

Fair Haven Planning Commission

Town of Fair Haven - September 4, 2024 - Regular Meeting

Commissioners Present: Robert Richards Chair, Cindy Pritchard, Linda Sienkiewicz

Commissioners Absent: Jason Coupal - Vicechair, Patrick Frazier

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

Agenda

1. Call to Order:

The meeting was called to order at 7:01 pm by Chairman Richards.

2. Review of Minutes of Previous Meeting:

Approval of Minutes: Regular meeting - August 7, 2024

August 21, 2024 - Canceled

Ms. Sienkiewicz explained that her name was misspelled throughout the document. It should be spelled SIENKIEWICZ. Ms. Pritchard **motioned to accept the August 7th minutes with the corrections noted by Ms. Sienkiewicz.** Ms. Sienkiewicz seconded the motion. All were in favor and the motion passed.

Chair Richards acknowledged that the August 21 meeting was canceled.

3. New Business:

Discussion with Logan Solomon, Rutland Regional Planner, of achieving the Downtown Designation for Fair Haven and the possible creation of subdivision Regulations.

Chairman Richards stated that the Select Board asked the Planning Commission to investigate how to obtain a Downtown Designation within Fair Haven's Village Center. He invited Mr. Solomon to come to the meeting to help the PC understand the process to make an informed decision about following through with the Designation or not.

Mr. Solomon brought with him a packet containing four handouts with information tailored to Fair Haven to help explain the process. He explained each page and gave time for questioning. (*The handouts can be found below*)

Mr. Solomon directed the Planning Commission to look at the first handout. He stated that there were three tasks to complete in the process.

1. Downtown State Designation
2. Subdivision Regulations
3. Neighborhood Development Area Designation.

RRPC can provide guidance in obtaining the designations. They will provide a model subdivision bylaw before the end of the year. He stated that creation of the Downtown Designation and the Subdivision Regulations can take place at the same time. That the Neighborhood development can happen afterwards.

Mr. Solomon then asked the Planning Commission to look at the back of the first page where he explained the differences between *Village Centers* and *Downtowns*. Explaining that

obtaining the Downtown designation is like “leveling up”. There are more benefits available to downtown designated areas. He guided the PC to observe the current boundary of the Village Center, stating that this boundary does not need to be the boundary that is chosen for the Downtown Designation if they believe that more or less space should be included. RRPC can help guide the changing of the boundary if needed. He then went over the application process briefly, explaining that the Downtown eligibility needs a historic register. He explained that the PC will need to work with the state as to what would qualify as a historic building. He explained that the State will meet with towns that want to go through this process. ZA Adams asked if a historic district designation would put restrictions on buildings or zoning bylaws. Mr. Solomon stated that there are no penalties to the landowner for having a historic building and erected the PC to the last page of the handout “Overview of Designation Program Benefits” to compare the benefits between a Village Center Designation and a Downtown Designation. He stated he will provide more information on what benefits are available with each designation. ZA Adams asked what neighboring towns had Downtown Designations. Mr. Solomon stated that Castleton has three Village Center Designations, Poultney has a Downtown Designation with a Village Center in East Poultney. Rutland City and Brandon also have Downtown Designations. He stated that the RRPC thinks that Fair Haven is a “ripe” opportunity. ZA Adams asked if the other towns have subdivision regulations. Mr. Solomon stated that he’s not entirely sure, but that Castleton and Poultney do.

Mr. Solomon turned to the handout entitled “ Subdivision Regulations,” and stated that the RRPC is having many discussions with towns around creation of subdivision bylaws. He states that towns handle the process a little but differently so finding one that is a good model for each town is difficult. The RRPC is instead going to create a basic model that towns can build from. ZA Adams and Mr. Solomon held a discussion of who should review applications for subdivision; Development Review Boards or Boards of Adjustment. Mr. Solomon stated that there are specific reasons why subdivision regulations are important and it pertains to Act 250 Laws.

Mr. Solomon then directed the PC to the “Neighborhood Designation” handout. He stated that currently the way it is laid out Fair Haven does not qualify for Neighborhood Designations - to qualify they need subdivision regulations. He explained the pictures on the handout stating again how a downtown designation would benefit the town. The circled areas support housing for the village center or downtown designation. Because a Downtown area is a bigger scale of the village center it comes with a bigger neighborhood designation. He explained that the benefits of a Neighborhood designation match the benefits of a Downtown Designation. The zoning still applies, there are exemptions from state permitting and more.

Mr. Solomon turned the PC to the “Act 250 Benefits” page. As each designation is added the benefits increase. Mr. Solomon stated that he has seen neighborhood designations from the state that aren’t perfect circles out from the downtown area - that they can be a little squishy, but he hasn’t seen clear guidance as to how to make the area “squishy”. Chair Richards stated there is river confinement in some areas of the allowed neighborhood designation. Mr. Solomon stated that that is probably a valid reason for the “squish.” He stated that it is important to get State guidance in this matter.

Chair Richards asked Mr. Solomon what is the first step, where should the PC begin the work? Mr. Solomon stated that developing subdivision regulations and obtaining downtown designations are the start. Mr. Adams asked about the length of subdivision regulations. Mr. Solomon stated that they are short in some towns and long in others. That they can be part of zoning or can be a separate document. That there are benefits and disadvantages of each. Chair Richards asked if a Design Review Board is necessary for a Downtown designation. Mr. Solomon stated that he thought a Board of Adjustment would work, but that his knowledge is limited. ZA Adams stated he would like clarification on this matter.

Chairman Richards stated that the materials need from RRPC included:

1. Template for model subdivision regulations
2. Board of Adjustments role
3. The guidance document for the process.

Mr. Solomon stated that the guidance doc will be available quickly, the template for the subdivision regs. Will be about a month out.

Chairman Richards asked if there was any funding available to help with the process. Mr. Solomon stated there is a grant, but the RRPC hasn't heard if they've been awarded yet. Chairman Richards asked what the overall timeline would look like for the process. Mr. Solomon stated the soon it is completed the quicker that the town will have access to Act 250 money. He stated a good starting point for the PC currently is to look at the village center and see if it is actually a good fit for the Downtown designation, he wasn't saying it had to change, but a good, critical look at the boundary is a good start. Mrs. Pritchard suggested the PC spend some time at the next meeting looking over the boundary. Mr. Richards asked Mr. Solomon if there was any way the RRPC could give the PC a larger copy of the current boundary map. He stated yes and will let them know when it is completed so it can be picked up at the Rutland office. He then went over his to do list;

1. Details on benefits
2. Clear answers on ZBA?PC roles in process and future
3. Who is best to talk to at the state about the process
4. Page subdivision model
5. Print map

The Planning Commission thanked Mr. Solomon and he left at 8:20pm

4. Other Business:

a. Review of Mail: None

b. Public Comment:

Mrs. Pritchard had a question about what happens after permits are issued with conditions on parking - what happens if people aren't following the conditions. ZA Adams stated that someone needs to complain and document the issue and that it needs to be in writing.

5. Adjournment:

Ms. Pritchard **motioned to adjourn the meeting at 8:29 pm.** The motion was seconded by Ms. Sienkiewicz. All were in favor and the motion passed.

Respectfully Submitted,
Jennifer Jackson, Minute-taker

**** Next Regular Meeting****
September 18, 2024

Hand Outs can be found below or linked below:

From ZA Adams:

[Downtown Designation Program - Application Guidelines;](https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/CPR-DT-Application-Guidelines.pdf)
(https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/CPR-DT-Application-Guidelines.pdf)

FAIR HAVEN PLANNING COMMISSION'S TASK

Downtown State Designation

Obtain a Downtown Designation in the area that currently has a Village Center Designation

Subdivision Regulations

Amend the Fair Haven Zoning Regulations by adding an Article that regulates the subdivision of land.

Neighborhood Development Area Designation

Obtain a Neighborhood Development Area designation in an area at most 1/2 mile radius surrounding the downtown designation.

RRPC ROLE. RRPC can provide guidance in obtaining these designations. RRPC plans to create a model subdivision bylaw and will send to the PC.

WHAT ORDER SHOULD EACH TASK BE DONE?

1 DOWNTOWN DESIGNATION & SUBDIVISION REGULATIONS

2 NEIGHBORHOOD DEVELOPMENT AREA



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DOWNTOWN DESIGNATION

Core Designations



Village Centers

Supports revitalization activities in small to medium-sized historic centers with at least one civic and/or commercial building.



Downtowns

Supports revitalization activities in medium to large-sized historic centers with the community capacity to support a non-profit organization or municipal commission that develops and implements a comprehensive revitalization strategy.

CURRENT BOUNDARY



Application Process

The application process varies for each of the state designations but applicants for all designations will need to follow the same basic steps:

1. **Contact DHCD** – contact the appropriate staff person who coordinates the designation program. Go to the program's webpage to find the [corresponding staff contact info.](#)
2. **Schedule a pre-application meeting** – DHCD staff will attend a meeting in your town to ensure a common understanding of the application requirements prior to submission.
3. **Build support for designation** – work with the general public, local planning commission, selectboard, regional planning commission, and any other interested individuals and organizations to inform them about designation and to obtain support.
4. **Prepare the application** – when the requirements for designation are met (see [Matrix of Designation Requirements](#)), proceed with preparing the application. Application instructions and checklists for each designation program are available online and linked below:



[Village Centers](#)



[Downtowns](#)



[New Town Centers](#)



[Neighborhood Development Areas](#)



[Growth Centers](#)

Your regional planning commission may be able to assist with the application including the preparation of the required designation maps.

5. **Complete and submit application** – use the checklist in the application guidelines to ensure all designation requirements and application materials are included. Email and mail one hard copy of the complete application to DHCD.
6. **Staff Review** – DHCD staff will call or email the local contact to go over any issues or questions and to explain the application review process. A short staff report will be issued at least a week in advance of the Downtown Board meeting and will be sent to the Board members along with the application materials.
7. **Downtown Board Decisions** – attend the Downtown Board meeting. DHCD staff will introduce the application, raise any concerns, and recommend a Board action. For some designations, a presentation by the municipality is required. Board members may have questions and comments about the application and will make a decision to approve, approve with conditions, or deny the designation.

After the Board meeting, a letter with the designation decision is issued by the Department to the municipal contact person.

'LEVELING UP' TO A DOWNTOWN DESIGNATION PROVIDES ADDITIONAL BENEFITS TO LANDOWNERS & THE TOWN

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SUBDIVISION REGULATIONS

Subdivision Regulations regulate the pattern of development—the way land is divided up.

While zoning regulations focuses on the type and density of development.

24 V.S.A. §4418 - Subdivision Bylaws

Subdivision. The division of a lot or parcel of land into two or more lots or other divisions of land for sale, development, or lease.

Subdivision Bylaws **Shall Contain:**

Procedures/requirements for design, submission, and processing of plats

Standards for the design and layout of all public facilities

Standards for the design and configuration of parcels or lots

Standards for the protection of natural resources and cultural features and the preservation of open space

Subdivision Bylaws **May Contain:**

Waivers, subject to conditions

Reviews preceding plat submission

Standards that promote energy conservation or renewable energy

The Act 250 Standards and Criteria

Administrative Approval of "Minor" subdivisions



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NEIGHBORHOOD DESIGNATION

Add-On Designations (must have a core designation to qualify):



Neighborhood Development Areas

Supports housing development inside or within walking distance to the core designation. The municipality must have adopted plans, policies, and regulations that support housing and smart growth. Developers have the option to apply for designation separately or jointly with the municipality.

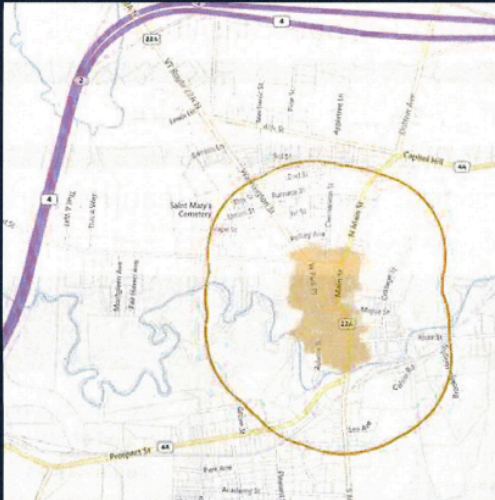
FAIR HAVEN CURRENTLY DOES NOT QUALIFY

WHY? A MUNICIPALITY MUST HAVE SUBDIVISION REGULATIONS

IF FAIR HAVEN GETS SUBDIVISION REGULATIONS AND...

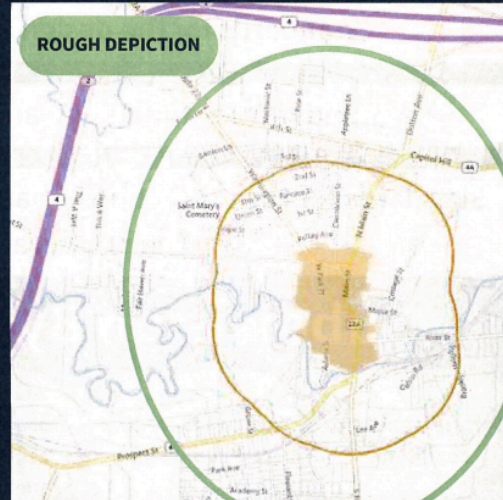
**KEEPS THE VILLAGE CENTER,
THIS AREA IS POTENTIALLY ELIGIBLE**

NDA is 1/4 Mile Radius of Village Center



**GETS A DOWNTOWN, THE AREA
POTENTIALLY ELIGIBLE DOUBLES**

NDA is 1/2 Mile Radius of Downtown



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ACT 250 BENEFITS TO THE TOWN OF FAIR HAVEN

By just adding subdivision bylaws, the Town of Fair Haven should qualify for an Act 250 exemption of 50 housing units in and 1/4 radius around the village.

By adding subdivision bylaws, AND acquiring a Downtown Designation, the Town of Fair Haven should qualify for an Act 250 exemption for all dwelling units in the designated downtown.

By adding subdivision bylaws, AND acquiring both designations, the Town of Fair Haven should qualify for an Act 250 exemption for:

All housing units in the
Downtown Designation

All Priority Housing Projects
in Both Designations
+1/2 mile radius

Priority Housing Projects are mixed-income Housing, or Mixed-Use Development located in a state designation.

Not adding subdivision bylaws means none of the benefits above



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Overview of Designation Program Benefits

	DOWNTOWN VILLAGE CENTER	NEW TOWN CENTER	GROWTH CENTER	NEIGHBORHOOD DEVELOPMENT AREA
AUTHORITY				
Statute Section (24 V.S.A. Chapter 76A)	2793	2793a	2793b	2793c
Date Established	1998	2002	2002	2006
				2013
PURPOSE				
Historic Preservation*	√	√		√
Economic Revitalization*	√	√		√
Smart Growth	√	√	√	√
Economic Development	√	√	√	√
BENEFITS				
10% State Historic Rehabilitation Tax Credit	√	√		
25% Façade Improvement Tax Credit	√	√		
50% Code Improvement Tax Credit	√	√		
50% Technology Tax Credits	√	√		
Downtown Transportation Fund	√			
Sprinkler System Rebate	√			
Special Assessment District	√	√	√	
Reallocation of Sales Tax on Construction Materials	√			
Traffic Calming Options	√			
Signage Options	√			
No appeal of decision on character of neighborhood for housing	√			√
Act 250 Threshold for Mixed-Income Housing & Mixed-Use Projects	√		√	√
Act 250 Limited Review & Criteria - "Downtown Findings"	√			
Act 250 Findings and Conclusions for Growth Centers				√
Act 250 Master Plan Permit Application				√
Act 250 Mitigation for Loss of Primary Agricultural Soils**	√		√	√
Act 250 fee reduction				√
Act 250 Existing Settlement under criterion 9(L)	√	√	√	√
Exemption from land gains tax				√
ANR Wastewater fee capped at \$50/application				√
PRIORITY CONSIDERATION***				
All State Agencies and Funding Programs - first priority	√	√		
Specific State Agencies and Funding Programs:				
Municipal Planning Grants	√	√		√
Bike/Ped and Transportation Alternatives Grants	√	√		√
Property Assessment Fund (Contaminated Sites / Brownfields)	√	√		√
Community Development Block Grants	√	√		√
ANR Wastewater funding	√	√		√
State affordable housing funds	√	√		√
Locating State Buildings	√	√	√	√

*May not apply to all growth centers.

**Agricultural soil mitigation benefits apply to designated neighborhood development areas only when they are associated with a designated downtown and applies only to new town centers created before 1/1/14.

***Statute establishes that designated downtowns and village centers should have greater priority for state funding and programs than new town centers and growth centers. (24 V.S.A. §2790(d) and 24 V.S.A. §2793c(i)(2)(A))

Comparison of Designation Programs

	DOWNTOWN VILLAGE CENTER	NEW TOWN CENTER	GROWTH CENTER	NEIGHBORHOOD DEVELOPMENT AREA
AUTHORITY				
Statute Section (24 V.S.A. Chapter 76A)	2793	2793a	2793b	2793c
Date Established	1998	2002	2002	2006
ADMINISTRATIVE REQUIREMENTS				
Pre-application meeting with DHCD staff	√	√	√	√
Complete application submitted by the legislative body of a municipality*	√	√	√	√
Notice sent to RPC and RDC of intent to apply	√	√	√	√
Notice of application published in local newspaper	√			
Notice of application sent to adjoining towns and interested parties				√
Map of proposed designation**	√	√	√	√
Preliminary application required				√
Number of days to a designation decision after application received	45	45	45	90
Number of years the designation remains in effect (renewal required to maintain designation)	8	8	8	20
Interim review required (interval of years) ***	4		4	5
LOCAL CAPACITY AND CHARACTERISTICS				
Area listed or eligible for National Register of Historic Places	√			
Community reinvestment agreement - signed by municipality & others	√		√	
Source of funding for necessary improvements	√			
An organizational structure for long-term revitalization	√			
Meet requirements for sewage and water systems	√		√	√
Existing or planned multi-modal transport options including transit			√	√
Existing or planned mix of uses				√
Existing or planned civic and public buildings			√	
Existing or planned public spaces				√
Existing or planned pedestrian friendly features				√
Right to use household energy conserving devices				√
PLANNING STATUS				
Confirmed Planning Process (Municipal Plan approved by RPC)	√	√	√	√
Plan addresses intention to apply for designation and support for goals****	√	√	√	√
20 year plan for growth with local and regional growth projections				√
Adopted Zoning and Subdivision Regulations				√
Bylaw provisions that support the goals of designation	√		√	√
Non-regulatory programs that support the designation				√
Capital budget and program for public infrastructure	√		√	√
Municipal center plan			√	
Concept plan showing vision for the area				√
Official Map (optional for Growth Centers)			√	√
Maps showing resources and development constraints				√
Maps showing existing and planned public facilities				√
Justification for designation location and boundaries			√	√
Plan for mixed income housing			√	
Impacts on natural resources avoided				√
Compatibility with cultural and historic resources				√
Regional Planning Commission (RPC) description of regional context				√
RPC confirms that designation is in conformance with regional plan				√

* For Neighborhoods, landowners may apply directly. ** Growth Center map requirements differ from others.

*** Neighborhood review and renewal is concurrent with the underlying designation. **** Growth Center plan requirements differ from others.