

Brandon Planning Commission Meeting
May 6, 2019

Board Members Present: Lowell Rasmussen, Stephanie Jerome

Others Present: Jeff Biasuzzi, Barbara Noyes-Pulling, Brent Buehler, Charles Powell

1. Call to order

Stephanie Jerome called the meeting to order at 6:05PM.

It was recommended to place the Zoning Administrator as an alternate Planning Commission member, in the event of a lack of a quorum or to break a tie. Mr. Biasuzzi advised the Planning Commission would need to send a letter to the Town Manager requesting the Select Board appoint the Zoning Administrator as an alternate.

2. Agenda Approval

Agenda approval to be ratified at a subsequent meeting due to the lack of a quorum.

3. Consent Agenda

a. Approve Planning Commission Meeting Minutes – April 1, 2019

The April 1, 2019 minutes were reviewed, with ratification to take place at the next meeting.

4. Zoning Administrator Report

Jeff Biasuzzi stated it is permit season, noting there are three times the number of applications from last month to this month. There are a couple of DRB hearings scheduled to address the change of use from single-family dwelling to a B & B. This is going before the DRB as it becomes a conditional use because the structure is in the aquifer. Another item going to the DRB is for Elemental Partners LLC on Steinberg Road. The company previously had Town approval, subject to Act 250 approval and the payment of the water and sewer allocations, which did not happen. There is a request to amend the application to a 9-lot subdivision. There has been a procedure outlined through Act 250 and there are a lot of elements that will require DRB action. All lots were approved in the PUD.

Mr. Biasuzzi reported the Midway Oil item in e-court is still plugging along. The spring Zoning & Planning forum sponsored by VLCT scheduled for June 11th is now open for enrollment. Mr. Biasuzzi advised the Town will pay tuition and mileage for board members who wish to attend. The forum will include guest speakers and a legislative update on items that could impact planning and zoning. Additional information on the forum is available on the VLCT website. Mr. Biasuzzi volunteered to register anyone interested in attending. At the last meeting, Mr. Biasuzzi noted there was discussion of revising the language for accessory structures, outside junk/trash and permit extensions when approving the BLUO update for the River Corridor section, however, definitions will take longer to review and update. Barbara Noyes-Pulling advised there is a November deadline for updating the BLUO with the River Corridor information to maintain the Town's ERAF rate.

6. Accessory Structures Update

Stephanie Jerome proposed updates to Section 400, with a focus on Item 402 concerning setbacks and fences, as the section has conflicts with other pieces in the BLUO. Ed Bove of the RRPC has recommended two minor changes, with Section 402(c) to read: Accessory structures that (1) are no more

than eight feet in height from ground to peak of the roof and (2) whose sides facing neighboring lot lines do not exceed 100 square feet in area shall meet the setbacks of the underlying zoning district. Jeff Biasuzzi noted that 10 feet is a more practical height to use. Ms. Jerome will be meeting with Mr. Bove again to discuss the BLUO in more detail once the legislative session has ended. Mr. Biasuzzi stated the intent of the current wording was good, but the administration of it is difficult to enforce and it is better to have one accessory structure setback. Mr. Biasuzzi stated the shape of the lot and several other factors must be taken into consideration. He stated people could live with an 8- or 10-foot height. Charles Powell stated in other areas where they have lived, people can apply for a variance and asked how a variance would work with this ordinance. Mr. Biasuzzi advised a variance would require DRB action that would be a 45 to 60-day timeline to get something processed with a cost of \$250.00. Ms. Jerome suggested using the text that Ed Bove has recommended. Mr. Biasuzzi stated an accessory structure could be a deck on a residence and there needs to be a separation of the rules whether one is addressing detached items or decks/sunrooms, as the rules now say anything not a primary structure is an accessory structure. Mr. Biasuzzi suggested definitions would solve a lot of these problems. Ms. Jerome will be meeting with Ed Bove in June for further discussion. Mr. Biasuzzi stated the bigger the envelope that you provide people is best. Mr. Biasuzzi stated there should also be wording to indicate the structure is not in the flood plan. Mr. Biasuzzi noted the most common shed sold is an 8 x 12-foot size. Mr. Biasuzzi suggested standardizing the setback, which would be an exception to the current setbacks, with five or ten feet being common. Stephanie Jerome will provide amended recommendations to the Planning Commission at a subsequent meeting.

7. River Corridor Update

Barbara Noyes-Pulling provided copies of the River Corridor proposed plan that will be discussed during the June 3rd public forum. Letters have been mailed to those affected by the plan. Ms. Noyes-Pulling provided Mr. Atherton and Mr. Shank new versions of the by-laws that includes river corridors and formatted the information to fit into the BLUO. There are still some items to decide on whether it will be an overlay or a district, but everything else will be included. Brent Buehler asked if FEMA is supposed to evaluate this and Ms. Noyes-Pulling advised that the river corridors fall under water quality and is a separate item from FEMA mapping. The deadline for towns to keep the highest reimbursement rate from the State is October. Ms. Noyes-Pulling advised that Ned Swanberg from DEC will be attending the June 3rd forum and there should also be someone from Brandon in attendance, such as the Town Manager. She noted it is not just rivers, but also several small streams in towns and most regulations apply to both, with no development wanted within 50 feet from the top of the bank. Ms. Noyes-Pulling reiterated a decision needs to be made whether this will be an overlay or a district. She noted that the Town Manager had indicated much of this information is already in the BLUO. This item will be added to the next meeting agenda for discussion.

8. Energy Plan Update

Barbara Noyes-Pulling advised the maps have been completed and some language has been adjusted in the plan. Michael Shank has all documents necessary to add to the master plan. There was a site visit done and there were three sites across the northern part of the Town that have been designated as preferred solar sites. The locations of these sites are in the Arnold District, behind Smoke Rise Campground and one on North Street. Lowell Rasmussen noted the intent of determining preferred sites is to provide information to potential developers. Brent Buehler stated plantings for shielding should be included in the plan. Stephanie Jerome stated there should also be language in the plan regarding maintenance of the shielding. Jeff Biasuzzi advised the Public Service Department is now the arm for the PUC and questioned whether these types of issues could be handled as zoning violations. Barbara Noyes-Pulling stated the regulations for energy projects could not be any more stringent than any other type of commercial entity. Regarding maintenance, Mr. Biasuzzi suggested the Zoning Administrator could enforce the items that are in the agreement, as long as it is enforced with other commercial entities. Ms. Noyes-Pulling advised that the Energy Plan is complete once Mr. Shank incorporates the remaining

information that has been provided to him. The Planning Commission will need to hold a hearing before sending it to the Select Board. Stephanie Jerome will contact the Planning Commission members concerning an additional meeting on May 20th to vote on the Energy Plan and set a date for a public hearing. Barbara Noyes-Pulling confirmed this plan will meet all the state and federal requirements.

9. RRPC Update

There was no discussion held.

10. Old/New Business

Brent Buehler advised the appeal process of the permit for the Mobil Station was based on the current construction storage use. They were supposed to post signs to use just the North side, as gas tanks are still being used, and they should have been brought into compliance before the appeal was issued. Jeff Biasuzzi noted due to this being an e-court item, he preferred not to discuss.

Mr. Buehler asked whether the Planning Commission is involved with the parking for the Aubuchon building. Stephanie Jerome stated there are options for off-street parking being explored. There is a small strip of land behind the building near the river that is being considered, as well as parking behind the Mobil station. There are some other properties that are being considered to lease for parking and possibly cooperative parking when businesses are closed. Various options are being considered and it is not thought to be an unsolvable problem. Mr. Buehler's understanding was they did not have to go through Act 250 because there is parking within ¼ mile. Mr. Buehler expressed concern that street parking is public parking and if the Town is not proactive in resolving the parking issue, it could become a reactive issue that the merchants do not need, as they have been through enough.

Stephanie Jerome will follow-up with the Town Manager regarding alternates to the Planning Commission and will contact the Planning Commission members about an additional meeting this month to discuss the Energy Plan.

11. Date of Next Meeting

Monday, May 20, 2019 at 6:00PM – Brandon Town Hall

Monday, June 3, 2019 at 6:00PM – Brandon Town Hall – River Corridor Public Meeting

13. Adjournment

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

Respectfully submitted,

Charlene Bryant
Recording Secretary