

**Fair Haven Planning Commission**  
Town of Fair Haven - September 20, 2023 - Regular Meeting

**Commissioners Present:** Robert Richards - Chair, Cindy Pritchard - vice chair, Linda Sienkiewicz - Clerk, Lorraine Brown, Jason Coupal

**Commissioners Absent:** Patrick Frazier

**Others Present:** Phil Adams - Zoning Administrator, Jennifer Jackson - minute-taker, Logan Solomon - RRPC Representative

**Agenda**

1. **Call to Order:** Chairman Richards called the meeting to order at 7:03 pm. The Planning Commission went through a brief introduction session for new member Jason Coupal and guest Logan Solomon.
  
2. **New Business:**
  - a. **Meeting with Rutland Regional Planning Commission planner Logan Solomon to discuss the completion of the Fair Haven Zoning Regulations revision and the State of Vermont required components for the Fair Haven Town Plan update.**

Chairman Richards asked Mr. Solomon to present his findings as he would like. Mr. Solomon brought with him a handout of findings which he shared with the commissioners. "Fair Haven Compliance Findings - 2016 Town Plan and Current Bylaws". Mr Solomon stated that out of the 5 pages of suggestions the last 2.5 pages were state statute requirements and mandated changes, except parking.

Chair Richards stated that he PC needs to present the new material to the Select Board. ZA Adams asked if there were new regulations with substantial changes could they be changed at the Selectboard level? Mr. Solomon stated he would need to ask RRPC for guidance. He stated his handout should be easy to follow as it tells one what to do to add the needed information. Chair Richards asked if the Fair Haven would be able to receive the same level of support as it had been receiving from Mr. Bove previously or if the grant money had expired. Mr. Solomon stated there is still money in the grant to help fund the development.

Mr. Solomon then started to guide the PC through the handout and comments. The first bullet point was about updating the town data from census information. Mrs. Sienkiewicz asked if the 2020 census should and could be used. Mr. Solomon stated yes, it contains the best, most accurate information. The ACS (<https://www.census.gov/programs-surveys/acs/>) is another source with a 5 year estimate, but it is not as accurate. The US Census has less data points but is more accurate in the information they have. He stated he could help with data gathering depending on his work load.

Mr. Solomon then guided the PC back to his handouts and began with the Utilities/Facilities/Services section. Chair Richards asked for guidance on how the town should approach the need for a new town garage in the town plan. Mr. Solomon suggested wording

such as “ Interested to explore options...” He suggested looking at finances, what is needed to build the garage, evaluating the sites, and what is required to build a new garage.

They moved on to the Energy section. There needs to be an analysis of Energy Needs which explains the demand. It doesn't need to have hard numbers because those can be hard to get. Ms. Pritchard stated she thought the Town Plan had a section on energy. Mr. Solomon apologized if he missed it. They moved on to energy scarcity and issues of limitations to town growth. Costs; Efficiency VT has an energy burden report (<https://www.efficiencyvermont.com/news-blog/whitepapers/vermonts-2023-energy-burden-report>) that could help with the section. He suggested the PC look it up. Mr. Solomon stated that the depth they get into energy is up to the PC. Chair Richards stated there will be a new substation soon.

Mr. Solomon moved on to Transportation. He noted that there was nothing related to cost in the report. He stated that it could be as simple as touching on cost; people being able to walk or bike is cheaper. Depth of report is up to the PC.

Natural Resources section; Mr. Solomon noted the first bullet points asks the PC to change the statement to mirror the State goal. He then reviewed the other points listed on the handout.

Economic Development Section; Mr. Solomon suggested that the PC indicate in the Town Plan specific locations that they would like to see more economic growth. Ms Pritchard pointed out that she believed Fair Haven had increased in business since the last draft of the Town Plan. Mr. Coupal stated he assumed that the changes Mr. Solomon was recommending were from using the 2016 Town Plan and that the PC just had to update the information. Mr. Solomon stated the affirmative and told the PC that many towns schedule separate sections to review at each meeting.

Recreation Section; Mr. Solomon suggested that the PC needs to think about a few action items to add to the Town Plan. They should think about the action items from 2016 and explain if progress was made and report on the items.

Housing Section; Mr. Solomon went over his bullet points. Chair Richards pointed out a section in the 2016 Town Plan that stuck out to him, something like; for a small community we have ample low income housing. He believes that wording should be changed. Ms. Pritchard asked about accessory dwellings and mentioned how people are stopping their rentals because the State isn't supporting the landlord. Mr. Solomon pointed out S.100 Home Act = Act 47. He noted that it will create funds for landlords who have backrents to help them recoup lost money.

Flood Resilience; The PC satisfies the State requirement just by talking about flood regulations in the plan.

Introduction; Fair Haven needs a clear statement of municipal policies. Mr. Solomon will send a copy of a few towns who have done this.

Designation(s); The section should include the goal of acquiring a designation and the steps the town will be taking to achieve it or steps to renew the current designation.

Surrounding Towns; A statement is needed on how Fair Haven will plan future development with relation to other towns. Or in other words will work with other towns when appropriate. Chair Richards asked when the deadline is for completion of the Town Plan. Mr. Solomon stated June 2024. This transitioned the Planning Commission to two handouts with

flow charts for completion; one was a timeline for the planning commission to follow and the other was for the Select Board. The flow chart has the Planning Commission completing their work by February 21 so that the public meetings can be held within proper times.

The PC discussed how realistic the timeline looked to them. Ms. Pritchard stated that it seems doable if the PC chunks out 15 pages per meeting. Mr. Coupal asked if there was a Word file of the Town Plan. Mr. Solomon stated that the RRPC has a computer file and will see if it is in word format. Mrs. Brown stated she would work on the town history section. Mrs. Sienkiewicz stated she would work on gathering statistics. Chair Richards asked the Commission what was needed from RRPC at this time. Mr. Solomon stated that if the PC runs into barriers or data gathering issues to reach out.

ZA Adams asked about the process for submitting the Zoning Regulations to the Selectboard. Mr. Solomon stated he would ask RRPC and get back to him. ZA Adams stated he is concerned about accurately following state guidance and isn't entirely certain of the process.

Chair Richards thanked Mr. Solomon. Mr. Solomon left at 8:07 pm. Chair Richards confirmed with the PC that the goal is to work on 15 pages of the Town Plan next meeting. He asked each member to come with drafts of what they think needs to be changed.

**b. Review and discussion of beginning the Fair Haven Town Plan update**

Chair Richards asked the board their opinion on the size of the Planning Commission. Mrs. Pritchard stated she believed the PC should stay at an odd number of members. Chair Richards agreed that a 7 member board was a good size. Mrs. Brown asked how the PC could find another member. Chair Richards stated that any member of Fair Haven could submit a letter of intent to Town Manager Gunter. Mrs. Pritchard suggested that something be put in the news outlets. She will create something for Facebook posting.

**3. Review of Minutes of Previous Meeting:**

**a. Approval of Minutes:**

**i. Regular Meeting - August 16<sup>th</sup>, 2023**

Mrs. Sienkiewicz **motioned to approve the minutes of August 16, 2023 as written.** The motion was seconded by Mrs. Pritchard. All were in favor and the motion passed.

**ii. Regular Meeting - September 6, 2023 canceled due to lack of quorum**

Mrs. Brown apologized for missing the meeting.

**4. Other Business:**

**a. Review of Mail: None**

**b. Public Comment: None**

**5. Adjournment:**

**a. Mrs. Pritchard motioned to adjourn the meeting at 8:1 pm.** Mrs. Sienkiewicz seconded the motion. All were in favor and the motion passed.

**\*\* Next Scheduled Regular Planning Commission Meeting is on October 4, 2023\*\***

Respectfully Submitted,  
Jennifer Jackson, Minute-taker

## Fair Haven Compliance Findings – 2016 Town Plan & Current Bylaws

### Changes to 2016 Adopted Town Plan to meet state requirements.

- Updating statistics, maps, and each section **generally** to match the 2023 reality in Fair Haven
- **Demographics:** Add Employment statistics (Census / ACS) - % of population (X people) work in Y industry (this can also go in the “Economic Development” section)
- **Utilities/Facilities/Services:** Missing...
  - Map: E. Whitcomb Hyde Water Treatment Plant
  - Text/Description: (each one of these can be short)
    - Solid waste disposal – try and capture all the logistics (Company, where it goes)
    - Town Garage
    - Town Office; this can be as simple as saying it’s attached to the fire department
    - Post Office
  - For each piece of infrastructure/services in this section...
    - Talk about limitations and max capacity. Talk about how this is different in different land use classifications (zoning districts is probably the easiest way).
    - Talk about how the town will finance/provide services to meet future needs. If future needs are expected not to change, mention this, and say that current capacity will meet future needs.
    - I noticed this was done for the fire department.
- **Energy:**
  - Missing...
    - Analysis of Energy Needs
    - Analysis of Energy Scarcity
    - Analysis of Energy Costs
    - Problems/Barriers/Limitations in energy development (might overlap w/scarcity)
- **Transportation:** Affordability of transportation needs to be mentioned. This could be a separate paragraph comparing different modes of transportation or for each mode of transportation considering the economics.
- **Natural Resources:**
  - Need this concrete statement, which matches the state’s verbiage: “Fair Haven seeks to preserve rare and irreplaceable natural areas, scenic and historic features and resources”. I’d make this the first sentence of this section.
  - One sentence in this section addressing air quality. Something like this, “Fair Haven’s tree canopy is a valuable asset, providing shade, helping filter our air pollution particulates, and sequestering carbon.”
  - Include this state goal: “Provide for the wise and efficient use of natural resources, facilitate the appropriate extraction of earth resources and proper restoration and preservation of aesthetic qualities”

- Given the prominence of the slate industry, I'd add onto to the state goal to include, "especially slate" after the words "natural resources".
    - Consider the consequences of resource overextraction - consequences to the town, the Rutland Region, and the state. Forestry and Slate (especially slate) would be good to focus on.
    - Agriculture and Forestry:
      - Include the following state goal.
        - "Protection of long-term viability of agricultural and forest lands and maintenance of low overall density"
        - "Encouraging the manufacture and marketing of value-added agricultural and forest products"
        - "Encouraging sound forest and agricultural practices"
    - QUESTION: The 2016 version mentions seeking a natural resources/open spaces plan. Did this happen? If yes, mention this and strengthen the natural resources section by encompass the main components of this plan.
- **Economic Development:**
  - Include that desired economic growth is limited based off infrastructural capacity (this is said in the housing section but should also be said here for commercial development)
  - Strengthen the location of desired economic growth (it's touched on briefly but elaborate on why)
  - Include this state goal: "Provide a strong and diverse economy."
- **Recreation:**
  - Add more action-items to this section to meet your goals
- **Housing:**
  - Data: Housing Supply & Housing needs
  - Need to mention how the town will promote Accessory Dwelling Units / Apartments
  - Add this state goal w/related action items: "Encourage intensive residential development in areas related to community centers and discourage strip development along highways"
    - I'd replace "Intensive" w/"denser". "intensive" implies overdevelopment to me.
  - S.100 = Home Act = Act 47 (recent housing/zoning bill) also has a town plan element
    - You will need data on seasonal dwellings vs. year round dwellings
    - Need action items specific to "addressing the needs of people with low and moderate incomes"
    - Differ between action taken by public entities and private entities.
  - For all housing data, "housingdata.org" is your best friend (a State of Vermont website).
- **Flood Resilience:** The "Avoid new development in flood hazard..." Act 16 statement could be made a goal. It satisfies the requirement by leaving it as is.
- **Introduction:** There is no "statement of municipal policies, objectives, programs to guide growth and development". This should be a clear statement in the beginning of the plan.
- **Designation(s):** Make sure to express your intent to renew your designations and any interest in pursuing additional designations. For currently active designations, it needs to be mapped.

- **Reword Acknowledgements Section:**
  - State Requirement: “Coordinated, comprehensive planning process”
  - Reword Acknowledgements to say: “Fair Haven’s planning process is comprehensive and coordinated thanks to the efforts of X committees and Y people”
- **Surrounding Towns:**
  - A statement on how Fair Haven planned future development will relate to development trends/plans for adjacent municipalities. “X town is developing in THIS WAY, Fair Haven DOES/DOESN’T align”
  - Add this sentence, “When appropriate, Fair Haven will work creatively with other municipalities to implement the town’s plan”
    - You have to show your willingness to work with surrounding towns.

## Changes made to FH draft bylaws to ensure compliance with S.100 (Act 47)(HOME Act)

- **Section 105 – Term Definitions:**
  - **Change definitions to match the states. Create “emergency shelter” definition.**
  - **Duplex:** A residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.
  - **Multiunit or Multifamily Dwelling:** A building that contains three or more dwelling units in the same building.
  - **Served by Municipal Sewer and Water Infrastructure:**
    - (i) An area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:
      - (I) State regulations or permits; (II) identified capacity constraints; or (III) municipally adopted service and capacity agreements; or
    - (ii) an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude:
      - (I) flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, areas within a zoning district or overlay district the purpose of which is natural resource protection, and wherever year-round residential development is not allowed; (II) areas with identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements; (III) areas served by sewer and water to address an identified community-scale public health hazard or environmental hazard; (IV) areas serving a mobile home park that is not within an area planned for year-round residential growth; (V) areas serving an industrial site or park; (VI) areas where service lines are located to serve the areas described in subdivisions (III) of this section, but no connections or expansions are permitted; or (VII) areas that, through an approved

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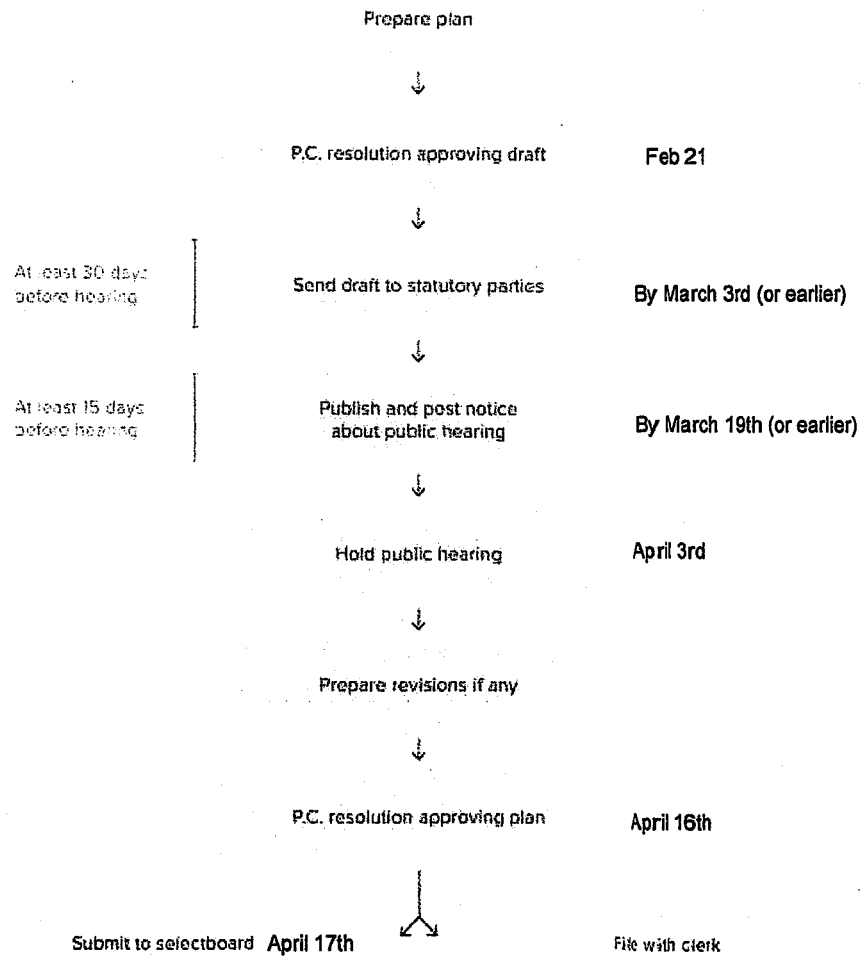
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- **Add the following to ensure compliance w/S.100:** "An accessory apartment shall be considered a public building if it is rented, and therefore subject to fire and building safety codes."
  - **WHY?** *S.100, Section 26 – An ADU shall be considered a public building if it is rented, and therefore subject to fire and building safety codes (Effective: 7/1/2023)*
- **Section 1103: Board of Adjustment**
  - "A decision rendered by the Board of Adjustment for a housing development or the housing portion of a mixed-use development shall not:
    - require a larger lot size than the minimum as determined in the municipal bylaws
    - require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of S.100 (Act 47)
    - Limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;
    - Limit the density of dwelling units to below that allowed in the municipal bylaws
    - Otherwise disallow a development to abide by the minimum or maximum applicable municipal standards. However, a decision may require adjustments to the applicable municipal standards listed if the panel or officer issues a written finding stating:
      - Why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and
      - How the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws." - S.100, Section 10 (Effective: 7/1/2023)"
- **Section 1302: Interested Persons**
  - **The following edit must be made to comply w/S.100 (RED=REVISION):**
    - (4) Any ten persons who may be any combination of municipal residents, voters, or real property owners within the municipality who...
- **Create section**
  - **Affordable Housing Density Exemption**
    - S.100, Section 2 - "Affordable housing development may exceed density limit by 40%, which may include an additional floor in areas with municipal sewer/water service" (Effective: 7/1/2023)
  - **Class 4 road disclosure**
    - S.100, Section 21 – A property owner located on a class 4 road must disclose to the buyer that the municipality is not required to maintain the road. (Effective: 7/1/2023)
  - **1305 – Appeals of Residential Development**
    - S.100, Section 9 – For residential development, appeals of conditional use approvals are prohibited in state designated areas (village centers, downtowns, growth centers, NDAs). (Effective: 7/1/2023)
- **NO ACTION NEEDED BUT BE AWARE OF THE FOLLOWING RELATING TO ACT 250:**
  - S.100, Section 16 - Until July 1, 2026, a developer may construct up to 25 dwelling units within a 5 mile radius or within a designated area within 5 years without triggering Act 250 review. Construction of 4 units or fewer within an existing structure shall only count as 1 unit toward the 25. (Effective: 7/1/2023) To qualify for the exemption, the developer must request a jurisdictional opinion before June 30, 2026, and construction must be complete by June 30, 2029.
  - S.100, Section 16 - Until July 1, 2026, construction of a priority housing project within a designated downtown, NDA, or growth center will not trigger Act 250 review. (Effective: 7/1/2023) To qualify for the exemption, the developer must request a jurisdictional opinion before June 30, 2026, and construction must be complete by June 30, 2029
  - S.100, Section 49 - Until January 1, 2026, rebuilding of electrical distribution lines shall be exempt from Act 250 review. (Effective: 7/1/2023)

**Responsibilities of the Planning Commission Flowchart**

**Fair Haven Timeline**



# Select Board

## Responsibilities of the Legislative Body Flowchart

