

TOWN OF FAIR HAVEN
 PLANNING COMMISSION
 REGULAR MEETING – October 21, 2009

Commission Members Present

MEMBER	X = HERE	MEMBER	X = HERE
Rebecca Audet		Nicholas Michael	X
James Coombs		Bonnie Rosati, Clerk	X
Kevin Durkee	X	George Stannard, Chair	X
Dave Eighmey, Vice Chair	X		

Others Present: Phil Adams - Zoning Administrator;
 Melissa Shanholtzer - Applicant;
 Bob VanGuilder - Applicant;
 David Nelson - 41 Main Street Property Owner;
 Robyn Nelson- 41 Main Street Property Owner;
 Dr. Harold Sammis- 55 Main Street Business Owner;
 Lucia Spallieri - 33 Main Street Business Owner;
 Sherry Brown-Resident;
 Claire Stanley-Resident;
 Julie Ellis-Resident;
 Barry Ellis-Resident;
 Robert Howard-Rutland;
 Jeffrey Dayton-Castleton;
 Janet Currie-Orwell

CALL TO ORDER:

Meeting called to order at 7:12 pm by George Stannard – Chair

NEW BUSINESS

None

UNFINISHED BUSINESS

Melissa Stanholtzer and Bob VanGuilder - Application A2009-052

Request for approval of a change in use from health club (former Curves) to retail use for the application of dermal imagery and the sale of clothing and jewelry. The application includes a request for approval of a commercial sign. Property owner: David Nelson. Location 41 Main Street, tax map number 24-51-63.

During the course of the meeting the following letters were submitted to the Planning Commission:

- Letter from debi bailey date October 7, 2009
- Letter from William Knust dated October 18, 2009
- Letter from Timothy Tuttle
- Letter from applicants sign by eleven downtown business owners or employees
- Memo from Fair Haven Merchants (unsigned-identified merchants) to Planning Commission dated October 19, 2009

The applicants proposed to open a retail business for the application of dermal images(tattoos) and the sale of T-Shirts, belt buckles and jewelry with a possible airbrush option in the future.

The applicants advised tattoos will only be applied to those 18 years and older. Applicants stated parking would be in the back of the building for employees and some employees.

All those in attendance were afforded an opportunity to speak to the Commission regarding the application under review.

Jeffrey Dayton stated he was an EMT Basic with Fair Haven Rescue and a friend of the applicants. He has three tattoos. As an EMT he has seen what jail house tattoos can do. Believes applicants are responsible and can be trusted with a business like this.

Robert Howard, a paramedic with Regional Ambulance for 25 years, stated that the applicants will not encourage a bad element to come to Fair Haven. Mr. Howard stated that the applicants are against drugs and drug paraphernalia.

Melissa Stanholtzer advised she was a licensed tattoo artist and will provide a clean safe comfortable place for people to come. Ms. Stanholtzer advised she deal with a lot of breast cancer survivors who want pigment enhancement and advised that while the state allows anyone 16 years or older to get a tattoo she will only tattoo those who are 18 years of age or older.

Claire Stanley stated was present to listen and learn.

David Nelson, property owner of 41 Main Street, stated the applicants are licensed, it is a licensed profession and there is nothing illegal about what they do. He does not see how the Planning Commission can deny the change of use.

Robyn Nelson, owner of the former Curves for Women, stated she was hesitant at first with having at tattoo place in a place that had been for women. Mrs. Nelson indicated she has a small tattoo and that after speaking at length with the applicants they made her feel very comfortable. She believed the applicants will do a great job and feels very comfortable with the applicants moving into her former space.

Dr. Harold Sammis rents space on Main Street in Fair Haven has nothing against tattoos parlor itself but does not agree that the Commission does not have any control over this particular change in use. Dr. Sammis stated he wasn't saying whether they should be there or not.

Sherry Brown stated that she was there to learn what the applicants had to offer. She has 10 year old twins who ride their bikes downtown and was concerned if they would be able to go into the applicants shop and look around are they going to see bongs and drug paraphernalia. The initial judgment is that this type of things goes with this type of business and the drugs go out the back door.

Ms. Stanholtzer stated that no drug paraphernalia will be sold.

Lucy Spallieri, business/property owner, indicated she has seen a lot of this in Rutland. These kinds of business sometimes do other things. She does not want these kinds of people hanging around in front of

her pizza business.

Julie Ellis expressed concern about how the sharps will be handled.

Bob VanGuilder, applicant, advised sharps will be handled with a hazardous waste container. It is state regulation. The container is enclosed except for a small hole in the top. They will be shipped out to a hazardous handling facility.

Julie Ellis asked who they will be using as a hazardous facility.

Bob VanGuilder stated that had not be determined yet, it might have to be a facility in New York.

Julie Ellis stated there is no such facility in Vermont and asked what company they have hired.

Melissa Shanholtzer advised that will have to be in place before they can open their doors and indicated that if Mrs. Ellis could provide suggested contacts it would be good.

Mrs. Ellis stated she was aware that a contract for hazardous waste would at a minimum \$600 per month.

Mrs. Ellis asked how far the daycare will the facility be. Bob VanGuilder responded it would be 500 to 600 yards he believes. Mrs. Ellis stated she would not hire anyone with a visible tattoo. She is concerned that people who use the hairdresser in the immediate area will be afraid to walk by the tattoo shop.

Bob VanGuilder stated there security cameras in the front and back of the building. They would like to display nice pieces of art and have it a family oriented business. The floor plan that is set up to have a bright looking to the business.

Julie Ellis asked if they have researched the demographics and what their target market would be.

Melissa Shanholtzer stated that most of her clients are women, babyboomers who want a place they can walk into and not hang their head in shame and indicated it is not a place for children. Everyone has to provide ID. People who come in with someone who is getting a tattoo will wait for a while and then go get something to eat or go shopping.

Julie Ellis asked how long the applicant had bee licensed. The applicant stated 6 years.

Lucy Spallieri asked if she would have obvious clientèle coming in, will they be coming in from outside Fair Haven and does she see people coming in on a regular basis. Ms. Shanholtzer indicated clientele would be coming from outside of town.

Lucy Spallieri asked if the business was not successful what would the applicant do then. The applicant responded that that was personal and has nothing to do with review of their application for a zoning permit.

Lucy Spallieri stated she does not want any stuff around her store and was concerned they would start

selling drugs.

Melissa Shanholtzer stated she would not be selling drugs out the back door.

Barry Ellis, resident, stated that a tattoo shop would not be his first choice but they are not doing anything illegal and they have a right to have this business. If the business fails that is their problem and if there are drugs that is a police issue.

George Stannard, PC Chair, stated that it is a change of use that is permitted and stated that what had been said by those present has not bearing on the zoning issue being acted on.

Janet Currie Orwell resident, presented a unsigned memo from the Merchants of Fair Haven. The memo did not identify any merchants. Ms. Currie asked if the applicants have a lease, how long the lease is for and do they have insurance. She believes it will have a detrimental effect on the town and that she is aware of these people and is aware of their record and can testify to that. No specifics were presented and no testimony given.

Bonnie Rosati reviewed the discussion from the previous meeting. Days of operation would be Thursday through Monday. Hours of operation would be noon to 8 pm. Parking for employee's and some customers would be in back of the business. There would be 1 to 2 employees in the beginning with up to 6 employees.

Dr. Sammis stated that he has nothing against a tattoo shop but expressed concern over the disposal of medical waste and felt that the Commission should not approve the permit until the applicants can show that they have a means for proper disposal.

Bob VanGuilder stated that there is one inspector for the state that his only job is to inspect tattoo parlors.

Bonnie Rosati stated that she assumed that the applicants were dealing with the Vermont Department of Health which controls hazardous waste not the Planning Commission.

Bob VanGuilder stated that before the Health Department will even come in for a check over they must have everything in place and the zoning permit is a first step. They can not open their doors until that is done.

Nick Michael indicated that this is American and that this is a meeting of the Planning Commission not an inquisition.

George Stannard indicated all this talk about drugs , if you've got anything on these two people, maybe it has some bearing but just drugs in general and tattoo parlors in general doesn't say much.

David Nelson stated that the lease would prohibit the sale of drug paraphernalia. Mr. Nelson said, in his opinion, tattoos are very mainstream today and that the irony of the concerns about drug users is that he is hearing that the college kids in Castleton are excited about having a tattoo parlor in town and that these are mainstream people.

Bonnie Rosati stated, for the record, that under the Fair Haven Zoning Bylaws this application for a retail business is a permitted use in the downtown commercial district.

Kevin Durkee stated that he hoped that, as with all Planning Commission decisions, this one would be based on the zoning laws approved by the voters in Fair Haven and not on one's own personal biases.

Nick Michaels moved the Commission to approve application A2009-052 as presented contingent on the proper disposal of hazardous waste. Bonnie Rosati seconded. Motion carried with all Commissioners voting affirmatively.

Commercial Sign Application - A2009-052

The application is for two signs. One sign would be lettering above the door carrying the business name, hours of operation and phone number. The name would be in black letters fading to red. Hours of operation and phone number would be in white.

The second sign would be 3 feet by 3 feet, made of aluminum and be placed (free standing) inside the southerly window on a stand/easel. This sign will have a white background with the business name in black fading to red lettering. Additional lettering will be in red and black. This sign will be lit with two small spotlights at the base of the sign pointing up at the sign only.

Bonnie Rosati moved the Commission to approve the sign as presented. Nick Michaels seconded. Motion carried. All Commissioners present endorsed the sign application.

REVIEW OF MINUTES .

Bonnie Rosati moved the Commission to approve the minutes of the October 7, 2009 meeting. Dave Eighmey seconded. Motion carried.

OTHER BUSINESS

Review of Mail

Mrs. Rosati reported that two potable/waste water permit notifications were received.

Mrs. Rosati reported on a conference to be held February 10/11 on better buildings by design.

Mrs. Rosati reported receive of a leaflet on a Planning and Zoning Conference to be held in Montpelier.

Bonnie Rosati reported the George Stannard had been reappointed to a four year term on the Planning Commission by the Select Board at their meeting of October 20, 2009.

Public Comment

No public present

Kevin Durkee moved the Commission adjourn. Dave Eighmey seconded. Motion carried.

ADJOURNMENT

8:27 pm - Meeting adjourned.

Respectfully submitted,
Bonnie Rosati