

FINAL 4/1/24 MINUTES

APPROVED AS AMENDED ON 5/10/24

On 5/10/24, Don Wells move to approve the 5/10/24 minutes as amended, and Melissa Manson approved. Board unanimously approved and on 10/21/24, Melissa Manson signed the 4/1/24 minutes as drafted and submitted them to the clerk for publication.

TOWN OF FAIRFIELD PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT MEETING MINUTES April 1st, 2024, 7:00 PM

Members Present: Aaron Forbes, Demetrius Bolduc, Dan Pipes, Peter Burns, Melissa Manson (Chair), Don Wells, Vanessa Kittell

Members Not Present: None

Minute Taker: Steven True

Town Staff Present: Steven True, Zoning Administrator

Applicants Present: None

Public Present: Lynda Ulrich, Chuck Verderber, Liesl Ulrich-Verderber, Emily Kloffft (NWRPC), Emily Biron, Greta Brunswick (NWRPC), Isaac Jiwatram, Ethan Kramer, Dawn Menard, Albert Menard, Sarah Toof, Julia Callan, Cathy Branon, Torrey Crossman, Colin Medard, Josh Menard, Paul Biron, Tamithy Howrigan.

1. **At 7:00 PM:** The meeting was opened, and a quorum was established.
2. **Adjustments to and adoption of the agenda:** No adjustments. The agenda was adopted as drafted.
3. **7:05 Review and Approve Meeting Minutes:**
 - a. Vanessa Kittell notes items not captured in the minutes, noting the robust discussions of availability of meeting minutes, document handling protocol, public access to permit information, and access to application materials.
 - b. Vanessa Kittell also noted discussion around board training and general procedural review to address concerns about document handling protocol.
 - c. **MOTION** by Peter Burns to approve March 4th minutes as amended above, seconded by Dan Pipes. The motion was unanimously approved.
4. **Public Comment:**
 - a. Emily Biron sought confirmation that the 180-day window to submit a final plat was suspended while the appeal was active. Melissa Manson confirms that no action on the matter while the approval is under appeal.
 - b. Emily Biron asks if the Town will participate in the appeal proceedings. Melissa Manson responds that this is a decision of the select board.
 - c. Emily Biron presents a case study of subdivision approvals. Melissa Manson notes that this discussion is not relevant. Lynda Ulrich notes that the discussion was not on the agenda. Melissa Manson notes that Emily may speak to this issue during public comment.

- d. Emily Biron talks to the presentation noting approved subdivisions in agricultural soils, areas with significant slopes, and other items.

5. Zoning Administrator's Report

- a. Rules of Procedure and Conflicts of Interest Policy
 - i. The Zoning Administrator recommends that the Planning Commission and Zoning Board of Adjustment formally adopt the Rule 1 language.
 - ii. Melissa Manson notes that the Town has a conflict of interest policy in place.
 - iii. Greta Brunswick (NWRPC) states that municipal panels have a specific duty to ensure transparency, and are required to adopt specific rules of procedure and conflicts of interest policies.
 - iv. The Zoning Administrator is instructed to move forward and prepare a local draft of the Rule 1 language for adoption at the next meeting.
- b. Ongoing and Upcoming Matters
 - i. Vanessa Kittell asks about action on the complaint at 525 Swamp Road noting the requirements under 24 V.S.A 4451 notice of violation, referring to a letter from a state wetland ecologist dated approximately March 21st indicating that site work was done on the property.

AMENDMENT: discussion also included possible violation of conditional permit for 525 Swamp Road, and that any the Board was subject to the duties and actions to investigate possible violations as set forth in the Bylaws at Sec. 2.11 (pp.14.)

- ii. Torrey Crossman notes that this issue has been raised in public meetings.
- iii. The Zoning Administrator notes that it is a generally recommended best practice to take an informal approach to resolving alleged violations, before invoking 24 V.S.A 4451, and to that end, he'd spoken to the applicant about this issue and was not aware of any ongoing violations.
- iv. Vanessa Kittell requests that the Zoning Administrator follow up with a discussion with the applicant with a letter or telephone call.
- v. The Zoning Administrator was instructed to report back at the next meeting.

6. Deliberative Session - Procedural and Regulation Review

- a. After a discussion between members and Greta Brunswick about the applicability of the use of a deliberative session in this context, the board moved to strike the deliberative session from the agenda and to adjust the agenda to reflect a presentation from Greta Brunswick, Emily Kloffft, and Luke Slomba.
- b. Vanessa Kittell notes that it is necessary and urgent for the board to discuss rules of procedure and review regulations. In subsequent correspondence with the Chair, Greta Brunswick recommends that members convene a working group of three members to address these issues and report back to the commission during open meetings. *This group convened on April 19th and will report back at the next meeting.*
- c. **MOTION to adjust the agenda replacing the Deliberative Session with a Fairfield Bylaw Project Presentation was made by Dan Pipes, seconded by Don Wells. All in favor. Motion Carries**

7. Fairfield Bylaw Project Presentation

- a. Greta Brunswick introduces the project plan and scope of work documents
 - i. Assessment of Existing Town Plan and Bylaw specific to development in non-village planning areas.
 - ii. Conduct a mapping analysis of priority resources and conduct a strengths and weakness report of bylaw language to Town Plan policy.
 - iii. The goal of these tasks, including community outreach efforts, is to determine, revise, and present for adoption recommended bylaw amendments.
 - iv. The plan includes eight working sessions with the planning commission.
- b. Members of the Board note that this is the first time many of them have seen this proposal.
- c. While there was consensus around the effort, members suggested that the first order would be to review the scope of work and continue the discussion at the next meeting.
- d. Torrey Crossman recommends that task 3 include a review of a sliding scale method of density calculation and that the NWRPC analysis include how other municipalities in the state regulate density in land use regulations.
- e. Lynda Ulrich reflects on how many townspeople have indicated opening the regulations to make it easier to enforce the town plan with clear bylaws.
- f. Peter Burns notes that while he understands focusing review on non-village planning areas, there are regulations specific to the village district that should be reviewed.

AMENDMENT: Don Wells emphasized the urgency of the Board to undertake and complete action in the review of the By-laws (Fairfield Town Land Use Regulations) to ensure that the regulations were in accord with the Town Plan given the substantial public comment at recent meetings and at the March 2024 Town Meeting regarding the discord between the current By-laws and the Town Plan.

8. Confirmation of next meeting and events of interest.
 - a. The next regular monthly meeting is on **April 1st at 7:00 P.M.**
9. **MOTION:** to adjourn is made by Melissa Manson and seconded by Aaron Forbes at **9:38 P.M.**