

**Brandon Planning Commission Special Meeting - Draft
October 3, 2022**

Board Members Present: Jack Schneider, Bill Mills, Cecil Reniche-Smith

Others Present: Jeff Biasuzzi

1. Call to order

The meeting was called to order at 6:11PM by Bill Mills – Vice-Chair.

2. Agenda Approval

A motion was made by Jack Schneider to approve the agenda. **The motion passed unanimously.**

3. Approve Meeting Minutes – September 6, 2022

This item was tabled to a subsequent meeting when the full committee is present.

4. Zoning Administrator Report

Jeff Biasuzzi reported there were three permit applications approved since the last meeting and he has a number of applications backlogged that are incomplete. There is nothing notable in terms of new businesses. He will be speaking with the Town Manager regarding the housing and community development grant that Mr. Biasuzzi had provided some suggestions that focus on community housing. Mr. Biasuzzi will provide the Committee with an update. Mr. Biasuzzi provided the Planning Commission with a punch list of items that could be considered for BLUO updating for the grant application. He noted these are relatively minor to fix but are important areas the Zoning Administrator has to deal with like signage, fences, and accessory dwellings. He noted West Rutland received a list from VLCT on the critical review of their zoning document. The definitions proposed in the West Rutland draft were basically acceptable to VLCT and may be of use for other towns to review. Jack Schneider asked if updating the definitions would require a hearing process. Mr. Biasuzzi advised any changes to the BLUO would require the same adoption process. If there is a problematic section, it could go through the adoption process and leave the remainder of the document the same.

It was noted the Town Manager will be applying for the Zoning Modernization grant that has a November 1st deadline. Mr. Biasuzzi stated the grant application should come in with a focus on housing and the grantor will determine if the Town has a housing project that may be an applicable issue. He noted the old high school may be a project and advised the owner has received some grant money. Mr. Biasuzzi suggested the Planning Commission's focus on the intent of the grant would be the accessory dwelling section of the BLUO as there are problems with the language. The BLUO also does not have much in the area of parking regulations. Mr. Biasuzzi stated since the Smith building opened, there may not be surplus parking with the addition of the old high school. He is concerned with the availability of free off-street parking as it is going to be diminished very quickly. Cecil Reniche-Smith asked if there are any areas in Town for affordable housing. Mr. Schneider noted there is land that could be built on but contractors are not generally building affordable houses. Mr. Schneider asked if solar installations require a permit. Mr. Biasuzzi stated if one intends to build a dual-purpose structure that would include a solar array, it will require a permit for the structure that would comply with setbacks however the solar project would not require permitting. It was noted that this is not clear in the BLUO and should be clarified. Mr. Biasuzzi also noted there could be information about screening concerns as long as it is applicable. Screening is required under 30VSA Section 248, but the Town could have stricter requirements. Solar communications are exempt under 30VSA Section 248 but are regulated. Mr. Schneider asked if the ground mount solar project at the Senior Center required a permit and it was noted that it did not. Mr. Schneider advised the Energy Committee has been discussing a solar canopy for the Police Department and Mr. Biasuzzi stated that it would require a permit for the initial structure. Mr. Biasuzzi noted alternative energy generation is exempt under 30VSA Section 248 and does not require permitting, but if there is an additional use it should have the same setbacks as other accessories.

In a review of the BLUO punch list that Mr. Biasuzzi provided, he noted an issue with accessory structures that are addressed in sections 104 and 402. In Section 104, exemptions should be updated. In Section 402, consolidation and clarification of detached accessory structure exempt sizes and setbacks should be done. With regard to inground pools and above ground pools, it indicates that above ground pools do not require a fee and Mr. Biasuzzi suggested adding a Section 406 that all swimming pools require a town permit. Mr. Biasuzzi suggested reviewing and clarifying under Section 1007 when a certificate of occupancy is required. With regard to Section 602 concerning minimum road width, Mr. Biasuzzi noted access to a parcel has to conform to public access or the option is to be accessible to a permitted private right of way with a minimum width of 20 feet. He noted that 20 feet is not an ample width, which was the minimum set by the State in the 1960s and he is suggesting the same width as noted in Section in 605c of 50 feet. Mr. Biasuzzi advised the current State standard is 49.5 feet for town roads. It was questioned whether a noise ordinance should be considered. Mr. Biasuzzi noted that with regard to a noise ordinance, it is difficult to write this type of ordinance. It could be taken out of zoning and have it in a free-standing document. Cecil Reniche-Smith stated a free-standing ordinance makes more sense. Mr. Biasuzzi stated the VLCT would be more in favor of a free-standing ordinance. Mr. Biasuzzi also suggested clarification could be added to the BLUO as to who can enforce the regulations. Mr. Biasuzzi noted all of the telecommunication rules are outdated and 30 VSA Section 248 has now been passed and suggested an attorney could come up with some language in this area. Mr. Biasuzzi noted concern that people are submitting permit applications but they don't have their other ancillary applications approved like water, sewer, etc. Under 24VSA Chapter 117, the only time the Zoning Administrator can't approve is if they don't have a wastewater or Act 250 permit. There is consideration for a policy change to indicate a zoning permit will not be approved until the allocation fees have been paid.

Mr. Biasuzzi stated for the grant application, something needs to be done about accessory dwellings. He noted the zoning is old with regard to turning older large houses to multi-family dwellings and off-street parking needs to be addressed. Mr. Schneider asked if planned unit developments are covered and Mr. Biasuzzi noted this would need to be researched.

5. Energy Committee (BEC) Report

Jack Schneider reported there was a presentation by a representative from the Neighborworks' Heat Squad that provided information about their capacities, funding, and the agencies that they work with (BROC – Bennington/Rutland Opportunity Council). The Committee has four groups: Weatherization, Generation, Transportation and Education. The Weatherization group was present at Harvest Fest and they will be hosting a weatherization event at the town hall on November 12th. The Generation group is researching potential solar sites for either municipal entities like the Fire district, businesses, or individuals. Cecil Reniche-Smith suggested dual-use solar as possible locations. Mr. Schneider reported the BEC is looking at possible recommendations for ARPA funding to support the Committee's efforts. Potential use of biodiesel is being researched for the Town's highway department which consists of 20% cooking oil and diesel that would reduce greenhouse emissions by 11%. Jeff Biasuzzi noted that in terms of new construction, many of the rebates through Efficiency Vermont are no longer available but are available for existing structures. Ms. Reniche-Smith noted to make affordable housing possible, it would require state-level action of some sort that can't be done at the town level. Mr. Biasuzzi noted there is a lot the State could do, like reforming Act 250 as the permitting costs are expensive.

6. Election of Officers

This item was postponed to the next meeting as the full board was not present. Bill Mills noted his term on the Planning Commission ends in June.

7. BLUO Review – Incorporate Definitions

Bill Mills advised all definitions were received from the Committee members that will be distributed to all members for review and discussion at the next meeting.

8. Old/New Business

Bill Mills welcomed Cecil Reniche-Smith to the Planning Commission. Ms. Reniche-Smith noted she moved to Brandon in 2019 and had previously attended law school in Vermont. She worked as an attorney for the State of Oregon prior to moving back to Vermont. She is excited about being on the Committee and thinks the Town needs affordable housing.

9. Date of Next Meeting

Monday, November 7, 2022, at 6:00PM.

10. Adjournment

A motion was made by Jack Schneider to adjourn the meeting at 7:22PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary