

**Development Review Board  
Meeting Minutes  
Wednesday, July 26, 2023, at 6:00 PM**

Town of Fairlee  
Town Hall, Grange Room  
75 Town Common Road  
Fairlee, VT 05045

And by ZOOM videoconferencing and teleconferencing.

**Tuesday, July 26, 2023**

**CALL TO ORDER:** Chair Tim Danen called the meeting to order at 6:00 PM.

**PRESENT.**

**Development Review Board members:** Bob Wertheimer (Present), Gary Gardner (Present), Bill Dunnack (Present), Elizabeth Wilson (Absent), Chair Tim Danen (Present). A quorum was met.

**Zoning Administrator (ZA):** Chris Brimmer (Present)

**Minutes Clerk:** Joanna Bligh (Present)

**Visitors (online):** Martin Burns, applicant; James Chambers; and Mary Liz Burns.

**REVIEW OF MINUTES**

**MOTION #1:** Wertheimer moved, and Dunnack seconded the motion, to approve the Minutes from **July 12, 2023**, as written.

**Voice Vote:** All in favor, none opposed, none abstained. The motion passed unanimously.

**ZONING ADMINISTRATOR'S REPORT**

ZA Brimmer stated that the Unified Development Bylaw passed at the July 11th vote, the cannabis referendum for retail sale also passed by a small margin, and there has been no recall petition circulated on the cannabis vote.

At the Fairlee Inn, a taco truck will be setting up for business, and a retail cannabis shop may come to Town.

**PUBLIC HEARING**

**Sketch Plan**

Chair Danen opened the public hearing at 6:04 PM for 23-CU-02, conditional use approval for a Short Term Rental (STR), applicants James and Rebecca Chambers, 4542 Lake Morey Rd., Fairlee, VT (PIN 24-20-23/12).

J. Chambers provided the Board with a short PPT presentation outlining the facts of the sketch plan, as follows:

- The Chambers purchased the property in 2015 as a seasonal property, which is on Town water from May to October.
- They own 109 feet of lake frontage.
- The Chambers have changed their private STR into a commercial STR with AirBNB and Wevo who collect state Rooms & Meals taxes.
- Insurance will be a case-by-case basis and supplemented by insurance from AirBNB and Wevo.
- A Fire Inspection report dated 5-26-23 showed four violations, and a follow-up report on 6-20-23 noted violations corrected. Occupancy was granted for up to eight people.
- A state wastewater report was addressed by the Agency of Natural Resources, and an online search by Chambers found no permit for the septic because it was installed before rules were in effect. The septic is an advanced Orenco Avantex Treatment system.
- The house has three bedrooms and parking for three vehicles.

ZA Brimmer read a written comment from an abutter, Bruce Barbieri, stating the following: “Getting a new neighbor is always somewhat of a challenge, but getting a number of non-vetted neighbors over the summer ... is very troubling. [Is] one dog allowed? How controlled? Who is the animal control officer if there is a problem with these issues? Parking. I had a renter group park two cars right behind my car approximately 70 feet from the property boundary line.”

#### **Discussion:**

- Chambers stated that he wants to be dog friendly, but he will check with his insurance company.
- Wertheimer asked how the proximity of parking can be limited. Chambers noted that he put flags up to mark the parking area. Chair Danen recommended plastic barriers.
- Chair Danen asked for comments from those online. M. Burns stated that she is adjacent to J. Burns’ property and has not had any problems.
- Vetal asked about the STR process. ZA Brimmer stated that if the STR is not advertised, then it is not covered by the Bylaw and no permit is required. ZA Brimmer continued that if advertising online, then a conditional use permit is required from the Town (\$165), and the permit is approved by the Selectboard for \$35/year.
- Vetal asked how the Board polices this. ZA Brimmer noted that he scans the online lodging websites.
- Chair Danen asked for comments from the Board, and there were none.

**Chair Danen closed the Public Hearing at 6:25 PM.**

#### **Board Vote**

**MOTION #2:** Dunnack moved, and Wertheimer seconded the motion accept the application and site plan for the STR owned by James and Rebecca Chambers as presented (23-CU-02; PIN 24-20-23/12) with the following conditions:

**[The Motion died.]**

## **DELIBERATIVE SESSION**

- ZA Brimmer discussed the off-street parking issues on Lake Morey Rd. and noted that a parking place is 10 feet by 20 feet. ZA Brimmer continued that the state allows one parking space per dwelling, but with commercial use, one space per bedroom is required.
- Wertheimer noted that the Bylaw, Section 5.3, talks about the conversion of seasonal dwellings to year-round residences. Wertheimer noted that the Board should be careful about precedence, especially by disadvantaging adjacent landowners. Wertheimer noted that the Chambers' have a 10 foot by 60-foot strip of off-road land opposite their home, and cars have to parallel park to fit three vehicles. Wertheimer stated that conditions to designate the parking area need to be placed on this approval.
- Chair Danen stated that this could be a discussion for the Planning Commission.

### **Notice of Decision**

ZA Brimmer prepared the Notice of Decision document for Board signatures adding the following additional conditions:

- The applicant shall not advertise or rent to more than six persons (maximum occupancy).
- The applicants shall not rent for more than 22 weeks of the year.
- The applicants shall delineate the required three parallel parking spaces through distinguishable markings.

**MOTION #3:** Gardner moved, and Wertheimer seconded the motion, to approve the STR for James and Rebecca Chambers (23-CU-02; PIN 24-20-23/12) with conditions as listed in the Notice of Decision dated 7-26-23.

**Voice Vote:** All in favor, none opposed, none abstained. The motion passed unanimously.

**NEXT MEETING:** To be determined.

### **ADJOURN**

**MOTION #4:** Wertheimer moved, and Dunnack seconded the motion, to adjourn the meeting at 7:12 PM.

**Voice Vote:** All in favor, none opposed, none abstained. The motion passed unanimously.

**ATTEST:** *Joanna Bligh, Minutes Clerk*