

**Brandon Planning Commission Special Meeting
April 2, 2018**

Board Members Present: Stephanie Jerome, Ethan Nelson, Lisa Rovi, Michael Shank, Bill Mills

Board Members Absent:

Also in Attendance: Anna Scheck – Zoning Administrator, Barbara Noyes Pulling – Rutland Regional Planning Commission (RRPC), Doug Bailey

1. Call to order

Stephanie Jerome, Commission Chair, called the meeting to order at 6:04PM.

2. Agenda Approval

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

Add Energy Plan Discussion with Barbara Noyes Pulling after the Consent Agenda

Switch Conti Solar and Zoning Administrator's Report Agenda Items

3. Consent Agenda

a. Approve Planning Commission Minutes – February 20, 2018

A motion was made by Michael Shank to approve the Planning Commission minutes of February 20, 2018 as amended. **The motion passed unanimously.**

Under the Zoning Administrator's Report, removing the sentence beginning: This would require going before the DRB for a change... and replacing it with the following sentence: "The property owners would need to apply for a conditional use from/by the DRB to allow for residential use of the first floor with additional sewer capacity for 2 bedrooms."

4. Energy Plan Discussion with Barbara Noyes Pulling

Barbara Noyes Pulling was present to discuss the proposed Energy Plan for the Town Plan. Stephanie Jerome noted it is evident that an Energy Plan is needed with all the solar projects that are happening. Ms. Pulling advised if the Planning Commission wants to speed up the Energy Plan addition it would require the process of holding three hearings, one for the Planning Commission and two for the Select Board. Mike Shank stated in terms of the draft, the Planning Commission is about 90% complete. Ms. Pulling wanted to be sure the Planning Commission understands the mapping for the preferred areas. Mr. Shank questioned if the State has a requirement for agriculture (AG) soils. Stephanie Jerome stated at the RRPC meeting, there were maps available regarding AG soils. Ms. Pulling advised AG soils are in the second layer of constraints, but the Town could increase the restrictions. Mr. Shank asked if there is a total State plan or if it is according to local restrictions. Ms. Pulling advised there is not a statewide plan, but most towns have been lenient to give farmers another source of income. Ms. Jerome stated the Town does not want to hinder potential income, but the primary recommendation is the project is hidden from view. Ms. Pulling advised some towns also added areas that would be preferred. The RRPC has suggested towns have an Energy Committee. In developing an Energy Committee, the Planning Commission would need to go before the Select Board for approval. Ms. Pulling suggested there could be an energy coordinator or it could be a combination of the Select Board and Planning Commission, or other members

of the public. Mr. Shank suggested reaching out to other town groups for comments on the Conti Solar project.

Barbara Pulling provided a copy of the State's electric use from Efficiency Vermont that is broken down by town for all households and commercial entities and what measures are being taken for energy efficiencies. This type of information would be useful for an energy committee. Mr. Shank will collect names and reach out to those interested in working on an Energy Committee and Stephanie Jerome will write a letter for submission to the Select Board with regard to the development of an Energy Committee. Doug Bailey stated the Select Board needs something that is more policy driven, as the last Town Plan has just the basics. There has been AG land used for some of the current solar projects. Mr. Bailey noted he also likes to know who will benefit from the projects. Ms. Pulling stated the power goes into the grid and a town cannot require benefits go to the local area, but it can be requested that extra credits go to local community non-profits or low-income residents. It was noted there are many people concerned with the solar projects. Mr. Bailey will provide Mr. Shank information on the Davenport Solar project that has been proposed. It was noted the Town Plan could ask how a project will benefit the town. Ms. Pulling stated municipalities can only request a few things with regard to renewable projects such as setbacks and screening, which is why preferred sites in the energy plans are important. Stephanie Jerome suggested quarries and old disturbed lands could be included as preferred sitings. Ms. Pulling has been working with Rutland Town and their preferred areas have a list of criteria that they provide to potential developers. Ms. Pulling will forward the list to the Planning Commission members. Ms. Pulling noted impervious areas could be mapped. The Planning Commission reviewed the Town's draft resource maps with Ms. Pulling. Mr. Shank summarized the next steps for the Planning Commission would be to go through the official channels to form an Energy Committee, add to the Energy Plan the impervious areas, gravel pits, quarries and disturbed areas and create a list of criteria. It was recommended to split the Town into quadrants for the Energy Committee. Ms. Pulling reported the State Public Service Department is allowing the towns to take utility scale wind out of the mix for the energy plans. Other towns have been indicating residential or commercial wind up to 100 feet high are acceptable. It was suggested all residential projects would require a permit. Ms. Pulling stated the solar is state-regulated and cannot be regulated by a town and a town would not be allowed to require a permit for residential solar projects. Ms. Pulling provided a description of the Quechee test, noting this test came about through Act 250, but has become precedent if something has an undue aesthetic affect. Ms. Pulling will send the Planning Commission additional information on this subject.

5. Conti Solar Discussion

Stephanie Jerome attended the RRPC meeting concerning this project. The Planning Commission plans to be part of the Section 248 filing on this project. It was noted there are a lot that can be sited as issues regarding this project that include aesthetics, not meeting the settlement patterns due to potential home development in the area, screening and being prime AG land. Ms. Jerome also felt it did not meet the historical and cultural resources. The area is zoned as rural development and has specified setbacks. There is an issue with the types of trees being proposed. There is a water main that travels through the field and they will need to enhance the power lines. The Town Manager has been in discussion with Conti Solar to advise them there are a number of issues that have been expressed about this project. Barbara Pulling stated the Planning Commission could further express their concerns to the RRPC by attending future meetings. There has also been concerns received from adjoining property owners. It was suggested the Planning Commission develop a plan that would include suggested plantings, as the trees recommended are very slow growing for the proposed project. Ms. Jerome met with the Town Manager and Select Board Chair concerning the project. Doug Bailey noted concern that the tree line ends before the southern end of the project and there will be areas that will be highly visible. It was noted there is State statute, Section 248(s) with regard to setbacks for energy projects. The Town Manager had indicated that Conti Solar would be willing to look at other sites. The Planning Commission will apply for party status for this project. Ms. Jerome stated when the RRPC was discussing this site; it was thought this area is more of a neighborhood and an extension of the village. There needs to be a conversation about where the Town

wants density. Ms. Pulling stated a recommendation list should be backed up by the Town Plan and is important to go through the list with every developer to assure consistency. Ms. Jerome will draft a letter requesting party status. Ms. Scheck noted there is a form to be completed for party status.

6. Zoning Administrator Report

Anna Scheck reported there were several permits issued, including the Smith Block. The DRB met on the two mobile homes that were removed by the Town. There are no decisions yet, but replacement will have to meet all flood hazard standards. There has been interest in the Steinberg Road area in subdividing each house and leaving the farmland possibly conserved. They also want to subdivide one two-acre lot on Route 7 between the Medical Center and Brandon Auto for commercial use. It is thought this change would have to go to Act 250 and is a big piece that would require conditional use. The new brewery should be submitting an application soon and there has been discussion of the Davis house being turned into residential. This had previously been a business and it would have to go before the DRB for a variance to change it to residential.

Ms. Scheck stated with regard to the discussion of feather banners, the local ordinance regarding banners deals with these types of banners, which indicates they are temporary signs. The intent of the banner is to highlight a business and historically there have been businesses, such as an antique store and a winery that have had these types of banners. Ms. Scheck has sent letters to all businesses that have had them. It was suggested the 14-day restriction would be difficult to adhere to. Stephanie Jerome expressed concern when they are up for too long, they get tattered and faded. Bill Mills indicated the banners are up to interpretation, as some see them as a flag, rather than a banner. Ms. Scheck stated the ordinance indicates open flags can be up to 15 square feet and must be removed when the business is closed so she is currently considering them as special event banners. If it were considered an open flag, there would only be one allowed. It was noted the Committee needs to agree to permit feather banners or not, as any areas of gray will cause issues for the person who has to enforce the ordinance. Ethan Nelson stated the proposed sign ordinance indicates the signs would be wood, metal or natural materials. Mike Shank stated for clarity, he would like to see feather banners included in temporary signs. Ms. Scheck stated they are currently permitted only for sales and special events.

7. Telecommunication Regulations/Projects Discussion

Anna Scheck stated there is a section of the ordinance that deals with telecommunications. The Congregational Church has had equipment prior to the addition of the Telecommunication section of the ordinance and it had never been through the DRB. Ms. Scheck received a letter concerning proposed antenna and equipment modification and upgrades that will be in the same location. If there were a substantial change, it would require that a conditional use application be submitted to the DRB. The DRB has been informed and they have the right to make comment on this item and if they feel there was a major issue, they could do something. Ms. Scheck noted someone sent a letter of concern, which is the reason the DRB was informed. Ms. Scheck does not believe it is a major change and the equipment has been on the Church since 2001. This item was for the Planning Commission's information and did not require action.

8. Proposed Drafts/Amendments to BLUO – Signage/Farm Animals/Mobile Home Review

Anna Scheck provided a marked-up version of the Brandon Land Use Ordinance that included all edits discussed to date. It was suggested to place the definitions in the back of the document and not separate for the signage. Ms. Scheck changed the mobile home park section, the farm animals change was done in performance criteria and all changes noted in the last meetings' minutes were made. Ethan Nelson suggested an addition to Section b(4)(f) of no more than two temporary banners per year for no longer than 21-days.

A motion was made by Ethan Nelson to move forward with the changes to the BLUO for signage, mobile home parks and the farm animal ordinance effective April 2, 2018 with the Zoning Administrator to set a hearing date in accordance with state guidelines. **The motion passed unanimously.**

9. Map Review and Discussion

The maps provided for review and discussion about zoning included the Land Use, Future Land Use and Downtown Designation maps.

10. Old/New Business

Anna Scheck provided the Planning Commission a copy of Act 171 that relates to forest blocks and habitat connectors that went into effect January 1, 2018.

The Planning Commission has a goal of completing the Energy Plan by September. Ms. Scheck noted any changes to the mapping would have to go through the Rutland Regional Planning Commission.

11. Date of Next Meeting

Monday, May 7, 2018 at 6:00PM – Brandon Town Hall – Planning Commission Meeting

12. Adjournment

The Committee Chair adjourned the meeting at 8:40PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary