

Fair Haven Planning Commission
Town of Fair Haven - May 17, 2023 - Regular Meeting

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

Commissioners Absent:Patrick Frazier

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - minute-taker, Kelley Emenecker, Ed Bove - RRPC Member, Glen Traverse - FH Selectboard and Economic Development Committee representative

Agenda

1. **Call to Order:** Vice-Chair Robert Richards called the meeting to order at 7:00 pm. Mr. Richards will conduct the meeting due to Chairman Eighmey's passing and that the Planning Commission hasn't had an opportunity to hold officer elections.

2. **New Business:**
 - a. **Zoning Update work session with Rutland Regional Planning Commission representative Ed Bove assisting.**
 - b. **Glen Traverse discussion with the Commission about the Town of Fair Haven working for a State, "Downtown" designation. Currently Fair Haven has a "Village" designation.**

The order of the agenda was shifted to accommodate Mr. Traverse and Mr. Bove. Mr. Richards asked Mr. Traverse to present to the PC. Mr. Traverse explained that he would explain to the PC what the Economic Development Committee (EDC) was attempting and leave the PC with a folder of information he had collected for them to reflect on later. The EDC is looking into applying for a Downtown Designation status with the State of Vermont. They are doing this because the 2016 Town Plan had stated that as one of their goals.

The Packet that Mr. Traverse would be leaving with the PC includes a copy of the application guideline (https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/CPR-DT-Application-Guidelines.pdf). He directed the PC's attention to the guideline application checklist which asks towns to show they meet the requirements of the Downtown designation. He stated that the checklist was going along fine and that the town was meeting what was needed to be met until the got to 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”

Mr. Traverse decided that he should speak with the Planning Commission about how to proceed with this step. He researched how many of the municipalities in Vermont had a downtown designation; he discovered that 23 had such a designation and that three of them were local; Brandon, Rutland City, and Poultney. He determined that there were two pieces of critical importance in the development of Downtown areas; 1. Designated areas can be larger than Village Area, and 2. Zoning bylaws needed to be developed. Mr. Traverse printed copies of the bylaws from the three local Downtown Areas and included them in the packet for the PC.

Mr. Traverse explained that Fair Haven's Village Designation runs out next year and needs to be reapplied for. That the reapplication will be to state the town wants to reapply, and the application reviewers will be checking that the town did what they set out to do. These designations allow the town to be eligible for money's for improvements. Towns with Downtown designations are eligible for larger pots of money. With the Downtown designation the town will have to create either a Development Review Board or a Design Review Board. Mr. Traverse stated it would be great to talk with someone from the local Downtown areas to see how they created their needed requirements. He also said that going further and that a creation of a Neighborhood Development area might have been able to assist with the Red House Issue as that type of development area has even more money available to assist.

Mrs. Laiacona stated that she had brought this issue to the PC before and it was stated that creation of a design control board might not be received well in the town. Is there a way for the Zoning to fulfill the needs without having a new board? Mr. Bove stated that the town needs to show a mechanism to control design within the town and the designated area. Having a Historic District does help. The design control piece is FH's hold up. Mr. Bove suggested that the PC call DHCD and Jacob Hemmerick, Community Planning and Policy Manager. Mr. Hemmerick would be able to answer many of the towns questions as he is the one that puts the team together to review the Downtown designation applications.

Mr. Richards stated that he sees the process now as one to vote to explore getting a Downtown designation, tell the selectboard that the PC is planning to meeting with Mr. Hemmerick of the DHCD, add an agenda item to the next PC meeting. He then stated that he thinks finding another volunteer board will be hard and adding another layer of bureaucracy will be difficult for the town. Mr. Traverse stated that there must be an answer out there somewhere, that it's just a matter of finding it. Mr. Traverse left the meeting at 7:24 pm.

Mr. Bove summarized where the PC and he were with the Zoning Bylaw update and grant. At the last meeting an up to date draft was distributed to all PC members. He wanted to highlight a couple spots. He has created all the documents needed for the public hearing and the warning of the bylaw adoption, they just need dates and signatures. ZA Adams stated that the PC decided last meeting to not change anything in the bylaws because it wasn't warned on the agenda.

Mr. Bove stated that he talked to other towns that use the Certificate of Compliance rather than Certificate of Occupancy as FH does. Mrs. Sienkiewicz pointed out page 35 Section 807 of the Zoning Bylaws. Mr. Bove stated that attorneys look for a "Bianchi Letter" (<https://www.burlingtonvt.gov/DPI/The-Bianchi-Decision>) in the town records so either name shouldn't confuse them. So in Mr. Bove's opinion the section doesn't need changing unless the PC would like to change. Mr. Bove then pointed out page 50 Section 1206 and its relation to the Compliance/Occupancy issue.

Mr. Bove directed the PC to look at page 16 Table of Uses. He directed the PC to change accepted Agricultural to "Required Agricultural Practices" as this is how the agency of Agriculture refers to it. ZA Adams stated that page 2 in definitions also needs changing and alphabetizing if this is the case.

Mr. Bove stated that part of the grant was to encourage mixed dwelling and asked the PC to look at Dwelling, duplex; Dwelling, multifamily, and Dwelling, single family in the Table of Uses. He suggested that the current C (conditional) be changed to P (permitted). ZA Adams stated he had asked for this in the Downtown zoning district. The PC discussed the changes and reasons behind the current zoning. They settled on all being changed to C's. Mr. Bove stated he would make the changes and will send back a copy.

Mr. Richards asked that it be warned for the next meeting to be adopted. Mr. Bove explained the process of adoption. Mrs. Pritchard **motioned to approve changes in zoning bylaws**. Motion was seconded by Mrs. Laiacona. All were in favor and the motion passed. The PC discussed which meeting would be best for a public hearing. ZA Adams stated that the next meeting June 7th might be too soon for a hearing as the town offices aren't open yet and gathering all the needed materials will be challenging without an office. The PC set June 21 as the public meeting. Mrs. Pritchard stated she would be in Rutland and could pick up hard copies from Mr. Bove's office. Mr. Bove leaves at 8:07 pm.

3. Review of Minutes of Previous Meeting:

a. Approval of Minutes: Regular Meeting April 5th, 2023

Mrs. Laiacona noticed that on page 2 section b. Middle of the paragraph the word extras had an unneeded apostrophe in it. Mrs. Sienkiewicz noticed that Mr. Davidson's first name Michael was spelled in correctly. Mrs. Pritchard **motioned to accept the minutes of April 5th with corrections**. Mrs. Brown seconded the motion. All were in favor and the motion passed.

4. Other Business:

a. Review of Mail:

- i. Notice that Hemp Commodities was being dropped from Act 52. This might affect the operation near Sky Line, but needed no action from the Planning Commission.

b. Public Comment:

- i. Mrs. Jackson stated that June 7th will be her last meeting before the baby arrives. She will be back in weeks.

- ii. Mrs. Laiacona explained that last meeting she told the PC she was going to resign, but she wanted to ask the PC if they would like her to stay because of the smaller numbers. And if the Commission might be willing to change meeting days to Monday so she could stay longer in general. The PC stated they'd like to think on the day changes but welcome Mrs. Laiacona to stay on the Commission as long as she can.

5. **Adjournment:**

- a. Mrs. Pritchard **motioned to adjourn the meeting at 8:18 pm.** The motion was seconded by Mrs. Sienkiewicz. All were in favor and the meeting was adjourned.

** Next Scheduled Regular Planning Commission Meeting is on June 7, 2023**

Respectfully Submitted,
Jennifer Jackson, Minute-taker