

**Brandon Planning Commission Meeting  
November 5, 2018**

**Board Members Present:** Stephanie Jerome, Ethan Nelson, Michael Shank, Lisa Rovi, Bill Mills

**Board Members Absent:**

**Also in Attendance:** Jeff Biasuzzi – Zoning Administrator, Doug Bailey

**1. Call to order**

Stephanie Jerome, Commission Chair, called the meeting to order at 6:11PM.

**2. Agenda Approval**

A motion was made by Ethan Nelson to approve the agenda. **The motion passed unanimously.**

**3. Consent Agenda**

**a. Approve Planning Commission Meeting Minutes – September 17, 2018**

A motion was made by Ethan Nelson to approve the Planning Commission meeting minutes of September 17, 2018. **The motion passed with two abstentions – Lisa Rovi and Bill Mills.**

**4. Zoning Administrator's Report**

Jeff Biasuzzi distributed the Zoning Administrator report. Mr. Biasuzzi provided an overview of the Zoning and Planning Forum held on October 17<sup>th</sup>. There were 135 individuals present of which about 1/3 were zoning administrators, 1/3 appropriate municipal planning members and the balance were attorneys, town clerks and assistant clerks. Mr. Biasuzzi will forward the Planning Commission the handouts that were distributed at the four sessions. One session concentrated on affordable housing with keynote speakers from the State that are working with municipalities on affordable housing projects. They indicated municipalities can assist with affordable housing through their planning and zoning updates. There was a session on zoning administrator duties. The third session was on the Agricultural Act that was passed in the spring. Mr. Biasuzzi noted the Planning Commission would need to look into this Act. The Vermont Department of Agriculture overrides municipal government in agricultural activities. There were a number of changes with the Act and this session was useful for zoning administrators and planning commissioners. Mr. Biasuzzi stated the Agricultural Act's key issue is with non-agricultural activities that fall outside the Agricultural Act. The fourth session was about signage and the issues of some municipal regulations that encroach on freedom of speech. Towns can regulate the size and placement of signs, but they cannot regulate what is on the signs. Illumination versus non-illumination can also be regulated.

With regard to permitting, Mr. Biasuzzi advised the marijuana dispensary is going through the DRB, as the tenant has requested an amendment due to a new ventilation system and the neighbor that had issues with outside growing has since moved. Mr. Biasuzzi advised the permit that had been issued had conditions due to the ventilation system and outside growing practices. Mr. Biasuzzi noted there have been quite a few permits submitted, with the process being time-consuming because Brandon sends notices to all abutting properties when an application is submitted. Mr. Biasuzzi noted by State statute, the only requirement is the road poster and the abutters usually only get notice if there is an appeal. Michael Shank asked if there has been an update with MT Associates and it was noted the prior ordinance would be used for their application because the original permit was submitted prior to the change in the ordinance.

Mr. Biasuzzi advised the process for adopting a municipal regulation is different from the approval process for a town plan. There is a checklist that has to be completed and recorded with the town clerk. Mr. Biasuzzi noted the checklist should be used for future changes to the Brandon Land Use Ordinance (BLUO). Mr. Biasuzzi stated this needs to be done, as items can be challenged in environmental court.

Mr. Biasuzzi reported he has viewed the areas in town that have an issue with junk cars. Mr. Biasuzzi noted he does not have a search warrant to enter the properties, but will issue a notice of violation. He stated there have been some ongoing issues that are not enforceable. He noted if the vehicles are registered and inspected, one could have several cars as long as they are not parked in the road. He noted that ticketing usually works, but there is also a notice of violation that would place a lien on the property and they would be required to go to the DRB to appeal. This would require going to environmental court, with the process taking a lot of time. Doug Bailey stated the Kirby situation has bothered him and there have been as many as 20 cars on the property of concern at times. He noted concern that there are areas in violation that the Town is not able to enforce. Mr. Biasuzzi stated environmental court could be very costly for the Town. Mr. Biasuzzi suggested anyone that sees an issue should contact the Zoning Administrator. Mr. Biasuzzi is going to try tickets on minor violations that would place a restriction on the driver's license renewals for those individuals.

## **5. Conti Solar Update**

Stephanie Jerome advised there is a public utilities hearing on November 19<sup>th</sup> for the Conti Solar project. Ms. Jerome asked Ray Counter and Tom Whittaker to attend the meeting to discuss the solar field with regard to the pipe that runs through the property. The pipe is owned by the Water District and is a major issue with this project. Doug Bailey stated unless the entire water main is moved, this project would be an issue. Ms. Jerome stated the water pipe is 140 years old and could be very fragile. The Planning Commission and Select Board have requested party status for this project. Jeff Biasuzzi stated there would be a conflict if the solar field were built over the pipe. Mr. Bailey suggested Del Cook, Seth Clifford and Ray Counter could be invited to attend the meeting on behalf of the Water District. Ms. Jerome stated the Planning Commission would need to come up with specific items to discuss, such as screening. Ms. Jerome noted the concerns with the setbacks have been addressed. Mr. Shank recommended relying on the Water Department issue. Mr. Bailey noted the current Energy Plan does not provided a lot of criteria, which is why the Town needs to get on the fast track to update the Energy section. Mr. Biasuzzi noted the water main is the Town's best option. Maintenance of screening or future funding of screening should be included. Enforcement and in perpetuity language should also be requested.

Mr. Biasuzzi reported an article on Babcock Solar was in the Rutland Herald. Mr. Biasuzzi noted there should be emergency response training included for these types of projects. Mr. Bailey noted Davenport Solar had offered fire and police training when they presented to the Select Board.

## **6. BLUO Definitions Update**

Ethan Nelson is continuing his work on the BLUO definitions.

## **7. BLUO Accessory Structures Update**

Bill Mills noted there was no update on the BLUO accessory structures, but he will continue his work on this section. Jeff Biasuzzi suggested the Planning Commission could dedicate a meeting to this subject.

## **8. Energy Plan Update**

Mr. Shank reported the Energy Committee approved a questionnaire for all new renewable energy development. He will forward a copy to all Planning Commission members for review and action at the

next Planning Commission meeting. Any edits should be sent to the Energy Committee chair. A process will be developed for filling out the questionnaires. The draft, if approved by the Planning Commission, would eventually be part of the Energy Plan. The Energy Committee sponsored a workshop around energy efficiency this past weekend and there were 16 people in attendance. Another workshop on thermal energy will be scheduled for January. There will be an advertisement placed in The Reporter soliciting property owners who are interested in assisting the Town in accomplishing its state energy goals by signing up as a preferred energy site. The next major agenda item for the Energy Committee will be to complete the Energy Plan, which is about 60% drafted, with a completion date of March 2019. There was a questionnaire sent to all the candidates to obtain their comments regarding energy. Mr. Shank encouraged Planning Commission members provide him with suggestions on any potential preferred energy sites for the list. Mr. Shank met with Elaine Smith and the Town Manager to review a map of Brandon for potential preferred energy sites. A list will be developed for future energy projects that will be the Town's proactive attempt to provide recommended sites. Ideally, the list could be for both large and small projects. Once the Energy Plan is finalized, the Energy Committee will forward it to the Planning Commission for approval. Mr. Shank and Jack Schneider will attend the November 12<sup>th</sup> Select Board meeting to provide an update on the Energy Committee's activities.

## **9. RRPC Update**

There was no discussion held.

## **10. Old/New Business**

Jeff Biasuzzi reported the AOT has announced transportation grants that have a mid-December deadline. Mr. Biasuzzi will send the information to all Planning Commission members. It was noted transportation grants are used for items like radar speed warning signs, charging stations, park & rides, bus stops, as well as other transportation related items. Doug Bailey stated there has been an application submitted for a transportation grant for the charging stations. Mr. Biasuzzi noted the charging stations should be used in areas that are convenient to shopping, restaurants, etc.

Stephanie Jerome received a complaint regarding the ice cream shop sign that has not been removed though the store is vacant. Mr. Biasuzzi advised those types of questions should be directed to the Zoning Administrator. Ms. Jerome will forward the request to the Zoning Administrator.

## **11. Date of Next Meeting**

Monday, December 3, 2018 at 6:00PM – Brandon Town Hall – Planning Commission Meeting

## **9. Adjournment**

The Committee Chair adjourned the meeting at 7:30PM.

Respectfully submitted,

Charlene Bryant  
Recording Secretary