

**Brandon Planning Commission Special Meeting - Draft
March 14, 2023**

Board Members Present: Cecil Reniche-Smith, Jack Schneider

Board Members Present via Zoom: Natalie Steen, Bob Foley, Bill Mills

Others Present: Ed Bove

Others Present via Phone: Jeff Biasuzzi

1. Call to order

The meeting was called to order at 6:17PM by Cecil Reniche-Smith.

2. Agenda Approval

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

Addition of Board Reorganization.

Cecil Reniche-Smith noted the Select Board voted to waive the policy where a Select Board member is unable to participate on other committees to allow Ms. Reniche-Smith to continue to participate on the Planning Commission.

3. Approve Meeting Minutes – February 6, 2023

A motion was made by Bill Mills to approve the minutes of the February 6, 2023 Planning Commission meeting. **The motion passed with one abstention – Natalie Steen.**

4. Zoning Administrator Report

Jeff Biasuzzi noted in terms of number of permits, there were two items, with one being an economic interest in the a former factory being purchased by a couple that live in New Jersey who want to start a brandy distillery. They met with Bill Moore and are enthusiastic about the existing facility and are ready to go to a purchase and sale agreement. Mr. Biasuzzi expects it to be a simple permitting process as there is an Act 250 permit on the entire old training school facility and the proposed occupants will have less employees and less requirements for sewer and water, and no requirements for changes to the building. He expects Act 250 will give it an administrative review and sign-off with a minor Act 250 review, but he does not see it being a serious problem. Cecil Reniche-Smith asked if the size of the operation is known and Mr. Biasuzzi stated those details are not known.

Mr. Biasuzzi advised the second item addressed earlier conversations about a change to the BLUO with regard to Act 250 review and noted Jack Schneider had started research on this subject. Cecil Reniche-Smith asked if the Town is losing economic development opportunities by being a one-acre town. Mr. Biasuzzi noted that is a better question for Bill Moore, but in his experience in real estate, he has had customers who would not consider a town that has Act 250. Mr. Biasuzzi stated Brandon, which has both zoning and sub-division regulations, had opted to become a one-acre town by choice with DRB review. It seems likely it was an accidental turn of events. He sent this information to both the DRB and Planning Commission, and suggested a discussion be held with the combined boards. Jack Schneider stated, as a member of the DRB, the DRB follows the BLUO that the Planning Commission owns. Mr. Biasuzzi stated once one has an Act 250 permit, it always exists, but with new businesses under 10 acres, it might be a game-change. Mr. Schneider asked if the Town moves to a ten-acre town if there would be limitations on how many houses can be built or if protections could be built in. Mr. Biasuzzi provided a summary from an Act 250 guidebook and noted there are 10 criterion that they review and 5 triggers that would allow Act 250 to take jurisdiction, with 10 acres always a trigger. For 10 or more housing units, that is a trigger that is being debated in the Legislature and then other issues that need to be addressed if there are environmental concerns. The two major ones are if a project is larger than 10 acres or whether or not

there are 10 or more subdivisions involved. Mr. Schneider noted most nearby towns are 10-acre towns. Mr. Biasuzzi stated for commercial activity or residential activity like a housing project, Act 250 will still have jurisdiction, unless the Legislature gives relief to designated village districts.

Ed Bove advised the RRPC helped Pawlet go from one-acre to a ten-acre town. If Brandon attempts to do that, they need to show that the zoning, town plan and other work is completed to prove to the District One Commission. Pawlet had no problems once proving they did everything correctly. Manchester stayed a one-acre town to have a local review of the mid-size development projects and still have Act 250 come in as another layer. It does not just rely on the DRB and adds another layer in the one-to-nine-acre type projects. Mr. Biasuzzi stated Brandon has a fully developed downtown district. A problem with Brandon zoning has to do with the zoning in the neighborhood residential district, where one must have ¼ acre for each new residential unit. When looking at Brandon outside the existing developed area, it is unique and has ability for sewer and water in the more rural sections of the township and the 10-acre versus one-acre is more applicable. Bob Foley asked where the referenced primitive camp is located in his report. Mr. Biasuzzi explained since 2004, Vermont has taken jurisdiction on all water supplies. In environmental protection rules, one exception is a primitive camp that is a structure that can be used for 21 consecutive days but not to exceed 60 days that does not have an approved water supply. It does not allow for toilet or shower and only allows for one sink to go to daylight. It does not restrict composting toilets or number of occupants but does restrict the number of continuous days of occupancy. Mr. Biasuzzi noted one is on Arnold District Road and the second is on Duval Road, which is a true example of primitive camp. With regard to the one on Arnold District Road, the owner has indicated they have a March 15th date to pour concrete for a structure. The rules indicate the zoning administrator cannot issue a permit for a year-round structure without a wastewater permit that has been applied for, but ANR is averaging 90 days for processing. The window for pouring the concrete would be missed so the Town provided a permit for a primitive camp to allow the concrete to be poured. Mr. Biasuzzi noted these are State rules that are creating a problem.

A motion was made by Bob Foley to accept the Zoning Administrator's report. **The motion passed unanimously.**

5. Energy Committee (BEC) Report

Jack Schneider reported the BEC met on March 6th with a member of the Bristol Energy Committee. Bristol has a community solar array installed by Acorn Development. Acorn is currently holding off on additional CSAs, but the BEC is looking into building a CSA. The Committee has a Generation group that is looking for sites, and other areas for solar like the police station or when the new town garage is built, as the DPW currently spends about \$70,000 per year on electricity. One Select Board member questioned the cost of decommissioning solar and Jim Emerson will be submitting an article on decommissioning costs to The Reporter. There was a landlord weatherization event that was attended by 20 people representing 30 rental units that included information about money available for energy conservation efforts. The BEC received a grant for two e-bikes that will be assembled professionally and will be loaned out for the community's use. They have also secured booth space in Central Park for the July 4th event that will be shared between the Planning Commission and BEC. The upcoming Town Plan readoption could be discussed at that time. The BEC is also working on a fall program with Window Dressers that are acrylic window inserts that act as weatherization and can be removed in the summer. The Davenport Festival will be held on July 8th and SolarFest will be July 15th and 16th.

Ed Bove will forward some decommissioning information to the Planning Commission. Cecil Reniche-Smith stated there are Select Board members concerned about a significant amount of money for decommissioning. Mr. Bove stated all projects require decommissioning and letters of credit. Mr. Biasuzzi stated two things to think about with solar panels that should be addressed is that the cost to decommission does not take into account a future cost of decommissioning and there should be some language about what the future cost would be. Also, with residential solar arrays, the trend is to build them with timber frames that could have other uses. He noted that it is a gray area in the zoning regulations but these would be a dual-purpose application and should be exempt under Section 248. The racking system, if it is for a dedicated purpose needs to conform and the BLUO should indicate this. Mr. Bove stated the DPS released new maps and standards for enhanced energy plans that he will send to the Planning Commission. Jack Schneider stated Barbara Noyes-Pulling will be meeting with the BEC on April 3rd to discuss this topic. Mr. Bove advised with the readoption of the town plan, there are new requirements for energy.

A motion was made by Cecil Reniche-Smith to accept the BEC report. **The motion passed unanimously.**

6. BLUO Update Workshop w/Ed Bove from Rutland Regional Planning Commission

Ed Bove of the RRPC reported the Town has money to update the BLUO and he will lay out a preliminary schedule for the Planning Commission. The award for is \$10,720 from the Municipal Planning grant, plus a small Town match. Mr. Bove noted he wrote a lot of the application and he wanted to bring to the attention what is in the scope of work. From the actual application; *“The Town of Brandon seeks assistance to update the Brandon Land Use Ordinance (adopted 7/27/20). Updates will focus on dimensional standards in the Central Business, High Density Multi-Use and Neighborhood Residential Districts; including lot coverage, setbacks, building height, existing small lots, and permitting requirements (i.e., permitted or conditional use review).”* Mr. Bove noted the Planning Commission should have received a letter from the State on other requirements. The bullets of the letter increase housing choice in smart growth areas, comply with state and federal housing laws, implement the Municipal Plan’s housing chapter, increase lots to allow compact neighborhood forms, increase allowed housing types like duplexes, and reduce nonconformities like in neighborhood residential. Jeff Biasuzzi noted 18 Franklin Street, home for Rutland Mental Health, has a lot of potential but is in neighborhood residential that restricts it, unless the DRB provides variances.

Mr. Bove stated the by-laws are already really good with how they are laid out. He likes the BLUO but suggested to simplify the uses would give the zoning administrator a lot of implementation with other things outside of going to the DRB. He suggested going through the BLUO and tweaking items to achieve what the grant requests to be done. Mr. Bove suggested when the weather gets nice to go for a tour around Town with the zoning maps and tape measures to do some on-the-ground review and then go back and tweak some standards and by-laws. Mr. Bove volunteered to come monthly for a while to assist with the backend work for the Town Plan. This grant is for the BLUO rewrite, but both the BLUO and Town Plan will have to be done at the same time. For the BLUO, it was suggested to start meeting monthly, and Mr. Bove could come back with specific target areas to tweak and the Planning Commission could look at the by-laws. Mr. Bove will provide a copy of the grant for the Planning Commission to review and come up with areas to achieve some of the goals. Mr. Biasuzzi would be willing to meet with the Planning Commission on a second meeting of the month to discuss the issues and get them outlined so that the Planning Commission would be prepared when meeting with Mr. Bove. Natalie Steen suggested Mr. Biasuzzi provide an outline to the Planning Commission for discussion at the next meeting. Mr. Biasuzzi stated the suggestions are already in print and he can do a list for a short-term update for the BLUO. He noted the current list is existing problems that he encounters. With parking, one thing not addressed in the BLUO is off-street parking except in the central business district. Mr. Biasuzzi stated since approving the Smith block building, it has created an issue with other merchants. Mr. Bove stated this grant would not let the Town add parking requirements to the work. Ms. Reniche-Smith stated the main problem is with finding more land for more parking spaces in Town. This is an issue that needs to be addressed in addition to walkability and bike lanes. Mr. Bove requested a copy of Mr. Biasuzzi’s list to work on, in addition to some statutory items that also need to be updated. Mr. Bove advised the grant is for two years and suggested for the purpose of the grant, a lot of what will be tackled will be in the first 20 pages with regard to setbacks, lot coverage and lot size. Mr. Bove will also send the Planning Commission copies of the zoning map.

Mr. Bove noted that the Town Plan has all of the required pieces and could be readopted with all pieces in place as it is not missing anything. He likes the plan as it is functional. The Energy chapter dominates a lot of it. Cecil Reniche-Smith stated there was discussion of transitioning to a type of town plan like Hubbardton and Wallingford adopted in being reduced and more brochure-like. Mr. Bove stated to do this by next February would be difficult, but the Planning Commission could readopt the current one and do changes later. Mr. Bove noted that the current plan is not a lot longer than Hubbardton’s and Wallingford’s except for the additional Energy chapter and the change would only be cosmetic as all three plans have the same information. Natalie Steen’s concern with Wallingford and Hubbardton is that there are not goals outlined. She would not like to lose that information, and noted that the Town Plan could be made to look prettier and more user friendly but still keep the goals and policies in place. Bob Foley agreed and noted the other plans received a grant to do them. Ms. Reniche-Smith spoke to Devon Neary at the RRPC, but due to the timing they could not get a grant, but was advised there might be other funds available. Mr. Bove agreed that he likes the goals and action items laid out. Ms. Steen suggested the energy section could likely be condensed. Cecil Reniche-Smith would like to note the action items accomplished and add new action items. Mr. Bove stated there is not a lot of data to be updated and he can assist with that. Mr. Bove suggested the Planning Commission can work on the goals and action items per chapter and he would then help with the data updates and pulling the two things together. It should be ready by December for scheduling the hearings. Ms. Reniche-Smith asked about community input and involvement. Ms. Steen suggested a meeting could be

done at the beginning of the work for community input and then have a meeting after the revision is completed. Mr. Bove noted since there is not grant funding, there is not a requirement for community input. Cecil Reniche-Smith suggested a community meeting could be scheduled for some time in May at the Town Hall. Ms. Steen suggested offering babysitting services to get younger families involved. Ms. Reniche-Smith noted Carol Bertrand provided the Planning Commission a presentation on Brandon Heart and Soul, and when speaking about the time schedule for town plan readoption, it was not certain that they could come up with the amount of money to assist in this effort. Ms. Steen noted in another town where she assisted with a town plan, the Planning Commission posted pictures and comments taken of community members about what they liked about their town. Ms. Reniche-Smith also suggested The Reporter could assist. Mr. Schneider suggested advertising the accomplishments and request input on what could make Brandon better. Ed Bove suggested mentioning specific projects in a town plan is a good idea when looking for funding for specific projects. Ms. Reniche-Smith noted one vision for the Town is a walkable community and a project would be extending the sidewalks to the local school. Mr. Bove suggested one of the goals could be to update the BLUO. Mr. Bove stated if the Planning Commission needs more time to process the changes, the Town Plan could be adopted and then readopted at a later time with more changes. It was noted readoption is an 8-year process. Mr. Bove will forward the contract for the grant to Cecil Reniche-Smith to submit to the Select Board. For the scheduling of a community meeting, Ms. Steen volunteered to assist Ms. Reniche-Smith.

7. Board Reorganization

. Chair

A motion was made by Jack Schneider to appoint Cecil Reniche-Smith as the Chair of the Planning Commission. **The motion passed with one abstention – Cecil Reniche-Smith.**

. Vice-Chair

A motion was made by Cecil Reniche-Smith to appoint Bob Foley as the Vice-Chair of the Planning Commission. **The motion passed with one abstention – Bob Foley.**

8. New/Old Business

There was no discussion held.

9. Date of Next Meeting

Monday, April 3, 2023, at 6:00PM at the Town Hall.

10. Adjournment

A motion was made by Bob Foley to adjourn the meeting at 7:41PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary