

**PLANNING COMMISSION
MEETING MINUTES
Wednesday, November 2, 2022, at 6:00 PM**
Town of Fairlee Town Hall
Grange Room
75 Town Common Road
Fairlee, VT 05045
and on Zoom

Wednesday, November 2, 2022

CALL TO ORDER:

Rob Chapin, Chair, called the meeting to order at 6:02 PM.

PRESENT

Commission Members: Rob Chapin, Chair; Sarah Berger, Vice Chair (absent); Susanne Pacilio; Miranda Clemson; Tim Danen; Smith Reed; Jane Chambers (online). A quorum was met.

Zoning Administrator: Chris Brimmer

Minutes Clerk: Joanna Bligh

Ex officio: Peter Berger

Visitors:

Online

Noël Walker

Donna Richardson

Joason Knowles

Phil Zalinger

REVIEW OF MEETING MINUTES

MOTION #1: Tim Danen moved, and Miranda Clemson seconded the motion to approve the Minutes from **October 5, 2022**, as written.

Voice Vote: All in favor. None opposed. None abstained. The motion passed unanimously.

STAFF AND PUBLIC COMMENTS:

- Brimmer announced that the Development Review Board will be meeting on Tuesday, November 22, 2022, at 7:00 PM to hear the Aloha Foundation storm structures application.

Stakeholder Invitational Round Table / Lake Morey Bylaw Amendment Proposals

Brimmer presented the background to the Bylaw amendment proposals for the Lake Morey shoreline zone and an overview of the development and approval of the proposed Amendments by the Planning Commission.

The presentation included discussion on the regulation of septic systems, the enforcement of Bylaws, and the enforcement of conditions by the Development Review Board. Brimmer noted that the Amendment proposals are universal in application – applying to both Lake Morey and Lake Fairlee.

Topics of discussion also included:

- The concept of Lake Morey as an urban lakefront.
- Nonconformity expansion, including a 3-dimensional building envelope (vertical growth) concept proposal.
- Enforcement of the Bylaw Amendments, which can be addressed through zoning.
- Short-term rentals (STR) with enforcement addressed through licensure.

Comments and Questions:

- Walker commented on the enforcement component of the Bylaw and the difficulty of implementing. Brimmer discussed the possibility of a judicial bureau violation; then, with continued violations, submission to Environment Court; and, finally, the possible revocation of the conditional use permit. Reed noted that the Lake Morey Protective Association (LMPA) published a booklet on responsible ownership.
- Chair Chapin reminded the group that the lake is in danger, and the goal of the Amendments is to keep the lake healthy.
- Walker comments that these Amendments should be vetted by the Town's attorney. Brimmer confirmed discussion with the Vt League of Cities and Towns.
- Zalinger (Board of Directors, LMPA) asked for clarification on the difference between seasonal and year-round occupancy in relation to conditional use and the expansion criteria. Brimmer noted that small, nonconforming lots are the majority around the lakeshore. Chair Chapin stated that for a seasonal property only 182 days of occupancy are allowed.
- Zalinger asked about STRs and the required inspections from the Fire Safety and the VT Department of Labor and Industry. Chair Chapin noted that STR is not the purview of the Planning Commission via zoning, but the responsibility of the Selectboard using licensing.
- Zalinger complimented the Planning Commission for their work.
- Chambers commented how appreciative she was about the meeting discussion.
- Zelinger commented that in other communities in Vermont, STRs remove long-term rentals from the rental supply, which adversely affects the quality of life in communities. Clemson noted that if you remove the Lake Morey STRs from the list, Fairlee has lost 13 houses to STR.
- Pacilio suggested sending a letter to lakeshore residents to inform them about lake issues; Brimmer stated they will follow up.
- Clemson suggested reaching out to STR landlords, and Danen suggested that the Planning Commission invite them to a Round Table meeting.

Next Meetings:

- Special Planning Commission meeting, Wednesday, November 16, 2022, at 6:00 PM.
- Development Review Board meeting at 7:00 PM.
- Regularly scheduled meeting, Wednesday, December 7, 2022, at 6:00 PM.

ADJOURN

MOTION #2: Tim Danen moved, and Susanne Pacilio seconded the motion to adjourn the meeting at 7:18 PM.

Voice Vote: All in favor. None opposed. None abstained. The motion passed unanimously.

*Transcribed by
Joanna Bligh, Minutes Clerk*