

**Town of Fair Haven**  
**Zoning Board of Adjustment**  
Fair Haven Municipal Building  
5 North Park Place  
June 9, 2025 6:00pm

**Present:** Cindy Adams - Chair, Deb Laiacona, Jake Helm (alternate), Patrick Frazier

**Absent:** John Lulek, RoseAnn VanLew - clerk

**Others Present:** Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Trevor Smith - applicant, David Nelson - property owner

**Agenda**

**1. Call to Order and Conflict of Interest:**

The meeting was called to order at 6:01 pm by Cindy Adams. She stated the Zoning Board of Adjustment was called together to consider the application for a Conditional Use Approval of a Public Assembly Use in accordance with Article III, Section 301, Table 1 and Article IV, Section 400 from the applicant Trevor Smith and Building owner David Nelson.

She welcomed all to the meeting and asked if there was any bias or conflict of interest that needed to be divulged before the hearing can begin. There were none

**2. Roll:**

Ms. Adams called the roll of the Board Members present and absent. She noted members of the town present and interested parties. **Present:** Cindy Adams - Chair, Deb Laiacona, Jake Helm (alternate), Patrick Frazier **Absent:** John Lulek, RoseAnn VanLew - clerk **Others Present:** Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Joe Gunter - Fair Haven Town Manager, Trevor Smith - applicant, David Nelson - property owner and interested party.

**3. Swearing-In:**

Ms. Adams explained what an interested person is according to 24 V.S.A. § 4465(b) and that, pursuant to 24 V.S.A. § 4471(a), only an interested person who has participated in this proceeding may take an appeal of any decision issued in this proceeding. She then directed the applicant and all interested persons to stand and take the following oath: *I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth so help me God (or, under the pains and penalties of perjury).*

**4. Reading of Notice:**

Ms. Adams read the published notice for the hearing. "Town of Fair Haven Public Notice of Hearing Before the Zoning Board of Adjustment. A public hearing before the Town of Fair Haven Zoning Board of Adjustment will be held on the 9th day of June, 2025 at 6:00 p.m. at the Fair Haven Municipal Building, located at 5 North Park Place, Fair Haven, VT 05743, to consider an application for Conditional Use approval of a Public Assembly Use in accordance with Fair Haven Zoning Regulation Article III, Section 301, Table 1 and Article IV Section 400.

The proposed location is in the existing third floor of the "Fair Haven Opera House" space, at 51 Main Street, Fair Haven, VT 05743. The Public Assembly Use proposed is: a gathering space for a maximum of forty-nine (49) people, twice per month, for primarily musical or theatrical performances, with each event to last 2 to 4 hours. Applicant: Trevor Smith Property Owner: David H. Nelson.

#### **5. Discussion and Application Review:**

Ms. Adams stated she believed that the applicant had been referred to the Zoning Board by the Zoning Administrator and that the application stated what the State would allow. The application came with a copy of the site plan, a map of the location, and a letter from Mr. Nelson stating he is the owner but is giving Mr. T. Smith the authority to act on his behalf.

Ms. Adams asked if there was any proposed new signage for the building. Mr. Nelson stated that there is already an awning that states "Fair Haven PlayHouse" and he didn't see the need for more signage.

Ms. Adams asked if the parking proposal was in the application and if there were any other considerations to be made about parking. Mr. Nelson stated that the events were to be held on weekend days during daytime hours and that he believed customers would just use municipal parking areas.

Mr. Nelson explained that they had established a 501c3 and a Board of Directors for the Play House. They are still working on the mechanical parts of the building. They have addressed all life safety issues and have passed the needed evaluations. He believes that the contribution of his family is to make sure the building has all these life safety issues met, it will be the part of the 501c3 and the Board of Directors to manage the rest of the happenings. He hopes in the future a part time executive director may be able to be hired to help manage the building, but time will have to determine these specifics. There is no definite plan for performances, it is dependent on the wants and needs of the community. They are looking for community involvement. Ms Adams asked if Trevor Smith will be soliciting for information about community members interests. Mr. Nelson stated he was hoping to host a Wine and Cheese event with the Chamber of Commerce to network, maybe invite PegTV. They will not be spending money on fliers as there isn't any money to be spent.

Ms Adams redirected the conversation to public parking again. She stated the weekend events may coincide with town events and wanted to make sure there would be enough parking for the area to accommodate the needs. Mr. Nelson explained he doesn't want everything to happen at once, so he doesn't see the public parking being an issue.

Ms. Adams asked about handicap accessibility. Mr. Nelson explained the building does not have an elevator, but that the elevator wasn't required to pass the inspections. He is aware that there are grants available to help cover the cost of installation, but it isn't in the plans as of right now. He went on to explain the layout of the building. There is a wide staircase from the ground floor to the theater. The third floor only has one means of egress, the second floor has two. He stated that if the need for more than 49 people at a time, then they would come back to the Town and ask for another permit. Mrs. Laiacoma asked if the state waived ADA requirements. Mr. Nelson explained that they have a formula for renovations. If the cost of ADA requirements would be more than 20% of the total budget then you do not have to include the

accommodations. Mr. Nelson state Town Manager Gunter has been very helpful in the entire process.

Ms. Adams turned to the Fair Haven Zoning Regulations Article IV Section 403 Standards for Review. She first asked about the impact on sewer and water availability. Mr. Nelson explained that there are restrooms on the 1st and 2nd floors. The second floor has two bathrooms, one male and one female in total consisting of 4 toilets and 2 urinals. There shouldn't be any issue with the additional water and sewer issues. He checked with Town Manager Gunter and was told there would be plenty of water and sewer capacity available.

Next Ms. Adams read the General Standard for School Impact statement, "*The project shall not cause an unreasonable burden on the ability of the Fair Haven Grade School or Fair Haven Union High School to provide educational services.*" She then asked if there was any concern from the schools with the opening of the Public Use Permit. Mr. Nelson stated he believed the space would be an asset to the school and a place he hoped they would use.

She then read the Municipal Impact statement, "*The project shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including Fire, Police, Ambulance, Highway, Public Works Maintenance, and Recreation.*" Mr. Smith stated he had met with Chief Humphries from the Town Police who said he saw no issue with the space, especially with the 49 person capacity.

Next, Ms. Adams moved on to the impact on the Character of the Area. Mr. Nelson explained that a number of merchants had been asking for them to obtain this permit. They seem to be in favor of the project. The general idea that the more downtown the better. He noted that when there is a showing at the Paramount in Rutland the surrounding area is packed with business. He believes that this facility would be a boom to Fair Haven. Ms. Adams restated for the record that it was stated that Chief Humphries agreed there would be no traffic problems during the 2 hour window of public events.

ZA Adams asked to return to the question of parking - public assembly needs a number of parking spaces. It states in Section 702, that "parking requirements may be met by demonstrating during site plan or conditional use review that adequate public or commercial parking is available in the vicinity for the time of day the activity is expected to operate." Mr. Nelson explained that the building has 32 parking spaces in the back. There are 21 residents in the building and they use that space for their vehicles; on any given day Mr. Nelson isn't sure how many spaces are available for use. Mrs. Adams asked if information on parking for the building could be made available to the public. Mr. Nelson stated he envisioned people involved with the event would park in the back. Mrs. Laiacona stated that the town could accommodate the cars for the concerts and that there shouldn't be a problem for events at the PlayHouse. ZA Adams stated that loading and unloading for events could take place in front of the building. Mr. Nelson stated they have asked for a loading zone in front of the building in the past and have never received one. He believes it would be important for the area. Mrs. Adams stated maybe down the road, she understands that parking is a valued commodity in the town. The Board and Mr. Nelson held a discussion on the necessity of a loading zone area in the downtown area and the crosswalk situations.

Mrs. Adams directed the Board back to the consideration of the character of the area and asked for a short history of the building. Mr. Nelson explained that the building was

constructed in 1895. The stage and balcony have hardwood floors. There are markings for a basketball court visible. Mr. Smith passed out photographs of the inside of the building. Mr. Nelson, stated he found pictures of the 1905 High School graduation taking place inside the building. There are also many old play bills and memorabilia from past performances. Mrs. Adams asked if the building has seating. Mr. Nelson stated there had never been permanent seating. It was considered a "multifunctional hall."

Ms Adams asked if anyone has ever stress tested the building. Mr. Nelson stated that yes a test has been completed and the building has a capacity of 250 people. He did not have a copy of the results, but there should be one in his records. The test was completed through an independent engineer.

Ms. Adams asked if there were any other questions from the Zoning Board of Adjustment? There were none. Ms. Adams stated that if Mr. Nelson could make the building complete; she believed it would be wonderful for the town. She thanked Mr. Nelson and Mr. Smith for coming and she will let them know the board's decision. ZA Adams stated they will receive the decision via certified mail and that the board has 45 days to respond.

**6. Adjournment:**

**Ms. Adams adjourned the meeting at 6:55 pm for deliberation.**

Respectfully Submitted,  
Jennifer Jackson, Minute-taker