



Town of Fairlee
75 Town Common Rd
Fairlee, VT
05045

Lake Morey Zoning Proposals

moving out of the moratorium

The Issues We Are Addressing

- We cannot regulate septic systems, but we can require state permits as a prerequisite to an application.
- The Town can restrict the expansion of non-conforming dwellings around Lake Morey.
- The Town can regulate short-term rentals as a commercial use.

First the Zoning Map

- The Aloha Foundation camp parcels will be rezoned to the more appropriate “Lakeshore Resort Area”.
- The shore around Lake Morey now classified as “Lakeshore Resort Area” will be rezoned into a new “Lake Morey Area”.
- The shore around Lake Fairlee is moved into its own dedicated “Lake Fairlee Area”.

The Camps Move Into Lakeshore Resort Area

- The Lakeshore Resort Area was designed for commercial outdoor recreation and lodging uses.
- Both the Aloha Foundation and Lake Morey Resort are Wastewater System Operators and subject to high levels of State Regulation.
- The change made sense before the changes to the “Lake Area” provisions and makes even more sense now.

A Tale of Two Lakes, Morey & Fairlee

- Lake Morey has become an urban lakefront of greater intensity of uses and denser settlement patterns than Lake Fairlee.
- Lot sizes and setbacks around Lake Fairlee tend to be larger and predominately conforming, more in keeping with rural density.
- Lake Fairlee also falls into the jurisdiction of two other towns and may become subject to an interlocal arrangement.

Changes To Both Lake Zones

- Seasonal Dwellings are no longer a Permitted or a Conditional Use.
- Renovations that increase the number of bedrooms, replace foundations or change the building envelope require a conditional use permit.
- Short-term rentals are now a conditional use in every zone.
- Lakeshore setback is 100 feet from the mean high-water mark.

Section 3.1.4.1 Lake Fairlee Area

- Provisions for Class A (off lot water) have been dropped as there is no public water system in that area.
- Conforming One and Two Family Dwellings are permitted uses.
- Conforming Accessory Dwelling Units are permitted uses.

Section 3.1.4.2 Lake Morey Area

- One and Two Family Dwellings are now a conditional use.
- Lake Morey will be treated much more like an urban lakefront.
- A state issued Wastewater permit will be required for any new construction, renovation, or reconstruction.

Reform For Conditional Use Permitting for Replacement Structures

- We are going to prohibit increases in non-conforming footprints.
- Increases of non-conformity will extend into the vertical plane by using the term envelope.
- Any increase in a structure's square foot area will have to be completely conforming.

We Can't Regulate Septic But We Can Document It.

- We will require far more documentation of wastewater systems.
- The reuse of a legacy system will only be allowed if it is demonstrated that it meets modern standards.
- If such documentation isn't available, then a new state issued Wastewater Permit will be required.
- An "As Built" Certificate will be required to obtain a COC.

Short-Term Rentals

- A Conditional Use permit will be required and then an annual permit with reporting requirements will be issued by the Selectboard.
- Capacities will be limited to two per bedroom approved by the state Wastewater Permit.
- Seasonal Dwellings will be limited number of weeks a year of availability.
- The Development Review Board can impose conditions on lighting, screening, and weeks of availability a year

Definition of Short-Term Rental

Short term rental -- a rental of any residential home unit or accessory building for stays of less than a month (32 days), do not have on-site management, and are not regulated as commercial uses or residential businesses or services.

- The definition is designed to exempt licensed lodging establishments and B&Bs that are regulated by other laws.
- Renting a room in an otherwise occupied home is exempt.
- Renting an Accessory Dwelling Unit on an owner-occupied lot is exempt.