

**Brandon Planning Commission Meeting - Draft
September 21, 2020**

Board Members Present: Michael Shank, Stephanie Jerome, Lowell Rasmussen, Ralph Ethier, Allie Walter, Allie Breyer

Board Members Absent: Bill Mills

Others Present: Jeff Biasuzzi

1. Call to order

Michael Shank, Chair, called the meeting to order at 6:06PM.

2. Agenda Approval

A motion was made by Lowell Rasmussen to approve the agenda. **The motion passed.**

3. Approve Meeting Minutes – July 20, 2020

A motion was made by Stephanie Jerome to approve the Planning Commission minutes of July 20, 2020 as presented. **The motion passed.**

4. Zoning Administrator's Report

Michael Shank suggested the packets for the Planning Commission meetings could be picked up at the Town Office in the future. Jeff Biasuzzi will advise the members when they are available to be picked up. Mr. Biasuzzi stated the number of applications coming in has been steady for the season. The Davenport solar project seems to be moving forward. Mr. Biasuzzi spoke to Dave Mills and was told that they are moving forward, and Mr. Mills is waiting to see if this will proceed. Mr. Shank noted the Town Manager and Select Board are very much in favor of this project if it goes according to plan. Mr. Biasuzzi suggested the Planning Commission may want to follow this case through the PUC with regard to substantial deference to prepare the Town for one that may be less receptive, as working with the PUC regarding substantial deference would be good experience. Mr. Shank stated Davenport has been in a lot of conversations with the Town to assure that everyone is in support of the project according to the Select Board and Town Manager. This is a 500-megawatt project. Mr. Biasuzzi reported Ultravation received their permit to move into their facility. Ultravation will hopefully get what they need from Labor and Industry as Act 250 has waived their process. The Smith Block is going to try to get their parking area usable and there does not seem to be a lot of push back for the site as is. There are developers that have been working on a project at the old high school for a multi-family development. As of September 1st, the new Residential and Commercial Energy standards have gone into effect. There are no manuals printed on this yet, but one can download information off the website. Two important items in the standards for new house construction is to provide for one EV charging station and provide for at least 300 square feet of solar friendly area on site. Mr. Shank advised Barbara from the RRPC provided a presentation on this subject and he will share the PowerPoint presentation with the Planning Commission members. Stephanie Jerome thought Ultravation is an amazing project and asked how many employees they have. Mr. Biasuzzi noted they are an essential service and have 39 employees, with the hopes of increasing to 49 employees. The possibility exists if the Poultney facility closes that all employees will come to Brandon. Ms. Jerome asked how many parking spaces will be available for the Smith Block. Mr. Biasuzzi noted it is unofficially going to be restricted to the tenants of the Smith Block and will be less than proposed with 20 to 25 spaces. They are going to reclaim the flat area, but Mill Street has to be reinforced near the river that will possibly encroach on some of the spaces. Ms. Jerome questioned if the old high school project involves the original developers. Mr. Biasuzzi was not sure if it was the original developer, however, he had a meeting with the owner and architects, and they anticipate having the lower level converted to tenant parking and other parking across the street. When the Town gets its parking lot established behind the Mobil station it will be within a ¼ mile of this building. Mr. Biasuzzi stated if the legislature passes waiving commercial

properties from Act 250 in the downtown, it will be beneficial. Stephanie Jerome noted there is support for that in the legislature. Mr. Shank asked if waiving that for downtown centers, would other state departments have authority over the flood hazard areas and river corridors. Mr. Biasuzzi confirmed that flood plains and river corridors still apply. Mr. Biasuzzi noted the Smith Block was impacted by the fluvial erosion zone, so the river corridor does not change that project. The original concern was that they wanted to cut, fill, pave and reinforce the bank and that was not approved, but the project has been scaled back. Another piece of the legislation would be for villages to have more funding for developing their downtowns and village corridors. With regard to the Mobil project, they are scheduled to demo the station and rebuild the canopy. They have met the 40% substantial deference that their permit requires, so their intention is to get past the 40% threshold and schedule early spring construction for the facility. It will be a Dunkin Donuts with a drive through, a cash register to pay for gas, and a free-standing car wash. The Tennybrook station and the public parking lot are both scheduled for spring.

5. BLUO Review and Discussion (Article XI, I, II)

Michael Shank shared the latest word documentation for BLUO definitions. Jeff Biasuzzi sent information on definitions for the Planning Commission can consider. Mr. Shank noted he has received a call from someone about a noise issue and asked Mr. Biasuzzi to forward any information he has concerning noise ordinances to the members. Mr. Shank has information from Rutland Town and Woodstock and requested anyone that has additional information on this type of ordinance to share with the Commission. Mr. Biasuzzi will go on the listserv for the Zoning Administrator's network to determine towns' noise ordinances and how well they have worked. From his experience, the problem is trying to catch the perpetrator in the act, so the enforcement is more problematic than the development of the plan.

In discussing the proposed definitions, Mr. Biasuzzi suggested reviewing each section of the BLUO to determine where there is a need for a definition for clarification, i.e. the definition of the word "temporary". Important things should be well defined and the BLUO should be reviewed to be sure there is a definition for all important ingredients. In reviewing, one can also eliminate items not needed. Once there is a blend of definitions with uses, Mr. Biasuzzi suggested having the VLCT vet the document for legality. With table of uses, it is important to be sure there is a definition of the uses. Michael Shank asked how many towns have adopted definitions and Mr. Biasuzzi suggested the VLCT might have that information. Mr. Biasuzzi advised there were some substantial changes to Bill 237 about accessory structures. Stephanie Jerome noted the new legislation is for accessory dwellings and there should be clear definition between the two. Mr. Shank questioned if the 14 pages are comprehensive enough to be a template for Brandon to consider and Mr. Biasuzzi noted it is an improvement from what the Town has now. Mr. Biasuzzi stated it is a list of suggestions for the Planning Commission to review but is not a recommendation. Mr. Biasuzzi stated if sending it to the VLCT for review, they will go through it and provide an estimate of the cost, which would likely be about \$1,000 to \$2,000. Mr. Biasuzzi suggested the first approach is for the commissioners go through and x-out definitions they do not want and review at the meeting. Some towns go through each definition which could be a tedious process. Ms. Jerome stated each Commission member has a section that they are working on and suggested as they are reviewing the section if there are words that need clarity to be sure those words are added to the definitions. Mr. Shank also suggested depending on the term, change the term so that it fits the new definitions or build out the new terms. Mr. Biasuzzi will send the document to all Planning Commission members. Mr. Shank will maintain a document with the proposed changes as discussed at the meetings. Mr. Biasuzzi suggested in terms of focus on a priority, it might be the noise ordinance or other hot button issues that come up. Definitions are more of a maintenance related issue with trying to improve the BLUO and make it more user friendly. Lowell Rasmussen stated Mr. Biasuzzi's observation the Planning Commission is not mentioned as being custodial of the BLUO is something that should be clarified. Mr. Biasuzzi stated the DRB has more to do with the BLUO in terms of statutory opportunities, but the Planning Commission work should be referenced for their work. Mr. Biasuzzi noted the permit season is ending and there is no real urgency to rush the definitions and thought the Planning Commission can elect to work on definitions and then move on to other sections. Mr. Shank recommended the Commission meet on October 5th. Prior to the meeting, all members cull through their sections, cross reference with the definitions and bring to the meeting those not included in the definitions document and other suggestions for improvement or customization. Mr. Shank stated if there is a need to prioritize something in the future, those items can be addressed as they come up.

Mr. Biasuzzi stated the noise issue could lessen with the coming of colder weather. It was noted there have been complaints of ATV noise, explosive issues, and motor bikes. Mr. Shank suggested the members could also look for other

noise ordinance samples for discussion. Mr. Biasuzzi stated the current noise ordinance is very short and has unenforceable language at this time. Mr. Shank also suggested the Planning Commission might want to facilitate a conversation with the community, in concert with the DRB, as to what they want the Town to look like and what will benefit the majority. He noted there could be speakers brought in to discuss what works well. Allie Walter stated a definition might not be enough and it might potentially need a mediator. Mr. Biasuzzi stated it goes beyond education and suggested that letters could be sent to suppliers to request they provide information to the buyers when purchasing these types of items. Mr. Shank noted COVID-19 did bring out some unique behavior where there has been additional activity that has caused the noise issue. Ralph Ethier noted as a business owner, there needs to be consideration when drafting a noise ordinance. Mr. Shank stated people know when they are purchasing a home near a business and for established business structures, there will need to be special consideration.

6. Old/New Business

Allie Breyer asked why the definitions were at the end of the BLUO. Jeff Biasuzzi advised every town is different and it is the town's choice. Wallingford voted to move their definitions to the end of the document but referenced them on the 2nd page of the document.

Michael Shank noted that he prefers the Planning Commission meetings maintain a manageable amount of time, as lengthy meetings bring in tired energy. It was agreed the meetings would not extend beyond two hours.

7. Date of Next Meeting

Next meeting – October 5, 2020 at 6:00PM via Zoom Meeting.

9. Adjournment

A motion was made by Allie Walter to adjourn the meeting at 7:20PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary