

Fair Haven Planning Commission
Town of Fair Haven - February 15, 2023 - Regular Meeting

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

Commissioners Absent: Patrick Frazier, Lorraine Brown

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

Agenda

1. **Call to Order:** Mr. Eighmey called the meeting to order at 7:00 pm.

2. **New Business:**

- a. Ed Bove of the Rutland Regional Planning Commission - Assistance with the completion of the Fair Haven Zoning Regulations Update.

Mr. Bove first congratulated the Planning Commission for receiving the Bylaw Modernization Grant. He then went on to explain how he thought the meeting should progress this evening. The PC and he should discuss what will need to be completed for the grant. The requirements of the Grant. He believed the PC should discuss a rough schedule for spring and summer work, realizing that much of what they have already completed fits into the grant requirements. Then he thought they should end the meeting with whatever questions the PC members may have.

Mr. Bove reviewed what had been completed in the past year. That they had updated the document that contained the zoning bylaws into a working draft that was dispersed amongst all parties that require it. The Fair Haven Planning Commission had held two or so meetings with Mr. Bove to discuss how to modernize the zoning bylaws. Mrs. Laiacona stated that she has included all the changes discussed in the Zoning Bylaw draft that the PC currently has. Mr. Bove then summed up that November and December were used to submit the grant application. Then we come to current time and where FHPC is currently. Mr. Bove stated that he had brought the draft of the grant contract for Town Manager Gunter to sign. ZA Adams stated he would bring the draft to TM Gunter

He moved on to talk about the actual grant. Contract has scope of work or schedule, grant administration which will be guided by RRPC and public outreach included. The public outreach could be a normal meeting talking to the public about what is scheduled. More publicity is always positive. The public outreach could also be used to give the town a holistic view of what is happening in Fair Haven for town changes. Mr Richards asked if the grant fund can go towards the Town Plan creation and implementation. Mr. Bove stated it could, you can lay foundational work. Mrs. Laiacona stated she received an email with a leaflet from Vermont Agency of Commerce and Community Development Department of Housing and Community Development talking about Downtown designation creation and the application process (https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Prog)

[rams/CPR-DT-Application-Guidelines.pdf](#)). The leaflet stated in the application process you must have a Design Control District or a local Historic District to be able to apply. She also researched some work that the town of Fair Haven had completed in the 1980's in regards to a downtown revitalization strategy with potential wording for the bylaws. The 1980's work gave guidance on how to modify the Zoning Bylaws to allow for a Design Control District. Mrs. Laiacona brought this all up because the PC had been discussing the possibility of a Design Control District downtown and she didn't want the PC to "complete" the Zoning update then have to go back and add the Design Control District.

Mr. Bove stated that right now Fair Haven's downtown is a village center; a downtown district is an upgrade. Sometimes historic district review counts. Design Control Districts would change the bylaws because another panel would need to be created to deal with applications with the designated district. It would basically create overlay districts that need the creation of a Design Review Board. Structural stuff as in dimensional adjustments to parking would meet the leaflet (preservation of historic settlement pattern and mixed uses). He cautioned that Design Review gets word because it is very political. There are many pros and cons. No town in Rutland County has a Design Review Boards. You would need to have a Design Review Control Board.

Mrs. Laiacona handed out copies of her research and guided the PC to a few points of interest found on the Downtown Designation leaflet from the state agency page 6 point 4. "The municipality must meet at least one of the following to demonstrate its planning commitment:

%% Adoption of a design control district, in accordance with 24 V.S.A. §4414(1)(E);

%% Adoption of a local historic district, in accordance with 24 V.S.A. §4414(1)(F) (please note that this is not the same as a National Register district);

%% Adoption of regulations that adequately regulate the physical form and scale of development that the State Board determines substantially meet the historic preservation requirements in subdivision 24 V.S.A. §4414(1)(E) and (F);

%% Creation of a development review board authorized to undertake local Act 250 reviews, in accordance with 24 V.S.A. §4420.

Has the community modified its zoning bylaws that demonstrate its planning commitment since the last renewal? Yes / No

Please describe how the bylaws continue to protect and enhance the historic character of the downtown and attach relevant sections of the zoning bylaws"

She pointed out parts 2 and 3. Mr. Boves stated that part three could be completed with the grant. Mrs. Laiacona read the last part of the section that states that the town must indicate in their Zoning Bylaws the relevant sections. Then she referred to the handouts of the work FH had already completed in the 1980's and stated that their work is very explicit in the process. She stated she is not saying that the town wants to do this, she just wanted some research completed in case they did. Mr. Bove stated they will want to see that you have some way to control the building form in the Downtown area. Either way; historic district or design review, to control what they want you to control it will take changes to the Zoning Bylaws. Mr. Eighmey asked what FH currently has that would work. Mr. Bove stated nothing as this is all aesthetics of the buildings, not structural. Mrs. Pritchard stated that change happens, if the PC wants to maintain the character of the Downtown Area they need to think about what Mrs. Laiacona

brought forward. The PC either needs to give guidelines or develop restrictions. Mr. Richards is against a new board that people must go before, but the idea of a general guideline of regulations may work. Mr. Bove stated that maybe they could take a district and have conditions in the Zoning Bylaws that function as a design review. Push the boundaries, but stay away from a full actual new board that people must go before. Mrs. Laiacona stated it felt like there should be a way to put a few relevant guidelines they should be able to put in the zoning bylaws, but asked if it was legal to put them in without the Design Review Board. Mr. Richards stated that a design review board would raise people's hackles, they will feel it is their rights being infringed upon. Mrs. Laiacona stated that there was a lot of work completed in the 80's which allowed to create the current Downtown area. If we implemented more of their ideas it could bring a lot of grant money opportunities to Fair Haven. Mr. Bove stated that Rutland, Brandon, and Poultney have Downtown Designation without Design Review Committees. These were created long ago. Could it be done today? He's not 100% sure. Modifying some of the dimensional bylaws can do some of the work that control can't do, it creates the form you want to see. The Zoning Bylaw grant runs until 2025, there are two years to poke around with it.

Mr. Bove suggested that schedule-wise he should come every month for several months and work on dimensional material, parking, anything with dimensional feel to it. In the spring the PC and he could actually go around town and take measurements and see how the current buildings in town fit the zoning bylaws. That the PC could maybe adopt some new parts of the zoning bylaws, but still be working on the total. Mr. Bove references the email from Jan 10th stating that one of the grant requirements is that the PC will "modify dimensional standards" that is what they gave you the funding to do. ZA Adams asked haven't the PC already completed some of that? Restrictions were removed with the last bylaw review. Mr. Bove said that the PC has worked on commercial and industrial areas before. Your changes haven't been adopted yet.

Mr. Bove stated that next time he will come in with a big zoning map with existing settlement patterns. Then they could take lot size averages. He would like the PC to actually see building patterns and zoning changes. Mrs. Laiacona stated she would send Mr. Bove her current Zoning Bylaw document with strike through changes.

Mr. Bove went on to explain that the grant close out requires a final report demonstrating compliance with the program's requirements. He then listed the requirements; dealing with housing and data, consult the Neighborhood Development Area Checklist for growth in the area. Mr. Bove stated he will bring handouts next time, avoid development and impact to natural resources, increase housing uses - more than single family houses. He stated there might be something forcing single family dwelling areas to change. Mr. Adams passed out an article from VLCT with potential mandated legislation on housing changes. *Local Official Eager to Partner to Build More Housing* (<https://www.vlct.org/article/local-officials-eager-partner-build-more-housing>) Mr. Bove stated that Rutland County is old and chopped up in housing so the changes wouldn't be quite as difficult in our county.

Mr. Bove confirmed that flood hazard and river corridor work could be completed with this grant. Mr. Richards suggested that when they speak about that the PC should invite TM Gunter. Mr. Bove explained that he was the go to for this type of work in Rutland County and if there were questions the PC is welcome to direct them to him not the state representative. He

explained that the wording in FH Bylaws cover FH with the new map being created but maybe not all the bits and pieces FEMA would like to see. ZA Adams stated that the last PC chose minimum standards, and asked if that was still ok? Mr. Bove said he will help with Flood Plan work. It will be worked on during this grant time. He asked the PC if they were interested in River Corridor work? There are currently no river corridor bylaws. Mr. Richards stated that when Mr. Calvi was on the Planning Commission; the original bylaws were written so you could not build anything on the river. Mr. Bove stated that if River Corridor Bylaws were written the town would be able to receive more disaster funding from ERAF (Emergency Relief Assistance Fund). Mr. Bove stated that towns in the area have River Corridor Bylaws, Castleton included. He cautioned that they can also get politically funny because it is adding another layer of restrictions.

Mr. Bove reviewed his list for the next meeting. ZA Adams asked if he should schedule a special meeting or if a regular meeting will fit their needs. The PC and Mr. Bove were in agreement that the 3rd Wednesday of each month was a good meeting time.

Mr. Richards asked a question regarding the town plan. If the grant and zoning bylaw update goes through summer and fall, can FH adopt a new town plan without updated Zoning Bylaws? Mr. Bove stated yes they could. Mr. Adams stated that regional will have new data. Mr. Bove stated that RRPC has a new data guy that will hopefully get towns new data out soon.

The PC thanked Mr. Bove and he left at 8:14pm.

3. Review of Minutes of Previous Meeting:

a. Approval of Minutes: Regular Meeting February 1st, 2023

- i. Mrs. Sienkiewicz noted that in #3 sec ii "pervious" needed to be changed to *previous*.
- ii. Mr. Richards **motioned to approve the minutes of February 1st with the corrections.** The motion was seconded by Mrs. Sienkiewicz. All were in favor and the motion passed.

4. Other Business:

a. Review of Mail: None

b. Other- Commissioners Annual Stipend

ZA Adams stated that he checked and all the commissioners meet the 50% attendance requirement. He reminded the commissioners to bring their paperwork into Liz.

c. Public Comment: None

5. Adjournment:

- a. Mrs. Pritchard **motioned to adjourn the meeting at 8:23 pm.** The motion was seconded by Mrs. Laiacona. All were in favor and the meeting was adjourned.

** Next Scheduled Regular Planning Commission Meeting is on March 1, 2023**

Respectfully Submitted,
Jennifer Jackson, Minute-taker