

Town of Fair Haven
Zoning Board of Adjustment
Fair Haven Municipal Building
5 North Park Place
October 20, 2025 7:00pm

Present: RoseAnn VanLew - Chair, John Lulek, Paul Jardine - clerk, Patrick Frazier - vicechair, Jim Lynch (alternate)

Absent: Jake Helm (alternate), Deb Laiacona

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Jared Ellis - applicant, Jeffrey Biasuzzi (applicant consult) VT Country Sales & Consulting Services of Wallingford. Randy Bishop - neighbor, Brian and Carrie Jennings - neighbor

Agenda

1. Call to Order:

The meeting was called to order at 7:00 pm by Chair Person Van Lew. She then called the room to partake in the Pledge of Allegiance. Chair Person Van Lew stated this would be her first meeting as the Chair and asked for patience as she makes sure the proper order and format for a meeting are maintained. She welcomed all to the meeting.

2. Reading of the Posted Warning:

Ms VanLew read the posted warning. "Town of Fair Haven, VT Notice of Public Hearing - Zoning Board of Adjustment. Date and Time: October 20, 2025 at 7:00pm. Location: Fair Haven Municipal Building, North Park Place, Fair Haven, VT 05743. Purpose: The Zoning Board of Adjustment shall conduct a hearing on an application filed for a Conditional Use permit to construct a single family residential structure within the FEMA AE Special Flood Hazard Area (SFHA). The property is a vacant lot, 0.17 acre parcel located at 14 Cottage Street, Parcel ID 24-51-49.

3. Reviewed the Order of Events

Ms VanLew Read the order of events from the Planning Commission's Rules of Procedure and Conflict of Interest Policy - Section VI

- Following Roberts Rules of Order
- Review Conflicts of Interest and Ex Parte Communications
- Identify Interested Parties and take the Oath
- Information gathering from the application
- Questions from the ZBA
- Information gathering from the Interested Parties
- Questions
- Public Comment
- Final Questions and Comments
- Close the meeting for deliberative session

Ms. VanLew stated that they would hold both application hearings before adjourning to deliberative session on both.

4. Conflict of Interest and Ex parte Communications

Ms. Van Lew read the definition of Conflict of Interest and Ex Parte Communications and asked the ZBA if there was any bias or conflict of interest that needed to be divulged before the hearing can begin. There were none.

5. Swearing-In:

Ms. VanLew 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. Ms. VanLew asked interested parties to identify themselves and state why they qualify.

Mr. Biasuzzi stated he was here at the request of his client Jared Ellis.

Mr. Bishop stated he was a nextdoor neighbor.

Brian and Carrie Jennings live at 15 Cottage Street.

Ms. VanLew asked the board if there were any issues with the interested parties present. There were none. At 7:10 pm 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).*

6. Discussion and Application Review:

Ms. Van Lew called for any new written information. Mr. Jardine stated that Mr. Biasuzzi passed out a correct diagram of the layout of the house. ZA Adams stated he passed out copies of the email correspondence between himself and Kyle Medash, Floodplain Manager with the Vermont Agency of Natural Resources. He stated he'd be happy to pass any handouts to interested parties if desired. Mr. Bishop asked if the board had any copies of information to pass out to interested parties. ZA Adams stated the applicant can give interested parties information if needed. Mr. Ellis stated he was happy to hand out any information needed. He stated they hadn't settled on a stick or a modular home yet as it depends on efficiency. He wants to build a custom home that has a tiny home feel. Mrs. VanLew stopped the discussion because there will be a time in the proceedings for interested party questions. She asked Mr. Biasuzzi to give a summary of the application for all present.

Mr. Biasuzzi stated the location of the property is at 14 Cottage Street, it is in a FEMA Hazard area. He stated that they will need to raise the elevation 1 ft above base flood elevation; the highest point of the land is at the south end of the lot. The building will be up in the air. He stated the overall design of the building has changed due to cost. The building will be a two bedroom structure that will connect to municipal water and sewer. He is in conversations with the Town Manager. The building will be 7 feet above natural grade to meet the requirements. It will almost be like a second story. The understory will be enclosed and used for storage and parking. There is a need to provide water flow through the structure due to the propensity for flooding. The living area is very dictated by Medash. The property needs to be surveyed,

they've asked Mark Cassel. There will be a little bit of a sky scraper to lift the building. The actual size of the building at the time of the site plan was not set.

Mr. Biasuzzi described the handout of the building envelope diagram. Location of the driveway at 14 Cottage Street, 28' x 30' max building size, but the building size was still undetermined, but will fit within the envelope for construction. Mr. Ellis stated he wants a WOW factor for the building. Mr. Biasuzzi stated the Fair Haven zoning regulations have no building material restrictions. He stated there will be storage underneath. The proposed staircase will enter under the building, but will be able to breakaway for flood restrictions as needed. Mr. Bishop asked what will keep the pipes from freezing? Mr. Biasuzzi stated they will be insulated. He stated they wanted to keep within the architectural style of the area. There is no proposed deck currently.

Mr. Jardine asked about the difference in elevation? He asked if 7^{ft} of the pier would be out of the ground. Mr. Biasuzzi stated that the flood plan rules are a little dated, that the house will be an all electric house. The floor deck will be bolted and strapped to the piers. Mr. Jardine asked about the staircase again. Mr. Biasuzzi stated that the stairs will be anchored but if enough pressure is applied they will break away. He will double check the requirements in the flood plan regulations. Mr. Jardine stated the only contradiction he sees is the staircase requirements. Mr. Ellis stated they will do whatever pleases the town. Mr. Biasuzzi stated to Mr. Jardine that he is very thankful for the checklist he created. He stated that none of Mr. Medash's recommendations are new to him.

Mr. Jardine asked if anyone needed a diagram of the construction. Mr. Bishop stated the diagram only showed the footprint not the design. MR. Jardine stated Fair Haven bylaws can't stipulate construction materials. Mr. Bishop explained that in his experience in Nantucket the whole structure is known before permitted. Mr. Lulek asked what type of siding the structure would have. Mr. Ellis explained probably wood. His whole goal is to make something nice there; to actually DO something with the property.

Mr. Jardine stated he had a few notes to ask and referred to an e-mail from Kyle Medash to 210austine@gmail.com that was carbon copied to ZA Adams. He referenced highlighted sections of the email. Mr. Jardine pointed out a recommendation for plumbing with backflow preventers will be made from ensheathed PVC. Mr. Biasuzzi stated the highlights would follow as a checklist for construction.

Then Mr. Jardine asked about the following recommendations from Kyle Medash, St Flood Plain Manager

Development Recommendations from State Flood Plain Manager for 14 Cottage Street

- *Ensure that the lowest horizontal portion (bottom floor joists/top of piers) is elevated at least 1' above BFE (370.6' or higher).*

Mr. Biasuzzi stated that they plan to add an extra foot to the recommendations.

- *Stair must be anchored with posts/piers to prevent the stairs from damaging the main structure if the stairs were to experience the force of high water*
- *Underground plumbing or utility connections to the structure must be protected from water intrusion and attached to structural elements (piers) for protection from floodwaters.*

- *Utilities are elevated to the lowest floor or above, or provide details on project components below the lowest floor.*
- *Given that the ground elevations shown on the plan included with the application are approximated based on LIDAR 1' contour information and do not represent an official licensed survey, the applicant would need to confirm the critical structure elevations via survey to the nearest tenth/foot (0.1'). FEMA publishes base flood elevations in the Flood Insurance Study (FIS) to the nearest tenth/foot, therefore, you need structure elevations to the nearest tenth/foot for a direct comparison to ensure that the 1' above BFE requirement is met and satisfy the Town's permit and recording requirements under Section VIII. (a) & (b). The surveyed elevations must be reported in the same vertical datum as the FEMA FIS (NAVD 88), or converted as appropriate for direct comparison.*

Mr. Biasuzzi stated they will have a licensed surveyor come in to verify heights. Mr. Ellis stated the elevations were already marked on telephone poles. Mr. Biasuzzi stated yes, but it is up to a surveyor to check this and certify that the height is good. Mr. Jardine asked if an engineer was needed. Mr. Biasuzzi stated no.

Chair Van Lew called for questions from interested parties. Mrs. Jennings asked who would be living there? Mr. Ellis explained that he owns 20 properties and all are rentals. He promises that there will be no drug use, only nice clean living. He promises it won't be an eye sore. Mrs. Jennings states that she believes Maple Street to be cleaning up and would like to see the forward progress. Mr. Ellis explained he wants to improve the area, his anxiety level is high, he put thousands of dollars into this project already.

Chair Van Lew asked if he had dealt with flood regulations in Granville. Mr. Ellis showed off buildings in Granville he owns, 84 E Main St. Mr. Bishop asked if the rental will be short term or long term. Mr. Ellis stated either.

Mr. Jardine spoke to Mrs. Jennings, saying he hears her point of wanting a nice neighborhood. Mr. Biasuzzi stated the home would be ranch style. Mr. Ellis stated he wants to bring up the property value. He wants the house to look like it belongs.

Mr. Frazier asked how NY Flood Plain rules compare to Vermont's. ZA Adams stated that Fair Haven approved minimum requirements to pass FEMA regulations. They haven't been pushed to higher regulations in his tenure. Mr. Biasuzzi gave an explanation of how FEMA gives flood hazard information.

Chair Van Lew asked the applicant if they had any questions. Mr. Ellis just asked about the time frame. Chair VanLew explained the delay in scheduling a hearing due to reorganization and waiting for the States requirements. Mr. Jardine stated the decision letter will be completed rapidly. He stated that he looked through Fair Haven Zoning Appendix B - VII Development Standards. He explained zoning doesn't give stipulations and that everything is covered.

Chair VanLew asked if the ZBA felt that they needed more time for proceedings.

7. Closing of Proceedings

Mr. Lulek **motioned at 7:49 pm to close the proceedings on 14 Cottage Street Application.** The motion was seconded by Mr. Jardine. All were in favor and the motion passed. Ms. VanLew called for a small break. Mr. Bishop and Mr. and Mrs. Jennings left.

The meeting was brought to order at 8:11pm for the **0 Cottage Street** Application.

Present: RoseAnn VanLew - Chair, John Lulek, Paul Jardine - clerk, Patrick Frazier - vicechair, Jim Lynch (alternate)

Absent: Jake Helm (alternate), Deb Laiacona

Others Present: Phil Adams - Zoning Administrator, Jennifer Jackson - Minute-taker, Jared Ellis - applicant, Jeffrey Biasuzzi (applicant consult) VT Country Sales & Consulting Services of Wallingford.

8. Reading of the Posted Warning:

Ms VanLew read the posted warning. "Town of Fair Haven, VT Notice of Public Hearing - Zoning Board of Adjustment. Date and Time: October 20, 2025 at immediately following the Public Hearing for 14 Cottage Street, Fair Haven, VT Parcel 24-51-40. Location: Fair Haven Municipal Building, North Park Place, Fair Haven, VT 05743. Purpose: The Zoning Board of Adjustment shall conduct a hearing on an application filed for construction of an elevated small seasonal-use structure with two seasonal recreation rental use camp sites within the FEMA AE Special Flood Hazard Area (SFHA). The property is a vacant lot, 9.8 acre parcel on the east side of Cottage Street, Parcel ID 24-51-18.

9. Reviewed the Order of Events:

Ms. VanLew reminded the room that Roberts Rules of Order were to be followed and the meeting would follow the same outline as the previous hearing.

10. Conflict of Interest and Ex parte Communications

Ms. Van Lew asked the ZBA if there was any bias or conflict of interest that needed to be divulged before the hearing can begin. There were none.

11. Swearing-In:

Ms. VanLew stated there were no interested parties left to be present for the hearing. She asked the board to skip the section of procedures by general consensus. The board agreed. She reminded those present that they were still under oath for this preceding as well.

12. Discussion and Application Review:

Ms. Van Lew called for any new written information. Mr. Biasuzzi stated that no E-911 address had been created for the property yet. He read the application, stated the lot is 9.8 acres and currently has some deer stands in it. The applicant would like to create a "treehouse" on a mature red oak located on the property at BFE 369 ft. It will be 12 feet above native elevation consisting of seasonal temporary installation on a tent platform 500 ft² or less. The treehouse will be a fixed structure, the tents will be seasonal. Mr. Jardine asked the dimensions

of the structure. Mr. Biasuzzi stated the platform will be 500 ft² that can accommodate tents that are 20x20ft. Mrs. Van Lew asked that in total it will be 1000 ft². Mr. Biasuzzi stated that the structure will be 2 sections bolted to heavy steel anchors. Mrs. VanLew asked if the anchors will remain? Mr. Biasuzzi stated yes, in general a big corkscrew with a long shaft. Made for this purpose with an eye bolt at the top. Mr. Ellis asked if anyone had ever seen this section flood? Mr. Biasuzzi stated it could be possible that this section isn't in the flood plain anymore. New contour mapping technology could put it out. The primitive sire and will stay that way. Porta potty brought in; low impact, low risk. The flood plain manager has given a few rules. He read the recommendations;

Development Recommendations from State Flood Plain Manager for Vacant Land, Parcel 24-51-18

Kyle Medash, Flood Plain Manager, Vermont Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Division, Rivers Program

1. Treehouse

Ensure the lowest portion of the framing/joists meets the 1' above BFE requirements (Section VII., 2.,(a). (370.6' or higher based on nearest upstream cross-section (R, BFE=369.6')

Access details are not clear in the application. If the access to the treehouse is stairs/ladder (structurally independent from the tree) and connected to the framing of the treehouse, where the access meets the ground should be anchored in to prevent the stairs from damaging the main structure if the stair are experiencing the force of high water

2. Tent Platform

Application mentions these are portable, if they are to be placed on the site and removed with the portolets seasonally each year, make sure they are anchored in a way that prevents them from floating away (chained to a post or large tree).

3. Portolets

Similar to tent platforms, these much be anchored in a way that prevents them from floating away in a flood.

Must be removed seasonally

- 4. Provide an emergency evacuation plan/Floodway location notification document that is provided to customers to make sure they are aware of a potential flood risk. Details such as evacuation routes, education of landscape setting in the floodway to campers, when to evacuate, sign up for VT Alerts, awareness of local weather forecasts – all to be clearly posted on the property.*

Poor notification and awareness has led to some tragedies due to flooding in the height of the summer in other parts of the country

Mr. Baisuzzi stated the participants will park in the parking lot just off of the access. They will hike gear in 300/400 ft. Each platform will be located within 100/200 ft of each other. They will utilize existing log roads. The parking areas would be about 500 ft² and be gravelled. He stated he wrote to the Vermont wetland biologist as to the effect of the parking area on the wetland. They stated they will come look at the area to sign off at it. Mr. Jardine asked if there will be logs to fill in the area? Mr Biasuzzi stated there will be corduroys to fill in the area and explained the concept. Mr. Jardine asked if that meant there was any risk in creating other flooding issues from the construction. Mr. Biasuzzi stated no, its purposes would be to limit traffic in and out. Mr. Jardine asked if the parking would be in the GMP easement area? Mr. Ellis stated they are giving their easement up, he has spoken with Matt Jakoboski.

Mr. Jardine asked about the emergency evacuation plans that were the last bullet point of Mr. Medash's email. What are the inconveniences? Mr. Ellis stated the recommendations were not unreasonable. MR. Biasuzzi stated the plans would be posted on the site, will be shown in the contract. The trail will be posed with reflectors to get them to the sight and back. Mr. Lulek suggested 1 color in one color out. Mr. Jardine it all makes business sense and for customer satisfaction.

Mrs. Van Lew called for any last questions. Mr. Lynch asked for clarification on the tent platforms. Mr. Ellis stated he could show pictures of the deck and platform if needed. Mr. Lulek stated if they were anchored they could stay. Mrs. Van Lew clarified that the tent is seasonal. Mr. Jardine stated that because there is no E-911 there now, will they make sure there is a number before people are allowed to stay. Mr. Biasuzzi stated yes, he is the E-911 coordinator in the town he is from and understands the process and will make sure it is completed. ZA Adams stated that Mr. Heller is Fair Haven's E-911 coordinator. Mr. Jardine asked about ladder requirements. Mrs. Van Lew asked about the need for an engineer or surveyor. Mr. Biasuzzi stated for elevation - yes. Mrs. VanLew asked for a picture of the tree and if it does angle. The answer was yes. Then she asked if the entire tree house was supported by the tree or if there was more support? Mr. Ellis stated the tree is the entire support.

Mrs. Van Lew called for final questions from the ZBA. Then she called for questions from the applicants for the ZBA. There were none.

13. **Adjournment:**

Mr. Lulek at 8:44 pm **motioned to close the proceedings on the 0 Cottage Street application for deliberation.** The motion was seconded by Mr. Jardine. All were in favor and the motion passed.

Respectfully Submitted,
Jennifer Jackson, Minute-taker