

Fair Haven Planning Commission
Town of Fair Haven - October 16, 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, AnneMarie Vito - applicant, Todd Ferguson, Kelley Ferguson, Lisa Wood, Doug Wood, Deborah Laiacona, Alyssa Scott, Carl Scott, Chris Lawrence

Agenda

1. **Call to Order:** The meeting was called to order at 7:00 pm by Chairman Richards.

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

Approval of Minutes: Regular meeting - October 2, 2024

Recording secretary Jennifer Jackson let the Planning Commission know of a few corrections that the Zoning Administrator emailed her about; under New Business, ZA Adams noticed it was written "reconstruction of an existing tank." He suggested a change for clarity to "reconstruction of an existing bulk storage fuel depot," and later in that line insert "bulk storage fuel depot" instead of "tank farm." Also on the third page correct the spelling of Mr. Corbiey's name.

Mrs. Sienkiewicz **motioned to accept the minutes from the October 2nd meeting with the corrections as read.** Ms. Pritchard seconded the motion. All were in favor and the motion passed.

3. **New Business:**

Annemarie Vito & Laura Pedroni - Application #2024-03 for approval of a Home Occupation, using 360 ft² area of the house, for a yoga studio and personal training that involves instructing individuals and small groups (1-4 maximum) in eight training and physical fitness. Property owner: Laura Pedroni Location: 158 North Main Street. Fair Haven Tax Map #21-51-26.

Chairman Richards asked Ms. Vito to give an overview of her application. She stated they are new to town and would love to start an in-home gym. This has always been a passion of hers. She will have classes on corrective work, balance, and fall prevention. She has trained all people from athletes to grandparents in her 20+ years of experience.

ZA Adams stated she will only be using the portion of the home allowed in square footage in the zoning regulations. There is no issue with signage and there is plenty of off street parking. He found no reason to deny the application. Ms. Vito explained that they are a 1 car household.

Ms. Pritchard **motioned that a site plan review is not needed.** Mrs. Sienkiewicz seconded the motion. All were in favor and the motion passed.

Ms. Pritchard **motioned to accept the application as written.** Mrs. Sienkiewicz seconded the motion. All were in favor and the motion passed at 7:05 pm.

Ms Vito thanked the Planning Commission and left.

Planning Commission Budget - FY 2026

Chairman Richards began the discussion of the Budget by stating the bulk of the budget go to funding the recording secretary. He stated the budget last year was \$1500 and asked if that was sufficient for this next years budget. He stated that last years budget was as follows; 1,500; recording secretary, 300; advertising, 100/per commissioner with chair receiving 150 = 550

ZA Adams stated he wasn't sure if there would be added costs because of the downtown designation process. Chairman Richards suggested increasing the advertising cost to \$600. Mrs Jackson stated her time for the past months had been 17.25 hours at \$20 per hour totally \$345. Mr. Richards suggested decreasing the recording secretary budget to \$1000.

The budget request would be changed as follows:

- Recording Secretary decreased to \$1000
- Advertising increased to \$600
- Stipend for Commissioners remain at \$550

All the Commissioners were ok with the changes.

4. Other Business:

a. **Review of Mail:** None

b. **Public Comment:**

Chairman Richards asked for 5 minutes of public comment. Mr. Lawrence began the discussion by asking what the process would be if Jeremy Shaw was to come in for a permit application for the halfway house he is looking to open. Mr. Lawrence was specifically concerned about the process of appeal.

Chairman Richards stated that the town would get the input of the legal department. But the general process would be the application would first go to ZA Adams for review. If everything fit within Town Zoning Bylaws then the permit would be issued through ZA Adams with no input from the Planning Commission. The permit wouldn't come before the Planning Commission unless it was non-conforming to the bylaws. Chairman Richards stated he had been completing some research about how Residential Care Homes are licensed in Vermont and presented the room with the documents he had been reading.

(<https://dlp.vermont.gov/survey-cert/facility-regs>) Mr. Lawrence asked if there was a criteria from a letter of support from the town. Chairman Richards gave Mr. Lawrence a copy of one of the handouts he had for research and told him that Planning Commission agendas are posted around town and on the website. He suggested they keep an eye out for if or when an application comes through. ZA Adams stated that all zoning permits are also posted on-line so the town would know if a permit had been issued.

Mrs. Laiacona stated that the VTARR (<https://vtarr.org/>) regulations that the house sought were difficult to obtain. There is a high bar to meet. Mr. Scott asked which level of home the people were applying for. Chairman Richards stated the Planning Commission does not know as no application has been received yet. Mr. Ferguson asked if it was believed that Mr. Shaw came with a concept to the town. It was agreed that was the case. Chairman Richards explained that when the zoning regulations were re-written it was made very clear form the State that in the regulation is was not to be written in the "character of the neighborhood." This

was historically used for separation of minorities. Mr. Lawrence asked about the terminology of "harmonious neighborhood." Chairman Richards reminded the public that there was nothing on the books that has been officially submitted. If an application is received and they pass zoning rules they will get a permit. The selectboard cannot do anything until there is a permit. Mr. Lawrence asked about the appeal process. ZA Adams stated anyone can appeal a permit. The appeal would go before the Zoning Board of Adjustment Clerk. The clerk sets up a hearing date. The date is noticed and advertised in the newspaper of record. The hearing is then held by the ZBA. After the hearing there are 45 days to issue a written decision. Appeals from the ZBA decision go before the State Environmental Court. Who, after their hearing, have 30 days to issue a written decision. Then appeals from there go before the Vermont Supreme Court. Mr. Lawrence asked if at the first appeal there can be a site visit. ZA Adams stated yes, if the ZBA deem it necessary. Chairman Richards reminded that a site visit is just another public hearing that is also warned.

Mr. Ferguson asked what type of permit they are applying for. ZA Adams stated they are applying under a single family use - group home. Chairman Richards again stated that there is no actual permit to be discussed yet, that the group should get together, read the information available to them and decide their course of action. He stated that the town won't do anything until they have something from the applicant to discuss. Mr. Wood asked why this isn't considered a commercial adventure. ZA Adams stated no. Mrs. Laiacona read the state definitions for a home for recovery from drugs and alcohol.

Chairman Richards stated again that the group should do their research and figure out the different ways to approach the issue. Mr. Woods stated that they weren't fighting the town, they're fighting the state. Chairman Richards confirmed the statement, saying that the town rules are the state rules. Mr. Lawrence stated in his research none of the VTARR homes have been 3 bedroom for 8 people, he then gave some of his other research knowledge. Mr. Scott asked about parking. ZA Adams stated he's not sure what they would be applying for as he had no application to discuss, but there is plenty of parking if it is a single family use. He stated he needs a formal application to know what they want to do to be able to properly discuss it.

The public confirmed that they would do their homework and come back prepared. ZA Adams restated there may be no referral to PC if the application conforms to zoning bylaws, but that the public will know if an Application is permitted. The group then started discussing the state statues for what is permitted for drug and alcohol rehabilitation and eviction from group homes.

Chairman Richards stopped the discussion stating the group was talking before the application was received.

5. Adjournment:

Mrs. Pritchards made a **motion to adjourn at 7:45pm**. Mrs. Sienkiewicz seconded the motion. All were in favor and the motion passed.

Respectfully Submitted,
Jennifer Jackson, Minute-taker

**** Next Regular Meeting****
November 6, 2024