

TOWN OF BRANDON  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE

Pursuant to 24 V.S.A. Section 4384(e), Notice is hereby given that the Town of Brandon Planning Commission will hold a Public Hearing on Monday, August 17 at 7:00 PM at the Brandon Free Public Library located at 35 Park Street, Brandon, Vermont. The purpose of the public hearing is to allow Brandon residents the opportunity to provide testimony on the re-adoption of the Brandon Town Plan.

Brandon residents are invited and encouraged to participate. A more detailed summary of the Town Plan proposed for re-adoption is available at the Brandon Town Offices and on the Town of Brandon website. ([www.townofbrandon.com](http://www.townofbrandon.com))

Brandon Planning Commission  
Dated: July 9, 2015

*Brandon Town Plan*

*DRAFT – June 30, 2015*

*Prepared by*

*the Brandon Planning Commission*

*under the authority of*

*the Vermont Statutes Annotated*

*Title 24, Chapter 117*

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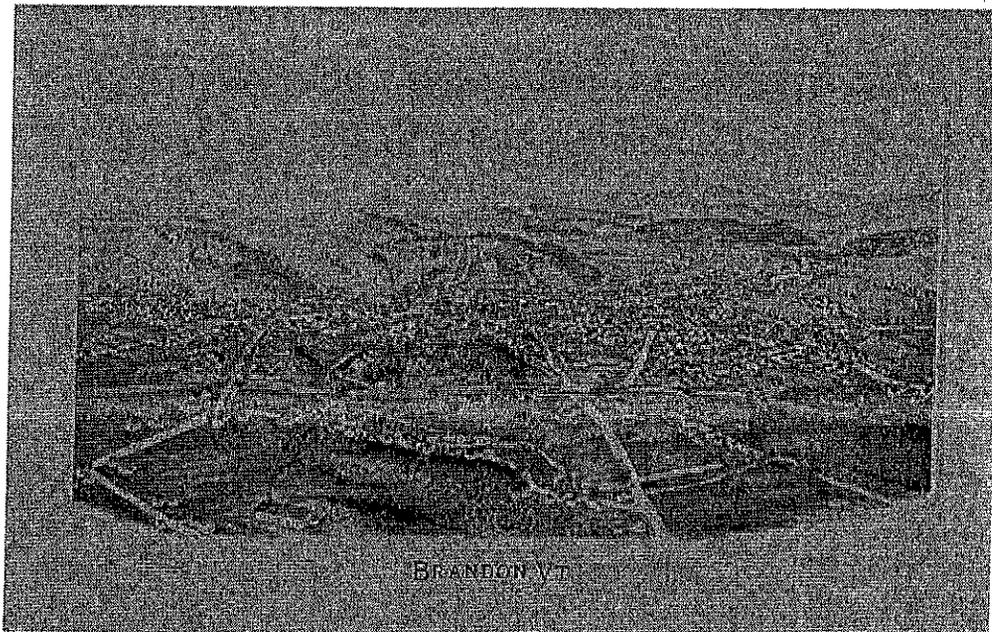
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*"The surface of the town is generally level. The Green Mountains lie along the east line, presenting some lofty summits while to the west is the smaller Taconic Range, which ends apparently in the Sudbury area. The principal streams are Otter Creek, which runs through the town from south to north, and the Mill or Neshobe River, which rises among the mountains in Goshen and enters the town from the east. At the foot of the mountains, the Mill or Neshobe River receives the waters of a small pond, called Spring Pond and becomes a considerable mill stream." So wrote Mrs. Augusta Kellogg in 1899 and it is much the same today."*<sup>1</sup>

## OVERVIEW

The Brandon Town Plan is the primary, if not definitive, statement of how the Town's values, especially regarding how future growth and development should proceed in order to promote the health, safety and welfare of its citizens. In general, the goals, policies and action steps<sup>2</sup> found in the Plan are meant to preserve and protect the town's assets while providing for improvements and growth that support the community. The findings and action steps contained in this Plan influence the Town's budget and capital expenditures, community development, historic preservation, economic development, and wise use of resources. The

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<sup>1</sup> Brandon, Vermont: A History of the Town 1761-1961; published by the Town of Brandon, 1961.

<sup>2</sup> The statute governing municipal plans discusses "recommendations" and "recommended" programs and policies. 24 V.S.A. § 4382. We have chosen the term "action steps" to reinforce the idea that the recommendations in this plan are intended to be acted upon and the goals achieved.

Plan is the basis for Brandon's zoning and other ordinances relating to development, the local economy, and our quality of life. The long-range goals and vision in this Plan seek to address the town's needs during the next 20 years, while the Plan is to be readopted at least every five years to reflect changing circumstances and the achievement of shorter-term goals.

### **Use of the Plan**

The Plan is intended to be the foundation for community programs, policy setting, and decision-making. The findings and recommendations will influence the Town's budget and capital expenditures, community development efforts, and natural resource protection initiatives. The Plan is the basis for the local land use controls such as those in the Brandon Land Use Ordinance. The Plan is intended to be read and used in its entirety. Interested people are encouraged to study the whole-plan rather than just the Overview and readers should consider individual policies and recommendations in the context of the whole Plan rather than as stand-alone concepts. Because the Plan is not able to fully address every important local issue, it should also be used as a source of topics for further study. The Plan is to be given full effect in all appropriate regulatory proceedings such as Act 250.

The Technical Appendices A-G attached to the Town Plan constitute the best and most recent available data as of the date of adoption. It is expected that, almost immediately after the adoption of this Plan and continuing thereafter over the life of the Plan, the referenced data sources will make available updated statistical and technical information of relevance. As such data becomes available, it may be used to supplement the current data by those seeking to implement the terms and provisions of the Town Plan.

### **Statutory Authority**

The Vermont Municipal and Regional Planning and Development Act (Chapter 117 of Title 24, Vermont Statutes Annotated) guides the preparation of town plans in the state. The Act specifies how a Plan should be developed and what it should contain. This Plan was prepared, adopted, and approved in conformance with the statutory requirements of the Vermont Municipal and Regional Planning and Development Act (Chapter 117 of Title 24, Vermont Statutes Annotated). It is also, is consistent with the Rutland Regional Plan, as readopted in 2008, and is compatible with the approved plans of surrounding communities of Sudbury, Chittenden, Pittsford, Hubbardton, Goshen, and Leicester. Under the authority of the Select Board, the Brandon Planning Commission, in concert with other interested parties, prepared the Town Plan and submitted it for final approval by the Select Board. The Planning Commission provided a copy to the Rutland Regional Planning Commission and all surrounding towns.

### **Preparation of the Plan**

The Brandon Town Plan was last rewritten and adopted in 2005. This version was re-adopted on December 17, 2007 in anticipation of a full update in 2008. An interim version was then adopted May 19, 2014, with the intention of serving as a launching point for comprehensive review, revision, and update.

The current update has been drafted by members of the Planning Commission with input from residents, town government, and Brandon community organizations. Public facilitation and technical assistance, made possible by a Municipal Planning Grant and a Community Canopy Grant, has been provided by Robert Black, \_\_\_\_\_, and the Rutland Regional Planning Commission. Special thanks are due to Kevin Thornton for his review of the Historic & Cultural Resources section.

Information on the Plan development and drafts of the Plan has been made widely available both in hard copy and via the Town's website. Two widely advertised public hearings were held in addition to displays and presentations by Planning Commissioners at Town Meeting and at the Town Library. A survey was conducted by the Planning Commission while updating the Plan to gauge the public's opinion on key issues. The public has been encouraged to participate at every meeting, and more public input was solicited during the approval process.

Development of this Plan has been another step in an ongoing series of efforts that demonstrate the dedication, care and esteem in which Brandon's residents hold their town. Citizens have repeatedly shown a remarkable willingness to volunteer their time, energy and money to make theirs a better community. Dedication is evident in recent efforts to preserve the Brandon Town Hall and the Stephen A Douglas Birthplace. All of this work toward a common goal of community building and adaptive reuse of old buildings for business and social purposes are examples of local investment in the town as we know it today and to our vision for its future.

## **PLANNING AND PROPERTY RIGHTS**

The purpose of this Plan is to maximize the quiet enjoyment and productive use of private property while maintaining the highest standards of health and safety and promoting the general welfare through the coherent, shared, and comprehensive community vision expressed in its pages.

"Ownership is the set of rights and duties allowing one to use, manage, alter, or convey property."<sup>3</sup> Property ownership is often described "a 'bundle of sticks'—a collection of individual rights which. . . State law determines only which sticks are in a person's bundle."<sup>4</sup> Generally, the "sticks" – the primary property rights – are use, management, quiet enjoyment, and the ability to sell or lease the land.<sup>5</sup>

The state can limit or even eliminate one or more sticks in the bundle through legislation intended to protect the health, safety, morals, and general welfare of its citizens, so long as it

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<sup>3</sup> *State v. Gillard*, 88 A.3d 389, 2013 VT 108 (Vt. 2013).

<sup>4</sup> *United States v. Craft*, 535 U.S. 274, 122 S.Ct. 1414, 152 L.Ed.2d 437 (2002) (citations omitted).

<sup>5</sup> See Black's Legal Dictionary, 9th ed., 1215 (defining "ownership").

does not entirely deprive the owner of beneficial use of the property.<sup>6</sup> Aesthetics is also recognized as a legitimate public interest. "Aesthetic and environmental wellbeing, like economic wellbeing, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many, rather than the few, does not make them less deserving of legal protection through the judicial process."<sup>7</sup> This is important because aesthetics has been found to be one of the main things that attracts and binds people to a community.<sup>8</sup>

Through Chapter 117 of the Vermont Statutes Annotated, municipalities are given the power to create a Town Plan and regulate land use. The reason for this may be found in the Vermont Constitution: "That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute the member's proportion towards the expence of that protection, ... nor are the people bound by any law but such as they have in like manner assented to, for their common good." Thus, it may be said, our rights are secure only in proportion to our willingness to participate financially and politically.

Implementation of this Plan will necessarily involve a balancing of public and private interests, and all members of the Brandon community are encouraged to participate in ongoing, constructive dialogue to achieve the common good.

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<sup>6</sup> *Alger v. Department of Labor & Industry*, 917 A.2d 508, 2006 VT 115 (Vt. 2006).

<sup>7</sup> *Sierra Club v. Morton*, 405 U.S. 727, 92 S.Ct. 1361, 31 L.Ed.2d 636 (1972).

<sup>8</sup> (What Attaches People to Their Communities?)

## **VISION**

Brandon is a real Vermont town, from Downtown to Forest Dale, Brandon and its residents have a strong sense of place and are proud of our significant community and historic assets. Brandon's downtown and Forest Dale village provide the essential goods and services that have moved to the outskirts of many other Vermont towns. Our town also provides the locals and residents of surrounding towns with jobs, retail goods and services, and the social and civic benefits of an active and diverse community. This vision will be achieved through the goals, objectives, and recommendations contained within each section of the Plan.

## **GOALS, POLICIES, ACTION STEPS**

24 V.S.A. § 4382 (1): A statement of objectives<sup>9</sup>, policies, and programs<sup>10</sup> of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment;

Below are the goals, policies, and action steps outlined within each section of the Plan.

### **Public Facilities and Services**

#### **GOAL:**

Maintain and/or expand public facilities and services infrastructure to satisfy the current demand and accommodate additional growth consistent with this Town Plan.

### **Energy**

#### **GOAL:**

Encourage energy efficiency and recycling, as well as renewable and alternate power sources and fuel sources within the Town of Brandon and in cooperation with other organizations.

### **Housing**

#### **GOAL:**

Promote compatible, safe and affordable housing, of a variety of types, for all residents of the community.

### **Child Care**

#### **GOAL:**

Encourage a variety of quality child care options.

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<sup>9</sup> This Plan uses the term "goal," but the intended meaning is the same.

<sup>10</sup> The Planning Commission believes the term "action steps" appropriately addresses the "program" component. Action steps within this plan are formulated to be "SMART": Specific, Measurable, Assignable, Reasonable, and Time-bound