

DRAFT
Brandon Planning Commission
May 7, 2014

Planning Commission Members Present: Jeff Guevin, Linda Stewart, Anne Bransfield, Tracy Wyman, Marty Feldman

Others present: Charlene Bryant, Kate McCarthy – VT Natural Resources Council (VNRC), Jens Hilke – VT Fish and Wildlife, Paul Gladding, Dolores Furnari, Gary Meffe, Liz Gregorek, Derek Gregorek, Lou Faivre, John Meyers, Dale Knapp, Janet Mondlak, Craig Johnson, Doug Bailey, Donald Scarborough, David Mills, Dick Kirby, Deborah Kirby, Tina Wiles, Steve Downs Jr., Bill Downs, Roy Jackson, Lois Jackson, Richard Yandow, Joe Peters, Allan Leavitt, Dick Dutton, Mrs. Jackson, Richard Baker, Bruce Paynter, Robin Bennett, Bob Read, Ray Jobst, James Greifzu, Dick Dutton, Cheryl Johnson, Barbara Darling, Len Darling

Call to Order:

Anne Bransfield called the meeting to order at 7:00PM.

Public Hearing on Wildlife Corridor

Please reference Wildlife Corridor Hearing minutes of May 7, 2014.

Meeting of the Planning Commission:

. Wildlife Corridor Listening/Information Session

Ms. Bransfield requested comments from the public in light of the fact the Planning Commission is discussing a Volunteer Conservation Program. There was a question of what other towns have done with similar overlay districts. Kate McCarthy stated the VNRC is an environmental organization and she assists towns in developing sustainable activities. The VNRC is not being paid by the planning commissions; they have grants to assist towns with natural resources. The Wildlife Corridor is a concept that has been discussed over the last 10 to 15 years. It is only recently that there has been sophistication in mapping. The area being discussed plays a role from New Brunswick to New York State. Jens Hilke of the Vermont Fish and Wildlife was present to speak to the science of this corridor between the Adirondacks and the Green Mountains. There are very few places where there is continuous tree cover and there is concern that there will no longer be a healthy wildlife population if infrastructure and roads surround the mountains. Within this area, the corridor around OV, Brandon and Pittsford are the only places where there is tree cover on both sides of the road. There is documentation of crossing of deer, moose, coyote and bobcat, which is tracked through road kill. There are no other places where there is the tree connection and the best available science tells that tree areas that connect large blocks of habitat are the

best wildlife road crossings. The other piece is that in the face of the global climate, the species are adjusting their ranges and the wildlife is on the move. This process has been documented and Mr. Hilke noted he has a number of studies that confirm this. Bruce Paynter stated the main problems are in the East/West movement rather than the North/South. He stated there would be more problems in the low areas than the high areas. It was questioned if there are known documented areas. Mr. Hilke stated Lake Champlain is a formidable barrier and to the south there is crossing between the Taconics and the Green Mountains, but to get to the Taconics there is heavy fragmentation, which is the reason this area is considered to be the best. The species of greatest conservation are the bears. Joseph Peters stated as far as declining habitat, the land has been diverted from 80% open to 80% cover and he questioned the need to expand the connectivity. Mr. Hilke stated from 1850 to today, the tree cover has gone from 20% to 80%, but that does not include forest cover. While there is a great number of trees, the patch sizes are smaller and smaller. It was noted that unless there is open land for the animals to eat, there should be concern about the food for them. Mr. Hilke stated the best quality habitat would be a mix of areas, but agriculture is not considered the best land for feeding. It was noted that information on this subject could be found on the Vermont Fish and Wildlife website and the Staying Connected website. Mr. Hilke's credentials include a Master's degree from UVM as a Conservation Biologist. Kate McCarthy stated with regard to how land cover is changing, in Vermont the trend since 1982 has been that when the population does increase, there is substantially more land consumed. The land consumption increased 4 times the population increase. Ms. McCarthy uses the National Land Cover Database to obtain her information and noted development includes paved surfaces and housing and is based on aerial mapping. It was questioned how the economy expands without economic development. Ms. McCarthy provided an explanation of Current Use, which is a tax program, offered by the state for property owners that have 25+ acre parcels who agree to have forest management land or agriculture. The goal of Current Use is to keep land in production to log and farm, and to maintain ecological areas. Some towns choose to do tax stabilization and do local Current Use. With the state's Current Use program, the state holds a lien on the land. Mr. Peters noted it is a voluntary lien and within Current Use, the property owners have the ability to enroll or not enroll. Kate McCarthy stated by law, anything in zoning needs to be reflected in the Town Plan. Ms. McCarthy has been working with Brandon's Planning Commission for two years and she thanked the Planning Commission for their many hours of volunteer work.

Paul Gladding asked what Pittsford or Hubbardton are doing in this area. Kate McCarthy stated Pittsford has requested assistance with their town plan and she will be discussing this with them in the coming months. Throughout the state, there are about 60 towns in the Staying Connected linkage area and as part of the work; an outreach packet has been supplied to all of the towns. There is general awareness building about the importance of the region. Cross-town conversations can be very helpful and several towns have voluntary conservation committees. It was noted the economic impact needs to be clear to determine how the program will affect the economy in the area. It was felt that this can only reduce the value of property and it will not help the tax base. Recreation uses do not provide income to the property owners and will force the town to

reduce market values. Ms. McCarthy stated recreation can assist with economic development of the region by bringing more people to the area who will utilize hotels, restaurants, etc. It was noted that in Brandon, open land and forest land are assessed at 122% fair market value. When talking about benefiting the economy in other areas; it is asking the land owners to subsidize other people, while the value of their land is being reduced. It was noted that the state is having trouble paying back towns relating to the Current Use program. Ms. McCarthy stated the Vermont Land Trust, a private non-profit organization funded by donors, and the Vermont Conservation Board assist the state with funding. It was questioned who is driving the Staying Connected Initiative. It was noted the funding comes from the U.S. Department of Fish and Wildlife, the Cox Foundation, with the Vermont Fish and Wildlife Department participating in this initiative. The Staying Connected Initiative is an assemblage of people that have agreed on the vision of a connected landscape. They provide information to towns on the benefits of connected landscape and the local planning commissions consider ways to pursue conservation. The Initiative is not pushing an agenda, but is present to assist the Planning Commission with concepts. This is not a regulatory agenda and it is solely the decision of the town. Liz Gregorek stated not everyone is affected by the corridor and it seems this is a champagne request on a beer budget. It sounds good, but it is asking landowners to do something with their land that does not assist with the economy. Ms. McCarthy stated this is ultimately a decision of the town and it is voluntary conservation and no one would have development taken away. It was questioned whether there is a correlating agency for human development and Ms. McCarthy stated it would be the Agency of Commerce and Community Development.

Joseph Peters stated he does not have a problem with the information provide. He is concerned that when a voluntary district is put together in terms of zoning, it often becomes regulatory. He stated an overlay should not be included in the zoning ordinance. Kate McCarthy stated planning commissions have many tools at their disposal and when comes to implementing a Town Plan, there should be a combination of regulatory and non-regulatory. It was noted the trends are improving and in terms of conservation, to the east is the Green Mountain National Forest that is a massive area that is virtually untouched. Doug Bailey stated the Planning Commission has done a great job in taking input and providing information. Since the last hearing, Mr. Bailey did an informational survey and out of the 85 people he discussed this concept with, 84 were opposed to the plan and 1 was in favor. Mr. Bailey provided the results of the survey to the Planning Commission for future reference. There was concern expressed that the landowners affected by the plan were not individually notified. Mr. Guevin stated the Planning Commission does not have a budget to do mailings and all of the meetings were warned. The cost of a mass mailing would cost around \$400.00 to \$800.00. The Planning Commission does what the state requires in posting their meetings and hearings in three locations in town and advertising in the local paper. It was thought that the Planning Commission needs to notify the landowners that are affected on actions that are being considered. It was suggested that telephone calls could be done. The decision has been made to discontinue discussion of a zoning overlay district and discuss conservation on a voluntary basis. Bruce Paynter understands there is not a mandatory scheme and it would be voluntary, but the fact that a mandatory scheme was

being considered indicates the Planning Commission did not understand the financial implications to the town. Had this regulation been imposed, they would have had to reimburse the landowners. Mr. Guevin stated there would not have been legal implications. Mr. Paynter felt the town would have been burdened with large legal costs relating to this issue. Tina Wiles stated there were several informational meetings and information was also hand-delivered. It was questioned how the Planning Commission plans to move forward. Ms. McCarthy had provided support to the Planning Commission on the development of an overlay district, which was largely shaped by the Planning Commission from a series of public meetings that were held. Jeff Guevin stated it was a collaborative effort driven by the Planning Commission. It was asked where this conversation will go from here and whether the overlay district will be pursued. Mr. Guevin stated the overlay is considered to be a dead issue. There will be no zoning overlay district proposed. The Planning Commission will start to work on the Town Plan. Tina Wiles stated there was a motion to investigate voluntary conservation and a motion was made to not continue with the Wildlife Corridor overlay. This meeting was the first step in the voluntary program. Ms. Wiles stated part of the voluntary suggestion came from the comments of the last meeting. The Planning Commission is committed to preserving this land. There was concern expressed that voluntary usually leads to compulsory. Ms. McCarthy stated a regulatory plan will not be done and the intent of the meeting was to assist people in learning more about open space planning and help people learn more about Current Use. She does not see a straight line from voluntary to compulsory. Tracy Wyman stated he wanted to put the voluntary wording in, as he has been opposed to the overlay district. He stated people would be doing this on their own. Tina Wiles stated the Town Plan has some very good recommendations and goal and the Planning Commission still needs to create a mechanism to carry out the goals and recommendations. Jeff Guevin stated there are goals currently in the Town Plan and the Planning Commission needs to revisit those goals to come up with goals that are more aligned with the majority. The existing Town Plan is posted on the town website and is available at the town office. There are two hearings scheduled for the Town Plan re-adoption in order to avoid a lapse in the current Plan. Ms. McCarthy noted there was a document on non-regulatory options available for the public to take. It was questioned whether the state culls the deer herd in areas that are overpopulated and Mr. Hilke reported the state relies on hunting. Anne Bransfield reported all Planning Commission minutes are posted on the town's website and the Commission also has a blog @ planningbrandon.wordpress.com.

. Approval of Meeting Minutes

A motion was made by Anne Bransfield and seconded by Linda Stewart to approve the minutes of the April 21, 2014 Sign Ordinance hearing. **The motion passed unanimously.**

A motion was made by Linda Stewart and seconded by Jeff Guevin to approve the Wildlife Corridor hearing minutes of April 21, 2014. **The motion passed unanimously.**

A motion was made by Linda Stewart and seconded by Jeff Guevin to approve the regular Planning Commission meeting minutes of April 21, 2014. **The motion passed unanimously.**

A motion was made by Jeff Guevin and seconded by Linda Stewart to approve the minutes of the April 7, 2014 Town Plan Hearing. **The motion passed unanimously**

A motion was made by Tracy Wyman and seconded by Jeff Guevin to approve the minutes of the April 7, 2014 Planning Commission meeting. **The motion passed unanimously.**

A motion was made by Jeff Guevin and seconded by Linda Stewart to approve the May 7, 2014 Wildlife Corridor hearing minutes. **The motion passed unanimously.**

. RFP Status Update

Anne Bransfield stated there have been two responses received from the Municipal Planning Grant RFP. The Planning Commission agreed to revise the RFP, advise the two bidders of this decision and send it out again; however, there have been no additional responses.

. Zoning Administrator Vacancy & Transition

Robin Bennett stated the Zoning Administrator position will need to be advertised; there would be an Interview Committee developed and the Planning Commission would ultimately make the recommendation to the Select Board concerning a candidate. Ms. Wiles provided the Committee Chair the descriptions of the Zoning Administrator and the Flood Plane Manager position that will be shared with the Committee. It was recommended to post the position through VLCT.

A motion was made by Jeff Guevin and seconded by Anne Bransfield to authorize the Town Manager to advertise for the Zoning Administrator position. **The motion passed unanimously.**

Anne Bransfield encouraged the Committee members to attend the Select Board's Town Plan Re-adoption hearings scheduled for next Monday and Tuesday @ 6:30PM at the town hall.

Tina Wiles asked if the waiver should also be submitted to the Select Board. It was the consensus of the Committee to review the waiver at the next Planning Commission meeting prior to submitting to the Select Board for action.

Anne Bransfield reported members from the Rutland Area Coalition will be attending the next Planning Commission meeting.

On behalf of the Planning Commission, Anne Bransfield thanked Ms. Wiles for her service. Tina Wiles stated Jon Andrews, the Zoning Administrator Alternate, has agreed to be the temporary Zoning Administrator. Ms. Wiles will meet with Mr. Andrews to go over some of the position's responsibilities. Richard Baker stated this is a 3-year term and suggested that Mr. Andrews be moved from an alternate position to an interim zoning administrator position to assure that he has authority to act as an agent of the town. There was a recommendation to request the Select Board allow Tina Wiles to remain in an advisory role to assist in the transition.

A motion was made by Jeff Guevin and seconded by Linda Stewart to enter into executive session at 9:00PM for the purpose of considering appointments, employment, and employee evaluation [under 1 V.S.A. 313(3),(4)]. **The motion passed unanimously.**

Executive Session:

The Planning Commission came out of executive session at 9:28PM.

A motion was made by Tracy Wyman and seconded by Jeff Guevin to nominate Jon Andrews, Alternate Zoning Administrator, to serve as Interim Zoning Administrator until a new Zoning Administrator is hired; and, that Tina Wiles stay on the Town payroll so she can be paid to help with the transition to a new Zoning Administrator. **The motion passed unanimously.**

Next Meetings:

May 19th – Regular Planning Commission Meeting
June 2nd – Regular Planning Commission Meeting

Adjournment:

A motion was made by Anne Bransfield and seconded by Jeff Guevin to adjourn the Planning Commission meeting at 9:30PM. **The motion passed unanimously.**

Respectfully Submitted,

Charlene Bryant
Recording Secretary