

## NOTICE OF PUBLIC HEARING FOR THE BRANDON DEVELOPMENT REVIEW BOARD (DRB)

On Wednesday November 10, 2021 at 7:00pm by in-person Public Hearing at the Brandon Town Hall basement meeting room (1 Conant Square) and via ZOOM remote conferencing the DRB will be reviewing application # 6155 from Bernard and Louise Quesnel (owners) parcel # 15-20-38. The application requests a conditional use permit to sub-divide the current property into 5 parcels at 855 North Street, with a minimum lot size of 2 acres each. The property is in the Aquifer Protection District. Access to the new parcels would be approved by an extension of Robin Bird Lane.

A copy of the application is posted in the Town Office (49 Center Street) & [www.townofbrandon.com](http://www.townofbrandon.com).

This meeting & hearing may also be attended remotely by Zoom audio & visual programs; access instructions are posted on the Town website, post offices and at Town Office. Unvaccinated persons attending the hearing in the Town Hall are required to wear masks and social distance. Interested parties are to be registered and present testimony to the Town by 7:10 pm of the hearing date or they may forfeit their right to appeal any decision of the DRB to VT Superior Court (Environmental Division).

## TOWN OF BRANDON

DRB APPLICATION CHECKLIST -- Application #6155 -- from Bernard & Louie Quesnel

Location 855 North St. (Forestdale) - Parcel 15-20-38 - 5 Lot Subdivision of 12.65+/- Acres

Compiled by Jeffrey Biasuzzi, Zoning Administrator, 10/12/2021

**Pre- Application Review** – discussed project with Jason Larocque (Otter Creek Engineering), Owners Agent.

**Project Narrative** - The property is in the Aquifer Protection Zoning District; currently has a commercial building with apartments. The building is serviced by Fire District 2 water supply and an on-site septic system (municipal sewer is not currently available). The application is to subdivide for five (5) parcels (total), all with a minimum lot size over two (2) acres; for *future* residential construction. This is not an application for new construction so new VT Waste-water designs are not required. The access to the new parcels would be by approval of an extension of "Robin Bird Lane", a 50' wide private road.

**Applicable Zoning (BLUO, 2020):** Section 301 (Aquifer Protection regulations); Section 602 (Landlocked Parcels); Section 701(b)(iii)- Subdivision jurisdiction; Sections 705, 706, 707.

**DRB Hearing Application & Fee:** Fees paid includes the zoning, DRB hearing, and recording (hearing & permit).

**Site Plans :** Included

**Water/Waste-Water:** The Site Plan identifies location of future structures and on-site waste-water (septic) systems. The Owners are researching the feasibility of extending municipal sewer to the property.

**Storm Water:** This application only requests construction of the extension to Robin Bird Lane. Installation of this impervious surface appears to involve over 1 acre, so a VT Storm Water permit may be required.

**Traffic/Access:** The Developer is to provide additional information.

**Parking:** Each lot would have adequate on-site parking.

**Landscaping & Screening:** The Developer is to provide additional information.

**Natural Resources:** The Developer has identified buffers from mapped wetlands. The proposed subdivision should not require Act 250 review. There are no known sensitive habitat issues. There is no other forest or other natural resource management plan.

**Sign:** No new signs are requested.

**Outdoor Storage:** No new outdoor storage is requested.

# DRB HEARING APPLICATION CHECKLIST

Application: 6155

Checklist discussed with staff? Yes  No

Phase of approval: Conceptual  Final

Please schedule a time to review this application checklist with a member of Staff before each phase of review, to help you determine which elements are relevant to your application.

## Type of Application:

- Conditional Use
- Subdivision
- Variance

**Pre-Application review with member of Staff** (10/5/21)

**Project Narrative** Typed project description and narrative addressing the items from this checklist

- Written request for any waivers needed to complete this project as proposed
- Description of how this project meets the Conditional Use Review Standards in Section 540, Part III (p. 32) of the *Town of Brandon Land Use Ordinance*.

**DRB Hearing Application Form and Fee**

**Site Plans or Drawings**, which shall include:

Date, scale, north arrow, signature block, parcel ID numbers, parcel sizes, a location map, location and dimensions of lot lines, topographic contours and zoning district boundaries.

Official survey prepared by a licensed surveyor (required for subdivisions, boundary line adjustments, and most setback waiver requests)

For projects involving onsite wells and/or septic, the locations of existing/proposed septic systems, wellheads, and isolation zones

All access to public streets or roads, parking and service areas, pedestrian walkways, circulation and parking lot layout, entrances to structures

- Existing structures, easements, rights-of-way, driveways, roads, utilities, structures, parking areas, street lights, sidewalks, paths and trails
- Locations of wetlands and buffers, watercourses and stream buffers, special flood hazard areas (SFHAs) and fluvial erosion hazard areas (FEHs).
- Identification of any known sensitive wildlife habitat areas, wildlife corridors, forested areas, scenic vistas, etc.
- Proposed building envelopes, clearing limits (if applicable), driveways, curbcuts, underground utilities (water, sewer and power lines), outdoor lighting fixtures, landscaping and buffers, signage, dumpsters, trash compactor/recycling enclosures, outdoor storage areas, and snow storage areas (see below)

# DRB HEARING APPLICATION CHECKLIST

## FOR COMMERCIAL AND LARGE RESIDENTIAL PROJECTS

### **Natural Resources**

- Wetland delineation endorsed by a certified wetlands scientist (if applicable)

Hydrologic study, pump test or water quality data (if required)

Wetland delineation endorsed by a the State of Vermont

Additional information or regulatory opinion about the potential stormwater impacts of the proposed project (if required).

- Jurisdictional Opinion from the Agency of Natural Resources, about whether this project is subject to Act 250 review (if required)

Additional information or regulatory opinion about the potential impacts of the proposed project on flood or fluvial erosion hazard areas and their functionality (if required).

Habitat disturbance assessment evaluating the potential impacts of the proposed project on sensitive wildlife habitat areas (if required).

- Site-specific forestry management plan or other natural resources management plan (if required).

### **Outdoor Lighting**

Schedule of all proposed outdoor lighting, with locations and specifications of fixtures and how these meet the zoning requirements.

An outdoor lighting plan, including the locations, height and types of all proposed outdoor fixtures

### **Signs**

Map or drawing showing the locations and dimensions of all existing and proposed signs and advertising displays for the subject property

Schedule demonstrating that all existing and proposed signage meets the criteria of Section 407 of the Brandon Land Use Ordinance *Regulations* (size, setback, etc.)

### **Outdoor Storage**

Description and scaled drawings of all proposed outdoor storage areas, including screening and buffers and the location of dumpster/recycling enclosures.

Description and location of all proposed outdoor storage as well as the location and quantities of any regulated hazardous materials, including fuel tanks.

<i>smithTown Office Use Only</i>	
Town of Brandon 49 Center Street Brandon, Vermont 05733 Phone: (802) 247-3635 FAX: (802) 247-5481 Zoning Office: (802) 247-0227	Tax Map # <u>15-20-38</u> Parcel ID # <u>0005-0900</u> No. of Acres <u>12.65</u> Fee \$ <u>705</u> Zone <u>AQUICAP07</u>
Date Completed: _____ Decision: _____ Check # <u>25775</u> Rec'd by _____ Deed Reference <u>B 251 P 403</u>	

### APPLICATION FOR LAND USE PERMIT

F/J. SAUDER TRUST

Name and Address of Owner(s):  
Bernard and Louie Quesnel  
1015 Route 7 North  
Middlebury, VT 05753

Home Phone: (802) 349-7555  
Work Phone: \_\_\_\_\_  
Fax Phone: \_\_\_\_\_

Name and Address of Applicant(s)  
(if different from property owner):

Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Fax Phone: \_\_\_\_\_

Current property information/location (for boundary adjustments include for all parcels involved):  
855 North Street, Brandon, VT 05733

THIS APPLICATION IS FOR: (Check all that apply)

- Division of parcel into two or more parcels (Please complete Addendum B)
- Construction, reconstruction, conversion, structural alteration, relocation, enlargement of any building or other structure
- Landfill, mining, or excavation operations
- Substantial change in nature or intensity of the current use of any building, structure or parcel of land
- Extension of current use of land
- Increase in number of dwelling units on a parcel of land
- Razing any structure, temporary or otherwise, over 500 sf or any structure in the Central Business District
- Interior renovations to residential structure in contemplation of increase in number of bedrooms or dwelling units
- Interior renovations to a nonresidential primary structure done in contemplation of a change in use or intensity of use.
- Home occupation
- Sign(s) (Please complete Addendum C)
- Development in Flood Hazard Area (Please Complete Addendum E)

ADDENDUM MAY BE REQUIRED FOR THE FOLLOWING:

Development Review Board Hearings: (Check all that apply)

- Hearing
- Appeal
- Variance
- Conditional Use
- Major Subdivision
- Planned Unit Development
- Local Act 250 Review

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DEC 5 2021

TOWN OF BRANDON

1. Give a detailed description of the CURRENT use of the property, how many buildings and their respective uses, dimensions, setbacks, etc: 12.5 acres, former Vermont Specialty State property currently with one building with 2 residential units.
  
2. Give a detailed description of the PROPOSED project:
  - a) Describe the construction (include building dimension, size and location), and the proposed use: 5 lot residential subdivision
  
  - b) Does it involve erecting a sign (*Please complete Addendum C attached*), fence, pre-made structure or installing a pool? No If yes, describe dimension, size and location: \_\_\_\_\_
  
  - c) Does it involve a change of use? No If yes, describe current use and proposed use: \_\_\_\_\_
  
  - d) Does it involve a subdivision or boundary line adjustment? Yes *If Yes, Please complete Addendum B attached.*
  
  - e) Does it involve construction of an agricultural structure or use? No *If Yes, Please complete Addendum D attached.*
  
  - f) Does it involve development or construction in a flood hazard area? No *If Yes, Please complete Addendum E attached.*
  
3. Give the estimated cost of the project: \$ 500,000
  
4. Answer ALL questions on Addendum A to this Application, pertaining to the Performance Objectives and Standards in Section 601 - 627 in the Brandon Land Use Ordinance, for ALL applications.
  
5. Attach a site plan or use the grid on the last page to draw an ACCURATE sketch of the lot showing all EXISTING structures and all PROPOSED construction. Give all dimensions of lots and structures, as well as the distance from property lines, other structures and septic.

Intended Start Date: \_\_\_\_\_  
 Intended Completion Date: \_\_\_\_\_

I certify that the statements made by me in this Application For Land Use Permit are accurate and complete. I hereby grant permission to the Town of Brandon to allow its agent to inspect this property relative to this application for both approval and to ensure compliance once project is complete. I understand that this is an application for a local permit. To find out if State permits may be needed, I should contact the Rutland Offices of the District Environmental Commission at 802-786-5900 and the Department of Labor and Industry at 802-786-5867.

Date 10/5/2021 Landowner *Bernard J. [Signature]*  
 Landowner \_\_\_\_\_

If different from landowner, Applicant \_\_\_\_\_

Comments by the Administrative Officer: REVIEWED 10/12/2021 & REFERRED TO DRB GMBZK

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ADDENDUM A

**Performance Objectives and Standards Information**

All references are to the Brandon Land Use Ordinance - Article VI, Section 600. A copy can be reviewed at the Town Offices and on the Town of Brandon website ([www.town.brandon.vt.us](http://www.town.brandon.vt.us)). Answer ALL questions with a yes, no or (x) in the appropriate area. Give explanations where needed.

- 601 If Wastewater to the property is/will be disposed by: ( ) town sewer (X) private septic ( ) not required.  
 Are you increasing the number of bedrooms? Yes, if so, how many? 12  
 Are you increasing the number of dwelling units? Yes, if so, how many? 4  
 If this is a business/home occupation, how many employees are expected?       ; how many customers are expected per day?         
 If you propose a new, or an increase to an existing, (a) connection to a municipal wastewater supply attach a sewer capacity permit; or (b) private wastewater disposal system attach a certification of a designer licensed by the State of Vermont or state permit approval.
- 602 Access for emergency vehicles is (will be) provided by: ( ) town highway, ( ) State highway, ( ) class 4 or private road,  right of way which must be at least 20' wide and maintained in all-weather and kept unobstructed.
- 603 If Water supply is (will be) provided by:  town water by connection to Brandon Fire District 1 or 2 (attach approval letter), ( ) private well or water source (attach state permit approval), ( ) not required.
- 604 Will this project create an increase in the intensity of traffic? No  
 If yes, explain and attach an access permit if required         
        
 Will traffic flow generated be beyond the capacity of local roads? No  
 Attach certification by Public Works that local roads are adequate or scheduled to be upgraded.
- 605 Does the design of the intersection (of the access road [driveway] to the site) with local roads conform with the requirements of Vermont Department of Highways (Doc B-71)? Yes Will all new driveways have an area to turn around on site? Yes Attach access (driveway cut) permit. How many parcels will access drive serve? 5
- 606 Will the project destroy or significantly alter wetlands or natural areas? No What steps will be taken to minimize environmental damage? Wetlands and buffer are shown on attached plan
- 607 Does your project involve any areas of steep slope? Yes What is the grade of the slope? 30% lot  
 What percentage of slope will be developed, regraded or stripped of vegetation? Minimal Attach certification by a professional engineer.
- 608 Will there be an increase in noise levels as a result of the project? No Will noise level exceed 70 decibels during daylight hours or 60 decibels during other times of the day at the property line?  
Residential only
- 609 Will the project result in any noticeable, clearly apparent vibration on the property of another landowner?  
No If yes, explain

Will there be any hammering, drilling, cutting or blasting within 100 feet of any underground tank used to store petroleum projects? No If so, what tests have been done to insure the soundness of the tanks?  
\_\_\_\_\_

- 610 Will the project involve the emission of any smoke? No  
\_\_\_\_\_
- 611 Will the project result in fly ash, dust, fumes, vapors, gasses or other forms of air pollution? No If yes, explain \_\_\_\_\_  
\_\_\_\_\_
- 612 Will the emission of detectable objectionable odor result from your project? No If yes, explain \_\_\_\_\_  
\_\_\_\_\_
- 613 Will the project result in any fire, explosive, or other safety hazard? No If yes, explain \_\_\_\_\_  
\_\_\_\_\_
- Will you be storing greater than 500 gallons of flammable liquids in tanks above ground? No If yes, explain \_\_\_\_\_  
\_\_\_\_\_
- 614 Will your project have: flickering, pulsing, rotating, or flashing lights? No; lights that will distract drivers on roads in the vicinity? \_\_\_\_\_ lights that illuminate in excess of 0.5 footcandles when measured at adjacent residential boundaries? \_\_\_\_\_  
\_\_\_\_\_
- 615 Will any hazardous materials be used in this project? No If yes, explain procedures for handling and containment \_\_\_\_\_  
\_\_\_\_\_
- 616 Will a sufficient number of off-street parking spaces be provided\*? Yes What is the maximum number of vehicles expected on site at any given time? \_\_\_\_\_ Attach a parking plan showing 9' x 18' spaces for each vehicle. \*Not required if property is located in Central Business District.
- 617 Will the use require loading and unloading of commercial products? No Is there adequate space within the boundaries of the lot for loading and unloading? \_\_\_\_\_  
\_\_\_\_\_
- 618 Is this a structure over 400 cubic feet in volume (incl. mobile homes)? Yes Will it be installed and anchored as required? Yes  
\_\_\_\_\_
- 619 Does your project involve farm animals? No If yes, is the lot at least one acre in area? \_\_\_\_\_ What is the minimum distance of: animal housing and piles of manure, feed or bedding from any lot line? \_\_\_\_\_ manure piles to wells and surface waters? \_\_\_\_\_  
Is the proposed use agricultural? \_\_\_\_\_ If yes, will the requirements of this section be met? \_\_\_\_\_  
Has the Secretary of Vermont Agency of Agriculture, Food and Markets indicated that the farm operation complies with the Accepted Agricultural Practices? \_\_\_\_\_  
(Please complete Addendum D attached)
- 620 Does your project involve use of pesticides herbicides, and fertilizers within 400' of any well or fire district? No, if yes, explain \_\_\_\_\_  
\_\_\_\_\_
- 621 Does the proposed use involve forest harvesting? No If yes, will the requirements of this section be met? \_\_\_\_\_  
\_\_\_\_\_
- 622 Is the proposed use in the Aquifer District? Yes If yes, will it violate this section on Public Service Uses or uses listed in Section 429? \_\_\_\_\_ If yes, explain \_\_\_\_\_  
\_\_\_\_\_



- 623 Will the project cause an excessive increase in quality, rate or rechanneling of water runoff on neighboring properties? No If yes, what provisions have been made to avoid this possibility? \_\_\_\_\_
- 624 Will there be an outdoor display of retail products? No Is this display within the required setback from a street or road? \_\_\_\_\_ If yes, does it: impede the flow of pedestrian traffic in the CBD? \_\_\_\_\_ What is the distance of the closest residence in HDMU? \_\_\_\_\_ Is it a farmstand? \_\_\_\_\_
- 625 Will there be development within 100' from the mean high water mark of named river and streams? No, if yes explain \_\_\_\_\_  
Attach Vermont State Floodplain Coordinator approval, if necessary.
- 626 Will there be any excavation or blasting of the clay layer that protects the public water supply? No
- 627 Will there be any storage of junk or uninspected/unregistered junk vehicles visible from the traveled way of a highway or abutting landowners, or within 50' of any property line? No  
For "junkyards" provide state certification.

ADDENDUM B

Subdivision / Boundary Line Adjustment Information

1. Pre-subdivision/line adjustment property size (in acres): 12.5 acres
2. Is the parcel located within a subdivision previously approved by the Development Review Board? No  
If Yes, name of subdivision: No
3. Number of lots, including the resized original parcel(s), that will be created: 5
4. Number of lots created from the original parcel in the last five years, including the lots being created at this time: 5 Do you plan to create additional lots from this parcel in the future? No
5. If this subdivision is approved, do you plan to develop it? Yes. *If Yes, you will need to request approval prior to initiating any land development on the property.*
6. Do you plan to utilize cluster development? Yes. *If Yes, Please explain:* \_\_\_\_\_  
The Building will be located in the open field.
7. Do you plan to dedicate any portion of this parcel as open space or common land? No. *If Yes, Please explain:* \_\_\_\_\_
8. Please attach a plan showing the original lot boundary lines and the proposed new boundary lines and dimensions (including acreage).

