

Fair Haven Planning Commission

Meeting

July 19, 2023

Commissioners Present: Robert Richards, Cindy Pritchard, Patrick Frazier, Linda Sienkiewicz, Lorrain Brown

Others Present: Phil Adams- Zoning Administrator, Paul Jardine (arrived at 7:10 pm)

1. Call to Order: Chairman Robert Richards called the meeting to order at 7:00 pm.
2. New Business: Discussion of public input and any changes to the proposed Zoning Regulations Amendments, following the June 21, 2023 Planning Commission Public Hearing

Discussion was had among the board and Paul Jardine. Please see attached for the changes that were proposed and accepted with a Board consensus. Please note: red ink indicates the changes the Planning Commission made and purple ink are changes and additions proposed and discussed at the meeting.

Discussion was had among the board regarding Bonnie Rosati's comments on changes to the document.

Section 101. The board discussed as a not needed addition

Section 102. The board discussed as a not needed addition

Section 105. The board accepted the change from in which to where

The board accepted the request to remove Auto Service Station from the document

The board accepted the correct spelling of De Minimis

Sections 910, 919, 925 were discussed and no action taken

Article 9 – General Regulation was presented and discussed.

Section 926- Dwelling Units in the Downtown District

1. Dwellings are allowed in the Downtown District as conditional use on all non-street-level floors.

- (a) Off street parking is required for all Downtown District dwelling units that are on non-street-level floors.
- 2. Dwellings are allowed in the Downtown District as conditional use at the street-level provided that no more the 50% of the gross square footage be used for residential purposes.
 - (a) Storefronts must be maintained for commercial use.
 - (b) Dwellings entrance and exit may not face Main Street.
 - (c) Dwellings must have adequate parking accessible from Liberty Street or Maple Street.

Cindy Pritchard made a motion to add Section 926 to the Zoning By- Laws as written. All in favor
No opposed. Motion passed.

3. Review of Previous Meeting

Cindy Pritchard made a motion to accept the minutes of the Special Meeting on June 21, 2023 with the noted change that Deborah Laiacona names Linda Sienkiewicz for the position of Commission Clerk. Lorraine Brown second. All in favor no opposed.

Cindy Pritchard made a motion to accept the minutes of the Public Hearing on June 21, 2023 as written. Linda Sienkiewicz second. All in favor no opposed.

4. Adjournment

Cindy Pritchard made a motion to adjourn the meeting. Second by Linda Sienkiewicz.
Meeting adjourned at 9:41 pm

Respectfully Submitted,

Elizabeth Ambuhl

Proposed Zoning Bylaw Changes

Section 105 – Term Definitions

Accessory Building- Small: A small accessory building associated with residential use which is 120 square feet or less in floor area with a maximum height of 10 feet and follows all setback requirements listed in the regulations. An “Accessory Building-Small” is exempt from the requirement of a zoning permit, but subject to notification. An “Accessory Building-Small” is not exempt if located in a designated Flood Hazard Area.

Accessory Use or Accessory Structure: A use or structure customarily, but not necessarily, incidental and subordinate to the principle use or structure and located on the same lot. Examples of accessory structures include, but are not limited to the following: sheds, garages, swimming pools, dish antennae. See also Section 917.

Animal Boarding: An establishment housing dogs, cats, or other household pets and where boarding of animals is conducted as a business.

Animal Grooming Services: A farrier service, pet grooming service, veterinary service or other similar service for the care of animals. If animals are boarded, then all regulations in Section 925 – Animal Boarding shall apply.

(Note - Table of Uses: This should be P in residential to allow for home occupation pet grooming).

Auto Service Station: A building or piece of land that which is used primarily for the sale of motor fuel and oil, or for lubrication, washing, repair or servicing of vehicles. See also Section 407.

Consider changing Auto Service Station to the following since it would cover all types of vehicles and boats.

Auto Vehicle/Vessel Service Station: A building or piece of land that is used primarily for the sale of motor fuel and oil, or for lubrication, washing, repair or servicing of vehicles or vessels. See also Section 407.

(Note - Don't forget to change alphabetical order)

Bed & Breakfast: An owner-operated inn for the accommodation of the traveling public providing lodging and meals in a family atmosphere. ~~A country inn may include lodging, housing for owners and employees, and public dining facilities.~~

Country Inn: See Bed and Breakfast

~~Hotel, Inn, /Motel:~~ An inn, lodge, building or portion thereof kept, excluding a Bed & Breakfast, used, maintained, advertised, or held out to the public to provide overnight accommodations for compensation, by the renting of rooms or a bed within a room. The rental of an entire dwelling unit does not constitute a lodging operation.

~~Lodge:~~ See Hotel.

Non-Conforming Lot: A lot or parcel that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable regulations at the time of its origin, including a lot improperly authorized as a result of error by the administrative officer.

Non-Conforming Sign: A sign that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable regulations at the time of its origin, including a sign improperly authorized as a result of error by the administrative officer.

Non-Conforming Structure: A structure or part of a structure that does not conform to the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Non-Conforming Use: A use of land, building or premises that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Required Agricultural Practices: The use of land for raising crops or animals, as defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)]. See section 1202.

~~**Retail Sales or services:** Includes shop and store for the sale of retail goods, personal service shops, department stores and commercial schools, and shall exclude any drive-up services, free-standing retail stands, auto service stations, motor vehicle repair service shops and motor vehicle sales dealerships.~~

~~**Retail sales or services, small:** A building or structure, not exceeding 5,000 square feet in gross square footage, which otherwise meets the definition of retail sales or services.~~

Consider changing to the following:

Retail Sales or Services: The sale of goods or services to consumers, excluding vehicle/vessel service operations.

Structure: Anything which is constructed or erected on a lot for purposes other than on-site recreational use or aesthetics and which is not easily moved from, to, or upon a lot. Examples of "Structure" include principal buildings, detached accessory buildings, covered porches, decks, signs, ~~dish antennas larger than 48 inches~~, tennis courts, in-ground swimming pools, ~~and~~ pools bounded by decks, and other similar construction. A fence will be considered a structure unless it is four (4) feet or less in height and is used to enclose a garden or animal pen. "Structure" is not intended to include items such as children's playground equipment, tree-houses, trellises, sundials, landscaping ponds/pools, unattached above ground pools, mailboxes, flag poles, bird houses and feeders, basketball hoops whether mounted on buildings or freestanding, buildings used solely for the shelter of household pets (not raised for commercial purposes), and other such construction.

Section 201 - Zoning Districts

Fair Haven is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

- Downtown
- Residential
- River Mixed Use
- Commercial
- Industrial 1
- Industrial 2
- Rural
- Recreation
- Watershed
- Flood Hazard Area

The permitted and conditional uses in each district are as specified in Article III: Table of Uses - Table 1.

The minimum lot sizes, set back requirements, lot frontage requirements, and height limitations for each district are as specified in Article III: Table 2 - Dimensional Requirements.

Section 203 - Zoning District Descriptions

1. Downtown

Purpose: To promote renovation and re-use of historic structures in Downtown Fair Haven and to promote the construction of buildings in keeping with the existing built environment and The Fair Haven Green. Regulations for this district are intended to promote commercial and residential activity and maintain the area as the center of activity for the town. Regulations are flexible to allow for creative uses of upper stories for residential, commercial, or entertainment purposes.

2. Residential

Purpose: To promote single- and multi-family residential neighborhoods within a short distance of Fair Haven Village and **to** allow for uses incidental to or harmonious with the **area's character**. No commercial or industrial use may be established within the residential district except for permitted home occupations.

3. ~~River Mixed Use~~ Mixed River

Purpose: ~~It~~to promote a mix of residential and commercial use of land and buildings immediately adjacent to the Downtown District. Mixed- use structures are encouraged to provide for both small-scale commercial and upper-story dwelling units.

4. Commercial

Purpose: To promote commercial activity in the form of retail stores, restaurants, professional and business offices, light industry, and other establishments as detailed in the Table of Uses. Development should be in keeping with the character of the neighborhood and **should** promote ease of access between neighboring parcels and uses for vehicles and pedestrians.

5. Industrial

Purpose: To allow for light and heavy industry, such as slate or stone works, machine shops,

textile manufacture, laundry and dry cleaning plants, or similar operations as described in the Table of Uses. These areas are separated from residential and natural areas to minimize use conflicts.

6. Rural

Purpose: To maintain a balance between ongoing agricultural practices, slate quarrying, low-density low density residential settlement, commercial use and light industrial uses in the town. Any residential development in this district should consider the effects of permitted quarries in the area.

7. Recreation Areas

Purpose: There is nothing listed here

The ~~following six~~ ~~re-are five~~ areas within the town borders ~~which~~ are set aside as public recreational areas: ~~They are as follows:~~

- a. A small area of airport property used as a barbecue picnic recreation area;
- b. Louis Faryniarz Playground - the area east of the Grade School known as the ""playground"";
- c. The area at Fair Haven Union High School;
- d. The area at the former ""South School"" on Academy Street
- e. The area of the Fair Haven Green known as the Park.
- f. The ""Fur Haven Dog Park"" north of the barbecue picnic recreation area

8. Watershed

Purpose: To protect the Town's water supply from contamination by prohibiting potentially threatening activities.

9. Flood Hazard Area

Purpose: To maintain the flood water carrying capacity of all flood-prone areas in the Town and to ensure that any structures or uses permitted within these areas are properly protected from flood hazards.

Section 301 - Zoning Regulations and Districts

1. A person shall not use any land or structure within the town except in conformance with the use provisions of the Table of Uses in Article III.

2. For each district, permissible uses are given one of four designations:

- a. Exempt (E) uses and structures are permissible without obtaining any permit from the town.
- b. Notified (N) structures are permissible without obtaining any town permit but require a written notification to the Administrative Officer of an intent to build.
- c. Permitted (P) uses and structures are permissible upon issuance of a Zoning Permit by the Administrative Officer. Such uses may be required to meet specific local or state requirements or be subject to Site Plan Review (Article V) prior to issuance of a permit.
- d. Conditional (C) uses and structures are permissible only upon issuance of a Conditional Use Permit by the Zoning Board of Adjustment (Article IV)

3. Uses not designated as Exempt (E), Notified (N), Permitted (P), or Conditional (C) are prohibited in the district unless determined to be an ""unspecified use.""

4. An unspecified use not listed in Table 1- Table of Uses as set forth in Article III, but is, in the opinion of the Zoning Board of Adjustment, consistent with the philosophy as set forth in these Regulations for the district in which it is proposed and of similar impact in terms of the potential for intrusion on abutting properties, the Zoning Board of Adjustment may allow the use as a Conditional after public hearing, duly noticed. In such an event, notice shall be sent to the Planning Commission of such hearing, and the Planning Commission may submit its written or oral recommendations to the Zoning Board of Adjustment relative to the proposed use. A use which is philosophically not consistent with the purpose of the district, or which is judged to have a more significant impact on abutting properties than uses normally allowed in the district, as set forth in these Regulations, shall not be allowed under this Section.

5. No use or development of land may commence unless such use or land development conforms to the applicable dimensional requirements set forth in Table 2 – Dimensional Requirements.

5.6. In case of a conflict between the requirements in the following tables and other applicable sections containing more stringent requirements, such other sections shall control.

Consider the following title change:

Section 407 - Auto Vehicle/Vessel Service Station

Section 413 – Animal Boarding **Recommend Leaving in Article IV since it is a Conditional******

1. The minimum lot size shall be one acre.
2. Areas where animals are kept or exercised shall be appropriately fenced.
3. Buildings for the overnight housing of animals shall be set back 150 feet from any street line and 75 feet from any lot line.
4. Animal waste shall be disposed of in a proper and sanitary manner.
5. No nighttime outside boarding of animals.
6. Kennels will be insulated and sound proofed.
7. Outdoor kennels must be screened from view by evergreen landscaping materials or opaque fencing six (6) feet high.
8. Lighting must be shaded to avoid shining on adjacent properties or roadways.

Section 414 – Unspecified Use

A use not listed in the Table of Uses as set forth in Article III, but is, in the opinion of the Zoning Board of Adjustment, consistent with the philosophy as set forth in these Regulations for the district in which it is proposed, and of similar impact in terms of the potential for intrusion on abutting properties. The Zoning Board of Adjustment may allow the use as Conditional after a public hearing, duly noticed.

Section 502 – Exemptions from Site Plan Review

The following are exempt from the requirement for the site plan approval:

1. Signs;
2. One and two family dwellings which are not home occupations;
3. Any use requiring a Conditional Use Permit, except Planned Unit Development; and,
4. Minor changes or additions to existing uses; new uses or a change of use which the Planning Commission determines after a review of a property submitted application, will have no significant impact upon adequacy of traffic access, circulation and parking, or landscaping and screening, protection of renewable energy resources, exterior lighting; the size, location, and design of signs.
5. De minimis changes to an approved permit can be made by the administrative officer after authorization from the Planning Commission.

Section 803 – Exempt Signs

c. ~~Up to two~~ **One (2) (1) signs** advertising the sale or lease of real estate by the owner or his agent **is permitted**. Such signs shall not have an area of more than six (6) square feet each.

Section 921 – Child Care Facility

Child care facilities are regulated according to the following schedule:

1. ~~A.~~ A **family** child care facility serving six or fewer children shall be considered to constitute a permitted single family residential use of property.
2. ~~B.~~ A **family** child care home serving no more than six full-time children and four part-time as defined in 33 V. S. A §4902 (3)(A) shall be considered to constitute a permitted use of property but shall require site plan approval in accordance with Article V.
3. ~~C.~~ A child care facility serving more than six full time and four part-time children shall be subject to all applicable municipal bylaws and shall require conditional use approval in accordance with Article IV.

Section 1202 – Exemptions

8. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls ~~less than~~ four (4) feet **or less** in height which do not extend into or obstruct public rights-of-way, or interfere with ~~corner~~ visibilities or sight distances for vehicular traffic.

Section 1601 - Public Notice

In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Article IV), appeals of decisions of the administrative officer, and variances (Article XIV). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of the date, time, place and purpose of the hearing in a newspaper of general circulation in the municipality; and
2. Posting of the same information in three (3) or more public places within the municipality in conformance with the location requirements of 1 V. S. A. § 312 (c)2, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

Public notice of all other types of development review hearings, including site plan review (Article V), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

1. Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the location requirements of 1 V. S. A. § 312 (c)2; and
2. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which shall include a

description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

~~The applicant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners as required above, as determined from the current municipal grand list. The applicant shall be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.~~

No defect in the form or substance of any required public notice under this section shall invalidate the action of the Planning Commission / or Zoning Board of Adjustment where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Zoning Board of Adjustment or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

ARTICLE IX – GENERAL REGULATIONS

Section 926 – Dwelling Units in the Downtown District

1. Dwellings are allowed in the Downtown District as conditional use on all non-street-level floors.
 - (a) Off street parking is required for all Downtown District dwelling units that are on non-street-level floors.

2. Dwellings are allowed in the Downtown District as conditional use at the street-level provided that no more than 50% of the gross square footage be used for residential purposes.
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