

All Board and Committee meetings are going to be conducted electronically through this isolation period to keep folks safe and follow the Governor's request to limit public gatherings.

We are requesting that you use this call in option instead of physically attending a meeting:

To attend this meeting you have 2 options:

**Option 1: Video Conference This option is available only if:**

You have a computer with a built-in or external camera and microphone (Zoom Software download required)

Have a phone with a built-in camera (Zoom App download required)

- Visit: <https://zoom.us/j/2532794161> (This will prompt the download if you do not have the software/app already installed)  
Meeting ID (253 279 4161)

**Option 2: Conference Call: To dial in for audio only:**

1. Dial: (929) 205 6099
2. Follow instructions to enter Meeting ID (253 279 4161) then confirm by hitting pound
3. **When prompted to enter participant ID, just hit pound again to enter meeting**

Vermont Open Meeting Law states:

One or more members may participate and vote at a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as those members identify themselves when the meeting is convened, and are able to hear and be heard throughout the meeting. 1 V.S.A. § 312(a)(2).

A quorum or more members of a public body may also participate in a meeting electronically. The agenda for such meeting must designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member who attends electronically must identify himself or herself when the meeting is convened and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call. 1 V.S.A. § 312(a)(2)(C).

**Brandon Select Board Meeting**  
**April 13, 2020**  
**7:00 p.m.**

The Brandon Select Board will meet Monday, April 13, 2020 at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located at the Town Office at 49 Center Street and on the community bulletin board located at the Forest Dale Post Office. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

- 1) Call to Order
  - a) Agenda Adoption
- 2) Approval of Minutes
  - a) Select Board Minutes – March 23, 2020
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Adopt 2020 Local Emergency Plan
- 6) Appoint Green Up Coordinator
- 7) Schedule Public Hearings re: Proposed Brandon Land Use Ordinance Amendments
- 8) Fiscal
  - a) Warrant – April 13, 2020 – \$182,342.40
  - b) Route 7 Construction Warrant – April 13, 2020 – \$129,521.25
- 9) Adjournment

## **Brandon Select Board Meeting March 23, 2020**

**NOTE: These are unapproved minutes, subject to amendment and/or approval at a subsequent board meeting.**

**All in Attendance via Zoom.**

**Board Members In Attendance:** Seth Hopkins, Tim Guiles, Doug Bailey, Tracy Wyman, Brian Coolidge

**Others In Attendance:** Dave Atherton, Brent Buehler, Barry Varian, Carrie Mol, Bill Moore, Stephanie Jerome, Bernie Carr, Cathy Rausenberger, Wayne Rausenberger

The meeting was called to order by Seth Hopkins – Chair at 7:05PM.

### **1. Call to order**

**a) Agenda Adoption – Motion** by Brian Coolidge/Tracy Wyman to adopt the agenda as amended. **The motion passed unanimously.**

Add Item 6a - Consider Appointment of One Board Member to Sign Board Approved Warrants

### **2. Approval of Minutes**

**a) Select Board Meeting – March 9, 2020**

**Motion** by Tracy Wyman/Brian Coolidge to approve the minutes of the March 9<sup>th</sup> Select Board meeting. **The motion passed unanimously.**

### **3. Town Manager's Report**

Dave Atherton provided a report for the weeks of March 9<sup>th</sup> and March 16<sup>th</sup>, 2020.

#### ***Segment 6:***

Mr. Atherton is still waiting for a response from VTrans to see if they will cover the additional costs of the bridge slab. Casella has started bringing in supplies and equipment to finish up Segment 6. The completion date is still May 18, 2020 (date does not include the bridge slab). Mr. Atherton had a conference call today with the engineers and contractor and the estimate is a little closer.

#### ***Other happenings:***

Markowski has started pavement markings and locating water/sewer on Park Street. They are still planning on starting April 1<sup>st</sup>.

As of 3/20/20, we have received \$11,195.89 from the town forest timber sale. We will be putting it on hold during mud season and will resume as weather and conditions permit.

The Stormwater BMP grant for Pearl Street and the downtown parking lot was awarded to Watershed Consulting.

### ***Rec News:***

. The Brandon Rec Department has had to make changes to operations. All in person programming and events have been postponed through April 4<sup>th</sup>. The nature of our service and the efficiency/size of our Rec Department allows for us to be flexible and can typically make decisions to postpone events 2 weeks out. We are assessing every Friday. Other adjustments have included the temporary waiving of spring sport fees, to encourage folks to sign up now. Organizationally this makes sense as we can get kids signed up and work on the back-end organization and ready orders for uniforms and equipment (size, types, numbers etc.) so that when we get the go ahead to start playing, we can place those orders, start practicing and then send a pro-rated bill to parents.

. Planning continues for our delayed spring and our eventual summer and fall programming. There will be on-line and telephonic meetings for committees working on some old and new community events. Equipment is being changed over from the winter to spring/summer.

. On-line gaming opportunities and social groups related to carefully crafted community experiences are being created. Small groups whose successes can be shared virtually by posting in groups (think scavenger/treasure hunts/geo caching, etc.)

. Carefully curated volunteer opportunities around recreation infrastructure improvements for folks that are looking for opportunities for families to get outside while helping the recreation department. A family volunteering sign-up to help with a specific project and providing tools for them to do so.

Seth Hopkins asked how the Town staff is doing and if there is anyone who cannot do their jobs due to illness or due to the restrictions from the government. Dave Atherton reported there are no restrictions right now due to the Police Department and Public Works being essential services. Office staff are distanced, and the Town Office is closed to the public, with personnel available via email or telephone. Business will be done as usual for as long as possible and most people in the office have the option of working from home. The Town staff is healthy and operational. Wastewater is increased due to disinfecting wipes and the use of paper towels rather than toilet paper. Mr. Atherton stated information will be placed on the Town's website, Facebook and at the Town's posting locations of what to flush and what not to flush. Currently the wastewater system is good. Bernie Carr requested the information be sent to him to include in the Brandon Chamber's newsletter also. Mr. Carr

questioned the timeline for the Midway Oil/Dunkin Donuts project. Mr. Atherton advised they are still looking at April 1<sup>st</sup> as a start date. Mr. Carr asked the Town Manager to confirm if the project is going to be delayed, as there will need to be gravel put down in the back parking lot to assure that it is ready for the busy season. Mr. Atherton advised the Town has been maintaining the access and there is a right of way through their property. Some of the landlords have been given permission to park cars on the west side and the EV stations are scheduled to be going in soon.

Carrie Mol asked if there is any information that can be sent to the Park Street residents about not doing the interior surveys for Park Street. Dave Atherton stated this came about on Friday and he advised that the surveys should be done, and it has not been confirmed yet that only outside inspections would be done. Ms. Mol suggested when the information is received, it should be sent to the residents, as this is confusing. Mr. Atherton stated the Town was planning to have a Park Street information meeting that had to be cancelled, but he has been sending information by mail to the residents of Park Street. Ms. Mol suggested coming up with a virtual option. Seth Hopkins asked if there is a change from what was received last week from Markowski. Ms. Mol stated they want to inspect inside and outside, and residents had to let them know by the 27<sup>th</sup>, but they are now considering not doing the inside due to the crisis. Mr. Atherton will keep the Select Board posted. Bernie Carr suggested to stress the interior inspections get done post Segment 6.

#### **4. Public Comment and Participation**

Stephanie Jerome reported the Legislature was sent home last Friday and have been working from home. All legislation has been put on hold due to the crisis except voting on two bills related to COVID19. Ms. Jerome has been working with the Commerce Committee on unemployment insurance and employees of businesses that have been affected by COVID19 will have the ability to get 8 weeks of paid unemployment insurance. The only thing that keeps coming up is that small business owners do not pay into unemployment and do not qualify. The Federal legislation and the State's delegation are making sure the small business owners are part of the federal package. The Small Business Administration is also working on loans and there are other resources out there that they are working on. The Department of Labor has been stressed with requests and have increased their staff to get people enrolled. Small businesses need to let the Agency of Development know that they are having difficulty. With small businesses that are having problems repaying their loans, they need to talk with their creditors. The banks are well positioned to help out on their loan repayments. This State has ruled that no one can have utilities disconnected through April 30<sup>th</sup> and pharmacists can give 90-day supplies. Two of the local internet providers have programs to get more people connected, with Comcast offering \$9.95 access for low income Vermonters and Southern Communications offering two months free. People with college loans also need to contact their vendors to get the conversation going. There has been tax relief for Room and Meals and State taxes for businesses. Federal and State taxes have been pushed out as well. Ms. Jerome has been getting information out on Facebook and Front Porch Forum and noted that she can assist with any direct questions the Town has. Bernie Carr requested clarification that Room and Meals taxes have been put off to the future, but not abated.

Brent Buehler asked if the legislators have to appear in person. Ms. Jerome reported the mandate is that they have to be on the floor to vote. Every day there is a Rules Committee meeting at 4PM to talk about the different rules to temporarily vote electronically. She does not see them going back into the State House for a while. There is a software for legislators to tally votes and do the different types of legislative voting. The two bills under consideration are for unemployment and health care that will likely pass unanimously. The leadership of the House has been phenomenal, and communication has been amazing. Ms. Jerome advised people can call or email her.

Tracy Wyman stated a resident had asked him about tax penalties. Dave Atherton stated there is the option in place for the Board of Civil Authority to abate taxes based on hardship, which would fit the criteria. He does not have the authority to waive the interest and penalty, but the Board of Civil Authority does have that authority and will be key when this is all over. Mr. Atherton stated the Town should watch and see how it plays out at the State and Federal level, as this is a global issue. Ms. Jerome encouraged people to take advantage of the statewide opportunities and talk with the Small Business Administration, if applicable, and the banks to see what can be done to lessen payments and expenses until the Federal legislation comes out.

Bill Moore spoke with REDC and they are working on emergency cash for businesses. He has also spoke with the Bank of Middlebury, Heritage and Lake Sunapee banks who are being responsive to make sure people have options.

Barry Varian stated with respect to the school district, they have had directives from the State regarding remote learning, meal plans and childcare for essential personnel. The district has been working hard on these efforts and it has been going well. At the next meeting he will provide more details on how it is working. Carrie Mol stated the way our school district has been handling academics is sending home 2-week packets of work that were delivered today and there will be a call tomorrow to discuss remote learning. The district is sending home lunch for any family that is requesting it for all students under the age of 18. Mr. Varian stated the meal plan is district wide and not just Brandon. Ms. Jerome is impressed with how the school district has handled this situation. It is a tremendous effort to get the schoolwork and meals to students. Ms. Mol stated the teachers and parents have come together and the superintendent has been awesome about keeping everyone informed. Hats off to the parents who are having to home-school their children, as it is not an easy process.

## **5. Resolution for VCDP Grant Application (Brandon Free Public Library)**

Dave Atherton stated this is a pass thru grant for the Brandon Library renovation that is required to be done through a municipality. This is a resolution as a follow-up from the meeting that was to be held, however, had to be cancelled due to the coronavirus issue. There will have to be a public meeting done, but the Select Board had voted to be the pass-through entity. This will authorize the Town Manager to be the authorized person for the grant.

**Motion** by Tim Guiles/Tracy Wyman to approve the Resolution for the VCDP grant application as a pass-through for the Brandon Free Public Library and appoint Dave Atherton as the contact person. **The motion passed unanimously.**

## **6. Consider Waiving Late Fees for Dog Licenses after April 1<sup>st</sup>**

Seth Hopkins stated there was a letter received from the VLCT regarding this subject. Sue Gage asked if the Board might consider waiving the late fees until May 1<sup>st</sup> because of the limited access of the town office.

**Motion by Tracy Wyman/Tim Guiles** to approve the waiving of late fees and extend the for-dog licenses until July 1<sup>st</sup>. **The motion passed unanimously.**

### ***6a. Consider Appointment of 1 Board Member to Sign Board Approved Warrants***

Seth Hopkins advised Vermont statutes allows for a board to approve one board member to sign the warrants that have been approved by the full board.

**Motion** by Doug Bailey/Tracy Wyman to authorize Brian Coolidge to be the signer of tonight's warrants after approved.

Dave Atherton asked if it will be done every meeting or a blanket motion. Tim Guiles questioned if the Library grant application would also require all board members' signatures. Mr. Atherton suggested documents that would require all board member signatures could be placed in the next board packet or an envelope could be placed at the back door of the town office for all members to stop and sign. Mr. Atherton noted that the Library document would require all board members' signatures.

**The motion passed with one abstention – Brian Coolidge.**

## **7. Tax Stabilization – Smith Block LLC**

Bill Moore stated Mr. Bonner is applying for the final year that extend the tax stabilization for the Smith Block to 10 years. Dave Atherton stated this is part of the Tax Stabilization policy and fits in with the policy guidelines. Seth Hopkins advised that Doug Bailey and he have reviewed the Tax Stabilization policy and to move from the 9<sup>th</sup> year to the 10<sup>th</sup> year it takes a million-dollar investment. Doug Bailey stated this has been a success story in taking a building that was underused and putting \$2 million of improvements into the building. The contractor doing the project has 80% of its employees as residents or shoppers to the area lends to the success story of the tax stabilization plan.

Brent Buehler questioned if the Town has been asking the owner about the parking arrangements for this building as Mr. Blake had brought up that Mill Road had been encroached upon. Seth Hopkins thanked Mr. Buehler for submitting his questions to the Board. Dave Atherton reported he has met with Mr. Bonner about the encroachment and has been advised that this will be corrected. With regard to parking, this subject was in accordance with the Brandon Land Use Ordinance and the apartments were approved because the Town has municipal parking areas within ¼ mile, one being behind Café Provence and the other being behind the Mobil station to allow for adequate municipal parking. Mr. Buehler asked why the owner offered to find additional parking because it is a challenge behind the building. Mr. Buehler asked how they encroached without penalty and whether the \$2.3 million in improvements becomes part of the

assessment. Mr. Moore stated the parking was a gesture of good will in looking to make it more convenient for his apartment residents. He is a responsible building owner and did take advantage of historic and state tax credits that are designed to encourage investments in the public infrastructure. Mr. Moore stated at the Town level, it freezes the assessment at the pre-investment amount of the property. The assessors will do an assessment and the Fire and Water district amounts will increase. Mr. Buehler noted one may invest a million into a property, but it may not be worth more than \$500,000. It was noted the assessors will come up with the assessed amount. Mr. Buehler again questioned how encroachment on Mill Lane was allowed. It was noted Mill Lane was a contractor problem that is being addressed and will be fixed. Mr. Atherton stated the issue came to the Select Board and he has since met with the owner and contractor and it will be addressed. This is a road that has not been maintained by the Town and the contractor will correct the retainer wall. Mr. Hopkins stated 10 years is the maximum for the tax stabilization and advised that it stabilizes only the Town tax but full amounts will be paid on Education tax and Fire tax. Mr. Atherton stated the Town is going through a reappraisal and there is a calculation that will indicate what the tax is for the stabilization and another assessment for the other taxes. Doug Bailey asked since there is enough off-street parking between the two municipal parking lots whether that is where the residents are to park most of the time. Bernie Carr noted this is an ongoing situation, but it is hoped to come to a resolution once the Town is post Segment 6. The parking behind the Mobil station will be available and there will be a discussion with all tenants and businesses to create a Parking policy, whether or not Mr. Bonner does something in a grander scale or not. Mr. Bonner is within his right to allow people to park in those lots. Mr. Carr stated there will be better policies before next winter with the parking as the Town moves along the process for everyone involved. Mr. Bailey stated the problem is when parking in the main business district and parking is being taken up for customers. Mr. Carr does not see significant parking of the tenants on Center Street and noted that at the DRB meeting it was a big concern and Mr. Bonner said that he will be a responsive landlord and will be sure that those issues are addressed.

**Motion** by Brian Coolidge/Tracy Wyman to approve the extension of the tax stabilization for the Smith Block LLC for the 10<sup>th</sup> year. **The motion passed unanimously.**

## **8. Discuss Policy for Selling at Town Asset**

Seth Hopkins noted the policy has been discussed at the last two meetings and Mr. Guiles has provided a draft for consideration.

**Motion** by Tracy Wyman/Brian Coolidge to table this policy until after the health issue has ended.

Seth Hopkins advised that motions to table are not amendable or debatable.

A vote on the motion was taken – 3 “No” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “Yes” votes (Tracy Wyman, Brian Coolidge) **The motion failed.**

Doug Bailey questioned the reason for tabling and Mr. Wyman stated with the Town Office being closed, he did not think it was a vital policy at this time and suggested addressing it at a later date.



**Motion** by Tim Guiles/Doug Bailey to pass the policy as presented.

Doug Bailey thought it had been agreed to include in the policy that the buyer would pay for advertising and legal fees, which was not included in this version. Tim Guiles stated when amending, Section C notes the advertising and legal fees and leaves it to the discretion of the Select Board of accepting an offer. Seth Hopkins thought the buyers would submit a bid to include advertising and legal fees and he does not want to leave it up to the Board as to whether the buyer will be asked to cover the costs or not with the offer. Dave Atherton stated the concern with the last offer was that it was not enough money and suggested the costs for the legal fees and advertising should be included in the policy if the Town is doing this to make money. Mr. Hopkins agreed it is more transparent to the buyer that they will be expected to do this. Mr. Atherton stated the Town might be spending more in attorney fees if it does not do that. Mr. Guiles stated he was trying to make the policy as simple as possible and leave latitude for the Select Board, with only placing a two-week waiting period on the sale. Mr. Bailey would like these items in the policy to treat everyone the same, as it has to be fair for all. It was suggested to amend Item 3 of Section C relating to the legal and advertising fees to include the items to be paid by the buyer.

**Motion** by Seth Hopkins/Doug Bailey to amend Item 3, Section C, to include the wording “to be paid by the buyer”.

Brent Buehler suggested the adjoining property owners should also be advised by certified mail, rather than regular mail. Doug Bailey agreed that it is best to have everyone know about a bid and it was suggested to place a notice in the Town Report each year, and he does not have a problem with mailing to the adjoining property owners. Seth Hopkins asked what happens with certified mail to the last known adjoining property owner that can't be delivered. Mr. Buehler stated there are 2 or 3 attempts made and then it is returned as not deliverable. Mr. Hopkins noted the majority of the lots would not have 911 addresses as they would not have road frontage or structures on them.

A vote on the amendment to Section C was taken – 3 “Yes” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “No” votes (Tracy Wyman, Brian Coolidge) **The motion passed.**

Doug Bailey asked if there is any opinion on mailing certified letters. Seth Hopkins would prefer the Town not go the route of sending certified mail. The purpose of the policy was discussed as something that already exists and designed to slow down the process one Select Board meeting so that people are aware of a piece of property the Select Board has received an offer for and certified mail will slow down the process even further.

A vote on the original motion was taken – 3 “Yes” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “Yes” votes (Tracy Wyman, Brian Coolidge) **The motion passed.**

## **10. Fiscal**

### ***a) Warrant – March 23, 2020 - \$46,787.90***

**Motion** by Doug Bailey/Tracy Wyman to approve the March 23, 2020 warrant in the amount of \$46,787.90. **The motion passed unanimously.**

Brian Coolidge will sign the warrants on behalf of the Select Board this evening.

***b) Route 7 Construction Warrant – March 23, 2020 - \$9,307.38***

**Motion** by Tracy Wyman/Doug Bailey to approve the March 23, 2020 Route 7 Construction warrant in the amount of \$9,307.38. **The motion passed unanimously.**

The Town Manager confirmed he has reviewed the warrants.

The Select Board recessed at 8:35PM.

The Select Board reconvened at 8:45PM.

**Motion** by Tim Guiles/Brian Coolidge to enter into executive session at 8:45PM regarding the appointment or reemployment or evaluation of a public officer or employee under the provisions of 1 V.S.A. 313(a)(3). **The motion passed unanimously.**

**11. Executive Session**

At 8:55PM, the Town Manager was asked to attend the executive session.

**Motion** by Brian Coolidge/Tracy Wyman to leave executive session at 9:04PM. **The motion passed unanimously.**

**12. Appointments**

***a) Planning Commission – Remainder of 3-year term ending June 30, 2022***

**Motion** by Tracy Wyman/Brian Coolidge to table the appointment until Town Manager could get a VLCT opinion. **The motion passed unanimously.**

**14. Adjournment**

**Motion** by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 9:10PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

## **Town Manager Report for weeks of March 23<sup>rd</sup>, March 31<sup>st</sup> and April 6<sup>th</sup>, 2020**

### **Segment 6:**

Attended a few video conferences with VTrans, Casella, Dubois & King and Fuss & O'Neil to discuss Bridge Slab repair cost and if there can be any value engineering to decrease the cost.

### **Other Happenings:**

I have submitted another application for a property buyout on Newton Road. It is the property located at 389 Newton Road.

Updated the Local Emergency Management Plan for 2020.

Had a video call with Jim Pease at DEC Clean Water Initiative Program to discuss a few sites in town that fall in the 3 acre + impervious surface regulations. We will be discussing further on how the Town can assist these property owners in complying with the new stormwater runoff regulations.

### **COVID-19:**

We have established the following protocol for keeping employees safe from possible contamination:

- Town Office staff has been asked to work from home as much as possible. However, there are a good amount of tasks that we still need to be in the office to perform.
- The Town Office remains locked and we have asked the public to either call, email or fax to contact us.
- The Highway Department is still working. We assigned each person a truck early on and have allowed them to go home if they need to use the bathroom and ask that they do not come to work if they don't feel good. We have been using our sweeper for the Trackless and the sweeper attachment for the loader to clean sidewalks, curbs and roads. We are still patching potholes and picking up a disgusting amount of trash on the roadsides.
- The two wastewater employees have been alternating weeks at the plant.
- The PD unfortunately has to continue operations as normal. We are trying to stock up on masks, glove and suits as well as sanitizer to help keep them safe.
- The Town Hall remains locked and all of our recreational parks have been closed and will not be used during the Stay Home, Stay Safe order.
- Bill Moore continues to get information out to businesses for the financing and compensation offered by the State.

**Other items will be covered in the agenda.**

**esmith@townofbrandon.com**

---

**From:** Jim Leary <jimleary@sover.net>  
**Sent:** Sunday, March 29, 2020 9:10 AM  
**To:** esmith@townofbrandon.com  
**Subject:** RE: Green-up Coordinator

yes.

Thx,

Jim

---

**From:** esmith@townofbrandon.com <esmith@townofbrandon.com>  
**Sent:** Wednesday, March 18, 2020 12:19 PM  
**To:** jimleary@sover.net  
**Subject:** Green-up Coordinator

Hi Jim,

Are you interested in serving as our Green-up Day Coordinator this year? Please let me know.

Thanks,

Elaine S. Smith  
Administrative Assistant  
Town of Brandon  
49 Center Street  
Brandon, VT 05733  
(802) 247-3635 ext. 201  
[esmith@townofbrandon.com](mailto:esmith@townofbrandon.com)

To: Brandon Select Board

From: Jeffrey Biasuzzi, assistant to the Planning Commission (PC)

Copies to: Brandon Planning Commission; Stephanie Jerome (Chair), Michael Shank (Interim Chair)

DATE: April 8, 2020

RE: Proposed Amended Brandon Land Use Ordinance (BLUO), Adoption of (revised) Article VIII, Flood Hazard Area and River Corridor Overlay Districts. Request to schedule Public Hearings by S.B.

---

Dear Select Board,

The PC held its Public Hearing on the referenced amendments to the BLUO March 16, 2020; resulting in a vote to send the Revision to the S.B. The S.B has to act within 120 days to hold two Public Hearings and approve (or not) the proposed changes to the Brandon Land Use Ordinance. I attach a summary of the statutory Legislative requirements.

Attached, per 24 VSA Sections 4441,4442,4444, and 4447, is a copy of **Article VIII: Flood Hazard Area and River Corridor Overlay Districts (pages 56 thru 73)** proposed to amend and replace the current Flood Hazard Area Regulations (Pages 49 thru 63) of the Brandon land Use Ordinance (last amended 8/27/2018). **All other sections of the current Land Use Ordinance are unchanged..**

The Planning Commission found the proposed change to Article VIII in compliance with the goals and policies contained the Town's Municipal Plan, and approved moving forward with the adoption process in the BLUO. The majority of the proposed changes to the Flood Hazard Area regulations were to clarify and implement the Town's policies to minimize development in river corridors, fluvial hazard zones, associated wetlands and upland forested areas. This effort should qualify the Town for reduced cost sharing requirements to repair flood damage.

Please refer all comments and questions to the Brandon Planning Commission C/O Brandon Town Office, 49 Center Street, Brandon, VT 05733 or email [michael.john.shank@gmail.com](mailto:michael.john.shank@gmail.com).

Respectfully yours,



Enc./Cc: ZA, Planning Commission



## Planning Commission Report for Municipal By-Law Amendments 2/15/2020

This report is in accordance with 24 VSA Section 4441(c) and subsection 4384(c) which requires that the Town Planning Commission prepare a written report on proposals for an Amendment to the Municipal by-laws. The following references are to the Brandon Town Plan (the Plan), adopted 2/22/2016. This report shall provide:

- A. *"A brief explanation of the proposed by-law, amendment... and include a statement of purpose, as required under Section 4444 of this title."*

Brandon's history with flood events have resulted in the current (pro-active) regulations for floodways, special flood hazard, and flood erosion hazard areas. These are intended to minimize risk to persons and property, the Town infrastructure, and the environment. The proposed amendments are intended to implement new data and advanced river management science in addressing development in these risk prone areas, and includes new River Corridor identification and its limitations to development in these corridors.

- B. *"Conforms to future goals and policies contained in the municipal plan, including the effect on safe and affordable housing."*

Development in flood prone locations is contrary to (both) safe or affordable housing; especially considering the costs of flood resistant construction and required FEMA flood insurance. The proposed amendments conform to the Flood Residence policy in the Plan, which included future compliance with 24 VSA 4382(12)(a) to minimize new or replacement development in flood risk areas.

- C. *"Is compatible with the Future Land Uses and destines of the municipal plan"*

The proposed amendments conform with the goal for Future Development policy of the Plan by limiting developing land that has natural constraints, such as flood hazards.

- D. *"Carries out, as applicable, specific proposal for any planned community facilities"*

The Town has been active in purchasing flood prone properties, and transforming them into other flood hazard area compatible uses such as public park or parking areas. Other potential uses include wildlife habitats, athletic fields, fishing access or picnic areas.

Respectfully submitted;

**Jeffrey M. Biasuzzi**

Jeffrey M. Biasuzzi, Zoning Administrator  
Assistant to Brandon Planning Commission  
Zoning@TownofBrandon.com

## II. LEGISLATIVE HEARING(S)

### A) Changes to proposed bylaw/amendment/repeal

**Deadline for action:** 15 days prior to final hearing date

The legislative body may change the proposed bylaw/amendment/repeal, but shall not do so less than 14 days prior to the final public hearing. If substantial changes are made in the concept, meaning, or extent of the proposed bylaw/amendment/repeal, it shall warn a new public hearing(s). If any part of the proposal is changed, the change shall be filed at least 10 days prior to the public hearing with the municipal clerk and with the planning commission. The planning commission shall amend its report to reflect the changes made and submit it thereon to the legislative body prior to or at the public hearing.

**Statutory reference(s):** §§4442

**Filing Date:** \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** copy of proposed changes as warned, and filed with clerk and planning commission. Planning commission report if submitted prior to hearing

### B) Hearing Notice

**Deadline for action:** 15 days prior to the first hearing date

Not less than 15 nor more than 120 days after a proposed bylaw/amendment/repeal is submitted to the legislative body of the municipality, the legislative body shall hold one or more public hearings, following 15 days public notice, on the proposed bylaw/amendment/repeal. All hearings must be warned in accordance with the notice requirements under §4444. The legislative body must make copies of proposal and written report by PC available to the public upon request. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The legislative body has two options under §4444

- 1) Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing, with either the full text of the material, or a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined; or
- 2) Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §§4442 and 4444

**Posting Dates:**

Municipality (2 locations minimum)

Version Warned \_\_\_\_\_

Municipal Clerk's Office \_\_\_\_\_

Newspaper: \_\_\_\_\_ Publication Date \_\_\_\_\_

**AND, either:**

- 1) post the full text or a summary including: ☐ a statement of purpose; ☐ geographic areas affected; ☐ table of contents/listing of section headings; and ☐ a description where the full text may be examined;

**OR**

- 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:

☐ the hearing notice; ☐ a copy of the full text; or ☐ summary **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dates copy of proposed plan/amendment/repeal with planning commission report, as warned, copies of vote checklist and grand list, if applicable

**C) Legislative Body Hearing(s).**

**Deadline for action:** *not less than 15 nor more than 120 days following submission by the planning commission (for the first hearing); as warned*

As noted, not less than 15 nor more than 120 days after a proposed bylaw/amendment/repeal is submitted to the legislative body, it shall hold the first of one or more public hearings, after public notice on the proposed bylaw/amendment/repeal. Also as noted above, if the legislative body makes any substantial changes, it shall warn a new public hearing or hearings and file the proposed changes with the clerk and planning commission at least 10 days prior to the final public hearing as warned. *Note: Failure to hold a hearing within 120 day period does not invalidate the adoption of the bylaw/amendment/repeal.*

**Statutory reference(s):** §§4442 and 4444

**Hearing Date(s):** \_\_\_\_\_

**Locations:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** record of proceedings, attendance, planning commission report as submitted

**III. ADOPTION OF MUNICIPAL BYLAW/AMENDMENT/REPEAL**

**A) Legislative Body Adoption.**

**Deadline for action:** *Within one year of date of final planning commission hearing*

Bylaws, amendments, and/or repeals, unless otherwise noted under subsection III. B and C (Australian ballot options and exceptions to routine adoptions) shall be adopted or rejected by a majority of the member of the legislative body at a meeting which is held after final public hearing, and shall be effective 21 days after adoption, unless petitioned for popular vote (see below).

**Statutory reference(s):** §4442(c)

**Date of Meeting/Vote:** \_\_\_\_\_

**Action:** Adopted ☐ Rejected ☐ **Initialed:** \_\_\_\_\_

**On file:** meeting minutes, record of vote, dated copy of proposed bylaw/amendment/repeal as accepted or rejected by legislative body

- (1) Petition for Popular Vote. A vote by the legislative body on a bylaw, amendment, or repeal shall not take effect if five percent of the voters of the municipality petition for a meeting



*DRAFT*

Brandon Land Use Ordinance

May 29, 2006

Amended February 22, 2010 and March 22, 2010

Amended February 27, 2012, Amended May 7, 2012,

Adopted January 5, 2017

Amended August 27, 2018

Amended \_\_\_\_\_, 2020

Article VIII. Flood Hazard Area and River Corridor Overlay Districts

800. Statutory Authorization and Effect

801. Statement of Purpose

802. Other Provisions

803. Abbreviations and Definitions

804. Administration

805. Certificate of Occupancy

806. Enforcement

807. River Corridor Overlay District

808. Development Review in River Corridors

809. Flood Hazard Area Overlay District

Jeff Biasuzzi  
Zoning Officer  
Email: [jbiasuzzi@townofbrandon.com](mailto:jbiasuzzi@townofbrandon.com)



49 Center Street  
Brandon, VT 05733

## **Article VIII. Flood Hazard Area and River Corridor Overlay Districts**

### **Section 800. Statutory Authorization and Effect**

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established regulations for areas at risk of flood damage in the Town of Brandon, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

### **Section 801. Statement of Purpose**

It is the purpose of Article VIII to:

- (a) Implement the goals, policies, and recommendations in the current municipal plan;
- (b) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- (c) Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor,
- (d) Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Brandon, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.
- (e) Make the Town of Brandon, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

### **Section 802. Other Provisions**

#### **Precedence of Bylaw**

- (a) The provisions of this flood hazard regulation shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

#### **Validity and Severability**

- (b) If any portion of the flood hazard regulation is held unconstitutional or invalid by a competent court, the remainder of the flood hazard regulation shall not be affected.

#### **Warning of Disclaimer of Liability**

- (c) The flood hazard regulation does not imply that land outside of the areas covered by the flood hazard regulation will be free from flood or erosion damages. The flood hazard regulation shall

not create liability on the part of the Town of Brandon, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

### Section 803. Abbreviations and Definitions

#### (a) Abbreviations

The following abbreviations shall be the shortened form of the word or phrase indicated, the definitions of which may also be included in Section III below:

Ac.	- acre/acreage
AMP	- Appropriate Municipal Panel
AO	- Administrative Officer
ANR	- Vermont Agency of Natural Resources
BFE	- Base flood elevation
CFR	- Code of Federal Regulations
DRB	- Development Review Board
FEMA	- Federal Emergency Management Agency
FIRM	- Flood Insurance Rate Map
FHA	- Flood Hazard Area
FHBM	- Flood Hazard Boundary Map
FHO	- Flood Hazard Overlay District
Ft.	- Feet/foot
LOMA	- Letter of Map Amendment
LOMC	- Letter of Map Change
LOMR	- Letter of Map Revision
NA	- Not applicable
NAI	- No adverse impact
NFIP	- National Flood Insurance Program
RAPs	- Required Agricultural Practices
RCO	- River Corridor Overlay District
SF	- Square feet
VSA	- Vermont Statutes Annotated
VT	- Vermont
ZBA	- Zoning Board of Adjustment

#### (b) Construction of Language

Except where specifically defined herein, all words used in this Section shall have their common meanings. The word "shall" means the action is mandatory; and "occupied" and "used," in the context of structures and vehicles, shall be considered as though followed by "or intended, arranged, or designed to be occupied or used."

#### (c) Definitions

*"Accessory dwelling"* means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and

sanitation. See 24 V.S.A. § 4412(1)(E) for more information.

***“Accessory structure”*** means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”

***“Area of special flood hazard”*** is synonymous in meaning with the term “special flood hazard area” for the purposes of this bylaw.

***“Associated transportation and utility networks”*** means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream<sup>1</sup>.

***“Base flood”*** means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

***“Base Flood Elevation” (BFE)*** is the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

***“Basement”*** means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

***“BFE”*** see “Base Flood Elevation.”

***“Channel”*** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

***“Compensatory storage”*** means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

***“Common plan of development”*** means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

***“Construction trailer”*** means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

***“Critical facilities”*** means facilities that are vital to public health and safety, including police stations, fire and

---

<sup>1</sup> These do not include state transportation networks or power generation and transmission utility networks subject to the Public Utility Commission jurisdiction, as those are exempt from municipal regulation and are regulated under the State Flood Hazard Area & River Corridor Rule; <http://dec.vermont.gov/sites/dec/files/documents/wsmd-fha-and-rc-rule-adopted-2014-10-24.pdf>

rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.<sup>2</sup>

**“Designated center”** means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. Chapter 76A.

**“Development”** means any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials<sup>3</sup>.

**“Encroachment”** means activities or construction including fill, substantial improvements, and other development that may cause an increase in flood levels.

**“Equilibrium condition”** means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

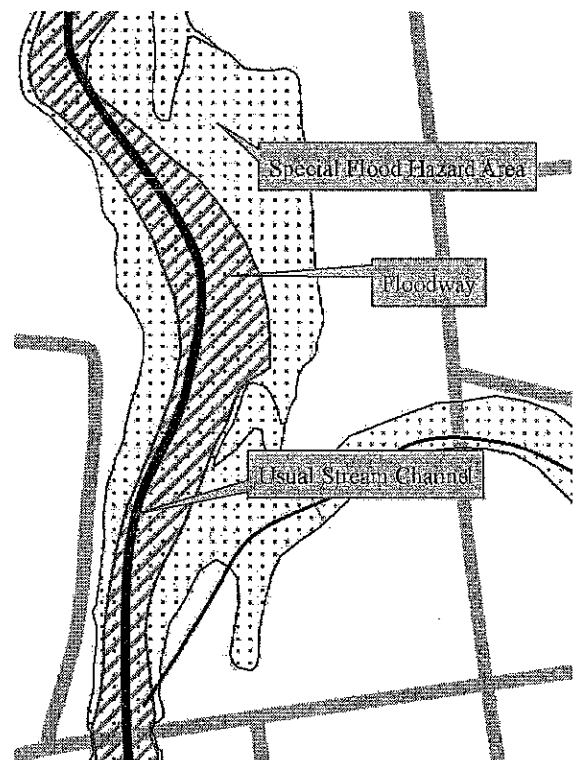
**“Fill”** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

**“Flood”** means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**“Flood fringe”** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a one percent chance of being equaled or exceeded in any given year).

**“Flood hazard”** means those hazards related to damage from flood-related inundation or erosion.

**“Flood hazard area”** shall have the same meaning as “area of special flood hazard” under 44 C.F.R. § 59.1. “Area



<sup>2</sup> A community may opt to expand the definition to include other structures as essential to the health and welfare of the population and that are especially important during and after a disaster. For example, the type and location of a business may raise its status to a critical facility, such as a grocery store or gas station.

<sup>3</sup> Note this definition is required by the National Flood Insurance Program and differs from “land development” defined in 24 V.S.A. Chapter 117.

of special flood hazard" is synonymous with the term "special flood hazard area."

**"Flood Insurance Rate Map" (FIRM)** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

**"Flood Insurance Study"** means an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**"Floodplain or flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "flood").

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.

**"Fluvial erosion"** means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

**"Functionally dependent use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

**"Grading"** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered "fill" and shall not be considered grading.

**"Historic structure"** means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

**"Infill development"** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

**"Letter of Map Change (LOMC)"** is a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

***"Lowest floor"*** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. § 60.3.

***"National Flood Insurance Program"*** means the National Flood Insurance Program under 42 U.S.C. chapter 50 and implementing federal regulations in 44 C.F.R. parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

***"Natural and beneficial floodplain functions"*** means the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and recharge of ground water.

***"New construction"*** means structures for which the *start of construction* commenced on or after the effective date of this bylaw and includes any subsequent improvements to such structures.

***"Nonconforming structure"*** means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

***"Nonconforming use"*** means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

***"Non-residential"*** includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

***"Person"*** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

***"Public water access"*** means a public access to a water of the State and, except for toilet facilities, shall not include structures as defined in this bylaw.

***"Recreational vehicle"*** means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

***"Redevelopment"*** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

***"Replacement structure"*** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

**"River"** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

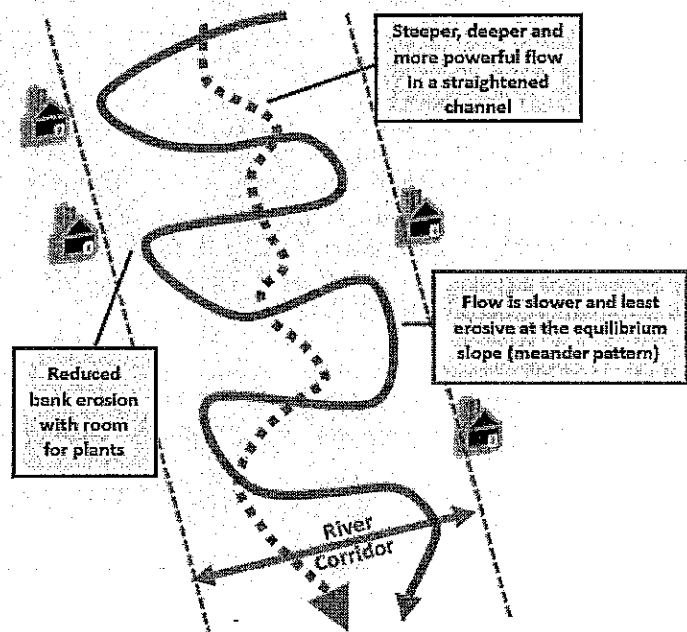
**"River corridor"** means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).

**"Special flood hazard area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area." This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

**"Start of construction"** for purposes of floodplain management, determines the effective map or bylaw that regulated development in the special flood hazard area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Storage"** means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

**"Structure"** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.





**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial improvement”**<sup>4</sup> means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”

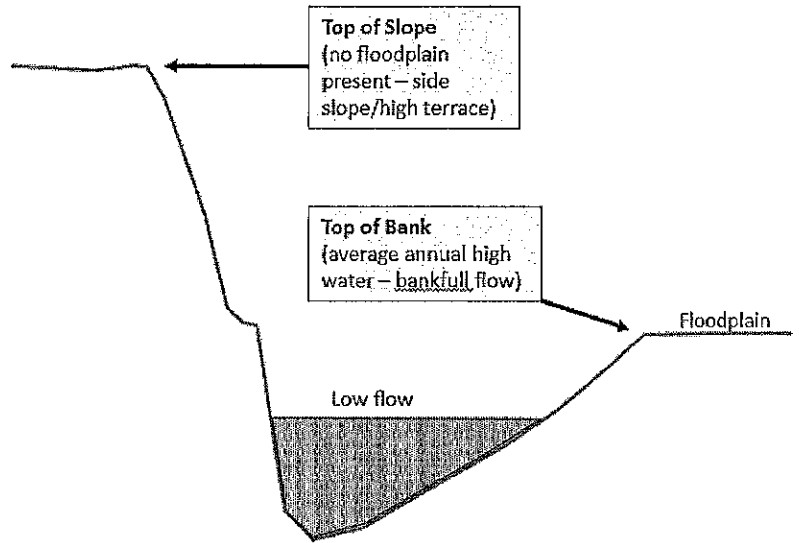
**“Top of bank”** means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

**“Top of slope”** means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

**“Violation”** means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

**“Watercourse”** means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

**“Wet-floodproofing”** means permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding by allowing water to enter the structure in accordance with Technical Bulletin 7 published by FEMA. <https://www.fema.gov/media-library/assets/documents/3503>



## Section 804. Administration

### (a) Administrative Officer & Appropriate Municipal Panel

#### (1) Administrative Officer (AO)

- i. An Administrative Officer (AO) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448 and **Article X. Administration.**

<sup>4</sup> For further guidance, see *FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference*: <https://www.fema.gov/media-library/assets/documents/18562>

(2) Appropriate Municipal Panel (AMP)

- i. The Appropriate Municipal Panel (AMP) for this bylaw shall be the Development Review Board (DRB). See **Article X. Administration.**

(b) Application Administration Requirements

(1) Application Submission Requirements

All Applications for development shall include:

- i. **Site Plan.** A site plan that depicts the proposed development, all water bodies, all (Flood Hazard Area and River Corridor Overlay Districts) boundaries, the shortest horizontal distance from the proposed development to the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
- ii. **Project Review Sheet.** A Vermont Agency of Natural Resources Project Review Sheet.
- iii. **Supplemental Application Requirements.** Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application, as required below:
  - a) **Base Flood Elevation (BFE).** BFE information is required for:
    - i) Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided;
    - ii) Projects requiring elevation or dry-floodproofing above BFE;
    - iii) Additions to existing historic structures; and
    - iv) Any accessory structure proposed to be built in accordance with Section 808 and having building utility systems that will need to be protected from flood waters through elevation above the BFE.
  - b) **Floodway Data.** The following information is required for development located in the floodway. All floodway data shall be certified by a registered professional engineer. All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.
    - i) Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway District.
    - ii) In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no floodway areas have been designated, the applicant shall provide a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one foot at any point within the community.
  - c) **Compensatory Flood Storage.** The following information is required for applications that require compensatory flood storage pursuant to Section 808:
    - i) Designs shall provide equivalent storage volumes during peak flows up to and

including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.

- ii) If it appears that the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
- d) **River Corridor Assessment.** The following information is required for applications proposing development within the river corridor:
- 1. Information clearly demonstrating how the proposed development meets the infill or shadowing requirements in Section 807; or
  - 2. A narrative and supporting technical information from a qualified consultant that demonstrates how the proposal meets the River Corridor Performance Standard in Section 807 or
  - 3. Evidence of an approved major or minor map update issued by ANR in accordance with the process outlined in the DEC Flood Hazard Area & River Corridor Protection Procedure, finding the proposed development is not located within the river corridor. Please note that ANR may require the applicant to provide technical data from a qualified consultant to justify a map update.
- e) **Waivers.** Upon written request from the applicant, the DRB may waive specific application requirements when the data or information is not needed to comply with Sections D. and E. of this bylaw. A determination to waive the compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that project will have only a minimal effect on floodwater storage.

## (2) Referrals

- i. Upon receipt of a complete application for new construction or a substantial improvement, the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The AO and DRB shall consider all comments from ANR.
- ii. Any application for a proposed conditional use or a request for a variance from these regulations shall be referred to the DRB in accordance with 24 V.S.A. § 4460.
- iii. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

- (3) Public Notice  
See **Article X. Administration.**

- (4) Permits  
See **Article X. Administration.**

- (5) Variances

See **Section 1011. Variances.**

If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.

- i. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.
- (6) Appeals of a Permit Decision

- i. Appeals from any decision or act of the AO in connection with these regulations shall be made according to Section 1010. Appeals. Additional provisions applicable to appeal of a substantial improvement or substantial damage determination made by the AO can be found in subparagraph C.III.B.4 [Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures], below .

- (7) Administrative Responsibilities, Records

The AO shall properly file and maintain a record of:

- i. All permits issued for development under the jurisdiction of this bylaw:
    - a. A FEMA Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the Flood Hazard Area;
    - b. All floodproofing and other certifications required under this regulation;
    - c. All decisions of the AO and DRB (including those for substantial improvement, substantial damage, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
  - ii. Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures
    - a. When a proposal for the renovation, rehabilitation, restoration, or repair of a structure located within any Flood Hazard Overlay District is reviewed, the AO shall make a substantial improvement determination.

- b. In the event of damage to a structure located within any Flood Hazard Overlay District from flooding or other causes (such as, but not limited to, fire, wind or snow), the AO shall make a substantial damage determination based on the damage sustained by the structure regardless of intended repair at that time.
- c. Substantial improvement or substantial damage determinations shall be made in accordance with current FEMA guidelines<sup>5</sup> or procedure established by the DRB in accordance with 24 V.S.A. § 1972 and 24 V.S.A. § 4461 and shall be used to determine the appropriate development standards for repair and rebuilding.
- d. A substantial improvement or substantial damage determination can be appealed by an applicant or property owner to the DRB in accordance with sub-paragraph C.II.G [Appeals of a Permit Decision] of this bylaw. In the consideration of an appeal of the AO's determination, the DRB shall consider additional documentation provided by the applicant which may include:
  - 1. A recent building appraisal (within the past calendar year, or as determined to still be applicable) completed by a licensed and qualified real estate appraiser that documents the structure's market value (excluding land value) prior to the damage or improvement; or
  - 2. A project/repair cost estimate provided by a qualified contractor, professional engineer or licensed architect. The material and labor cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development; or
  - 3. In the case of substantial damage, an estimate of structure damage provided or reviewed by a local official from FEMA's *Substantial Damage Estimator* software.

## **Section 805. Certificate of Occupancy**

See **Article X Administration – Section 1007.**

All required as-built documentation has been submitted to the AO, e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis.

## **Section 806. Enforcement**

See **Article X Administration – Section 1014.**

No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

---

<sup>5</sup> FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference: <https://www.fema.gov/media-library/assets/documents/18562>

Activity	Hazard Zone	
	Flood Hazard Area Overlay	River Corridor Overlay
P Permitted		
C Conditional Use Review		
X Prohibited		
A Exempted		
New Structures	C	X
Storage	X	X
Improvements to Existing Structures	C	C
Small Accessory Structures	P	C
At Grade Parking	C	C
Replacement water supply or septic systems	C	C
Fill as needed to elevate existing structures	C	C
Fill	X	X
Grading	C	C
Road maintenance	A	A
Road improvements	C	C
Bridges and culverts	C	C
Channel management	C	C
Recreational vehicles	C	C
Open space, recreation	A	A
Forestry	A	A
Agriculture	A	A

## Section 807. Erosion: River Corridor Overlay (RCO) District

### (a) Statement of Purpose for Managing River Corridors

Protection of the river corridor provides rivers and streams with the lateral space necessary to maintain or reestablish floodplain access and minimize erosion hazards through natural, physical processes. It is the intent of this bylaw to allow for wise use of property within river corridors that minimizes potential damage to existing structures and development from flood-related erosion, to discourage encroachments in undeveloped river corridors and to reasonably promote and encourage infill and redevelopment of designated centers that are within river corridors.

### (b) RCO District General Provisions

#### (1) Establishment of RCO Districts

The RCO is an overlay district. All other requirements of the underlying district or another overlay district such as the Flood Hazard Overlay District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply.

## (2) RCO District Boundaries

- i. Article D of this bylaw shall apply to the Statewide River Corridors in the Town of Brandon, Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data based on field-based assessments which are hereby adopted by reference.
- ii. On perennial streams with a watershed size greater than half a square mile for which River Corridors are not mapped<sup>6</sup>, the standards in Section D.IV [Development Standards] shall apply to the area measured as 50 feet from the top of the stream bank or slope.
- iii. Requests to update a river corridor map shall be in accordance with the procedure laid out in the ANR *Flood Hazard Area and River Corridor Protection Procedure*<sup>7</sup>.

## (3) Jurisdictional Determination and Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the RCO, the location of the boundary on the property shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO or the river corridor as mapped, the applicant has the option to either:

- i. Hire a licensed land surveyor or registered professional engineer to stake out the RCO boundary on the property; or
- ii. Request a letter of determination from ANR which shall constitute proof of the location of the river corridor boundary.<sup>8</sup> When ANR receives a request for a letter of determination, ANR evaluates the site and existing data to see if a change to the river corridor delineation is justified, necessitating a river corridor map update<sup>9</sup>. An ANR letter of determination will either confirm the existing river corridor delineation or will result in an update to the river corridor delineation for the area in question. If a map update is justified, an updated map will be provided with the letter of determination.

## Section 808. Development Review in River Corridor Overlay District

### (a) Exempted Activities

The following activities do not require a permit under this section of the bylaw:

---

<sup>6</sup> A GIS map layer is available from DEC Rivers Program indicating the small stream segments that require a 50-foot setback.

<sup>7</sup> [http://dec.vermont.gov/sites/dec/files/documents/DEC\\_FHARCP\\_Procedure.pdf](http://dec.vermont.gov/sites/dec/files/documents/DEC_FHARCP_Procedure.pdf)

<sup>8</sup> In support of a letter of determination request, applicants must provide a description of the physical characteristics that bring the river corridor delineation into question (e.g. the presence of bedrock or other features that may confine lateral river channel adjustment).

<sup>9</sup> River Corridor map updates are further explained in the Flood Hazard Area & River Corridor Protection Procedure: [http://dec.vermont.gov/sites/dec/files/documents/DEC\\_FHARCP\\_Procedure.pdf](http://dec.vermont.gov/sites/dec/files/documents/DEC_FHARCP_Procedure.pdf)

- (1) The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged.
- (2) Any changes, maintenance, repairs, or renovations to a structure that will not result in a change to the footprint of the structure or a change in use.
- (3) Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
- (4) Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
- (5) Construction or repair of stream crossing structures (bridges and culverts), associated transportation and utility networks<sup>10</sup>, dams, dry hydrants, and other functionally dependent uses that must be placed in or over rivers and streams that are not located in a flood hazard area and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
- (6) Activities exempt from municipal regulation and requiring a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29)<sup>11</sup>:
  - i. State-owned and operated institutions and facilities.
  - ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
  - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
  - iv. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
  - v. Telecommunications facilities regulated under 30 V.S.A. § 248a.
  - vi. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
  - vii. Subdivision of land that does not involve or authorize development.

(b) Permits

Except as provided in Section 808 (a) [Exempted Activities], a permit is required from the AO for all development that is located within the River Corridor. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO. Any development that is also subject to municipal jurisdiction in the designated flood hazard areas shall meet the criteria in Section 808 (or other section where flood hazard area standards are located).

- (1) All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

<sup>10</sup> New transportation or utility development that runs parallel to the river is not exempt and shall meet the Development Standards in Section IV.

<sup>11</sup> State-owned and -operated institutions and facilities, Forestry, Required Agricultural Practices, and Public Utility Commission jurisdictional facilities located in a Flood Hazard Area or River Corridor are regulated under the State Flood Hazard Area & River Corridor Rule, 10 V.S.A. § 754.



(c) Prohibited Development in the RCO District

The following are prohibited in the RCO District:

- (1) New structures, fill, development, and accessory dwellings<sup>12</sup> that do not meet the standards in Section 808 (f) [Development Standards];
- (2) Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

(d) Administrative Review; Permitted Development

The following development activities in the RCO District meeting the Development Standards in Section 808 (f), require an administrative review from the AO and may receive a permit from the AO without review by the DRB:

- (1) Small accessory structures not larger than 500 square feet.
- (2) Improvements to existing utilities that are along an existing right of way and serve a building.
- (3) Replacement on-site septic systems.
- (4) An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank.<sup>13</sup>
- (5) River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.<sup>14</sup>

(e) Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for any activity<sup>15</sup> in the RCO District that is not exempt or eligible for administrative review.

(f) Development Standards

The criteria below are the minimum standards for development in the RCO District. Where more than

---

<sup>12</sup> Depending on community settlement patterns, and to ease bylaw administration, some communities may consider simply prohibiting new structures within the river corridor (as opposed to allowing infill and redevelopment).

<sup>13</sup> An attached deck or patio does not include enclosed or three-season porches.

<sup>14</sup> Applicants should be made aware that any restoration project involving work within the stream channel may require a Stream Alteration Permit under 10 V.S.A. Chapter 41 and the rules adopted thereunder.

<sup>15</sup> This includes public water accesses and unimproved paths that provide access to the water for the general public and promote the public trust uses of the water. Permits for such accesses and paths must include a condition prohibiting the permittee from actively managing the section of river to solely protect the public water access from lateral river channel adjustment.

If there are pre-existing investments such as infrastructure or habitable structures in close proximity to the access, it may be appropriate to provide streambank armoring in compliance with the Vermont Stream Alteration Rules;

<http://dec.vermont.gov/watershed/rivers/river-management#rules>

one district is involved, the most restrictive standard shall take precedence.

- (1) Development within designated centers shall be allowed within the river corridor if the applicant can demonstrate that the proposed development will not be any closer to the river than pre-existing adjacent development.

- (2) Development outside of designated centers shall meet the following criteria:

- i. In-Fill Between Existing

Development: Development must be located no closer to the channel than the adjacent existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or

- ii. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2).

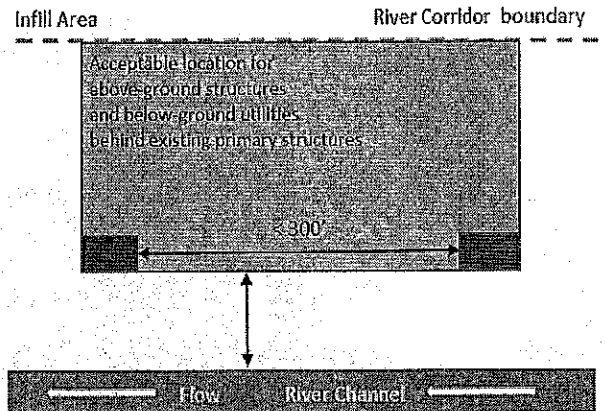


Figure 1: In-fill Development Standard

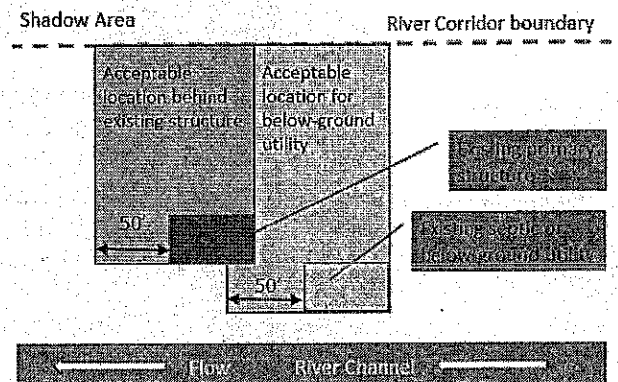


Figure 2: Shadow Area Development Standard

- (3) River Corridor Performance Standard<sup>16</sup>

- i. Proposals that do not meet the infill or shadowing criteria in Section 807 (f) [Development Standards] A or B must demonstrate and the DRB must find that the proposed development will:
  - ii. not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion;
  - iii. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and
  - iv. not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development, that would increase flood elevations and velocities or alter the sediment regime triggering channel adjustments and erosion in

<sup>16</sup> Depending on community settlement patterns and development plans, some communities may consider removing the river corridor performance standard to create a more restrictive bylaw that is easier to administer.

adjacent and downstream locations.

- v. Proposals that meet the infill or shadowing criteria in section f.[Development Standards] A or B, are presumed to meet the River Corridor Performance Standard. However, The DRB has the option to require an applicant to demonstrate that a proposal meets the River Corridor Performance Standard if there is a concern that the proposed development is at particular risk from fluvial erosion or may increase fluvial erosion, based on location or past flood damage.
- vi. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including:
  - a. a description of why the shadowing and infill criteria in D.IV.A or B cannot be met;
  - b. data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; or
  - c. Comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

#### (g) Permit Conditions

Permits for public water accesses and unimproved paths that provide access to the water for the general public and promote the public trust uses of the water shall include a condition prohibiting the permittee from actively managing the section of river to solely protect the public water access from lateral river channel adjustment.

### **Section 809. Flood Hazard Area Overlay (FHO) District**

#### (a) Statement of Purpose for Managing Inundation Hazards

- (1) To allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this hazard zone.
- (2) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.
- (3) Avoid encroachments in flood hazard areas that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
- (4) To protect infill and redevelopment from inundation hazards.
- (5) To discourage new encroachments on undeveloped property within the FHO that provide for floodwater and sediment storage.

#### (b) Lands to Which this Bylaw Applies

##### (1) Special Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHAs, hereafter referred to as “flood hazard areas” or “FHAs”) in the Town of Brandon, Vermont as described below. Flood Hazard Areas are identified in and on the most current flood insurance studies and maps<sup>17</sup> published by

---

<sup>17</sup> Where Flood Insurance Rate Maps have not been published, this includes Special Flood Hazard Areas identified on Flood Hazard Boundary Maps produced by the Federal Insurance Administration.

the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

#### Establishment of the FHO District

The FHO is an overlay district. All other requirements of the underlying district or another overlay district such as the River Corridor Overlay District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply. The flood hazard area, as delineated by FEMA, may contain two parts; the floodway where limited development may be permitted and the remaining part of the flood hazard area (outside of the floodway) called the flood fringe. Within the flood hazard area, the inundation risk and type of damages may differ according to the type of flooding that occurs. Therefore, the identified FHO district is separated into different sub-districts to provide protection based upon flooding type:

- i. The floodway - The floodway is depicted on the Flood Insurance Rate Maps/Flood Boundary and Floodway Maps for this community<sup>18</sup>
- ii. The flood fringe - identified as the area of the FEMA Special Flood Hazard Area (labeled as Zone A, AE, A1-30, AH, AO) outside of the floodway on the most current NFIP maps.
- iii. Unless one of these sub-districts is specifically named, reference to the FHO District Includes both. Unless one of these zones is specifically named, reference to the Flood Hazard Area Includes both sub-zones.

#### (2) Base Flood Elevations and Floodway Limits

- i. Where available, base flood elevations and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
- ii. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
- iii. In the FHO District where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data, as specified in Section 804 [Administration]. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

#### (3) Jurisdictional Determination and Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

- i. If uncertainty exists with respect to the boundaries of the FHO District, the location of the boundary shall be determined by the Administrative Officer (AO). The AO may require

---

<sup>18</sup> Please note that the floodway may be shown on a separate map panel entitled "Flood Boundary and Floodway Map" for maps made in 1986 or earlier. Maps can be accessed online at <https://msc.fema.gov>

additional topographic or base flood elevation information if necessary to make such determination. If available, the AO shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the FHO boundary and whether the proposed development is within the FHO.<sup>19</sup>

- ii. A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after the effective date of this bylaw shall not be used to remove lands from the jurisdiction of this bylaw.
- iii. When the AO deems a property is within the FHO District, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the AO's determination to notify the AO of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the AO has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

(c) Development Classifications and Permit Requirements in the FHO District

(1) Exempted Activities

The following activities do not require a permit under this section of this bylaw:

- i. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.
- ii. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
- iii. Interior improvements to existing buildings that cost less than 500 dollars.
- iv. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
- v. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
- vi. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
- vii. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
  - a. State-owned and -operated institutions and facilities.
  - b. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
  - c) Agricultural activities conducted in accordance with the Vermont Agency of Agriculture

---

<sup>19</sup> <https://www.fema.gov/letter-map-amendment-letter-map-revision-based-fill-process>

Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.

- d) Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
- e) Telecommunications facilities regulated under 30 V.S.A. § 248a;
- viii Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
- ix. Subdivision of land that does not involve or authorize development.

## (2) Permits

Except as provided in Section 809 (c) 1 [Exempted Activities], a permit is required from the AO for all development that is located within the FHO District. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO.

- i. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

## (3) Administrative Review; Permitted Development

The following development activities in the FHO District meeting the Development Standards in Section E.IV, require an administrative review from the AO and may receive a permit from the AO without review by the DRB:

### (A) Within the entire FHO District:

- i. Above grade development located on ground, which has not been elevated by the placement of fill, that is one foot above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
- ii. Open fencing and signs elevated on poles or posts that create minimal resistance to the movement of floodwater.
- iii. At-grade parking or other at-grade/below grade development that will not create an obstruction to flood flows.
- iv. Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
- v. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.

### (B) Within the Flood Fringe Sub-district:

- i. Improvements or repairs from damage to structures that do not expand the existing

footprint and do not meet the definition of “substantial improvement” or “substantial damage”.

- ii. Accessory structures not greater than 500 square feet.
- iii. Development related to on-site septic or water supply systems.
- iv. Building utilities.
- v. Recreational vehicles or travel trailers.
- vi. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available.

#### (4) Prohibited Development

Except as provided in Section 808 (c) 1[Exempted Activity], the following is prohibited:

##### (A) Within the entire FHO District:

- i. Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
- ii. New critical facilities.

##### (B) Within the Floodway Sub-district:

- i. New accessory structures.
- ii. New encroachments, except for minor improvements<sup>20</sup> to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.
- iii. Changes to existing structures where the footprint of the structure is proposed to expand laterally into the floodway greater than 500 square feet.
- iv. Storage of materials or junk yards.

#### (5) Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for any activity in the FHO District that is not exempt or eligible for administrative review.

#### (6) Non-Conforming Structures and Uses

- i. A nonconforming structure in the FHO District that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this bylaw;
- ii. Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 12 months. An abandoned structure shall not be permitted for re-occupancy unless brought into compliance with this bylaw. An abandoned use shall not be permitted unless brought into compliance with this bylaw.

#### (d) Development Standards

The criteria below are the minimum standards for development in the FHO District. If the floodway or flood fringe is not specified, the standard applies to the entire (FHO District/Flood Hazard Area). Where more than one district is involved, the most restrictive standard shall take precedence.

#### (1) Floodway Sub-district

Within the floodway sub-district, the following standards apply:

- i. New encroachments are prohibited within the floodway, except for the following, which also shall comply with Section 809 (d)(1)(ii), below:
  - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
  - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
  - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available;
- ii. For all proposed new encroachments and above-grade development, a hydraulic analysis is required to be provided for review. The analysis should be performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
  - a. Not result in any increase in flood levels during the occurrence of the base flood;
  - b. Not increase base flood velocities; and
  - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- iii. For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.
- iv. For any new encroachment that is proposed within the floodway sub-district where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR)<sup>21</sup>, in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.

#### (2) No Adverse Impact (NAI) Standard within the Flood Fringe

Within the flood fringe, the following standards apply:

##### (1) Compensatory Flood Storage

New development or redevelopment shall not decrease flood storage capacity. Therefore, except as noted in subsection (d) (2) [Compensatory Flood Storage Requirement Exceptions] below, development that displaces floodwater storage in the flood fringe shall provide compensatory storage to offset the impacts of the proposal. This is required when the development will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows up to and

<sup>21</sup> <https://www.fema.gov/conditional-letter-map-revision>



including the base flood discharge.

- i. Volumetric analyses<sup>22</sup> and supporting data, demonstrating compensatory storage to offset the impacts of the proposal, shall be provided by the applicant and certified by a registered professional engineer.
- ii. An applicant may submit a hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters in lieu of a NAI volumetric analysis.
- iii. Compensatory flood storage designs shall not materially impact adjacent landowners or structures.
- iv. If the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis shall be required to verify that a proposed development will not increase base flood elevations and velocities.

Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer

## (2) Compensatory Flood Storage Requirement Exceptions

- i. The NAI compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor above ground improvements such as fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the pre-development ground elevations. A determination to waive the NAI compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that the project will have only a minimal effect on floodwater storage.
- ii. For remediation of properties with contaminated soils, such as Brownfields sites, the NAI compensatory storage requirement may be waived, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
- iii. The NAI compensatory storage requirement may be waived for a replacement structure if:
  - (a) There is no increase in the structure's footprint, or
  - (b) An open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on post, piers, or pilings with no structural foundation walls below the design flood elevation.
- v. The NAI compensatory storage requirement may be waived for associated transportation and utility networks<sup>23</sup> and replacement on-site septic system proposals, if the applicant demonstrates that the placement of fill cannot be mitigated.

---

<sup>22</sup> For more information on volumetric analysis, please refer to ANR's Compensatory Flood Storage guide at <http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/state-permits>

<sup>23</sup> These do not include state transportation networks or power generation and transmission utility networks subject to the Public Utility Commission jurisdiction, as those are exempt from municipal regulation and are regulated under the State Flood Hazard Area & River Corridor Rule; <http://dec.vermont.gov/sites/dec/files/documents/wsmd-fha-and-rc-rule-adopted-2014-10-24.pdf>

(3) The FHO District (Zones A1-30, AE, AH, AO)

Within the FHO District, the following standards apply:

- (A) All development, except development that is exempt under Section 809 (c) 1, shall be:
- i. Reasonably safe from flooding.
  - ii. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
  - iii. Constructed with materials resistant to flood damage.
  - iv. Constructed by methods and practices that minimize flood damage.
  - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - vi. Adequately drained to reduce exposure to flood hazards.
  - vii. Required to elevate or floodproof any fuel storage tanks to at least two feet above the base flood elevation. This can be achieved by:
  - viii. Elevating the fuel storage tank a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the land-ward or downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated to two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces;
  - iv. In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building:
  - vi. The tank shall be securely anchored to prevent flotation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; or
  - vii. Storage tanks may be placed underground, if securely anchored and certified by a qualified professional and are protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.
- (B) For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems), shall be located on the landward or downstream side of the building and/or behind structural elements, and located and constructed to minimize or eliminate flood damage.
- (C) In Zones AE and A1 – A30 *where floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
- (D) For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- (E) Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:

- i. Be currently registered, licensed and ready for highway use; or
  - ii. Be on site for fewer than 180 consecutive days; or
  - iii. Meet the requirements for structures in Section 809 (h) [Development Standards], as appropriate.
- (F) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (G) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (H) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (I) The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream stability.
- (J) Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.
- (K) Subdivisions and Planned Unit Developments shall be accessible by dry land access outside of any FHO District
- (L) Structural Standards
  - i. New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.
  - ii. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
    - 1. Meet the standards of Section 809 (L) i., above; or
    - 2. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - 3. A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;
    - 4. Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.
  - iii. New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth

- number specified on the community's FIRM, or at least three feet if no depth number is specified.<sup>24</sup>
- iv. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.
  - v. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building shall meet the following mitigation performance standards for areas below the base flood elevation:
    - a. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
    - b. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
    - c. The building foundation shall be structurally sound and reinforced to withstand a base flood event;
    - d. The structure's historic designation shall not be precluded;
    - e. The likelihood of flood waters entering the structure during the base flood is reduced; and
    - f. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
  - vi. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
    - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
    - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
    - c. Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed above in (L) vi (a), above and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement.
  - vii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in (L) vi., above.

---

<sup>24</sup> Section 809 (d) (3) (L) iii is not required unless the community has AO zones on the community's Flood Insurance Rate Map.

- 1000. Purpose
- 1001. The Administrative Officer
- 1002. Acting Administrative Officer
- 1003. Land Use Permits
- 1004. Proper Applicant
- 1005. Content of Land Use Applications
- 1006. Procedures to be Followed by the Administrative Officer Upon Receipt of Land Use Applications
- 1007. Post-Completion Site Visits and Certificate of Occupancy
- 1008. Procedures for Handling Land Use Applications When the Administrative Officer Has a Conflict of Interest
- 1009. Powers of the Development Review Board
- 1010. Appeals
- 1011. Variances
- 1012. Conditional Uses
- 1013. Dwelling Units within the Central Business District
- 1014. Enforcement
- 1015. Burden of Proof
- 1016. Waivers

→ Section 1007. Post-Completion Site Visits and Certificate of Occupancy

- (a) In accordance with 24 V.S.A. § 4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within the areas affected by this bylaw, until a certificate of occupancy is issued by the AO stating that the proposed use of the structure or land conforms to the requirements of this bylaw.
- (b) A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.
- (c) Upon receipt of the application for a certificate of occupancy, the AO shall review the permit conditions and inspect the premises to ensure that:
  - i. any required state and federal permits that have been received, and
  - ii. all work has been completed in conformance with the zoning permit and associated approvals.
- (d) If the AO fails to grant or deny the certificate of occupancy within 29 days of the submission of the application, the certificate shall be deemed issued on the 30<sup>th</sup> day. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

The Administrative Officer shall visit the site of all approved projects after the project has been completed and document in the file the date of his visit and any appropriate findings.

Section 1010. Appeals

- (d) Whenever the DRB does not grant a conditional use permit or a variance request on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective DRB at a later time unless in accordance with 24 V.S.A. § 4470.
- a. The applicant shall clearly demonstrate that: Circumstances affecting the property that is the subject of the application have substantially changed, New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis shall be filed with the AO within the time period for an appeal. However, such a request does not extend the period within which an appeal shall be taken. Appeals from any decision or act of the DRB in connection with this bylaw shall be made to the Vermont Superior Court, Environmental Division as provided for in 24 V.S.A. § 4471.

# PUBLIC NOTICE

To: Interested Parties  
Chairs of Planning Commissions for Towns Abutting the Town of Brandon:  
Town of Pittsford, Town of Chittenden, Town of Leicester  
Town of Goshen, Town of Whiting, Town of Sudbury,  
Town of Hubbardton

Also to : Rutland Regional Planning Commission  
Vermont Department of Housing & Community Affairs

From: Brandon Planning Commission; Michael Shank (Interim Chair)

DATE: February 15, 2020

RE: Proposed Amended Brandon Land Use Ordinance (BLUO), Adoption of (revised) Article VIII,  
Flood Hazard Area and River Corridor Overlay Districts. Notice of Public Hearing.

---

Dear Planning Commissioners,

Enclosed, per 24 VSA Sections 4441, 4442, 4444, and 4447, is a copy of **Article VIII: Flood Hazard Area and River Corridor Overlay Districts** (pages 47 thru 73) and **Article X: Administration; Sections 1007(a-d) and 1010(d)** proposed to amend and replace the current Flood Hazard Area and Administration sections of the Brandon Land Use Ordinance (last amended 8/27/2018). **All other sections of the current Land Use Ordinance are unchanged.** A complete copy of the proposed BLUO will be mailed upon request, and can also be found on the Brandon Town website.

This is your Notice of the Planning Commission's only (required) Public Hearing for Comment on this amendment to the Brandon Land Use Ordinance is **scheduled for Monday, March 16<sup>th</sup>, 2020; beginning at 6:00 pm at the Brandon Town Hall, ground floor Conference Room (1 Conant Square).** A copy of this Notice is enclosed for public display. Please post this notice at public locations in your Township.

The Planning Commission found the proposed change to Article VIII in compliance with the goals and policies contained the Town's Municipal Plan, and approved moving forward with the adoption process in the BLUO. The majority of the proposed changes to the Flood Hazard Area regulations were to clarify and implement the Town's policies to minimize development in river corridors, fluvial hazard zones, associated wetlands and upland forested areas.

We would appreciate any comments that that you may have with respect to the compatibility of this amendment, and the overall regulations. Please refer all comments to the Brandon Planning Commission C/O Brandon Town Office, 49 Center Street, Brandon, VT 05733 or email [michael.john.shank@gmail.com](mailto:michael.john.shank@gmail.com).

Respectfully yours, *Michael J. Shank*

Enc./Cc: ZA, Planning Commission

04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 1 of 7  
Luanne

Vendor		Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
301024	AAA POLICE SUPPLY	03/25/20	ammo 80745	10-5-14-30120 Professional Supplies	1832.00	48272	04/13/20
310184	ABANAKI INC	02/05/20	box trailer rental 12727	10-5-18-20500 Storage Unit Supply/Maint	150.00	48273	04/13/20
310184	ABANAKI INC	04/05/20	box trailer rental 13172	10-5-18-20500 Storage Unit Supply/Maint	150.00	48273	04/13/20
200263	ALDRICH & ELLIOTT, PC	04/06/20	Park St Step III 79001	56-5-16-20100 Park St -Step 3 Engineer	3970.69	48274	04/13/20
200263	ALDRICH & ELLIOTT, PC	04/06/20	WWTF Refurbishment 79040	20-5-60-20120 Engineering	1660.00	48275	04/13/20
311005	ALGER, KRISTIAN	04/08/20	REFUND - trip cancelled 04/08/20	10-5-18-60010 Bus Trips	85.00	48276	04/13/20
100015	ALLEN ENGINEERING & CHEMI	03/23/20	chlorine 11151851901	20-5-55-50120 Sodium Hypochloride	478.50	48277	04/13/20
310709	BMI	03/02/20	annual music license 37453958	10-5-18-50090 Adult Activities	364.00	48278	04/13/20
300947	BRANDON AREA FOOD SHELF	04/10/20	Foley Bros challenge APRIL 2020	10-2-00-02116 Due to Brandon Foodshelf	3947.00	48279	04/13/20
100275	BRANDON FREE PUBLIC LIBRA	03/25/20	appropriation APRIL 2020	10-5-25-70470 Brandon Library	7666.67	48280	04/13/20
100280	BRANDON LUMBER & MILLWORK	03/19/20	wheelbarrow 822868/3	10-5-22-43160 Parks Maint.	69.99	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	03/17/20	return of breaker 823006/3	10-5-22-43140 Town Clock Maint.	-7.99	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	03/20/20	tape, cleaner, cement 823372/3	20-5-55-43160 Maint. Supplies - General	17.96	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	03/25/20	wheelbarrow tire 823852/3	10-5-22-43160 Parks Maint.	29.99	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	03/31/20	connectors 824435/3	10-5-22-43080 Highway Bldg Maint	17.58	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	04/06/20	painting supplies 825033/3	20-5-55-43160 Maint. Supplies - General	29.44	48281	04/13/20
100280	BRANDON LUMBER & MILLWORK	04/08/20	linseed oil 825334/3	20-5-55-43160 Maint. Supplies - General	9.48	48281	04/13/20
200218	BRANDON REPORTER	04/08/20	pc meeting 3/16 ad 3-31-2020	10-5-12-30310 Legal Advertising	52.00	48282	04/13/20
100310	BRANDON SENIOR CITIZENS C	03/25/20	appropriation APRIL 2020	10-5-25-70470 Brandon Library	1125.00	48283	04/13/20
310390	BTS, INC	03/31/20	install conference phone 13946	10-5-10-30130 Service Contracts	75.00	48284	04/13/20
310390	BTS, INC	03/31/20	install conference phone 13946	10-5-10-30210 Office Equipment	336.64	48284	04/13/20
100462	CASELLA WASTE MANAGEMENT	04/01/20	March trucking of sludge 2391823	20-5-55-50170 Trucking	1215.00	48285	04/13/20
310712	CELEBRATION RENTALS, INC.	06/11/20	tent for Carnival 18847	10-5-18-61050 Brandon Carnival	1010.00	48286	04/13/20
301503	CHAMPLAIN VALLEY FUELS	03/19/20	diesel fuel 358304	10-5-15-41130 Fuel - Vehicles HW	797.71	48287	04/13/20
301503	CHAMPLAIN VALLEY FUELS	03/25/20	heating fuel @ HWY 359187	10-5-22-42110 Heating Fuel	341.04	48287	04/13/20

04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 2 of 7  
Luanne

Vendor		Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
301503	CHAMPLAIN VALLEY FUELS	03/25/20	heating fuel @ Town Hall 359188	10-5-22-42110 Heating Fuel	221.71	48287	04/13/20
301503	CHAMPLAIN VALLEY FUELS	03/25/20	diesel fuel 359652	10-5-15-41130 Fuel - Vehicles HW	535.76	48287	04/13/20
301503	CHAMPLAIN VALLEY FUELS	03/27/20	gasoline 360207	10-5-14-41130 Fuel - Vehicles	237.15	48287	04/13/20
301503	CHAMPLAIN VALLEY FUELS	04/01/20	diesel fuel 360540	10-5-15-41130 Fuel - Vehicles HW	381.49	48287	04/13/20
310946	CINTAS	03/23/20	uniforms 4046023152	10-5-15-10320 Clothing Allowance	72.90	48288	04/13/20
310946	CINTAS	03/23/20	uniforms 4046023152	20-5-55-10320 Clothing Allowance	17.85	48288	04/13/20
310946	CINTAS	03/30/20	uniforms 4046658016	20-5-55-10320 Clothing Allowance	17.85	48288	04/13/20
310946	CINTAS	03/30/20	uniforms 4046658016	10-5-15-10320 Clothing Allowance	72.90	48288	04/13/20
310946	CINTAS	04/06/20	uniforms 4047262472	10-5-15-10320 Clothing Allowance	65.58	48288	04/13/20
310946	CINTAS	04/06/20	uniforms 4047262472	20-5-55-10320 Clothing Allowance	17.85	48288	04/13/20
310097	COMCAST	03/27/20	serv: 04/04 - 05/03 PD03/27/20	10-5-14-42100 PD Telephone Service	310.87	48289	04/13/20
310097	COMCAST	04/06/20	town office for April TO APRIL 20	10-5-10-42100 Telephone Exp. Admin.	454.55	48290	04/13/20
310097	COMCAST	03/30/20	waste water for April WW 3/21/20	20-5-55-42100 Wastewater Telephone	187.61	48291	04/13/20
310177	COTT SYSTEMS, INC.	03/25/20	cott host fee for april 133236	10-5-13-30123 Records Preservation	233.00	48292	04/13/20
311006	CZARNECKI, STEPHANIE	04/08/20	REFUND - trip cancelled 04/08/20	10-5-18-60010 Bus Trips	85.00	48293	04/13/20
100900	DENNISON, WILLIAM L	03/25/20	property tax over payment 0074-0653A	10-2-00-02120 Anticipated Tax Credits	330.67	48294	04/13/20
300466	DUNDON PLUMBING & HEATING	04/01/20	pump truck @ W Seminary 54421	20-5-55-20240 Contractors	450.00	48295	04/13/20
100494	ENDYNE INC	04/03/20	testing 327930	20-5-55-22120 Testing	25.00	48296	04/13/20
310956	ERICKSON, SHAWN	03/21/20	boot reimbursement MARCH2020	10-5-15-10320 Clothing Allowance	100.00	48297	04/13/20
100756	F W WEBB COMPANY	03/20/20	parts to install new tank 66751929	20-5-55-43160 Maint. Supplies - General	221.31	48298	04/13/20
100756	F W WEBB COMPANY	03/25/20	new parts to connect tank 66809178	20-5-55-43160 Maint. Supplies - General	53.56	48298	04/13/20
330422	FERGUSON ENTERPRISES LLC	03/02/20	calibration equipment R160820	20-5-55-41120 Safety Equipment	381.94	48299	04/13/20
100615	FISHER SCIENTIFIC COMPANY	03/30/20	buffers, filter pads 6200096	20-5-55-30120 Professional Supplies	195.59	48300	04/13/20
300187	FLORENCE CRUSHED STONE	03/14/20	3/4 minus, dolomite 228048	10-5-15-46140 Gravel	3298.68	48301	04/13/20
300187	FLORENCE CRUSHED STONE	03/23/20	gravel and sand 228074	10-5-15-47120 Winter Sand	3255.25	48301	04/13/20



04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 3 of 7  
Luanne

Vendor		Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
300187	FLORENCE CRUSHED STONE	03/23/20	gravel and sand 228074	10-5-15-46140 Gravel	4182.01	48301	04/13/20
101011	FOLEY DISTRIBUTING, INC	03/19/20	cleaners, tissue 369956	10-5-22-43180 Maint. Supplies Bldgs.	292.94	48302	04/13/20
101011	FOLEY DISTRIBUTING, INC	03/26/20	tissue, wipes 371455	10-5-22-43180 Maint. Supplies Bldgs.	250.70	48302	04/13/20
310426	FYLES BROS., INC.	03/23/20	propane for WW boiler 191058	20-5-55-42110 LP Gas - Bldgs	529.45	48303	04/13/20
310426	FYLES BROS., INC.	03/23/20	propane @ Town Hall 203145	10-5-22-42100 Heating - Propane	167.64	48303	04/13/20
310426	FYLES BROS., INC.	03/23/20	propane for WW generator 203887	20-5-55-42110 LP Gas - Bldgs	498.83	48303	04/13/20
310426	FYLES BROS., INC.	03/23/20	propane / WW main garage 203888	20-5-55-42110 LP Gas - Bldgs	145.20	48303	04/13/20
310426	FYLES BROS., INC.	03/30/20	propane / WW small garage 204776	20-5-55-42110 LP Gas - Bldgs	81.31	48303	04/13/20
310426	FYLES BROS., INC.	04/06/20	propane @ Town Office 205514	10-5-22-42100 Heating - Propane	84.88	48303	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/06/20	battery cable terminals 148204	10-5-15-41160 HW Maint. Supplies-Vehicl	17.97	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/17/20	oil filter, capsules 148601	10-5-15-41160 HW Maint. Supplies-Vehicl	62.32	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/17/20	oil 148603	10-5-15-41160 HW Maint. Supplies-Vehicl	27.98	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/24/20	air brake chamber 148815	10-5-15-41160 HW Maint. Supplies-Vehicl	100.00	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/25/20	cleaners 148849	10-5-15-41160 HW Maint. Supplies-Vehicl	13.06	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/25/20	adapter, wheel flaps 148870	10-5-15-41160 HW Maint. Supplies-Vehicl	17.99	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/25/20	hose end fitting 148873	10-5-15-41160 HW Maint. Supplies-Vehicl	45.01	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/27/20	parts for backhoe repairs 148931	10-5-15-41160 HW Maint. Supplies-Vehicl	134.95	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	03/30/20	gloves 148984	10-5-15-41160 HW Maint. Supplies-Vehicl	15.99	48304	04/13/20
100725	GREEN MOUNTAIN GARAGE	04/03/20	battery 149149	10-5-15-41160 HW Maint. Supplies-Vehicl	128.74	48304	04/13/20
300600	HOLLAND COMPANY INC	03/26/20	sodium aluminate 2336	20-5-55-50150 Sodium Aluminate	6296.16	48305	04/13/20
200322	HOWARD P FAIRFIELD LLC	03/20/20	spray pump 6967639	10-5-15-41110 New Equipment-Misc. Tools	242.28	48306	04/13/20
310259	KOFILE PRESERVATION INC	03/25/20	1r books and paper 232894	10-5-13-30123 Records Preservation	466.62	48307	04/13/20
100588	MARKOWSKI EXCAVATING, INC	04/01/20	Park St Const. # 1 PARK APP 1	56-5-16-20240 Park St Construction	59126.59	48308	04/13/20
310630	MASTERCARD	04/10/20	adobe pro dc 1 year 2-28-20	10-5-10-30110 Office Supplies	179.88	48309	04/13/20
310630	MASTERCARD	03/10/20	Notary Seal 60660	10-5-14-30110 Office Supplies	30.34	48309	04/13/20

04/10/20

## TOWN OF BRANDON Accounts Payable

Page 4 of 7

10:31 am

Check Warrant Report # 63286 Current Prior Next FY Invoices

Luanne

All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310630	MASTERCARD	03/13/20 Isolation gowns 60661	10-5-14-30120 Professional Supplies	139.99	48309	04/13/20
310630	MASTERCARD	03/17/20 disposable masks 60662	10-5-14-30120 Professional Supplies	70.98	48309	04/13/20
310630	MASTERCARD	03/11/20 basketball celebration 61262	10-5-18-30060 Basket Ball Expense	30.00	48309	04/13/20
310630	MASTERCARD	03/25/20 grinder, air hammer, chisel 61263	10-5-15-41110 New Equipment-Misc. Tools	107.94	48309	04/13/20
310630	MASTERCARD	03/07/20 quiz night trivia 61265	10-5-18-50090 Adult Activities	49.64	48309	04/13/20
310630	MASTERCARD	03/21/20 sheet music downloading 61266	10-5-18-40040 After School Activity	9.53	48309	04/13/20
310630	MASTERCARD	03/17/20 video conf. monthly serv 61267	10-5-10-10330 Dues & Subscriptions	15.89	48309	04/13/20
310843	MISSION COMMUNICATIONS, L	04/01/20 serv pkg - Neshobe House 1038772	20-5-55-20240 Contractors	347.40	48310	04/13/20
310906	MODERN CLEANERS & TAILORS	03/31/20 uniform maint. 1345	10-5-14-10320 Clothing Allowance	24.50	48311	04/13/20
301033	MOMAR INC	03/13/20 degreaser PSI331813	20-5-55-43160 Maint. Supplies - General	377.65	48312	04/13/20
310070	MUNICIPAL LEASING CONSULT	10/22/19 Document fee-2019 F550 10-19	10-5-15-90400 Leased Equipment	1345.00	48313	04/13/20
310795	NATIONAL BUSINESS TECHNOL	03/24/20 serv contract printers INV363049	10-5-10-30130 Service Contracts	84.07	48314	04/13/20
310795	NATIONAL BUSINESS TECHNOL	03/24/20 serv contract copiers INV363050	10-5-10-30130 Service Contracts	80.66	48314	04/13/20
100788	NEW ENGLAND MUNICIPAL RES	04/01/20 Assessment Services April 45313	47-5-10-10100 Professional Services	7550.00	48315	04/13/20
310971	NORTRAX INC	03/04/20 u-joint, bushings 2001314	10-5-15-41160 HW Maint. Supplies-Vehicl	356.30	48316	04/13/20
310971	NORTRAX INC	03/09/20 seal kit 2002013	10-5-15-41160 HW Maint. Supplies-Vehicl	50.07	48316	04/13/20
310971	NORTRAX INC	03/18/20 toolbox, anti-skid pad 2003647	10-5-15-41110 New Equipment-Misc. Tools	309.90	48316	04/13/20
310971	NORTRAX INC	03/18/20 toolbox, anti-skid pad 2003647	10-5-15-41160 HW Maint. Supplies-Vehicl	20.04	48316	04/13/20
310971	NORTRAX INC	03/18/20 spray paint 2003648	10-5-15-41160 HW Maint. Supplies-Vehicl	10.69	48316	04/13/20
311007	ORVIS, NATHANIEL	04/08/20 REFUND - trip cancelled 04/08/20	10-5-18-60010 Bus Trips	85.00	48317	04/13/20
310994	PITTSFORD POWER TOOTH AND	03/27/20 fuel lines, handles 1396	10-5-15-44130 Tree Removal/Planting	17.00	48318	04/13/20
310736	POCKETTE PEST CONTROL	04/06/20 pest control: Police Dept 13882	10-5-22-43090 PD Bldg Maint.	65.00	48319	04/13/20
310736	POCKETTE PEST CONTROL	04/06/20 pest control: storage 13883	10-5-18-20500 Storage Unit Supply/Maint	50.00	48319	04/13/20
310736	POCKETTE PEST CONTROL	04/06/20 pest control: Town Office 13885	10-5-22-43100 Town Office	35.00	48319	04/13/20
310736	POCKETTE PEST CONTROL	04/06/20 pest control: Town Hall 13886	10-5-22-43150 Town Hall Repair/Maint.	40.00	48319	04/13/20

04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 5 of 7  
Luanne

Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
310793	PRESEAU, JOSH	03/23/20 reimburse/funnels	10-5-15-41110	29.91	48320	04/13/20
		MAR2020	New Equipment-Misc. Tools			
310306	PUMP SERVICE AND SUPPLY O	04/01/20 hose	20-5-55-43160	291.00	48321	04/13/20
		32038	Maint. Supplies - General			
310842	RHR SMITH & COMPANY	03/26/20 FY 19/20 Audit field work	10-5-10-22110	1500.00	48322	04/13/20
		27112	Auditors			
100478	ROYAL GROUP, INC.	03/18/20 inspect TO fire alarms	10-5-22-43100	634.18	48323	04/13/20
		666962	Town Office			
300375	RUTLAND CITY	03/19/20 Feb sludge processing	20-5-55-50160	3600.00	48324	04/13/20
		26387SLUDG	Sludge Disposal			
300875	SERGEANT APPRAISAL SERVIC	03/09/20 Appraisal-Dinn 44Prospect	10-5-09-77000	500.00	48325	04/13/20
		20BR44PROSPE	Tax Sale Expenses			
311008	SCHERER, CHRIS	04/08/20 REFUND - trip cancelled	10-5-18-60010	85.00	48326	04/13/20
		04/08/20	Bus Trips			
311009	SCHERER, TINA	04/08/20 REFUND - trip cancelled	10-5-18-60010	85.00	48327	04/13/20
		04/08/20	Bus Trips			
310634	SHELDON TRUCKS, INC.	03/23/20 replace defrost actuator	10-5-15-41180	187.43	48328	04/13/20
		24592	HW Outside Maint. - Vehic			
310397	SOUTHWORTH-MILTON, INC.	03/27/20 lens	10-5-15-41160	121.89	48329	04/13/20
		INV1899374	HW Maint. Supplies-Vehicl			
310397	SOUTHWORTH-MILTON, INC.	03/27/20 repair hydraulic system	10-5-15-41180	3400.00	48329	04/13/20
		SCINV464292	HW Outside Maint. - Vehic			
310921	STEARNS SERVICES LLC	03/26/20 Consulting fee March	10-5-10-30130	360.00	48330	04/13/20
		1055	Service Contracts			
310921	STEARNS SERVICES LLC	04/08/20 Quarterly reporting	10-5-10-30130	135.00	48330	04/13/20
		1058	Service Contracts			
311010	STONE, ERICA	04/08/20 REFUND - trip cancelled	10-5-18-60010	85.00	48331	04/13/20
		04/08/20	Bus Trips			
311011	STROUP, RHONDA	04/08/20 REFUND - trip cancelled	10-5-18-60010	85.00	48332	04/13/20
		04/08/20	Bus Trips			
200277	THUNDER TOWING & AUTO REC	02/13/20 oil change	10-5-14-41180	55.29	48333	04/13/20
		6154	PD Vehicle Maintenance			
200277	THUNDER TOWING & AUTO REC	01/28/20 headlight plug assembly	10-5-14-41180	22.08	48333	04/13/20
		6162	PD Vehicle Maintenance			
200277	THUNDER TOWING & AUTO REC	02/20/20 wire harness assembly	10-5-14-41180	230.52	48333	04/13/20
		6163	PD Vehicle Maintenance			
200277	THUNDER TOWING & AUTO REC	03/20/20 oil change/tire change	10-5-14-41180	95.29	48333	04/13/20
		6199	PD Vehicle Maintenance			
200277	THUNDER TOWING & AUTO REC	03/23/20 winch out truck	10-5-15-20240	175.00	48333	04/13/20
		6202	Contractors			
200277	THUNDER TOWING & AUTO REC	03/31/20 brake repair, oil change	10-5-14-41180	148.46	48333	04/13/20
		6210	PD Vehicle Maintenance			
200277	THUNDER TOWING & AUTO REC	04/06/20 exhaust repair	10-5-14-41180	140.89	48333	04/13/20
		6217	PD Vehicle Maintenance			
330447	TMDE CALIBRATION LABS, IN	03/19/20 repair & calibrate radar	10-5-14-30130	185.00	48334	04/13/20
		38632	Service Contracts			
100729	TREASURY OPERATIONS DIVIS	03/31/20 Jan thru March marriages	10-2-00-02113	150.00	48335	04/13/20
		MARCH 2020	Marriage Lic. Fees to Sta			
310490	US BANK	03/15/20 Bond Bank payments	10-5-19-60410	4233.45	48336	04/13/20
		MAY 2020	PD Bond Payment			

04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 6 of 7  
Luanne

Vendor		Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310490	US BANK	03/15/20	Bond Bank payments MAY 2020	10-5-19-60500 2016 Segment 6 Bond	11519.50	48336	04/13/20
310490	US BANK	03/15/20	Bond Bank payments MAY 2020	20-5-55-60800 USDA Bond Loan #8 Interes	455.71	48336	04/13/20
310490	US BANK	03/15/20	Bond Bank payments MAY 2020	20-5-55-61000 USDA Bond Loan #9 Interes	6974.56	48336	04/13/20
310490	US BANK	03/15/20	Bond Bank payments MAY 2020	10-5-19-48140 RT 7 Town Share -2006	21677.62	48336	04/13/20
300018	VCDA	04/09/20	2020 membership 008	10-5-21-75000 Economic Development	55.00	48337	04/13/20
330348	VERIZON WIRELESS	03/22/20	serv: Feb 23 - Mar 22 9851037489	10-5-14-20233 MDT/Aircards	240.06	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	10-5-15-42100 HW Telephone	57.79	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	10-5-15-42100 HW Telephone	41.63	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	10-5-18-42100 Recreation Telephone	20.81	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	10-5-21-10310 Travel & Expenses	20.82	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	20-5-55-42100 Wastewater Telephone	41.63	48338	04/13/20
330348	VERIZON WIRELESS	03/25/20	march cell phones MAR 2020	10-5-14-42100 PD Telephone Service	41.63	48338	04/13/20
310046	W.B. MASON CO INC	03/20/20	chairmat 209077610	10-5-10-30110 Office Supplies	32.39	48339	04/13/20
311012	WILLIAMS, ZACK	04/08/20	REFUND - trip cancelled 04/08/20	10-5-18-60010 Bus Trips	85.00	48340	04/13/20
311013	WOODS, MATTHEW	04/08/20	REFUND - trip cancelled 04/08/20	10-5-18-60010 Bus Trips	85.00	48341	04/13/20
310899	WRIGHT CONSTRUCTION CO IN	03/02/20	TH design, drawings roof 2020002-01	10-5-22-43150 Town Hall Repair/Maint.	3400.00	48268	04/08/20

04/10/20  
10:31 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63286 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 04/13/20 To 04/13/20

Page 7 of 7  
Luanne

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
Report Total				182342.40		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*182,342.40  
Let this be your order for the payments of these amounts.

04/09/20

## TOWN OF BRANDON Accounts Payable

Page 1

02:37 pm

Check Warrant Report # 63285 Current Prior Next FY Invoices

Jacolyn

All Invoices For Check Acct 99(10 General Fund) 04/13/20 To 04/13/20

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
300286	CASELLA CONSTRUCTION INC	PR 56	S6 PR # 56	125339.14	0.00	125339.14	48269 04/13/20
100456	DUBOIS & KING INC	320217	S6 CI progress rpt # 71	2616.50	0.00	2616.50	48270 04/13/20
310760	FUSS & O'NEILL INC	221101	S6 Roadway Design Servic	1565.61	0.00	1565.61	48271 04/13/20
Report Total			129,521.25	0.00	129,521.25		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*129,521.25  
Let this be your order for the payments of these amounts.