

Agenda for the Planning Commission

Regular Meeting held on Thursday, July 28, 2022 ~ 5:30 PM

Hybrid Meeting (virtual and in-person)

Council Chambers of City Hall and Zoom

Join Zoom Meeting

<https://us06web.zoom.us/j/83604836326?pwd=SVR0TjNySy9hRE5pY2duUFZ6bE95dz09>

Meeting ID: 836 0483 6326

Passcode: 381819

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. Approval of Minutes of the Regular Planning Commission meeting May 26, 2022
 - b. Housing Density Discussion
5. New Business
 - a. Open Public Hearing for draft revisions of the Unified Development Ordinance for Accessory Dwelling Units Section 3202
 - i. Opening Remarks by the Planning Commission
 - ii. Presentation of the draft revisions to Section 3202
 - iii. Questions and answers, any testimony
 - iv. Decision to close or recess public hearing
 - v. Decision to vote to forward draft revisions of Section 3202 to the City Council for consideration of a first reading
 - b. Discussion and/or designation of Chair, Vice Chair and Secretary for FY23
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

May 26, 2022 Meeting Minutes

Present: David Sichel (Chair), Jackie Calder (Vice Chair), Michael Hellein (Secretary), Rosemary Averill, Amanda Gustin, Joe Reil

Absent: Becky Wigg

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

Visitors: None

1. Call to Order

5:30pm

2. Adjustments to the Agenda

No adjustments.

3. Public Comment

No public comment.

4. Old business

A. Approval of Minutes of the Regular Planning Commission meeting April 28, 2022

B. Approval of Minutes of the Regular Planning Commission meeting May 12, 2022

Motion Gustin to approve both minutes, with change to May 12 to add Gustin to list of those absent, Second Reil, unanimous vote to adopt.

5. New Business

A. Accessory Dwelling Units – discussion over draft changes

Sichel asked Shatney to confirm that an ADU is limited to a single unit, and she confirmed state law says it does. Hellein pointed out that "appurtenance" may have a specific legal meaning of running with the land that conflicts with the requirement of "owner-occupied." Shatney

pointed out that the language is from statute, and Hellein agreed that resolves his concern.

Calder suggested emphasizing the hearing more on Front Porch Forum so the public is aware. Shatney will check with the Executive Assistant to see what options we have to draw more attention. Reil volunteered to send a short informative message after the meeting agenda is posted.

Motion Gustin to approve draft changes and present in a hearing on June 23, Second Reil, unanimous vote to approve.

B. Cannabis Discussion

Sichel noted that the state has provided information, included in the packet, on what role the city may take in regulating cannabis. Gustin asked Shatney if there are any specific changes she recommends, and Shatney answered there are not. The Planning Commission did not suggest any changes.

6. Staff Updates

Shatney had nothing more to report.

7. Roundtable

Gustin described the process of the visits from the City Manager candidates, and said that the decision is in City Council's hands now.

Hellein noted that there were no proposals submitted in response to CVRPC's RFP for traffic calming on Berlin Street. Shatney said that the RFP for the city's Capital Improvement Plan received only one response.

8. Adjourn

6:06pm, **Motion Calder, Second Gustin, unanimous vote to adjourn.**

- (1) Non-residential space will not be located above residential space;
- (2) Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed;
- (3) Private entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;
- (4) Impact of service and waste collection areas (noise, light, odors, etc.) on building residents will be minimized; and
- (5) Common open space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

3202 Accessory Dwelling

3202.A An accessory dwelling unit (ADU) must:

- (1) Be located within or ~~associated with an owner-occupied, single-family dwelling~~ appurtenant to a single-family dwelling on an owner-occupied lot;
- (2) Be clearly subordinate to the primary dwelling;
- ~~(3) Share a driveway with the primary dwelling;~~
- (4) Have provisions for independent living, including sleeping, food preparation and sanitation in accordance with [Section 3012](#);
- ~~(5)~~ Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater;
- ~~(6) Not have more than 2 bedrooms;~~
- ~~(7)~~ Shall be exempt from the ~~Meet the~~ minimum parking requirements for residential uses of [Section 3104](#);
- ~~(8)~~ Meet the applicable dimensional standards of the zoning district; and
- ~~(9)~~ Meet the water supply and wastewater disposal standards of [Section 3024](#).

3202.B A lot must not have more than one accessory dwelling unit.

3202.C The landowner must reside on the property, but may live in either the primary or accessory dwelling unit.

3202.D An accessory dwelling unit will be considered an accessory use of residential property and will not require site plan approval.

3202.E An accessory dwelling unit will not be included in the calculation of residential density.

Rules of Procedure
City of Barre
Planning Commission
May 16, 1997; September 26, 2019

Article I. Establishment of Rules of Procedure

- (a) Authority. The Planning Commission of the City of Barre shall be governed by the provisions of all applicable state statutes, the City Charter, and these Rules of Procedure, as adopted by the Planning Commission.
- (b) Adoption of these Rules. The Planning Commission Rules of Procedure shall be those adopted by the Commission in accordance with 24 VSA §4462. Upon adoption of the rules, a copy of these rules and all amendments shall be filed with the City Clerk as a public record and be made available to the public upon request.
- (c) Amendments. These rules may be amended at any regular meeting by an affirmative vote of a majority of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken.

Article II. Officers and Duties

- (a) Members. The Planning Commission of the City of Barre shall consist of seven (7) members appointed by the City Council for three-year terms in accordance with Title 24 VSA §4322-4323. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, Charter, Ordinances, or applicable state laws.
- (b) Chairperson. The Commission shall elect a Chairperson from among its members by a majority vote annually in the month of May. The Chairperson shall perform the duties prescribed by state law, the City of Barre's Charter, and these rules.
- (c) Duties of the Chairperson. The Chairperson shall call the meeting together, preside over all meetings of the Commission, put all questions, maintain order, decide all questions of order and procedure, subject to these rules, and shall appoint any committees found necessary to carry out the business of the Commission, subject to the order of a majority of the members of the Commission.
- (d) Vice Chairperson. The Commission shall elect a Vice Chairperson from among its members by a majority vote annually in the month of May. The Vice Chairperson shall perform all of the duties of the Chairperson in the Chairperson's absence, or when the Chair is not presiding.
- (e) Signature. The Chairperson's signature shall be the official signature of the Commission and shall appear on all applicable documents pertaining to actions of the Commission

which were made at meetings of the Commission when the Chairperson was present and presiding. The Vice Chairperson's signature shall appear on all documents pertaining to actions of the Commission which were made with the Chairperson was not present or not presiding.

- (f) Secretary. A Secretary, who may or may not be a member of the Commission, or the Department of Planning, Permitting & Assessing staff, shall be appointed by a majority of the Commission. The Secretary shall perform the following duties:
 - 1. Keep the minutes of all Commission actions and proceedings, showing the vote of each member upon every question, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names and addresses of all witnesses, and a summary of the facts on which the decision is based and the decision rendered.
 - 2. Preserve and keep the records of the Commission's examinations and other official actions.
 - 3. Cause to be filed all minutes and records of examination and other official actions with the City Clerk & Treasurer as a public record.
- (g) Vacancies. The Secretary shall give immediate notice of any vacancy of the Commission to the municipal legislative body. Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the regular meeting of the Commission. If the office of Chairperson becomes vacant, the Commission shall fill that office by election for the unexpired term at the next regular meeting of the Commission.
- (h) Attendance. Less than 75% attendance in any fiscal year or two unexplained absences by a Commissioner in a row is grounds for recommendation of dismissal to the City Council.
- (i) Vacancies. Vacancies shall be filled by the City Council upon the expiration of such term or an unexpired portion of any term.
- (j) Removal. Upon majority vote, the Commission may request that the City Council remove a Commissioner from the Planning Commission. Planning Commissioners may be removed at any time by unanimous vote of the legislative body per 24 VSA §4323(h).

Article III. Meetings and Hearings

- (a) Regular Meetings. Regular meetings of the Planning Commission shall be held on the second and fourth Thursday in each calendar month, unless there is no business to transact, in which case the meeting may be canceled.
- (b) Special Meetings. Special meetings of the Commission may be called by the Chairperson or by a majority of the members of the Commission, provided that at least 24 hours written notice of the time, place, and business of such meeting shall be given to each member of the Commission. Action items requiring public hearing notice shall conform to the notice requirements in 24 VSA §4447 and will not be scheduled for a special meeting.

- (c) Site Visits. The Commission may convene at a site if the Commission feels a site visit will aid in their understanding of a proposed project, activity, or study. Members may visit a site individually or as a Commission. If a quorum of the Commission is present, it is an open meeting and its date and time must be announced and/or posted in accordance with state law.
- (d) Recess of Meeting or Hearing. The Commission may recess a meeting or hearing if all business cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time and place of the recessed meeting or hearing shall be announced prior to the adjournment.
- (e) Open Meetings. All meetings of the Commission and any subcommittees shall be open to the public, and held in a location that is handicapped accessible. No longer a quasi-judicial body, the Commission cannot enter into deliberative sessions which are not open to the public to discuss the issues. The Commission and any subcommittees can enter into executive sessions only in accordance with the Open Meeting Law.

Article IV. Conflict of Interest

All members of the Planning Commission shall abide by the City of Barre's Conflict of Interest Policy adopted by the Barre City Council on October 13, 2009, together with any subsequent amendments. No disqualified member shall preside at a hearing or be counted by the Commission in establishing the required quorum. The applicant or any interested party may petition the Commission to disqualify any member because of a conflict of interest. If the Chairperson is disqualified, the Vice Chairperson shall preside. In the event the Vice Chairperson is unable to preside, a majority of the remaining Commission shall appoint an Acting Vice Chairperson for the proceeding.

Article V. Conduct of Public Hearings

- (a) Public hearings shall be conducted in accordance with the applicable rules as set forth in 24 VSA §4384, 24 VSA §4403, and other rules as are applicable.
- (b) Record of Proceedings. Proceedings at public hearings shall be recorded either electronically or by the Secretary.
- (c) Recess of public hearing. The Commission may recess a public hearing if all the matters pertaining to it cannot be disposed of on the day set. No further public notice shall be necessary provide that the date, time, and place of the recessed hearing shall be announced before adjournment.

Article VI. Voting

- (a) Quorum. For the conduct of a meeting or hearing, and the taking of any action, a quorum of the Commission must be present, consisting of a majority of the Planning Commission.

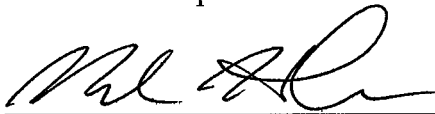
(b) Majority Vote Required. Decisions on any matter before the Commission, except the amendment or adoption of procedural rules, shall require the concurrence of a majority of the members of the entire Commission, regardless of vacancies or disqualifications.

(c) Motions in the affirmative. All motions made for any decision shall be made in the affirmative. This does not imply that the person making or seconding the motion support that motion. A failure to obtain four (4) affirmative votes shall be considered a denial. An abstention equals a negative vote.

(d) Tie Vote. A tie vote shall constitute no action of the Planning Commission.

(e) Conflict of Interest. No Commission member shall participate in any hearing or vote on any matter in which he or she has a personal or direct or indirect financial interest in the matter under consideration.

These rules of procedure were adopted by the Planning Commission.



Chairperson Michael Hellein

9/30/19

Date

Staff Report for week of July 25, 2022: Highlights Since May 20:

- Rental Registrations were mailed mid-May, and to date we have received over \$90,000 in fees back, with more than half of our rentals registered;
- Several claim an exempt unit, vacant, non-use, or say the SFH (single family home) with an owner out of town is not a rental, so those need following up on;
- DRB approved the Dog Daycare 8' fence in May, and am getting the owner to obtain his zoning permit with a plan to get the fence evened off;
- There are 3 applications in front of the DRB for August 4: 6 West Street demolition (church owns a vacant house, former convent) to make a fenced in play-yard for their older elementary school children; second application is the Barre Opera House lighting request, and third is Malone Properties' façade changes to 105 N. Main Street, the building they are renovating, where Goodfellows Jewelers used to be;
- The DRB had 3 seats for renewal, of which 2 people did not reapply. Last week at Council someone was appointed to fill the Ward 2 chair, leaving a Ward 3 vacancy;
- The Planning Commission had 3 people whose terms ended in June, and both David and Becky have since been reappointed. And, as you all know, Jackie Calder of our Commission resigned before the end of the fiscal year, and that 7th seat is supposed to be filled by the Council upon appointment at the Tuesday, July 26 meeting, thereby getting us back to all 7 seats filled;
- I have issued, since May 20: 17 building permits, 26 electrical permits, and 14 zoning permits. Mostly sheds and decks building permits; a change of use on Elmore street from a 5-unit to a SFH (3 units were never built but were approved, and the house has slowly been absorbed into a SFH from a duplex), a sign permit for Amy's Armoire that has opened a second store on S. Main Street where Tatro's Aces Appliances were next to Dollar General, and a change of use from a vacant burned restaurant to a retail store at 240 N. Main (future cannabis store);
- Pending zoning applications this week include a sign application to change over the People's Bank signage to M&T Bank and their logos and insignia, and Emslie's that have moved from the basement of Blanchard Block to the Morse Block at 260 N Main, and a real estate firm on Summer Street is doing a changeover;
- As of this writing I have finished completing changes of appraisal letters that went out on June 24, and combined with grievances received over the winter and those generated from these letters, I am finalizing the grand list with sending out the final changes of appraisal letters. This work has consumed most of May, and all of June and July. We will set the grand list, get it printed and into the Clerk's office, and the tax rate can then be set;

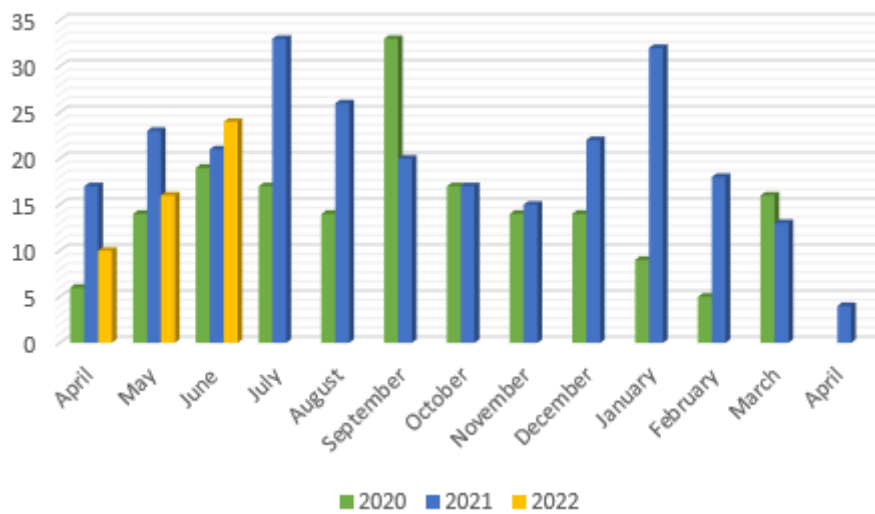
- At the July 26 Council meeting, there will be discussion regarding setting the tax rate, funds, etc. The tax rate is set by Council, led by the City Clerk/Treasurer, Finance Director and City Manager's work, advice, etc.;
- At the August 2 Council meeting, the tax rate MUST be set according to Statute, so then the Clerk can create the tax bill file and send to the printers, with a proposed mailing date of August 7 by the printers, so that the first quarter tax payment will be due on September 15, then back into the proper quarterly cycle;
- I have been working intermittently with Code Enforcement regarding their vacant building list status, and how they can issue the invoices from their system. I have prepared their invoices, and will be teaching the fire marshal how to do this going forward;
- I have received an email from the new owner of Stone's Service Station on Washington Street, who wants to add a canopy over the gas pumps. The issue is that we have zoned this property MU-1, and a fueling station in this district is not allowed, therefore making Stone's a nonconforming use. The new owner is hoping that at some point the Commission would look at rezoning this property and/or area so it becomes conforming so that he can add the canopy and make the facility more user friendly, people would be out of the elements while pumping their gasoline;
- City Hall has struggled to meet notice requirements for meetings since the passing of our executive assistant Jody Norway passed. The City Clerk, the HR Director and myself have been meeting to ensure we meet the rules.

We are still operating under Covid for Public Meeting Law, which stays in effect until January 2023, and allows us to post electronically, but we learned that our website is NOT considered a designated posting place, it would have to be either Facebook or Front Porch Forum (FPF), plus the physical location. We collectively agreed that the City's Facebook page would be the designated electronic location, as FPF, while usually comes out daily, cannot be counted on as a daily or timely location and meet the required 48-hour advanced notice for a regular meeting.

We will ensure postings occur on Facebook, FPF, the City website, and among the 3 of us, we will all ensure it gets done. We have crafted an email that I am in hopes that the HR Director will send soon to the all Chairs of Committees and Boards regarding agenda and minutes process, zoom meeting's needs, etc. so that when the new City Manager's assistant gets hired, we can teach and ensure the right process is followed from this point forward;

- Our new City Manager, Nicolas Storellicasto started Monday morning July 18 getting slowly settled. His office was cleaned out, repainted and he has new furniture. He was officially appointed City Manager at the July 19, 2022 City Council meeting, and we are excited he is here;

- The Capital Improvement Planning (CIP) Consultant was with us all last week, meeting with all department heads gathering project data. The Finance Director as well as the City Manager sat in on every meeting. The consultant really liked the template I had created when I started working on the CIP in January of 2021, and plans on continuing with the format as he gets more data and eventually gets us a draft;
- The Strategic Planning process is going smoothly, but taking a back seat to all that is going on with the CIP, manager transition, short staff, etc.
- The City ended the assessing fiscal year (April 2 to April 1 annually) with 261 overall sales, compared to 182 total for 2020, and 50 sales already for 2022;



- Cannabis and energy were discussed at the Regional Planning Commission’s June 14 meeting, and I have attached both presentations by staff after this report.



Municipalities and the Legalized Cannabis Marketplace

Cannabis is Here...



June 8, 2022

...Almost here



This photo was taken last week in downtown Montpelier. As of late April 2022 (latest data available) 9 of our 23 member towns have voted to opt in for retail cannabis. All votes were in the affirmative.

Cannabis (not hemp)

7 V.S.A. § 831. Definitions

(2) "Cannabis" means all parts of the plant *Cannabis sativa* L., except as provided by subdivision (B) of this subdivision (2), whether growing or harvested, and includes:

- (i) the seeds of the plant;
- (ii) the resin extracted from any part of the plant; and
- (iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) "Cannabis" does not include:

- (i) the mature stalks of the plant and fiber produced from the stalks;
- (ii) oil or cake made from the seeds of the plant;
- (iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
- (iv) the sterilized seed of the plant that is incapable of germination; or
- (v) hemp or hemp products, as defined in 6 V.S.A. § 562.

What are we talking about? Cannabis (not hemp)

The *Cannabis sativa* L. has been used for medicinal purposes in many cultures for hundreds of years, for example for the **treatment of pain, spasms, asthma, insomnia, depression, and loss of appetite and contains** THC, a [psychoactive](#) constituent.

Title 7 of the Vermont State Statutes Annotated do contain a specific definitions within section 831.

A Short History

- 1915 Drug is banned
- 2004 Legalization of medical marijuana
- 2013 Decriminalization
- 2014 State support for a tax-and-regulate system
- 2018 Allowance for personal possession, use and cultivation, but not commercial sales
- 2020 Enactment of tax and regulate system (Act 164)
- 2021 Slight change to original Act (Act 62)

In 1915 the State of Vermont banned the drug, but in recent years the Vermont Legislature has started to consider treatment of Cannabis differently. From the Legalization of medical marijuana in 2004, to the State support of a tax & regulate system in 2014, which has resulted in the enactment of Act 164 which was passed in 2020. It should be noted that the original legislation was modified in 2020. Both Act 162 and Act 64 are Laws regulating cannabis in Vermont.

The Marketplace

- Types Operations & Licenses
 - Cultivation
 - Manufacturers
 - Retailers
 - Wholesalers
 - Testing Laboratories
 - Integrated License

The Vermont Cannabis Marketplace will consist of the following types of operations, all which be required to licensed by the State. These will be discussed later in the presentation.

State Oversight

- Cannabis Control Board (CCB)
 - Independent Commission
 - Implement the laws
 - Craft rules of licensing
 - Oversee compliance and enforcement
 - 7 Guiding principles:
 - Social Equity
 - Legacy Market and Small Cultivators
 - Energy, Environmental and Land Use
 - Youth Prevention and Education
 - Consumer Protection
 - Medical Program Services
 - Public Safety

The State will have oversight of the marketplace

formation of the Cannabis Control Board (CCB) **“The Cannabis Control Board is an independent Commission created within the Executive Branch to safely, equitably, and effectively implement and administer the laws enabling adult use and medical use of cannabis in Vermont.”**

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.

Guiding Principles:

Social Equity. The Board recognizes the disproportionate impact of the historically government-led policies that fueled the economic oppression of Black and Brown people for generations and continues to disadvantage these individuals as well as Indigenous people, people of color, and other historically marginalized groups. The Board aspires to build an equitable and accessible program in order to mitigate the past harm inflicted by the prohibition of cannabis. To this end, the Board will prioritize inclusivity in its process of building the regulatory framework, and endeavor to collect

data on the program to inform course corrections.

Legacy Market and Small Cultivators. The Board seeks to encourage small cultivators and entrepreneurs in the legacy market to enter the regulated market by reducing barriers to entry and facilitating innovation.



Energy, Environment and Land Use. Vermont will be a trailblazer in the national market by establishing a program that prioritizes environmental stewardship as a foundational principle. The Board has a fundamental responsibility to encourage and facilitate outdoor and mixed light growing over controlled environment indoor cultivation. The Board will endeavor to educate stakeholders on the goals and intent of the regulatory framework and support industry participants to achieve those goals.

Youth Prevention and Education. The Board acknowledges the effects of cannabis use on the cognitive and socio-emotional development of youth and young adults. The Board will endeavor to develop a regulatory program that aims to prevent cannabis use among youth and educates consumers on the risks involved in cannabis consumption.

Consumer Protection. It is imperative that Vermont cannabis users have the option to purchase cannabis and cannabis derived products that are consistently tested, labeled, and free from harmful contaminants. To achieve this goal, the Board will rely on the expertise of the Agency of Agriculture to ensure that consumer protection standards are achieved in both the adult-use and medical-use programs in Vermont.

Medical Program Services. The Board will ensure that patients and caregivers maintain a continuity of access to the existing medical program services and will endeavor to reduce the regulatory burden impacting patients and caregivers, increase the safety and affordability of the medical program, ensure that medical cannabis meets quality standards, and facilitate the development of educational programs for health care professionals.

Public Safety. Legalizing cannabis and cannabis sales can be a harm reduction policy if done responsibly



Municipal Role	Can	Can not
	Vote to allow Retail sales Issue local licenses (via creation of Cannabis Control Commission) Renew or revoke local licenses 	Vote on allowing other operations Condition local licenses beyond those specified in local zoning and/or ordinances Cap the number of local licenses 

At the municipal level:

Can choose to vote to allow retail, but not production and processing

Can choose to issue local licenses, but can not have stricter authority to 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).

Can renew or revoke licenses, can not cap # of licenses issued.

Municipal Role	Can	Can not
	<p>Regulate operations under zoning and other ordinances (i.e. signs, nuisance)</p> <p>Craft regulations which would apply to cannabis operations (to the same extent as other businesses)</p> 	<p>Issue blanket prohibitions via zoning or other ordinance</p> <p>Craft regulations which essentially prohibit cannabis operations</p> 

Can regulate operation under current zoning and ordinances,
 Can 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.

But can not issue blanket prohibitions. Have to treat the same way you do other businesses.

Can craft regulations which would apply to cannabis operations, for example you may have certain performance standards that apply to manufacturing uses, these (COULD?) would apply to a cannabis manufacturer.
 You cannot explicitly prohibit cannabis manufacturers or enact zoning that effectively does so.

Land Use Considerations

- Cultivation
- Manufacturers
- Retailers
- Wholesalers
- Testing Laboratories
- Integrated License

growing cannabis plants, either indoors, outdoors, or in a mixed setting.

shall not be regulated as "farming."

7 V.S.A. § 904 states cultivation allowed: 1) on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and 2) in an area that is screened from public view and access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator

Outdoor Security Best Management Practices (some or all based upon operation tier/size):

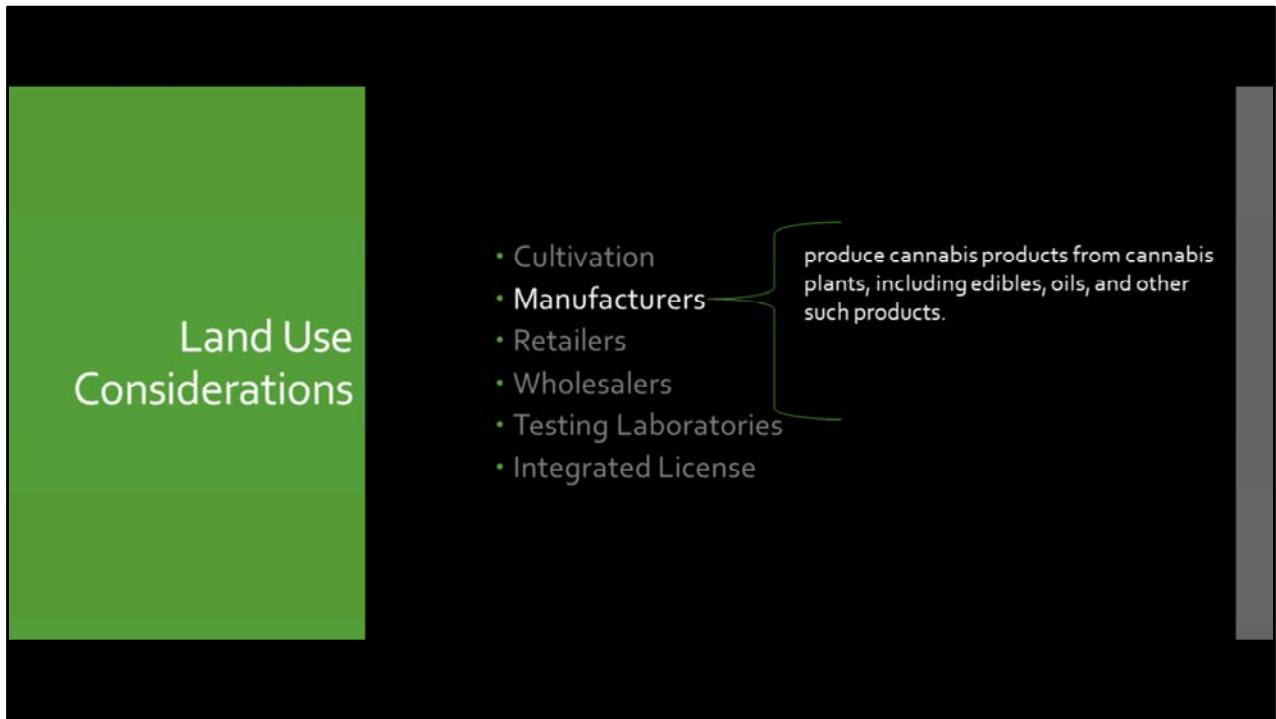
- fencing;
- video surveillance system with unobscured views of area;
- alarm system;
- photographic surveillance;
- motion activated flood-light;
- security services/security guard;
- controlled point of access

So lets talk more about what types of operation might locate in your town and touch upon some of the land use considerations:

Cultivation ... creating a raw product... indoors or outdoors, not consider "farming" and not exempted under **§ 4413. Limitations on municipal bylaws.**

CCB has issued Best Practices for cultivators and one or more of the following may apply to a cultivator operation: fences, motion activated flood lights, video monitoring.

What do your zoning regulations say about fences and exterior lighting? Local zoning regulations would apply here – property line setbacks, light pollution.



Manufacturers are defined as....

Which of your zoning districts allow for manufacturing uses as permitted or conditional uses?

Do your zoning regulations address nuisances associated with manufacturing – odor, noise, lighting, traffic?

Land Use Considerations

- Cultivation
- Manufacturers
- Retailers
- Wholesalers
- Testing Laboratories
- Integrated License

sell cannabis and cannabis products to the general public.

18 V.S.A. §4237(d) says "The selling or dispensing of a regulated drug to a person on property abutting school property is a violation under this section only if it occurs within 500 feet of the school property..."

May include buffer requirements in zoning.*

May define different types of retailers based upon nature of services and products offered (i.e. adult orientated) in zoning.*

**clarity needed*

Retails.. For those municipalities which have opted in...

Here's where we enter the gray zone... where there is opportunity for clarity between CCB, published guidance and permissible types of regulation under 24 V.S.A. § 4414. ...

There is an opportunity to specify buffers for certain uses/business and towns may seek to expand buffers between incompatible uses... Also there may be an opportunity to define different types of retailers, based upon the nature of the retail operation.

For example in Hartland VT, local zoning regulations define "Adult Orientated business as "... Establishment catering to patrons 18 years of age or older..." and these types of retail establishments are only Permitted in Industrial-Commercial zoning districts

We may have to wait-and-see which town wants to go first and test this out, if you are considering possibly changing your zoning along these lines it may be prudent to consult with your municipal attorney.

Land Use Considerations

- Cultivation
- Manufacturers
- Retailers
- Wholesalers
- Testing Laboratories
- Integrated License

- 1) purchase cannabis from a licensed cultivator and integrated licensee, and cannabis products from a licensed product manufacturer, integrated licensee, and dispensary;
- 2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, and dispensary; and
- 3) sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Wholesalers are defined as...

Are wholesaling uses regulated by your zoning? Are there other, comparable uses that might offer guidance here?

Land Use Considerations

- Cultivation
- Manufacturers
- Retailers
- Wholesalers
- Testing Laboratories
- Integrated License

test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.

Testing Labs defined as...

How might this use fit into your existing regulations? Do you regulation specify this type of use?

Parting thoughts

- Understand the concerns, public health impacts & restrictions on products, packaging & processing
- Promote education and awareness of municipal officials
- Appoint a local Cannabis Control Commission
- Consider how various operation types be classified under your zoning (including sign regulations? Manufacturing, light industry?)
- Review existing or consider a Nuisance Ordinance

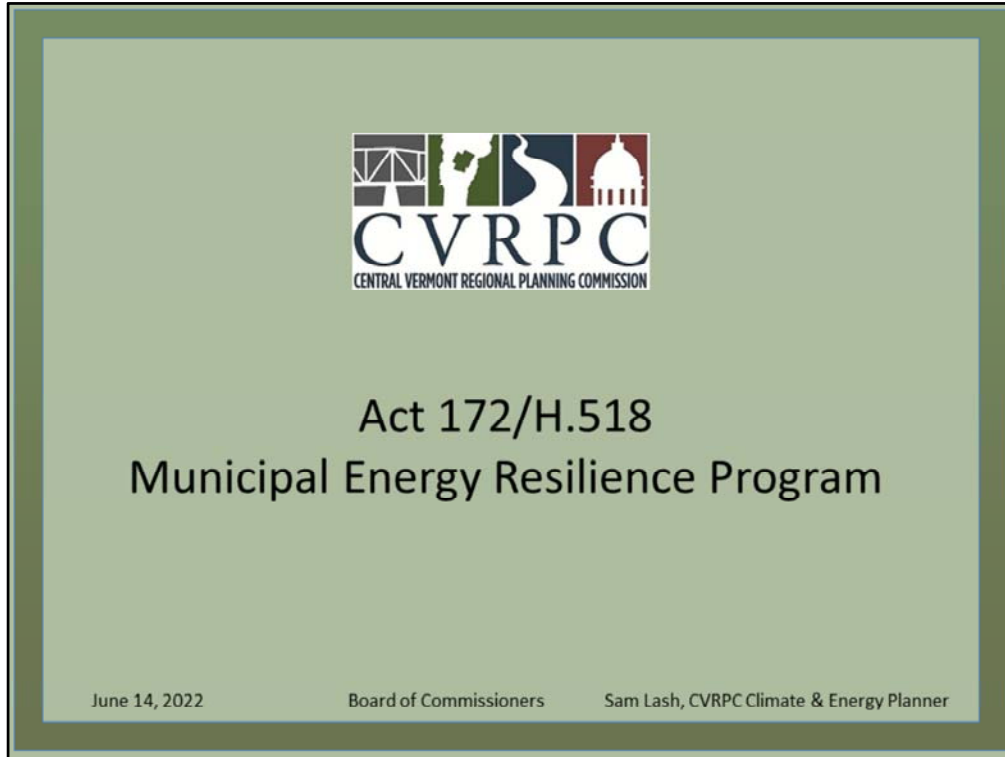
Restrictions on products – THC content cannot be greater than 30% in flower

Restrictions on packaging – must be opaque and either child-resistant or child-deterrent

Restrictions on processing – cannot extract THC using butane or hexane

Resources

- Guidance for Municipalities:
https://ccb.vermont.gov/sites/ccb/files/2022-01/Municipal.Guidance_Formatted.pdf
- Guidance on CCC's, buffer zones, and fencing:
<https://ccb.vermont.gov/guidance>
- Cannabis Control Board FAQs:
<https://ccb.vermont.gov/FAQ>
- **VSA Title 7 Chapter 33: Cannabis Establishments:**
<https://legislature.vermont.gov/statutes/chapter/07/033>



Signed by Governor, program still very much in design phase, we are collaborating closely with agencies administering program but we wanted to communicate early and often as once this is up and running it will move very quickly.

Context

- Vermont's municipalities own and operate more than 2,000 buildings and facilities,
- Vermont's Global Warming Solutions Act sets aggressive targets for GHG emissions reductions, and the heating of buildings provide significant opportunities for meeting these targets
- The volatile cost of fossil fuel heating is often one of the largest line items in a municipal budget,
- State Energy Management Program can assist municipalities with responding to GHG emissions targets set forth in GWSA (29 V.S.A. section 168 2019)
- Connecting technical resources to the local, regional, and State level will promote the increased resilience and sustained connection to critical services for all Vermonters

Vermont's municipalities own and operate more than 2,000 buildings and facilities, which provide services to its citizens, including libraries; storing town vehicles; providing space for civic engagement; and connecting citizens to healthcare, education, and commercial interests

Vermont's Global Warming Solutions Act sets aggressive targets for GHG emissions reductions, and the heating of buildings provide significant opportunities for meeting these targets

The volatile cost of fossil fuel heating is often one of the largest line items in a municipal budget, which impacts the residential and commercial taxpayers State Energy Management Program, 29 V.S.A. section 168 2019 modest expansion → can assist municipalities with responding to GHG emissions targets set forth in GWSA (ACT 153 as enacted 2020; reminder this act legally requires VT to reduce GHG emissions 26% below 2005 levels by 2025, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050- 2021 EAN report notes as of 2018% we were 13% below 2005 levels and approx. at 1990 levels- awaiting update)

Connecting tech resources to the local, regional, and State level will promote the increased resilience and sustained connection to critical services for all Vermonters

Act 172/H.518 Municipal Energy Resilience

- Establishes a Municipal Energy Resilience Grant program
 - To aid in the replacement of fossil fuel heating systems with more renewable and efficient heating systems (initial core focus)
 - Includes comprehensive energy resilience assessment of covered municipal buildings and facilities
 - Administered by Department of Buildings and General Services (BGS) in coordination with Efficiency Vermont, through the State Energy Management Program

BGS

40-60 buildings; must get investment grade audit

Gives municipalities access to State Energy Revolving fund to finance energy efficiency improvements, Establishes a Municipal Energy Resilience Grant program

specifically to aid in the replacement of fossil fuel heating systems with more renewable and efficient heating systems (initial core focus)

Expanded and includes comprehensive energy resilience assessment of covered municipal buildings and facilities, the creation of four limited services positions at BGS to facilitate implementation, and support to RPCs to provide technical assistance (application to program and implementation)).

Administered by Department of Buildings and General Services (BGS) in coordination with Efficiency Vermont, through the State Energy Management Program

Grants will not exceed \$500,000 per municipality, and can cover approved projects for **weatherization, thermal efficiency, to supplement or replace fossil fuel heating systems with more efficient heating systems**, and any other expenditures necessary for the project

(not more than \$4,000 can be issued to each municipality to facilitate

community meetings and communication about municipal energy resilience)

Additional Bill Components

- Establishes the Municipal Energy Loan Program and Revolving Fund transferring \$2.8M from Infrastructure Investment and Jobs Act to seed the Revolving fund
- Extends the relationship between BGS and Efficiency Vermont to implement the State Energy Management Program (SEMP) until 2027
- **TODAY's focus:** the portion of the Act focused on the Municipal Energy Resilience Program

Grant Program

2 parts

1. Assessment = investment-grade audit (Ashrae Level II) starting September completed on or before 1/15/2024
2. Implementation = audited buildings and facilities will be assessed based on several criteria (next slides) and from this pool buildings will selected for implementation phase and awarded up to \$500,000 for projects identified in the audits and selected in partnership between municipalities and BGS
 - I. Complete by 2026

Application:

- Municipality shall submit an application to BGS to receive an assessment of its building and facilities (subsection e); **municipalities may use the assistance of RPCs to develop plans as part of the application process**

2 parts

Assessments

On or before 9/1/2022 BGS RFP

Contract with a 3rd party to conduct assessment, completed on or before 1/15/2024

Application:

Municipality shall submit an application to the DBGS to receive an assessment of its building and facilities (subsection e); **municipalities may use the assistance of RPCs to develop plans as part of the application process**
Streamlined and minimal application process for municipalities to apply directly to BGS (with assistance of RPCS)

Basics

Assessment shall include a scope of work, cost, and timeline for completion for each building or facility (see next page)

Not more than \$500,000 to each municipality for approved projects (Implementation complete by 2026)

Not more than \$4,000 to each municipality to facilitate community meetings and communication about municipal energy resilience

Assessment

- Assessment shall include:
 - Recommendations for improvements that reduce the operating and maintenance costs, enhance comfort, and reduce energy intensity
 - Improvement or replacement, or both, of heating, ventilation and air condition systems
 - The use of a renewable energy source for heating systems, provided that use of a heating system that uses fossil fuels is not eligible
 - Improvements to the buildings or facilities thermal envelope

++++

Evaluation on the reasonableness of battery storage and EV charging stations and recommended locations;

Evaluation of the potential for on-site renewable energy generation options and recommendation on the most feasible

Estimate of costs for each recommendation, estimates of system and equipment life cycle costs and consumption data, phase scope of work and suggested order, etc.

Ashrae Level II investment grade audit

Covered Municipality and Requirements

- Covered Municipality: city, town, fire district, or incorporated village, and all other governmental incorporated units.
- Requirements (set by BGS)
 - High-speed Internet (or plan in place by 2024)
 - Compliant with American Disabilities Act when project is completed
 - Written commitment by the municipality to conduct community workshops and a self-assessment
 - Audit (theirs OR equivalent in past 2-3 years)

Note- we are working closely with administering and partnered entities including BGS and efficiency VT and other RPCS.

Grant Program

- RPC role being developed; likely to include municipal outreach, technical and application support, support to municipalities for community engagement, etc.
- Prioritization (distributing grants statewide) expected to consider need:
 - Municipality with the highest energy burden, community needs, and lowest resources as defined by Efficiency VT 2019 Energy Burden Report
 - Municipality that may not have administrative support to apply for grants
 - Geographic location
 - Community size
 - Whether another division of that municipality has already received a grant
- In Progress!

Funding Source

- \$45M appropriated from the American Rescue Plan Act (ARPA) from the State and Local Fiscal Recovery Fund
 - \$2.4M to Department of Buildings and General Services for Regional Planning Commissions to assist with grant and assessment applications and provide programming and technical assistance to covered municipalities.
 - 55% of which will be distributed equally among RPCS, 45% of which will be distributed by number of member municipalities
 - \$42.6M to Department of Building and General Services:
 - \$5M for hiring a contractor to conduct assessments
 - \$1M for costs to administer Grant Program (hire 2 full-time, 3 year positions BGS)
 - \$36.6M for grants to municipalities for weatherization, thermal efficiency, and to supplement or replace less efficient heating systems

Stay Tuned for grant & application workflow
but in the meantime:

What Municipalities Can Do:

- Talk to legislative body and other municipal entities **EARLY AND OFTEN**
 - Selectboard/City Council, ARPA Committee, Planning Commission, Energy Committees/Coordinators
 - Town Admin, Public Works, Facilities Staff, etc.
- Let Sam know about interest and point person
 - Upcoming energy use baseline and tracking programming to help municipalities prepare!
 - Sign-up for Energy Digest for updates
 - Formal

What Municipalities Can Do:

- To prepare for application:
 - List of Municipal Buildings and Facilities (note projects identified in past and those in progress)
 - 3 years energy usage data (2019 is general guideline, up to 5 years if possible)
- Optional but may help to prioritize buildings:
 - Review 2010 and any other audits, recommendations, and subsequent implementation
 - Free Municipal Energy Consultation (EVT)

We are here to help!

FAQ

- Previous/independent audits will generally NOT be accepted in lieu of program assessment
 - Efficiency Vermont/VLCT free walk throughs do NOT meet this requirement
 - BUT they are useful for municipalities to use in their own prioritization of which buildings to prioritize for the program! [Click Here to Sign-Up](#) (not required)
- Energy Usage Data (electric and thermal) per building/facility through start of 2019 or later
 - And useful to think about future needs!
 - We can work with you regardless of what format it is in now- and are working with BGS to develop a template that will be made available for towns
- Ashrae Level II Audit: report intended to be used to guide design & construction phase
 - [Mandatory Reporting Requirements for Level 1 and Level 2 Energy Audits \(ashrae.org\)](#);
 - simple breakdown: [Understanding the Difference Between ASHRAE Level 1, 2, & 3 Energy Audits](#)

Questions?

Previous/independent audits will generally NOT be accepted in lieu of program assessment
However, recent audits (2-3years) that are equivalent or better than Ashrae Level II will be considered

Efficiency Vermont/VLCT free walk throughs (note not an audit) for municipal buildings do NOT meet this requirement

BUT they are useful for municipalities to use in their own prioritization of which buildings to prioritize for the program! [Click Here to Sign-Up](#) (not required)