

**Brandon Planning Commission Meeting
September 3, 2019**

Board Members Present: Lowell Rasmussen, Ethan Nelson, Michael Shank

Others Present: Ed Bove, Brent Buehler, Jeff Biasuzzi

1. Call to order

Michael Shank, Interim Chair, called the meeting to order at 6:14PM.

2. Agenda Approval

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

3. Consent Agenda

a. Approve Planning Commission Meeting Minutes – July 15, 2019

A motion was made by Ethan Nelson to approve the Planning Commission minutes of July 15, 2019, as presented. **The motion passed unanimously.**

4. Zoning Administrator Report

Jeff Biasuzzi provided a copy of the monthly Zoning Administrator's report. Mr. Biasuzzi advised the Select Board in July that Brandon is the only town that requires every abutter be sent notice of permits. Ed Bove advised that is only required for public hearings. Mr. Biasuzzi's proposal is to remove this requirement from the BLUO. It is not a statutory requirement for the Zoning Administrator to provide the notices to abutters and the action could be placed on the applicant to send the notice and provide documentation that has been done. Mr. Biasuzzi advised the statutory requirement is one road poster on the property and one notice in a public place, though most towns do two notices. There is not a requirement to send the notices certified mail. Mr. Biasuzzi suggested he could provide the applicants a list of the abutters and the post office could sign the listing that the letters have been received for proof of mailing. Michael Shank asked if there would be more conflicts arising from this process. Mr. Biasuzzi advised there is not a significant cost for the applicants and there would not be a transfer of authority in the permitting process with the applicants mailing to the abutters. A full copy of the permit is available in the Town Office if the abutters require further information. Mr. Biasuzzi will draft a proposal to change Section 1006, Par. 7 of the BLUO to assign responsibility of the permit notice from the Zoning Administrator to the applicant for the Planning Commission's consideration at the next meeting.

5. Discussion of River Corridors Text with Rutland Regional Planning Commission (RRPC) - Ed Bove

Ed Bove of the RRPC was present to discuss the proposed draft of a River Corridors bylaw dated June 6, 2019 that was created by Barbara Noyes-Pulling of the RRPC from the State's model. Michael Shank advised there have been conversations with the Town Manager and it is the intent of the Planning Commission to move forward with the completion of this bylaw. There was discussion of whether this would be included in the BLUO or as a stand-alone document, as well as who would be the staff person to enforce the bylaws. Mr. Biasuzzi noted Dave Atherton would have more expertise in this area, as Mr. Biasuzzi understands the concepts but does not have Flood Plain certification. Permitting would remain the responsibility of the Zoning Administrator. Mr. Biasuzzi noted there is also the option for him to get training to be proficient. Michael Shank questioned how the Flood Plain Management works. Mr.

Biasuzzi advised if a property has a flood erosion zone, no construction can be done without a review by Flood Plain Management. Mr. Bove advised that in addition to the local review, the State will also have 30 days to review the permit. There is a financial advantage to having a Flood Plain bylaw, as there is more ERAF (Emergency Relief Assistance Fund) monies. In the case of a disaster, the Federal funding is 75% and of the remaining 25%, the State will pay 12.5%, however, if a town has a River Corridors bylaw, they will fund 17.5%. FEMA establishes the inundated flood areas and the State establishes the river corridors. Mr. Bove confirmed it would not make a difference if the Flood Corridors was a stand-alone bylaw. Mr. Shank noted if Mr. Atherton were inclined to be the point person, it would be advantageous for it to be a stand-alone document. Mr. Biasuzzi advised the BLUO would be amended to indicate if the property is in a river corridor area, it would have to be reviewed under the River Corridor ordinance and would be a side requirement to a local zoning ordinance. Generally existing construction can be maintained, but if it needs to be replaced it would have to go through the River Corridor ordinance. Ed Bove advised the Town would not want overlay districts if it is a standalone ordinance. If a separate district for river corridors and flood hazard are created, it would be its own piece of zoning. Mr. Bove noted this is not prohibiting new development, but it must be built in a different way and there are ways that it is minimally restrictive. Mr. Biasuzzi stated most zoning administrators are not qualified in the technical standards for FEMA and Mr. Bove advised that is where the State becomes involved. Michael Shank stated there will need to be a discussion with the Town Manager concerning whose office will be responsible for the bylaw and how it will impact the overlay issue. Mr. Bove stated the Town's bylaws already touch on some of the items and the information should be the same in both documents. Mr. Biasuzzi noted the Town's zoning recognizes there are many non-conforming lots and addresses exemptions, which authorizes the zoning administrator to apply waivers without the DRB's involvement. Rutland County currently does not have a Flood Plain manager. Ethan Nelson questioned the section on waivers and Mr. Bove advised there is some repetitive language in the waiver section that can be edited. Mr. Shank suggested scheduling a meeting to include Dave Atherton, Jeff Biasuzzi and Ed Bove to discuss the next steps. It was noted the State does not have a timeline for implementation and the Town currently has the 17.5% ERAF. The adoption process would include one Planning Commission hearing and two Select Board hearings. Mr. Bove stated there are 5 of the 27 towns in Rutland County that already has river corridor plans. Mr. Biasuzzi noted in terms of the number of permits impacted, the Town writes 70 to 80 per year and there may be 2 or 3 that could be affected by this ordinance.

6. Energy Plan and Public Hearing Process

Michael Shank advised the first Select Board hearing went well. The Select Board questioned the preferred site process as to why there needed to be a preferred list for prime solar sites since there are 700+ acres of prime solar acreage in the area. Mr. Shank advised that it was a requirement of the RRPC and the PUC for the Energy Plan and a benefit to determining preferred sites is the Town is proactively indicating sites that would be good for preserving the viewsheds. There is one more Select Board hearing scheduled for later in the month.

7. Old/New Business

Jeff Biasuzzi stated there are a couple of applications that will involve converting old barns to uses other than agriculture. Both applications will have to go through Act 250 and will be addressed by the DRB due to buildings being on lands with more than 10 acres. Mr. Biasuzzi noted that due to the Town's zoning regulations, the applications would be reviewed as if it were a one-acre town, though it is a 10-acre town.

Michael Shank questioned when the exemption ends for the temporary signage due to the construction project. Mr. Biasuzzi advised there was a provision for soft banners after the construction ended. Mr. Shank suggested approaching the Brandon Chamber concerning signage once the construction is completed.

8. Date of Next Meeting

Brandon Planning Commission Meeting
September 3, 2019

Tuesday, October 1, 2019 at 6:00PM – Brandon Town Office

11. Adjournment

The Committee Chair adjourned the meeting at 7:20PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary