



City of Barre, Vermont
"Granite Center of the World"

Agenda for the Planning Commission

Meeting held on Thursday, March 24, 2022 ~ 5:30 PM

Virtual Meeting Only

Join Zoom Meeting

<https://us06web.zoom.us/j/86361584630?pwd=R0MxRvtMWG1nemJDZTZ6WU9KTjR3QT09>

Meeting ID: 863 6158 4630

Passcode: 482262

Phone: 1 (929) 205-6099 US (New York – Long distance rates will apply)

1. Call to Order
2. Adjustments to the Agenda
3. Public Comment (*for something that is not on the agenda*)
4. Old Business:
 - a. Approve meeting minutes from January 27, 2022
 - b. Window signage discussion
 - i. Temporary signs, as approved at the January meeting
 - ii. Previously recommended window signs language
 - iii. Planning Commission January vote and discussion
 - c. Zoning as it relates to Housing
 - i. Density
 - ii. Parking
 - iii. Accessory Dwelling Units
5. New Business
 - a. CVRPC Municipal Plan Check-in meeting – Clare Rock, Senior Planner, CVRPC
 - b. Zoning as it relates to Housing
 - c. Future meetings discussion

6. Staff Updates

7. Roundtable

8. Adjourn

Planning Commission meetings are open to the public.

For questions about accessibility or to request accommodation, please call (802) 477-1465.

Barre City Planning Commission

January 27, 2022 Meeting Minutes

Present: David Sichel (Chair), Jackie Calder (Vice Chair), Michael Hellein (Secretary), Amanda Gustin, Thomas Lauzon

Absent: None

Staff: Janet Shatney (Director of Planning, Permitting & Assessing)

Visitors: Becky Wigg

1. Call to Order

5:30pm

2. Adjustments to the Agenda

Sichel added discussion of future meeting format as New Business item C.

3. Public Comment

No public comment.

4. Old business

A. Approve meeting minutes of December 9, 2021

A. Change language to read "Shatney said an application would be denied because the section on window signs does not contain the word door."

B. Remove incomplete sentence "There was some discussion, leading to Shatney"

Motion to approve minutes as modified: Lauzon, second Calder, unanimous vote to approve.

B. Zoning regulations - Signage discussion and action

Hellein stated that he was concerned about the removal of the Figure 3-8 sign table, as it contains the definition of what a temporary sign is. He said communication about existing ordinance is a bigger problem than

the ordinance's content. Lauzon said that it's hard to see a solution to communication that doesn't put more work onto overworked staff.

Gustin and Sichel both recommended not having permitting necessary for temporary signs. Calder suggested putting a definition of temporary signs in the opening of the Temporary Signs section.

Shatney reminded the commission that any decisions tonight are just the beginning of the public hearing process to make changes to the ordinance.

Sichel summed up the consensus of the commission: permits will not be required for temporary signs, and the definition of a temporary sign, present for 180 or fewer days, will be present in the paragraph at 3107.H. Calder asked if the signs section would be going alone through the hearing process, or wait for housing, and Sichel said yes it would move forward alone.

Sichel suggested that we remove the dimensional requirements on the window signage area. Hellein said it would make sense to remove the dimensional requirements if we kept the coverage limit at 20%. Lauzon made a case that 40% would be better for businesses and would still leave most of the window open. Gustin pointed out that clear backgrounds would preserve visibility into storefronts. Hellein came around to Lauzon's coverage recommendation since the ordinance currently includes language ensuring a clear background.

There was discussion about the definition of a clear background. Lauzon suggested removing the clear background language, and Hellein resisted that change.

Motion: Lauzon moved changing coverage limit to 40%, striking B, C, D (Height above ground), and removing the first Miscellaneous items (vinyl letters and clear background), and adding an item under Miscellaneous reading "Window signs must be placed to maintain visibility into storefronts", Sichel second. In favor: Calder, Sichel; opposed: Hellein, Gustin; motion failed. (At the time of meeting, it was presumed the motion passed due to the majority present being in favor, but a majority of all seven seats is necessary to carry.)

Motion: Gustin moved to accept Shatney's changes to the Temporary Signs ordinance, and the definition of a temporary sign, (present for

180 or fewer days, will be present in the paragraph at 3107.H.) and start the hearing process, Calder second. Carried unanimously.

C. Housing Task Force update

Sichel provided an update on the activities of the Housing Task Force, noting that it will be discussed in the future.

D. Keys to Barre – Housing Task Force Plan

The packet includes a plan created by a sub-group of the City Council that will help guide the city's activity in increasing the supply of local housing.

5. New Business

A. CVRPC February 24, 2022 – Municipal Plan Check-in meeting

Representatives from the CVRPC will attend the next Planning Commission meeting. Shatney mentioned that trainings are available from the CVRPC.

B. Next Focus discussion

Sichel noticed that it seems like housing is the next topic for us to focus on. He noted that there are some things that will take a long time, and some things that can happen more quickly. Some short-run items are unit density limits in zoning districts and current parking requirements.

Gustin brought up having a paper streets plan as a long term goal. Hellein mentioned addressing zoning district boundaries considering the context of land use in adjacent municipalities. Sichel noted that there are areas where lot sizes don't conform with the zoning which presents a barrier to development. Lauzon stated that a lot of projects are in the works and development by renovation can make costs about half of new construction. Lauzon asked that the commission address density before parking, with consensus.

Gustin praised the Housing Task Force Plan. Sichel noted that a consultant, and a potentially a grant, may be needed to make a number of the changes to the ordinance. ARPA funding may be available as well.

C. Meeting format discussion

Motion: Gustin moved that starting 2/24 the Planning Commission use Zoom only for meetings, second Lauzon. Carried unanimously

6. Staff Updates

Shatney provided a written update report in the packet.

Shatney noted that the city's application for a Municipal Planning Grant for pedestrian planning was not granted.

Lauzon asked if there was a Plan D for filling the Assessor position. Shatney answered that it's difficult to find someone who knows how to value a property. There are no responses to the current round of positions. Montpelier is also searching for an Assessor and not having success. Shatney and the City Manager are looking into working with Barre Town to share some expertise.

7. Roundtable

Sichel introduced Becky Wigg who may be interested in appointment to the commission. She wondered if regional job training programs could help fill the unfilled positions. Sichel suggested Montpelier and Barre could together afford a more lucrative salary than each alone.

8. Adjourn

7:13pm, **Motion Lauzon, Second Gustin, unanimous vote to adjourn.**

Janet Shatney

From: Clare Rock <rock@cvregion.com>
Sent: Tuesday, January 11, 2022 3:13 PM
To: Janet Shatney; Janet Shatney
Subject: CVRPC meeting with Barre City PC?

Hello Janet,

I'm hoping I could attend an upcoming Barre City PC meeting to do one of our standard consultations. As you may be aware CVRPC is obligated to visit all PC every few years to check in, share CVRPC services, learn about local efforts and hear about any local training needs. Plus if there is any information I can bring to the PC I am happy to do so.

Would it possible to have 15 minutes on one of your upcoming PC meetings agendas?

Thanks!

Clare

Clare Rock
Senior Planner, CFM

CVRPC employees are working remotely, and our offices are closed to visitors. Please call or email, and we will respond as soon as possible. Thank you.



- (g) The sign message must not change more than once every 15 minutes.
 - (h) Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The total light output of the sign must not exceed 20 lumens per square foot of sign area after dark. The Development Review Board may further limit the intensity of the sign's illumination as deemed necessary to achieve the purposes of this section and protect the character of the neighborhood.
- (3) **Internally Illuminated Signs.** Internally illuminated signs where allowed must conform to the following unless otherwise specified in this section:
- (a) There must not be more than one internally illuminated sign per lot.
 - (b) The total light output of fixtures illuminating the sign must not exceed 10 lumens per square foot of sign area.
 - (c) The sign must not be illuminated when the business is closed.
 - (d) Internally illuminated pole, monument, projecting or hanging signs must not exceed 12 square feet in area, or the maximum sign area specified in [Figure 3-9](#) through [Figure 3-20](#) as applicable.
 - (e) Internally illuminated blade signs must not exceed 20 square feet in area.
 - (f) Internally illuminated wall signs must be designed as channel letter signs.
 - (g) Internally illuminated signs must be constructed with either: an opaque background and translucent text and symbols; or a colored background that is darker than the text and symbols
 - (h) Internally illuminated signs must not flash, brighten, dim, change color or otherwise be animated.
 - (i) Not more than 30% of the area of an internally illuminated sign may be used for advertising a product(s) available on the premises.

3107.H **Temporary Signs.** A temporary sign is any non-permanent sign designed to advertise a business or event for a limited period of time. Temporary signs are allowed to advertise limited period of time openings, sales or special events, or for informational purposes supplementary to the business, or temporary signs advertising a business while a permanent sign is being prepared. No permit for a temporary sign will be required, in accordance with the following:

Figure 3- 8: Temporary Sign Table

<u>1 – 30 days in any 12-month period</u>	<u>See Fee Schedule</u> no permit required, no fee
<u>31 – 180 days in any 12-month period ¹</u>	<u>See Fee Schedule</u>

~~1 Any temporary sign in place after 180 days shall be considered a permanent sign and a new sign zoning permit must be obtained or violations shall be issued.~~

- (1) ~~Property or business owners may purchase a permit to display temporary signs in accordance with Figure 3-8. Temporary signs, including temporary window and/or door window signs, may provide information regarding product names, logos, prices, and names and/or logos of financial sponsors.~~
- (2) ~~The Zoning Administrator may only issue one permit per lot, or one per business for lots with multiple uses. Temporary signs may not be placed in a public right-of-way or as stated in 3107D.~~
- (3) ~~The permit for a temporary sign authorizes the holder to display one or more signs provided that the total sign area does not exceed 36 square feet. No permit is necessary for the posting of temporary window signs that do not cumulatively exceed 20% of the total window area; are each less than four (4) square feet in size, and are posted not earlier than two (2) weeks prior to the event and are removed within three (3) days after the event.~~
- (4) ~~Grand Opening Banners. Any business opening a new business or in a new location may place one (1) banner on the property where the business is situated for a period of up to thirty (30) days, provided the banner does not exceed twenty-four (24) square feet.~~
- (45) ~~The permit holder Temporary signage must:~~
 - (a) ~~Be s~~Securely attached a temporary sign to a window, door, building or a permanent ground-mounted sign.
 - (b) Not install permanent footings, posts or similar structures to support a temporary sign.
 - (c) Not illuminate a temporary sign.
- (56) Barre City will consider temporary signs that do not meet the above, and are not readily movable to be permanent signs subject to all applicable provisions of this section and require a permit.

~~Figure 3-8: Temporary Sign Table~~

1—30 days in any 12-month period	See Fee Schedule
31—180 days in any 12-month period¹	See Fee Schedule

~~¹ Any temporary sign in place after 180 days shall be considered a permanent sign and a new sign zoning permit must be obtained or violations shall be issued.~~

3107.I **Sign Area.** Sign area will be determined in accordance with the following:

- (1) The sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a

03-24-22

Window Signs discussion for 02-24-22: Markup below is where the Commission ended up on January 27, 2022.

Figure 3- 141: Window Sign

UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CON	CIV
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									



Description		
The window sign type is often professionally painted or applied directly on the inside of the window consisting of individual letters and designs. Window signs offer a high level of craftsmanship and visibility, and are often used for small professional offices.		
Size		
SIGNABLE AREA		
A	Area per shopfront window	20% max <u>40 % maximum</u>
B	Width	<u>5 ft max</u>
C	Height	<u>36 inch max</u>

Location		
D	Height above ground	<u>5 ft min</u>
Window signs must be applied directly to the inside of the glass.		
Miscellaneous		
<u>Applied plastic or vinyl cut letters are strongly discouraged and are prohibited in the DRO district.</u>		
Window signs must have a clear background.		
Window signs must not be illuminated.		
<u>Window signs must be placed to maintain visibility into storefronts.</u>		

Staff Updates between February 24, 2022 and March 18, 2022:

1. Mask wearing in City buildings has been discontinued on March 7, 2022 (see Manager Mackenzie's memo attached).
2. The Assessing Clerk processed 17 PTTR's (Property Transfer Tax Returns) for the month of February 2022 (see <https://www.barrecity.org/assessment.html> for the most updated Property Sales Reports for FY22).
3. I received one application for the Development Review Board hearing on Thursday, April 7, for a fence that exceeds 6' feet in height at the dog daycare on Circle Street.
4. Permitting has significantly ramped up. Of note, RK Miles is looking to add outdoor storage racks similar to what you see in Home Depot, but on a larger scale, and the State Floodplain Manager and I met with people on Friday, March 18th to be sure they can move forward. Also note, Malone Properties owns 105 N. Main Street (former Goodfellows Jewelers building) and has submitted plans to renovate the 2nd and 3rd floors for offices. We have a walk-through meeting set for Thursday, March 24 in the afternoon.
5. The ERSA grant award in February is still pending, as we have not received any grant agreement paperwork. I have reached out to the administrator at the Department of Forests, Parks and Recreation asking where they are at – no response to date. The Cow Pasture Committee is anxious to get started.
6. There continues to be no responses to date on the Assessor solicitation that has been out in the public for over a year. I met with the Manager and the HR Director and we have talked about raising the pay maximum to see if we might get better attention to the job ad.
7. There continues to be no responses to date for a permit administrator – the HR Director plans on putting an ad in the newspaper that says there are multiple openings at the city and it will direct people to the website.
8. Cannabis has become a hot topic to date, as municipalities try to figure out regulations in zoning, if any changes might need to be made. The Chair and I have discussed seeing if CVRPC or a state representative for this might be willing to host a forum so that we can better understand the January 2022 rules (attached for your reading).
9. All the permit forms were updated in some fashion and have been posted to the website.
10. The new Police Chief, Braedon Vail has started working. There is a meet-and-greet set for Sunday, March 27th from 2 pm to 4 pm (<https://www.barrecity.org/police-chief-community-welcoming-event.html>).



City of Barre, Vermont

“Granite Center of the World”

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MEMO

**TO: All Barre City Employees
Barre City Council
City Committees and Public Body Chairs
Dan Casey, BOH**

FR: City Manager

DATE: March 7, 2022

**SUBJECT: MUNICIPAL STAFF - COVID OPERATIONS PROTOCOLS – UPDATE #3
MASKING POLICY TERMINATION**

In light of the current downward trending of COVID/Omicron new cases and hospitalizations on both national and state levels, the most recent CDC/VT Department of Health Guidance, *and* the drop in Washington County Risk Level to **Medium**, I am hereby **rescinding the current masking protocol** for all Barre City municipal buildings.

Effective immediately:

1. **Wearing of masks inside Barre City Municipal buildings will no longer be required for the public or staff.**
2. Mask wearing inside municipal buildings will be a matter of personal preference and comfort level.
3. While supplies last, disposable masks and sanitizer will still be available to public visitors at no cost should they request a mask when visiting a City building.
4. General COVID safety practices are still encouraged and recommended, including periodic handwashing, disinfection and social distancing (6+/- ft.).
5. Unvaccinated employees and members of the public are still encouraged to get vaccinated for the safety and welfare of themselves, their families, and fellow employees.

6. Do not come to work if you feel sick or have any COVID symptoms (fever, cough, difficulty breathing). Consult your Department Head if you have symptoms, and of course, seek medical advice as appropriate.
7. Event organizers in Barre City municipal buildings are hereby delegated the authority to implement their own event masking requirements

Notwithstanding the above guidance update, I reserve the right to re-institute a municipal building masking protocol and/or other COVID safety measures should transmission rates, virus variants, or other circumstances warrant.



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

GUIDANCE FOR MUNICIPALITIES

JANUARY 2022

**JAMES PEPPER, CHAIR
JULIE HULBURD, COMMISSIONER
KYLE HARRIS, COMMISSIONER**

BRYNN HARE, EXECUTIVE DIRECTOR

Table of Contents

I.	Introduction.....	3
II.	The Cannabis Control Board	3
	A. The Cannabis Control Board	3
	B. Cannabis Control Board Authority	3
III.	Cannabis Establishments	4
	A. Types of Cannabis Establishments	4
	B. Tiered License Types	4
	C. Key Parameters of Cannabis Establishment Licenses	4
IV.	Municipal Authority and Cannabis Establishments.....	5
	A. Opt-in Provision.....	5
	B. Municipal Regulatory Authority.....	5
	C. Local Cannabis Control Commissions.....	6
	D. No State-Mandated Zoning Designations For Cannabis Businesses	6
	E. Agricultural Product Provisions Do Not Effect Zoning	7
	F. Buffer Zones	7
	G. Social Equity Criteria.....	7
	H. Provisional Licenses	8
	I. Environmental Regulations	8
V.	Taxes and Fees	8
	A. Excise Taxes	8
	B. Local Fees	8
	C. Local Option Taxes.....	9
	D. Meals and Rooms Taxes	9
VI.	Public Health, Education, and Advertising.....	9
	A. Public Health and Education.....	9
	B. Advertising.....	9
VII.	Public Safety, Compliance, and Enforcement	10
	A. Cannabis Establishment Security.....	10
	B. Cannabis Age and Possession Limits and Retail Establishments.....	10
	C. Transportation of Cannabis Between Licensees	10
	D. Tracking Cannabis Products	11

F.	Investigations of Cannabis Establishments.....	11
G.	Sanctioning Cannabis Establishments	11
H.	Lawful Locations for Cannabis Consumption	11
I.	Commercial Driver’s Licenses	12
J.	Online Sales and Delivery to Consumers	12
K.	Cannabis Product Manufacturing	12
L.	Changes of Ownership and Control of Cannabis Establishments	12
M.	Highway Safety.....	12
N.	Novel Cannabinoids.....	12

I. Introduction

This guidance is provided to assist municipalities working with individuals and businesses seeking to establish a cannabis business pursuant to 7 V.S.A. chapter 33.

This guidance is not legal advice. If municipalities have questions regarding their legal responsibilities, they are encouraged to consult municipal counsel.

II. The Cannabis Control Board

This section provides a brief overview of the Cannabis Control Board (“CCB” or “the Board”) and the types of cannabis businesses that state law allows the Board to license.

A. The Cannabis Control Board

The Cannabis Control Board was created by [Act 164 in 2020](#). In 2021, the legislature clarified and expanded the CCB’s responsibilities in [Act 62](#). As outlined in [7 V.S.A. § 843](#), the mission of the CCB is *"to safely, equitably, and effectively implement and administer the laws enabling adult use and medical use of cannabis in Vermont."*

There are three full-time members of the Board. The inaugural members are James Pepper, who serves as Chair, Kyle Harris, and Julie Hulburd. You can learn more about the Board and its staff at: <https://ccb.vermont.gov/>.

B. Cannabis Control Board Authority

The Legislature has tasked the Board *with "safely, equitably, and effectively implementing and administering the laws enabling adult use and medical use cannabis in Vermont"* [7 V.S.A. § 843](#).

The role of the Board includes implementing the laws governing the adult-use cannabis program, crafting all rules pertaining to the licensing and oversight of cannabis businesses, and overseeing compliance and enforcement of the program.

The proposed CCB rules are in the process of becoming final rules with legal force and effect. These rules can be found on the CCB website: <https://ccb.vermont.gov/>. The proposed rules will be updated on the website as they are amended during the rulemaking process. Final rules will be prominently displayed.

The CCB has also assumed responsibility for administering the medical cannabis program, formerly housed within the Department of Public Safety. This program oversees and administers Vermont’s therapeutic cannabis program, including dispensaries and the patient and caregiver registry.

III. Cannabis Establishments

A. Types of Cannabis Establishments

7 V.S.A. chapter 33 creates different types of adult-use cannabis businesses, which the law calls “cannabis establishments.” People or entities that hold a cannabis establishment license may engage in the commercial cannabis activity (such as cultivating cannabis) that is allowed by the type of license. The Board has sole authority to issue these licenses.

The different types of licenses, and the activities the licensees are allowed to engage in, are as follows:

1. Cultivator License

Cultivator licensees may grow cannabis plants, either outdoors or indoors. [7 V.S.A. § 904](#).

2. Manufacturer License

Manufacturer licensees may produce cannabis products from cannabis plants, including edibles, oils, and other such products. [7 V.S.A. § 906](#).

3. Wholesaler License

Wholesaler licensees may purchase cannabis and cannabis products from other licensees and sell them to licensees. [7 V.S.A. § 905](#).

4. Testing Laboratory License

Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public. [7 V.S.A. § 908](#).

5. Retailer License

Retailer licensees may sell cannabis and cannabis products to the general public. [7 V.S.A. § 907](#). No other license type may sell to the general public.

6. Integrated License

Integrated Licensees may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." [7 V.S.A. § 909](#).

B. Tiered License Types

Cultivator, Manufacturer, and Retailer license types each have tiers relating to the size or the kind of operation. More information about these tiers can be found in Board Rule 1, which is available on the CCB’s website: <https://ccb.vermont.gov/>.

C. Key Parameters of Cannabis Establishment Licenses

1. A licensee may hold multiple licenses, but they may hold only one of each type of license. [7 V.S.A. § 901](#).

2. Each license allows for only one location of the cannabis establishment. [7 V.S.A. § 901](#).
3. Multiple licensees may operate at the same location, subject to limitations established by the Board, except that multiple retail operations may not operate at the same location.
4. All cannabis establishments are subject to comprehensive state regulations and inspections by CCB staff.

IV. Municipal Authority and Cannabis Establishments

This section provides an overview of municipal authority to regulate cannabis establishments.

A. Opt-in Provision

A municipality must opt in to host a retail cannabis establishment by majority vote. But the opt-in vote requirement applies only to retailer licenses and the retail portion of integrated licenses. It has no impact on the ability of other license types to operate in a particular municipality. These other license types include cultivators, wholesalers, manufacturers, and testing laboratories, none of which require an opt-in vote to operate in a municipality. [7 V.S.A. § 863\(a\)\(1\)](#).

A municipality can opt in at any time.

A municipality may vote to opt out from allowing retail cannabis establishments, but such a vote will not apply to any retail establishment operating in the municipality at the time of the opt-out vote. [7 V.S.A. § 863\(a\)\(2\)](#).

B. Municipal Regulatory Authority

General rule:

- Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business. Beyond municipalities' general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

A municipality may:

- Regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

A municipality may not:

- Regulate cannabis establishments to any greater extent than they could any other business. [7 V.S.A. § 863\(d\)](#).

- Place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under [24 V.S.A. § 4414](#) or their authority to regulate signs or public nuisances under [24 V.S.A. § 2291](#), [7 V.S.A. § 863\(d\)\(2\)](#).
- Use their zoning power under [24 V.S.A. § 4414](#) or their ordinance power under [24 V.S.A. § 2291](#) in a way that will have the effect of prohibiting the operation of cannabis establishments. [7 V.S.A. § 863\(d\)\(1\)](#).

C. Local Cannabis Control Commissions

Municipalities may create a local cannabis control commission, but they are not required to. Municipalities must give notice to the Cannabis Control Board if they have formed a local cannabis control commission.

The local commission may issue and administer local control licenses and may condition licenses on compliance with zoning bylaws under [24 V.S.A. § 4414](#) and ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). The local commission may also deny, suspend, or revoke a local control license if it violates conditions placed on the license. Local commissions must inform the Board of such actions.

If a local control commission requires a license, a cannabis establishment must obtain one before being licensed by the Cannabis Control Board. A local control commission must promptly consider license applications and may not indefinitely delay consideration.

The conditions that local control commissions can place on a license are limited to compliance with zoning bylaws under [24 V.S.A. § 4414](#) and compliance with ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). As explained further in subsection B of this section IV, placing additional conditions on a local license, or suspending or revoking licenses for any reason other than the allowable conditions, is a violation of state law.

The local commissioners may be members of the municipality’s legislative body.

If a municipality has not formed a local control commission, no local licensing approval will be required before the Board approves a license to operate.

Even without a local cannabis control commission a municipality may still regulate cannabis establishments in accordance with their general authority to regulate businesses. For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

D. No State-Mandated Zoning Designations for Cannabis Businesses

There is no provision in state law or the Board’s rules that requires a particular zoning designation for any cannabis establishment.

A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis.

For example, there is nothing in state law requiring cannabis establishments to operate within a commercial zoning designation. A town’s zoning bylaws may require a particular cannabis establishment to be within a commercially zoned district, but that will result solely from the application of the town’s bylaws and not from any requirement in state law.

Nowhere does Vermont law state that cannabis is a “commercial product,” and nowhere does the law require that cannabis businesses operate within designated commercial zones.

E. Agricultural Product Provisions Do Not Effect Zoning

State law provides that cannabis cultivators will not be regulated as farming and cannabis will not be considered an agricultural product or crop. [7 V.S.A. § 869](#). As a result, cannabis and cannabis cultivators will not receive certain tax and regulatory benefits that farms and agricultural products are eligible to receive.

These provisions are not relevant to zoning laws and have no effect on zoning. A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis. State cannabis law does not determine any zoning designation.

F. Buffer Zones

Under Board rules, a retail cannabis establishment cannot operate in any location where it would be a violation of the drug-free school zone law to sell a regulated drug. This means cannabis retailers cannot operate if the store would be on a property that abuts a school property and if the retail operations would occur within 500 feet of the school property.

The Board’s buffer zone requirement applies only to retail cannabis establishments and not to any other type of cannabis establishment license.

A municipality may regulate the location of cannabis establishments to the same extent it may regulate the placement of any other business under its zoning powers, but a municipality does not have authority to go beyond its general zoning power under [24 V.S.A. § 4414](#) in creating buffer zones that could apply to cannabis establishments.

For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

G. Social Equity Criteria

The Board has prioritized the processing of social equity applications at the state level and is working with partners and affected communities to establish programs that will provide additional support for social equity applicants.

Municipalities may not condition local license decisions upon social equity criteria, though towns are encouraged to support social equity applicants. For example, they may choose to hold local workshops or informational sessions to assist local applicants in moving through the local permitting and license process.

For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of this section IV.

H. Provisional Licenses

If an applicant has received a provisional license from the Board, it means the applicant has submitted an initial application and is provisionally approved for a license. A provisional license does not allow an applicant to begin operations, nor does it guarantee that an applicant will receive a final license to operate a cannabis establishment. Not all provisional licenses will result in a final license.

The Board will not require local control commission approval to grant a provisional license.

I. Environmental Regulations

Cannabis establishments must abide by all generally applicable environmental regulations, whether state or municipal.

The Board will require some additional environmental standards, as provided in Board Rule 2, available at the [CCB's website](#). For example, larger cultivators who operate on municipal water will be required to obtain a notice that the municipal water authority has capacity to serve the cultivation operation.

Municipalities do not have authority to implement special environmental rules for cannabis establishments, beyond their authority to create zoning bylaws with general effect. For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of this section IV.

V. Taxes and Fees

The legislature has the power to set taxes and fees and is considering relevant rates during the 2022 legislative session. This section will be updated after the legislature has made additional decisions on these matters.

A. Excise Taxes

The excise tax on cannabis products will be 14%. Under current law, municipalities do not receive a portion of the cannabis excise tax. [In its October 15, 2021 report to the legislature](#) the Board recommended that municipalities get a portion of the excise tax.

B. Local Fees

The legislature has not approved specific local cannabis fee rates. The CCB has recommended that the legislature approve a local fee of up to \$500 or, alternatively, allow municipalities to use the Uniform Fee Schedule set forth in 1 VSA 316(d) to charge applicants a variable fee based on the actual amount of time spent processing an application.

The process for collecting local fees is under consideration during the 2022 legislative session. Under Act 162 of 2020, the CCB would collect local license fees at the time an applicant applies or renews their application with the CCB and would pay them on a quarterly basis to the municipality in which the fees were collected. [7 V.S.A. § 846](#). This guidance will be updated with any process changes that may be legislated in 2022.

C. Local Option Taxes

The Vermont Sales and Use Tax will apply to the retail sale of cannabis products in Vermont. Municipalities that have such a tax will receive local option tax revenue on retail sales of cannabis. The sales and use tax applies to all cannabis products.

Municipalities cannot add a local option sales tax solely for cannabis products. Municipalities that have a local option sales tax cannot exempt cannabis products from that tax. Municipalities must tax cannabis products as they would as any other good.

D. Meals and Rooms Taxes

Meals and Rooms taxes do not apply to cannabis products, nor do they apply to edible cannabis products. Therefore, a local option tax on meals would not apply to the retail sale of any cannabis products.

VI. Public Health, Education, and Advertising

A. Public Health and Education

The CCB has developed detailed regulations to ensure that cannabis and cannabis products that are being sold at retail establishments are tested and free from harmful adulterants. The CCB has broad authority to stop sales and recall harmful products if identified.

All cannabis and cannabis products will be sold in opaque, child-resistant packaging that will be labeled with standard health warnings and symbols approved by the Vermont Department of Health.

The CCB will require retailers to provide customers an educational flyer at the point of sale that includes health and safety information. This flyer will be developed by the Department of Health and contain current, evidence-based information on the health effects of cannabis. Additionally, the Department of Health will have access to 30% of the cannabis excise tax (capped at \$10,000,000 annually) to fund substance misuse prevention programming throughout the state.

While the CCB does not have the authority to require additional trainings related to cannabis consumption for local police, fire, and rescue forces, the CCB will require training for employees for cannabis establishments that includes identifying signs of overconsumption.

B. Advertising

Vermont's cannabis advertising laws are among the most restrictive in the country, and all advertisements will require CCB approval prior to publication.

Cannabis establishments may not advertise their products via any medium where more than 15 percent of the audience will be under 21 years of age. [7 V.S.A. § 864](#). More information about advertising regulations is available in Board Rule 2, available at [the Board's website](#).

VII. Public Safety, Compliance, and Enforcement

A. Cannabis Establishment Security

The Board has security requirements for all cannabis businesses, though the requirements vary depending on license type. License holders are required to report to the Board any issues of theft, property damage or loss. The Board will notify appropriate law enforcement and local officials as appropriate.

More information about the Board's security requirements can be found in Board Rule 2, available at [the Board's website](#).

The CCB does not intend to regulate maximum occupancy at cannabis establishments, however all establishments will be subject to all relevant fire and building safety codes.

B. Cannabis Age and Possession Limits and Retail Establishments

A person 21 years of age or older may purchase up to one ounce of cannabis per transaction at a cannabis retail establishment and possess up to one ounce of cannabis on their person. [18 V.S.A. § 4230a](#). It is a civil violation for a person under 21 years of age to possess any amount of cannabis. [18 V.S.A. § 4230b](#).

No person under 21 will be permitted in a cannabis establishment. The Board has the power to enforce this rule with severe sanctions and civil penalties, up to and including revocation of an operating license.

C. Transportation of Cannabis Between Licensees

If cannabis is being transported by vehicle between licensees, it needs to be done in an unmarked car to avoid unnecessary attention and threats of theft or diversion. Cannabis must be entered and tracked in inventory tracking software that indicates a transfer between license holders. Every time cannabis is transported, a manifest must be generated containing detailed information such as approximate time of departure, destination, estimated time of arrival, the transportation vehicle's make, model, and license plate number, and signature of an employee of the cannabis establishment receiving the product. Information about transports will not be shared with law enforcement each time a transfer happens. If there is an issue in transport, the Board must be notified within 24 hours, and the Board will contact officials as appropriate.

State and local police will not have authority to stop a driver who is lawfully transporting cannabis or cannabis products pursuant to the laws and rules of the regulated market unless the driver has committed a moving violation or some other offense. Cannabis establishment employees who are transporting cannabis must always have documentation on them demonstrating their lawful employment with a cannabis establishment.

D. Tracking Cannabis Products

The CCB will require each license holder to maintain tracking software that will track each cannabis plant from seed to sale. The Board will be able to remotely access all tracking data in real time. This will be a check on illegal diversion and inversion, and if there are inconsistencies in a license holder's operation the Board will investigate and take action as appropriate.

E. Complaints About Cannabis Establishments

The Board will have a system in place to receive reports from anyone, including municipal officials, regarding suspected issues and violations of a license holder. The Board will investigate and inform local officials as necessary of any violations and enforcement actions.

Municipalities retain authority to enforce ordinances regarding "public nuisances" under [24 V.S.A. § 2291](#). For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

F. Investigations of Cannabis Establishments

The Board will have enforcement personnel who can investigate complaints about the operations of any cannabis establishment and recommend sanctions to the Board, if appropriate.

G. Sanctioning Cannabis Establishments

The Board has authority to prescribe administrative and civil penalties to a license holder or other person who violates the rules or laws regulating the legal cannabis market. These penalties could range from a fine to a suspension or revocation of a license, depending on the type and severity of violation. The Board will inform a municipality of a suspension or revocation of a license after it has reached a final judgment.

More information about the Board's enforcement processes can be found in Board Rule 4, available at [the Board's website](#).

H. Lawful Locations for Cannabis Consumption

Under state law, cannabis consumption is prohibited in any public place, meaning any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute is prohibited by law. Places of public accommodation can include restaurants, stores, or other facilities at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public. [18 V.S.A. § 4230a](#).

Public consumption of cannabis in any form is prohibited and is subject to civil penalties capped at \$100 for a first offense, \$200 for a second offense, and \$500 for a third or subsequent offense. [18 V.S.A. § 4230a](#).

Cannabis consumption on private property that is not a place of public accommodation is not prohibited by state law.

I. Commercial Driver's Licenses

The requirements for getting and keeping a Commercial Driver's License are not impacted by the legalization of cannabis in Vermont. Any substance that was prohibited for use by CDL holders prior to cannabis legalization in Vermont is still prohibited.

J. Online Sales and Delivery to Consumers

Online ordering is currently prohibited. The legislature may consider it in the future.

Delivery to consumers is currently prohibited. The legislature may consider it in the future.

K. Cannabis Product Manufacturing

The Vermont Fire and Building Safety Code, as promulgated by the Department of Public Safety, will apply to all cannabis manufacturing operations. Towns may regulate cannabis manufacturing operations to the same extent they may regulate any business pursuant to their zoning authority, but may not place special conditions upon manufacturing operations beyond their general zoning authority.

For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

L. Changes of Ownership and Control of Cannabis Establishments

Cannabis establishments are required to notify the Board of changes of ownership and control. Information about ownership will be public.

M. Highway Safety

The Vermont Criminal Justice Council added Advanced Roadside Impaired Driving Enforcement (ARIDE) to the mandatory curriculum at the Vermont Police Academy in 2015, meaning all law enforcement officers who have graduated since 2015 are trained to detect drivers impaired by any substance, including cannabis. The Vermont Criminal Justice Training Council is currently working to train all remaining law enforcement officers that are involved in highway safety on ARIDE standards.

In addition to ARIDE-trained officers, Vermont utilizes approximately 45-55 trained Drug Recognition Experts (DRE) that are geographically dispersed around the state. DREs are specialized law enforcement officers that have completed a 40-hour course and field certification designed to detect not only impairment but also the impairing substance(s) a driver has consumed.

N. Novel Cannabinoids

Currently, many intoxicating cannabinoids, including Delta-8 and synthetic Delta-9, exist in a regulatory grey area. The CCB has asked the legislature to grant it the authority to regulate all intoxicating cannabinoids to ensure that they are only sold to those authorized to purchase them, and that they are safe for consumers and patients. If granted the authority, the CCB intends to create a product registration process so that any new product containing a novel intoxicating

cannabinoid will be reviewed, including its packaging, labeling, ingredients, and health effects, before being released to the public.



TOWN OF BERLIN, VERMONT

Town Administrator
Vince Conti

CERTIFIED MAIL

March 10, 2022

TO: Planning Commissions of the following (or Clerk of the Municipality)

City of Montpelier, 39 Main Street, Montpelier VT 05602-2905
Town of East Montpelier, P.O. Box 157, East Montpelier VT 05651-0157
Town of Barre, P.O. Box 116, Websterville, VT 05678-0116
City of Barre, P.O. Box 418, Barre, VT 05641-0418
Town of Williamstown, 2470 VT Route 14, Williamstown, VT 05679
Town of Northfield, 51 South Main Street, Northfield, VT 05663
Town of Moretown, 79 School Street, Moretown, VT 05660
Town of Middlesex, 5 Church Street, Middlesex, VT 05602

Executive Director, Central Vermont Planning Commission, 29 Main Street, Suite #4
Montpelier, VT 05602

Commission, Department of Housing and Community Affairs, 1 National Life Drive, Davis
Building, 6th Floor, Montpelier, VT 05602

FROM: Thomas J. Badowski, Assistant Town Administrator

Enclosed you will find a copy of the following:

- Proposed amendments to the Unified Code of Land Use and Development Regulations for the Town of Berlin
- Proposed amendments to Official Map
- Proposed amendments to Berlin Town Plan
- Corresponding Berlin Planning Commission Reports

Also please be advised that the Town of Berlin Planning Commission will hold a Public Hearings on these amendments in accordance with VSA 24 §4444 on Wednesday, April 13, 2022, at 6 PM at the Berlin Municipal Office, 108 Shed Road, Berlin, VT 05602

We encourage all the above parties to submit comments or attend the Public Hearings.

Join Zoom Meeting <https://us06web.zoom.us/j/89104339699?pwd=TG95VSt5aDRjOE9hUTlxcHIxcFhvUT09>
Meeting ID: 891 0433 9699 Passcode: 497558 Dial In: +1 646 558 8656

Respectfully,

Thomas J. Badowski

Thomas J. Badowski
Assistant Town Administrator

PLANNING COMMISSION REPORT ON PROPOSED BYLAW AMENDMENTS

In accordance with 24 V.S.A. §4441, the Planning Commission has prepared and approved this written report on March 9, 2022 prior to warning and holding a public hearing on proposed amendments to the town's Land Use and Development Regulations and Official Map.

Brief Explanation of the Proposed Amendments

The Town of Berlin is proposing to revisions to make uses with specified levels of traffic generation conditional in the zoning districts where commercial and industrial uses are permitted. The PC is also proposing minor changes to the Town Center zoning district language and an update to the Official Map to comply with the conditions imposed by the Downtown Board on approval of Berlin's designated New Town Center. The zoning district changes primarily relate to clarifying language related to street frontage and on-street parking. The Official Map has been amended to reflect the most current planning for the roadway network serving the Route 62 Gateway area of the Berlin Town Center.

Statement of Purpose

The purpose of the proposed amendments is to ensure new development will not unreasonably burden or degrade the capacity of public highways and to meet the conditions of the town's New Town Center approval.

Municipal Plan Goals and Policies

The proposed amendments are intended to further a principal objective of the Berlin Town Plan to obtain New Town Center and Neighborhood Development Area designations. Those designations will support development of affordable and workforce housing. They also align with the plan's recommended action to adopt revised land use regulations that promote a safe and efficient transportation network.

Municipal Plan Future Land Use

The proposed amendments do not change the allowed uses or density of development within the Town Center or any other zoning district.

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. They provide the town with greater ability to address the impacts of uses that generate higher levels of traffic, which is envisioned to lead to highway improvements when necessary to accommodate proposed development. To the extent that the proposed amendments support the town's effort to obtain New Town Center and Neighborhood Development Area designations, they indirectly further the vision for the Berlin Town Center including for public spaces and facilities. The proposed amendments do not directly create new demand for community facilities not already anticipated in the Berlin Town Plan and the Berlin Town Center Plan.

Proposed 2022 Amendments to the Berlin Land Use and Development Regulations

The PC is proposing revisions to make uses with specified levels of traffic generation conditional in the zoning districts where commercial and industrial uses are permitted. The PC is also proposing minor changes to the Town Center zoning district language to comply with the conditions imposed by the Downtown Board on approval of Berlin's designated New Town Center. Those changes primarily relate to clarifying language related to street frontage and on-street parking.

Added to 2101.B Town Center District Permitted Uses:

(32) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (d) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Revised 2101.D Town Center District Dimensional Standards

The Regulating Map Notes were removed from the map and incorporated into this section. The following additional language was added:

Land development within this district must front on a street in conformance with the provisions of this section. Dimensional standards within this zoning district are established based upon the type of street a parcel or development envelope has frontage on.

(2)(b) A development envelope must front on a street and meet the dimensional standards, including lot width, for the street type they front on.

(3)(b) The tables on page 2-10 through 2-15 establish the dimensional standards associated with for development fronting on each street type are shown on the pages that follow.

(3)(d) When proposing to construct an unplanned street or develop a site or building that does not front on a street or street segment classified on the Regulating Map, the applicant must select a type for the street or street segment to be reviewed and approved by the Development Review Board as part of the development application as follows:

(3)(d)(i) An applicant may also propose to construct or extend a street, upgrade a service and circulation drive to a street or reclassify a street or street segment, subject to Development Review Board approval.

(3)(f) Service and circulation drives will not be considered streets for the purposes of this section if they do not meet all applicable standards for roads under these regulations, including the street standards of Paragraph 2101.E.

(4) Precedence. In the case of a conflict between a provision of this section and another provision of these regulations, the provision of this section will take precedence.

Added a note to the tables for A and B Streets in the Town Center District:

There must be one on-street parking space along the frontage for every 20 feet of primary street facade within the designated New Town Center.

Revised 2101.E Town Center District Street Standards:

(2) Curbing. New or reconstructed streets must be curbed except: (b) The Development Review Board may waive this requirement upon the applicant demonstrating that the street is designed (a) for slow

traffic speeds and (b) that an uncurbed design would result in improved stormwater management in accordance with Vermont's Green Streets Guide.

(3) On-Street Parking. (a) On-street parking may be provided on one or both sides of A, B, C and H streets (diagrams above not to be interpreted to limit parking to one side or specify a side for parking).

(3) On-Street Parking. (c) Within the designated New Town Center, on-street parking is required along any street segment that will serve as frontage for new development.

Added to 2102.B Mixed Use District Permitted Uses:

(40) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (c) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2103.B Commercial District Permitted Uses:

(42) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2104.B Light Industrial District Permitted Uses:

(27) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2105.B Industrial District Permitted Uses:

(30) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2107.B Hamlet District Permitted Uses:

(29) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (b) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Background

On October 9, 2018, the CVRPC Board of Commissioners approved Berlin's 2018 Town Plan titled **A Town Plan for Berlin, VT**, and it confirmed the Town's planning process. The Board of Commissioners noted that for the Town to retain confirmation of its planning process - progress towards attainment of two State Planning Goals will need to be documented in the municipal plan before CVRPC completes its next consultation in 2022.

The two goals are:

- State Planning Goal 3: To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters; and
- State Planning Goal 13: To ensure the availability of safe and affordable childcare and to integrate childcare issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development

Proposed new section for the Utilities and Facilities Chapter (pages 21-22):

Childcare Services

There is one licensed childcare provider in Berlin. With 8 infant slots and 10 toddler slots, it is operating at capacity with zero vacancies. Berlin residents and employees may find limited openings in surrounding towns or may rely on a neighbor or family member. There are no licensed or registered childcare providers in the region providing services on the weekends or during the evening or nighttime hours to serve families which work extra hours, second shifts or on the weekends. These schedules are often required for those working in healthcare or in the retail or industrial sectors. Recognizing the reality that most families require full or at least part-time childcare outside of their homes, childcare is critical to Berlin residents and is also vital to the stability and sustainability of the local economy especially considering the town's substantial employment base.

Proposed new language for the *Planning Considerations* section in the Utilities and Facilities Chapter (page 22):

Berlin should explore private-public partnerships with advocacy groups and large employers to expand the availability of quality childcare in town.

Through the administration of grant funds (through the allocation of municipal funds) the town may help alleviate high childcare start-up or operational costs by lowering building construction costs or facility rental costs.

Proposed new Action for the Utilities and Facilities Chapter (page 21):

Seek funds to undertake a childcare needs assessment to define the specific needs of Berlin residents and employees.

Proposed new language for the *Infrastructure Improvements* subsection of the *Planning Considerations* section in the Economic Development Chapter (page 27):

As discussed in Chapter 3. Transportation (page 19) and in Chapter 4. Utilities and Facilities (page 21), improvements to transportation infrastructure—particularly major state highway intersections—along with ensuring adequate availability of safe and affordable childcare, will also be necessary to further the town’s economic development objectives.

Proposed new language for the section in the Utilities and Facilities Chapter (page 21):

Educational Facilities

There are no institutions or organizations in Berlin which provide traditional higher education or vocational training opportunities in Berlin. Residents seeking these services may enroll in programs offered in nearby municipalities such as Montpelier or Barre City or access classes remotely.

Proposed new language for the Planning Considerations section in the Utilities and Facilities Chapter (page 22)

Co locating higher education and vocational training programs and facilities that support and enhance existing local employment sectors in Berlin would both increase resident’s access to broader educational opportunities and support local economic development.

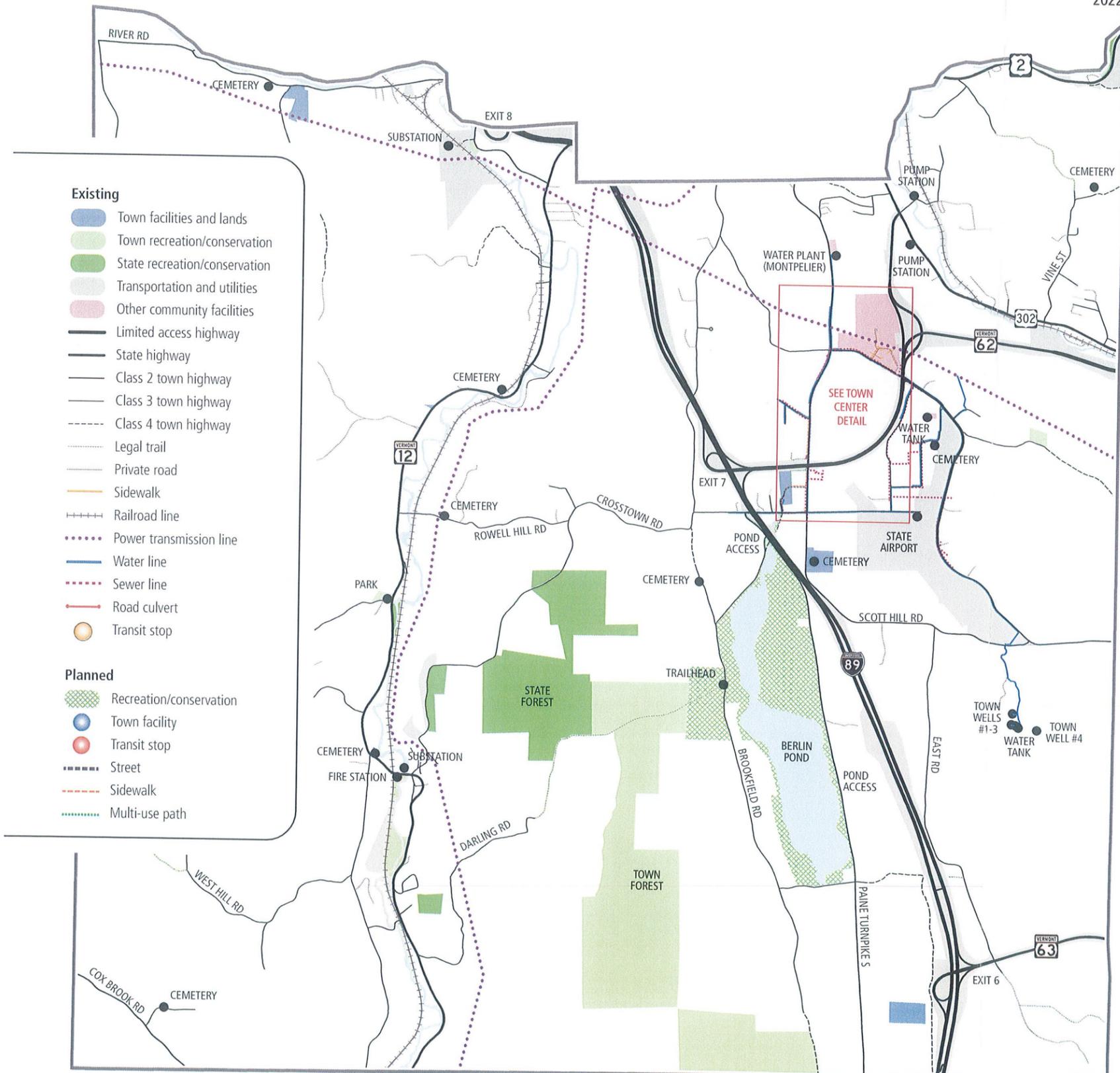
Proposed addition to Policy 1 within the Utilities and Facilities Chapter (page 21):

1. Focus higher-density housing, *educational*, commercial, and industrial development in the northeast quadrant where it can be efficiently served from existing or planned utility networks, and where the availability of that infrastructure will reduce development cost.

OFFICIAL MAP

TOWN OF BERLIN, VERMONT

2022 DRAFT



- Existing**
- Town facilities and lands
 - Town recreation/conservation
 - State recreation/conservation
 - Transportation and utilities
 - Other community facilities
 - Limited access highway
 - State highway
 - Class 2 town highway
 - Class 3 town highway
 - Class 4 town highway
 - Legal trail
 - Private road
 - Sidewalk
 - Railroad line
 - Power transmission line
 - Water line
 - Sewer line
 - Road culvert
 - Transit stop
- Planned**
- Recreation/conservation
 - Town facility
 - Transit stop
 - Street
 - Sidewalk
 - Multi-use path

TOWN CENTER DETAIL

