces per housing unit. Mr. Bove explained that Poultney went to 1.5 per unit with the thought of multifamily developments with the idea of rounding up. A single family house needs 2 as 1.5 rounds up to 2 or 2 multifamily units round up to 3 parking spaces, and he cautioned not to make bylaws force more than necessary. Trust developers in their knowledge or how many parking spaces are needed. Think of new development coming into the town.

ZA Adams asked about Commercial and Restaurant parking requirements. Mr. Bove explained that many towns are changing to 1 space per 4 seats, 1 for every 5 employees. Pawlet removed the employee parking requirement. Wallingford removed all parking restrictions. For Fair Haven's commercial parking requirements, maybe change the 4 spaces per 1000ft² of area to 1 per every 250ft² to make it more simple for people. Mr. Bove feels this is clarified in Section 702. ZA Adams stated that Sec. 703 gives one the ability to reduce parking spaces. The Downtown area is unique - wanting people to not need to get variances. Mrs. Laiacona asked for clarification, with the bylaws we are allowing people to not go by the parking requirements. Mr. Richards stated that other commercial areas could be restricted. Mr. Bove explained that section 703 applies to any district, and reminded the PC that they don't make tax revenue off parking spaces. ZA Adams stated the need for adequate parking for the development proposed. Mrs. Laiacona asked if there were any state requirements. Mr. Bove stated there were no State requirements for parking.

ZA Adams asked if Section 704 had been removed. Mrs. Laiacona stated maybe it had been missed. Mrs. Pritchard stated the definition had been placed in the correct alphabetical order. ZA Adams stated the idea of having the bylaw in was to not "pave paradise." He hadn't run into any issues with it. He asked Mr. Bove if the state controls run off. Mr. Bove explained they require a storm drain once 0.5 acres of impervious surface is reached. Mr. Bove suggested that Section 704 be kept on the list for future talk. That the meat of what needs discussion are what were spoken about today.

Mrs. Laiacona asked if the reference to the State Statute situation had a suggestion. As in what language the bylaws should use. Mr. Bove stated that is really up to the PC in how they prefer. Saying "the Act" allows for change. Mr. Richards asked if receiving the municipal bylaw grant could be a place they use the fund to update. Mr. Bove again stated that it really is up to them but just to keep it constant.

Mr. Richards stated that if there wasn't a meeting next week the PC could use the time to look over the work and make their suggestions.

Mrs. Prichard **motioned to have Chairman Eighmey sign the FY 23 Municipal Resolution for Bylaw Modernization grant.** Motion was seconded by Mr. Richards. All were in favor and the motion passed. Mr. Eighmey signed the document. Mrs. Laiacona asked why the application wasn't granted last year. Mr. Bove explained there was lots of competition last year. Mr. Richards will take the lead on talking with Town Mngr Gunter.

Mrs. Laiacona wanted the PC to know she will not be present at the first meeting in November. ZA Adams stated he would put out a notice of cancellation for the October 19th meeting, as the PC thought this meeting was in place of that meeting. They thanked Mr. Bove and he left at 8:11pm.

3. Review of Minutes of Previous Meeting:

- a. **Approval of Minutes: Regular Meeting of October 5, 2022**
- b. Mrs. Sienkiewicz noted that there were a few misspellings of Aubuchon's in the minutes and that Mr. Eighmey's name had been typed incorrectly. Mrs. Laiacona stated that there should not be an "s" in Mrs. Pritchard's name on Page 2 first line. The recording secretary stated she would make all the needed corrections.
- c. Mrs. Prichard **motioned to approve, with the typo and spelling corrections, the October 5, 2022 meeting minutes.** Mrs. Brown seconded the motion. All were in favor and the motion carried.

4. Other Business:

- a. **Public Comment: None**

5. Adjournment:

- a. Mrs. Pritchard **motioned to adjourn the meeting at 8:16pm.** The motion was seconded by Mrs. Laiacona. All were in favor and the meeting was adjourned.

**** Next Scheduled Regular Planning Commission Meeting is on November 2, 2022****

Respectfully Submitted,
Jennifer Jackson, Minute-taker