

**PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, September 7, 2022, at 6:00 PM**  
Town of Fairlee Town Hall  
Grange Room  
75 Town Common Road  
Fairlee, VT 05045  
and on Zoom

**Wednesday, September 7, 2022**

**CALL TO ORDER:**

Rob Chapin, Chair, called the meeting to order at 6:05 PM.

**PRESENT**

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

**Zoning Administrator:** Chris Brimmer

**Minutes Clerk:** Joanna Bligh

**Visitor:** Peter Berger, ex officio.

**REVIEW OF MEETING MINUTES from June 1 and August 3, 2022.** The

Commissioners determined that members present did not meet a quorum of those in attendance at the June 1 and August 3 meetings; therefore, approval of the June 1 and the August 3 minutes was rescheduled until the October 5, 2022, meeting.

**STAFF AND PUBLIC COMMENTS:**

- **Staff Comments:** Brimmer addressed the cyanobacteria event on Lake Morey and the associated reporting procedure. The Town Beach was closed on Saturday, September 3, and a code red (reverse 9-1-1 system), a state notification process, and lake watchers were all on alert. Brimmer noted that volunteers are needed to supplement the reporting system. The members discussed how to enroll and add your cell phone to the alert list. To sign up, go to <https://fairleevt.gov/emergency>

Brimmer, as Health Officer, noted that there is no swimming in Lake Morey until further notice for people and dogs, and even boating is not recommended. Chair Chapin suggested rating the level of danger, and Berger noted that Lake Morey is under state jurisdiction and the Town cannot police the lake, but the lake is not closed to fishing. Brimmer stated the beach will open again if there is clear water for 2 days.

- **Public Comments:** None.

**NEW BUSINESS**

**Lake Morey Building Moratorium**

Berger opened the discussion of the deadline approaching for the building moratorium on Lake Morey, and he suggested that the Planning Commission insert wording into the Bylaw to resolve these issues.

Brimmer provided a print-out for members' discussion of recommended Zoning Regulations for Lake Morey, including Conditional Uses, Home Occupations v. Commercial Uses, Conditions on the Lake, and a Timeline.

### **Conditional Uses**

- Chair Chapin suggested regulations to protect the lake's water quality. Brimmer discussed rating septic systems. Clemson noted that septic capacity is a factor, which would remove high-capacity rental units. Brimmer stated that weekly rentals fall under commercial permitting, and this is not listed in the Bylaw.
- Brimmer noted that *seasonal* means 182 days/year. If the conditional use requires parking and septic designs, the Development Review Board will get involved.

### **Timeline**

- Vice Chair Berger asked about the next steps for removing the moratorium. Brimmer replied that rewriting the Bylaw language to modify the conditional use statement, bring the amendments to a Public Hearing, and then submit the revised wording to the Select Board.
- The members discussed timing and decided on an end-of-year Public Hearing and delivery to the Select Board.

### **Conditions on the Lake**

- Brimmer discussed Lake Morey as an "urban lake front," which would be like a tightly packed urban neighborhood.
- The members discussed the septic runoff into the lake and suggested that the Water Commissioner be asked about septic discharge. Brimmer noted that many factors go into the lake pollution: septic runoff, I-91 runoff, the geology of the lake, sediment, and wastewater from the camps. Vice Chair Berger added deforestation, and Clemson added the warmer climate and the shallowness of the lake.
- Berger noted that during the summer survey of the lake property owners, 128 surveys were sent out and 42% were returned.
- Clemson noted a bill in legislative committee about short-term rentals, which must have the property owners register with the Department of Health, Fire Warden, and more.

Brimmer stated that he will prepare a draft of the Bylaw amendment for the lake shore zone only for review at the next meeting.

### **Next Meetings:**

- Select Board Public Hearing: **Monday, September 26, 2022, at 6:30 PM**; topic is the Lake Morey Building Moratorium.
- Regularly scheduled meeting, Wednesday, October 5, 2022, at 6:00 PM.

### **ADJOURN**

**MOTION #1:** Tim Danen moved, and Miranda Clemson seconded, the motion to adjourn the meeting at 7:35 PM.

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

*Transcribed by  
Joanna Bligh, Minutes Clerk*