

**Brandon Planning Commission Meeting - Draft
January 11, 2022**

Board Members Present: Ralph Ethier, Lowell Rasmussen, Liz Gregorek, Jack Schneider, Bill Mills

Board Members Via Zoom: Bob Foley

Others Present: Jeff Biasuzzi, Jim Emerson

1. Call to order

The meeting was called to order at 6:02PM by Liz Gregorek – Vice-Chair.

2. Agenda Approval

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

3. Approve Meeting Minutes – December 6, 2021

A motion was made by Bill Mills to approve the Planning Commission minutes of December 6, 2021. **The motion passed unanimously.**

4. Zoning Administrator Report

Jeff Biasuzzi reported there are a few more permits that have come in since his last update that involve additions to single family residential dwellings or accessory structures. There is a five-parcel subdivision that had been approved by the DRB and is the largest subdivision that Brandon has seen in five years. The property has municipal water going by and sewer runs just south of the project within 500 feet. The owner will do a cost analysis to determine if it makes sense to extend the sewer. If this happens, they can go from 2-acre to ½-acre lot sizes. This would be potential for quite a few more lots. They could only do 9 lots within five years to avoid Act 250 and do the project in phases.

5. Election of Officers

An election of a new Chair was needed due to the recent resignation of Allie Walters.

A motion was made by Ralph Ethier to appoint Liz Gregorek as Chair and Bill Mills as Vice-Chair of the Planning Commission. **The motion passed unanimously.**

Jeff Biasuzzi stated this is a good time to establish the meeting date and any other policies the Commission would like. It was the consensus of the Commission to set the meeting day for the first Monday of the month beginning at 6:00PM and to attempt to keep the meetings to an hour timeframe.

6. BLUO Review

Liz Gregorek provided the Commission members with a marked-up version of the BLUO and noted that Articles 4, 5 and 6 do not have a lot of proposed changes. Article 10 had no changes. A review of Article 3 was completed by Lowell Rasmussen and Ralph Ethier reviewed Article 7. Ms. Gregorek will review Article 6. Jeff Biasuzzi advised that Article 8 had been edited, revised, and reviewed for the flood plain corridors. He noted there has not been much need for that section since adopted. The River Corridor expands the jurisdiction in hazard areas but it has been a non-issue. Bill Mills reviewed Article 9 – Telecommunications and advised he did not have any suggested changes. Jeff Biasuzzi stated towns established telecommunication regulations when the industry was new, however, telecommunications and

energy transmission is now under the jurisdiction of the Public Utility Commission (PUC) that negates the local laws. Mr. Biasuzzi will provide the Commission information that he received from VLCT on this subject, noting there is room to update this article. Mr. Mills will review this article again after receiving this information. Section 10 – Administration – Mr. Biasuzzi advised there is no information on the Planning Commission and every other town has a section that describes its panels, and it should be noted in that section. Liz Gregorek advised there is information in Chapter 117 of State Statutes relating to this item. Mr. Biasuzzi stated the Planning Commission needs to be added to this section, drawing from 24 VSA 117 or find a town that has done this work and use that language. For Article 11 – Definitions – Lowell Rasmussen advised it was the intent of the prior Commission to review the BLUO and list items that should be defined and added to this article. Mr. Biasuzzi stated when it comes to a court case, clear definitions are important. Liz Gregorek suggested the Commission go back through the BLUO to assure that all wording requiring a definition has been reviewed. Mr. Biasuzzi provided an example that if there is not a definition for temporary versus permanent, it would not be enforceable.

Lowell Rasmussen advised the Energy Committee was questioning if Section 112 could strengthen the language about complying with the State's energy codes. Jeff Biasuzzi advised the local regulations cannot be made more lenient than the State's, but they can be strengthened. In 1996 the State past a version that regulated construction standards for commercial and residential buildings and that is where energy standards fall under. Mr. Rasmussen stated there was prior discussion the ordinance does not indicate that one must meet all State Energy regulations and suggested it be added. Mr. Biasuzzi agreed. Liz Gregorek noted there is a large section in the Town Plan and thought there should be something in the BLUO. Mr. Biasuzzi has not seen this as a regular practice, but noted it is good information to provide. There should be language in Section 112 indicating the receipt of a local permit does not release one from obtaining any and all State and Federal permits that would be required. Mr. Biasuzzi suggested the contact person for the State responsible for permitting could be included to make it easier for people applying. Mr. Emerson asked if the State requires permits for energy and Mr. Biasuzzi advised only commercial projects require permitting. The Statute does indicate if one does not conform to the standards and causes harm, one could be liable in court. Mr. Rasmussen will draft proposed wording to add to this section. Mr. Biasuzzi suggested a list of State Agencies and the Permit Assistance Specialist, Rick Oberkirsch, could be included. Mr. Biasuzzi noted this information is likely not needed for most permits, but it is the job of the Permit Specialist to assist people with being compliant. Mr. Rasmussen suggested under Section 112, the Planning Commission would reference an addendum that refers to the applicable permits that would be available at the Town Office. Mr. Biasuzzi can assist with helping an applicant get the permitting done, or refer them to Mr. Oberkirsch, who is responsible for Rutland and Bennington counties.

For the next meeting, Ralph Ethier will provide the Commission members the prior list of definitions that had been developed for review. Mr. Biasuzzi suggested review of Section 619 concerning the keeping of animals. In the current Brandon regulations under Section 619, farm animals, unless exempt under the Agriculture Act, requires that a person in every zoning district that wants to have a farm animal to obtain a permit from the DRB due to it being a conditional use. This would require a person pay \$250 and submit a permit for something like a few chickens. Every district has different lot sizes and Mr. Biasuzzi suggested not regulating based on where they are but base on what is common practice. Mr. Biasuzzi stated there is an Animal Control ordinance that is free-standing but mostly addresses dogs and vicious animals. He noted it would be important the ordinance indicate one can have a certain number of animals in a certain area without going through a conditional review, as long as one maintains waste. Mr. Biasuzzi asked to simplify the process in Section 619 and establish some standards to assure there is enough enclosure area and to assure the enclosure is a certain isolation distance from neighbors. Mr. Biasuzzi will provide the Planning Commission samples of animal regulations. Mr. Biasuzzi also noted the previous Planning Commission had discussions about possible changes to the BLUO regarding dwelling structures and accessory structures in Article 4. Mr. Biasuzzi noted some towns have taken the common sense approach regarding small structures. Some towns use 8' x 8' as a trigger and anything bigger than that

requires a permit. In the BLUO, there are two sections that have different setbacks due to a 20 square foot different in the size of the structure.

7. Old/New Business

Liz Gregorek requested a review of the sign survey for businesses relating to Section 407 of the BLUO that had been previously discussed. She noted that Section C pertaining to permits required and design information would be a good section to obtain feedback from local businesses. Jeff Biasuzzi stated when a business submits a permit application, it is allowed one of each type of sign for the business. What the businesses may want is more of a particular sign. Mr. Biasuzzi stated the Select Board had indicated the soft banner regulation did not need a permit during the Route 7 construction, but the construction project is complete and they need to be removed and new ones need permits. Mr. Biasuzzi thinks most of the merchants take advantage of each type of sign, but there is pushback on the limitation of 24 square feet. The idea was to get signs that were not billboard-type signs and make them more compatible with the historic architecture. Mr. Biasuzzi stated materials are also often an issue as the signs have to be natural like wood or stone. Ms. Gregorek will contact Bernie Carr of the Chamber to discuss distribution of the survey to businesses and requested the Zoning Administrator send the draft survey to her.

Jim Emerson reported the Energy Committee has received information about a project for a solar installation by MHG Renewables on the property that SolarFest had been looking at (See Attachment). They are a solar contractor in Manchester and are proposing a 2.2mW project that is North of Route 73 and West of Route 7 on Steinberg Road. They have installed a dozen projects in the past five years where they sell power to a collective of Vermont utilities through an open bid. It would be a 15-acre project that is an open field and they intend to purchase the property contingent on winning the standard operation bid for selling to the Vermont utilities. The Select Board will need a letter of approval from the Planning Commission. The company would like to discuss what the concerns are to be addressed. Mr. Emerson stated it is a win for the State's renewable goals and it would be \$12,000 to the property tax roll. Jack Schneider stated it was thought SolarFest would purchase the entire property, but MHG came in with a higher offer. If MHG buys the property, they may lease part of the property to SolarFest. Mr. Biasuzzi asked if the solar developer will buy all the acreage and then do a subdivision and sell part to SolarFest. Mr. Emerson noted his understanding is that they would give the use of the property to SolarFest if the project is approved. Ms. Gregorek asked the status of the Syndicate Road project and Mr. Emerson advised it is still in the works. Mr. Emerson stated MHG had a concern because the Town Plan mentions visibility from Route 7 and Route 73. Mr. Emerson noted if there are visibility concerns, this would be the time to bring it up. Lowell Rasmussen stated there is a section in the BLUO that has a questionnaire that developers are asked to complete. Mr. Schneider advised this has been completed and he will forward it to the Planning Commission members. Mr. Emerson advised the bids to sell the power are submitted in March, with a decision by July. Mr. Biasuzzi advised this will be the first solar project after the new enhanced Energy Policy passed in the Town Plan. The Town now has substantial difference for this project. Mr. Schneider stated that is why the Select Board wants a response from the Planning Commission. Mr. Schneider noted MHG would like to do a presentation to the Planning Commission. Ms. Gregorek will compare the Town Plan criteria to the proposed project and develop questions to be asked. Mr. Emerson stated MHG wants to confirm the Town will welcome them as they have other areas that they can pursue. Mr. Biasuzzi asked when they will submit to the PUC and Mr. Emerson advised this will need to be submitted by mid-April. Mr. Biasuzzi noted when developers start discussion with a town, they usually have an economic commitment and have to provide notice to interested parties. Mr. Biasuzzi thought it is a good use of the property and will provide a source towards the energy goal. Mr. Schneider stated the area where the solar project would go does not have sewer or water. Mr. Schneider noted the preferred sites listed in the Plan was a preview and the idea was to do a viewshed survey and determine other sites, but that was never completed. The three sites listed were not intended to be the only sites. Mr. Emerson stated SolarFest would be located near Ron's Auto and they would use the barns as a year-round training center for solar and heat pump installation. This will also add to the tax base. SolarFest is also talking about a community solar project. If this deal does not go through, SolarFest wants to purchase the

land. Mr. Emerson suggested it would be good to have the recommendation from the Planning Commission go to the Select Board for their first meeting in February. It was suggested that Mr. Hand of MHG Renewables do a presentation at the next Planning Commission meeting. Mr. Biasuzzi has seen where some developers have gone through the process and then sold it to another entity. Mr. Emerson stated they do intend to sell the installation but own the land. Ms. Gregorek requested MHG provide their presentation at the next meeting. Mr. Schneider stated based on the feedback and if approved, the Select Board would send a MOA to the PUC that the Town of Brandon supports the project. Mr. Biasuzzi suggested it would be good to have a live presentation and suggested it be a joint meeting with the Energy Committee and the Planning Commission. Mr. Biasuzzi also suggested an article in The Brandon Reporter and Mr. Emerson noted he will do a write-up for The Reporter. Mr. Emerson will advise the Planning Commission whether it will be in-person or via zoom. It was also suggested that members of the Select Board be invited and Ms. Gregorek will contact Seth Hopkins regarding the presentation. It was suggested to also invite a member from SolarFest to attend. Mr. Emerson requested any questions be sent to either Jack Schneider or him to forward to Thomas Hand for answering.

8. Date of Next Meeting

Monday, February 7, 2021, at 6:00PM

9. Adjournment

A motion was made by Lowell Rasmussen to adjourn the meeting at 7:55PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary