

**Brandon Planning Commission Meeting - Draft**  
**May 3, 2021**

**Board Members Present:** Lowell Rasmussen, Ralph Ethier, Allie Walter, Allie Breyer, Liz Gregorek, Bob Foley

**Board Members Absent:** William Mills, Todd Nielsen

**Others Present:** Jeff Biasuzzi, Kevin Thornton, Jack Schneider, Zoe Swiss

**1. Call to order**

Allie Breyer called the meeting to order at 6:00PM.

**2. Agenda Approval**

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

**3. Approve Meeting Minutes – April 5, 2021**

A motion was made by Bob Foley to approve the Planning Commission minutes of April 5, 2021, as amended. **The motion passed unanimously.**

Correction to the spelling to Liz Gregorek' s name

Correction to change the second on the motion to appoint Allie Breyer as Chair to Bob Foley

**4. Energy Committee Discussion**

Lowell Rasmussen advised the Energy Committee was a subcommittee of the Planning Commission to develop an energy plan for Brandon, which they accomplished. The Select Board approved the Plan and it was sent to the RRPC. The ultimate goal is to have the PUC approve it as the energy plan for Brandon and Mr. Rasmussen believes this has happened. The Energy Committee is asking what the Planning Commission would want them to do next. Mr. Rasmussen did not think they have any authority to venture on other energy items unless the Select Board requests them to do so. It was suggested to ask the Select Board whether they want additional actions by the Energy Committee. Jack Schneider stated after delivering the Energy Plan, the Committee was working as a resource for energy related matters. They participated in Brandon's Town Day and have been working with Efficiency Vermont. They had proposed to start a loan program for energy efficiency enhancements as a way to educate people of the funds that were available through Efficiency Vermont. Mr. Schneider stated there may not be a need to continue with a separate subcommittee. Mr. Schneider advised it was a Rutland County requirement to create an energy plan for the Town Plan. In 2018, the Energy Committee was formed and delivered the Plan in 2019 that was then incorporated into the Brandon Town Plan. Mr. Rasmussen stated the Committee did many workshops and provided public information as a natural outcome once the Plan was developed but Efficiency Vermont does a lot of that work so it is not certain what direction the Energy Committee should take or what authority it has. Jeff Biasuzzi stated 24VSA Chapter 117 authorizes municipalities to develop boards such as the DRB and Planning Commission. Under that statute it also provides for forming of appropriate municipal panels with the approval of the Select Board. The Energy Committee doesn't have authority other than its formation under the statute as a subcommittee. They were exemplary in completing their task as it is quite an accomplishment. It has some solar application since adopting and incorporating the Energy Plan into the Town Plan in providing the Town with substantial deference with solar projects. There has not been any participation by the Town in any solar projects since the Plan was developed, but it is likely there will be more types of projects where the Town will now have substantial deference status. Mr. Biasuzzi suggested if the Energy Committee has interest in maintaining its activities to provide information, it possibly could request approval from the Select Board to provide some subsidies. Liz Gregorek asked if the Energy Committee could be on standby, as needed when projects come up, as well as a resource for education. Mr. Rasmussen reported the Energy Committee has not met in four months. Jack Schneider stated the Select

Board gave a mandate to achieve an energy plan and if the Select Board needs anything else done, the Energy Committee could be kept on hiatus, but someone should go back to the Select Board to determine if there are any next steps. Allie Breyer will contact the Select Board regarding the next steps for the Energy Committee.

#### **4. Discussion of Historical Aspects of Town and Town Planning with Kevin Thornton**

Kevin Thornton shared a presentation that he had created for the DRB 10 years ago. The point of the presentation is that historic preservation is important and the Town Plan endorses that idea. He thanked the Planning Commission for the necessary work that they do. He noted Brandon's historic resources in the town center are very important. Mr. Thornton provided information of why these historic resources are important and noted they concentrated on anti-slavery. Photos were provided of a sampling of historic buildings in the Town that were instrumental to anti-slavery. Mr. Thornton stated there were many of Brandon's soldiers who fought in the Civil War and noted there are also many buildings relating to this subject in Brandon that are very important. He stated there is much in Brandon relating to anti-slavery and the Civil War and it is told in its infrastructure. He noted it is important to support and preserve the significant historic structures, sites, and districts. Mr. Thornton advised there are some structures that are fragile, such as the old Brandon High School that is in serious condition. The old train station in Brandon no longer exists and a magnificent old home is now a parking lot. He recommended that businesses should be encouraged to utilize the spaces in downtown Brandon. Mr. Thornton outlined some of the mistakes that have been made, such as the Conant Square and Grove Street that is now a string of parking lots that changed the nature of the street. There was a home behind Champlain Farms that was a 19<sup>th</sup> century structure that was taken down because of lack of care. Grove Street used to have a beautiful grove of trees and the housing stock is deteriorating. We are charged with recognizing the Town's cultural resources and historic settlement pattern as a significant non-renewable source. With regard to community, we are spending too much time on Facebook and the youth are turning inward in all sorts of ways. Mr. Thornton noted one of his favorite aspects of community is the Flower Girls during the Memorial Day celebration that is an unbroken tradition that dates back to 1962. Brandon is the only town in the State that still has this tradition and Ellen Knapp has advised that she will continue to manage this program after her retirement from Neshobe School. Mr. Thornton stated we have a precious legacy in our community and it is important to keep these things in mind. Mr. Thornton again thanked the Planning Commission for the work that they do for the community. Allie Breyer noted concern that there are areas in the Town that do not match up with the look and feel of the Town and asked how the Planning Commission can ensure that changes going forward, such as the Dunkin Donuts in the downtown can be constructed in accordance with the Town Plan. Mr. Thornton thought that some companies adapt to the towns' standard templates and urged the Planning Commission to look at other areas when a business wants to come into town. Allie Walter stated the green space has changed a lot and was concerned with the trees that are being taken down on Park Street. She is surprised there is not a requirement to replace trees. Mr. Thornton stated the Select Board needs to be made aware of this and the provisions of the Town Plan pointed out to them. Liz Gregorek thought with Segment 6 those trees were going to be replaced. She agreed with the comments on the green space. Lowell Rasmussen stated the Town Plan is at least 10 years old and was not sure about the process for changes. Jeff Biasuzzi advised the last Town Plan was approved around 2016 and it has to be updated every 8 years to provide the Town the ability to apply for grants. The renewal process used to be every 5 years, but there had been a push to change it to 10 years and the Legislature compromised at 8 years. The Planning Commission has time to collect notes and propose changes, but there is the ability to make changes and amend within the renewal requirement. The most recent changes to be made will be regarding the wildlife corridor and in the next review, it is an element that will need a lot more attention. Mr. Rasmussen asked if the BLUO and the Town Plan changes could be coordinated together. Mr. Biasuzzi advised the zoning ordinances are created or drafted to be compliant with the Town Plan and to help implement the goals of the Plan. When something goes to the state level for permitting, different organizations pay attention to different documents. The PUC defers to the Town Plan but Act 250 defers to the zoning regulations. Ms. Gregorek suggested reviewing the Town Plan regarding information on green spaces. Ms. Walter noted the Plan does not have a lot of information on this topic and it does not appear to be enforceable. Mr. Biasuzzi stated the Town Plan is a guidance document and is to provide the outline and the BLUO is to provide implementation and working regulations that supports the Town Plan. What is recommended by VLCT is when amending the zoning ordinances, one refers to the RRPC as their objective is to compare the zoning regulations with the Town Plan. When amending the BLUO, one should send that to the town attorney to assure the rules do not violate a host of protective rights. Ms. Walter asked if the Planning Commission or the Select Board writes the zoning rules. Mr. Biasuzzi stated the statute has objectives identified for the Planning Commission but also has objectives for the other municipal panels. The Planning Commission writes the rules but the DRB applies them. Mr. Biasuzzi deferred the

Commission to Chapter 117. He stated the BLUO should identify the Planning Commission as it has the most important tasks outside of the Select Board. Mr. Biasuzzi noted the details are important and are instrumental in obtaining grants. Ms. Walter thought if trees are removed, they should be replaced. Mr. Biasuzzi advised one of the issues is that road widths have changed and it is nice to have the majestic trees, but the town has to adapt to some things. Mr. Biasuzzi stated the Vermont Supreme Court has decided zoning regulations negligibly impacts property owners' rights and tend to defer to the property owner for the gray areas. Ms. Gregorek suggested the Planning Commission could possibly bring some ideas forward and find out what could be planted that would not affect underground wires. She stated the photos that Mr. Thornton provided showed that trees provided ambiance. It was suggested seeing who determines when trees are removed or what trees are to remain. Ms. Gregorek suggested another presentation at a future meeting by a tree expert. Mr. Biasuzzi suggested the individual who has been responsible for Rutland's trees, who is also an arborist, could possibly provide a presentation. Mr. Biasuzzi stated there is grant money for those towns that have a town forest. Allie Breyer stated there are many other towns that have done interesting things in their planning and encouraged suggestions from the members for future presentations. Ms. Breyer thanked Mr. Thornton for his presentation.

## **6. Zoning Administrator's Report**

Jeff Biasuzzi reported the zoning permits are coming in steadily. The level of permits is falling behind last year's permits in every town that he monitors. Hannaford's has had conversations with him and he has sent them signage information. They do not want to do anything other than what they have and they would like to apply for the same sign in terms of the size. Mr. Biasuzzi has advised them that it does not conform to the zoning and it will have to go before the DRB for a variance. They are also putting on a small addition to the store and will have to go before the DRB and they intend to apply for a variance for the sign. The current sign was granted a variance by a prior DRB. The Board is going to have to look at the fact there is precedence and new rules. Mr. Biasuzzi suggested a member of the Planning Commission attend the DRB hearing on May 26<sup>th</sup>. The DRB is not back to meeting in person but may come back with the reduced restrictions. The DRB has the authority to overrule the Zoning Administrator and can grant a variance. They can discuss variances that have specific sets of standards and it depends on how the Board interprets the rules and this Board is a different board than the one that had passed the prior variance. Allie Walter stated it is not fair because small businesses will not get approved for a sign out of compliance, but larger corporations can go before the DRB for a variance. Mr. Biasuzzi noted the Town does not want to go to environmental court. Mr. Biasuzzi stated there was a signage issue in Pittsford regarding the proposed sign for the new Dollar General and when challenged they have been receptive to downsizing the signage. Mr. Biasuzzi reported he has sent a draft of the Planning Commission roster to all members and provided information on accessory structures and fencing. He did research on telecommunications and also provided some background on the telecommunications article. Mr. Biasuzzi advised that Chapter 117 of State statute is something that is used quite a bit and suggested the members keep this information for future use. He also advised that VSA 5 Section 248a is the PUC authority to overrule anything that has to do with telecommunication lines. Alternative energy generation is also covered in this section with Brandon having substantial difference on this item. Ralph Ethier noted the increased cost of building materials is going to slow down permits, which in some cases have doubled and tripled in cost. Mr. Biasuzzi stated most of the work is booked up from last year. Bob Foley noted contractors are also difficult to find right now.

## **7. Introductions**

This item was postponed to the next meeting.

## **8. BLUO Review – Article VI, Sections 600 to 614**

This item was postponed to the next meeting.

## **9. Old/New Business**

Allie Breyer advised that she and Michael will be moving and asked the members to consider who would be interested in stepping up as the new Chair of the Committee.

Ms. Breyer noted there will be a BLUO review at the next meeting and suggested inviting an expert for a discussion on trees. Ms. Breyer also suggested it would be good for a couple of Committee members to attend the DRB hearing. Mr. Biasuzzi advised by May 11<sup>th</sup>, any agenda items and applications that are going to be heard at the DRB hearing will be posted on the Town's website. There will be abbreviated versions of the applications posted. Mr. Biasuzzi suggested if the State lifts restrictions, the Planning Commission may want to meet in person at the Town Hall or do a combination of virtual and in-person. Ms. Breyer advised this topic will be discussed at the June meeting.

#### **10. Date of Next Meeting**

Next meeting – June 7, 2021 at 6:00PM via Zoom

#### **11. Adjournment**

The Planning Commission adjourned by consensus at 7:37PM.

Respectfully submitted,

Charlene Bryant  
Recording Secretary