Braintree Planning Commission
DRAFT Minutes from Special Meeting
October 02, 2025
7:00pm
Braintree Town Office, 932 Vermont Route 12A, Braintree, VT 05060
Virtually: Join Zoom Meeting
https://zoom.us/j/92791782101?pwd=cE85LytjcFdWcnhpMU40K3V0L0N3UT09
Meeting ID: 927 9178 2101 Passcode: 836662

The Special Meeting of the Planning Commission was called to order at 7:00pm. In attendance from the Planning Commission were, Nathan Cleveland, Paul Kendall, Malcolm FitzPatrick and Jackson Evans. Joining via zoom was Kyle Katz from Two Rivers Outtauquechee Regional Commission. Members of the public in attendance were Lou Helmuth and Linda Doane. Nathan Cleveland asked if there were any changes or additions to the agenda and Paul Kendall noted that the agenda omitted a place for Public Comment and asked that it be added to the agenda. He also requested that a review of Kyle Katz's edits to the draft zoning bylaw be added after a review of public comments received at the Public Forum. These changes to the agenda were accepted.

Under Public Comment, Lou Helmuth offered several comments. First he noted that he disagreed with a comment from the Public Forum that asked the PC to consider lowering the minimum lot size in the Rural 1 zoning districts to less than 10 acres. He feels the minimum lot size should not be lowered. Next he asked that the PC seek clarifying language on travel trailers and the time they are permitted on a parcel without a zoning permit. He also reiterated his feeling that the DRB should not be allowed to waive lot requirements. Lastly he encouraged the PC to soften the driveway standards which he feels are too restrictive and would make building more

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expensive.

Malcolm FitzPatrick spoke under public comments as well. He reiterated his feeling that the Draft Bylaw should be examined for its use of “may and shall”. He also noted unspecified grammatical and technical errors which lead him to feel that the bylaw is not ready to be turned over to the selectboard. He suggested that it should be reviewed section by section to look for contradictions. He also stated that he felt that the DRB should look at the Draft Bylaw prior to its approval by the Planning Commission.

This brought the Commission to the next agenda item, Approval of Minutes from the Public Hearing. On a motion by Paul Kendall and a second from Malcolm FitzPatrick, the minutes were brought up for discussion. Malcolm FitzPatrick spoke first noting that on September 18th, he had submitted to Nathan Cleveland via email, a copy of the VT Statutes that contained enabling legislation that he had highlighted to indicate their connection to the Draft Zoning Bylaw. He wanted the submission of this highlighted document to be noted in the minutes from the 10/2 Public Hearing. The minutes were approved unanimously with the addition of this note.

The next item on the agenda was the review of public comments received at the September 18th Public Hearing on the Draft Zoning Bylaw. The Planning Commission reviewed all comments received at the 9/18 Public Forum. Action was taken on some of these comments while others were reviewed without action being taken. *See the attached spreadsheet of comments and actions taken by the PC in response to public comments.*

With the review of public comments complete, the Planning Commission moved to approve moving the draft zoning bylaw to the selectboard. Paul Kendall made a motion that the

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draft zoning bylaw, dated October 2, 2025 and amended at the evening's meeting, be forwarded on to the Selectboard along with the comments received up to the September 18th Public Hearing for their consideration. Jackson Evans seconded this. Malcolm FitzPatrick voiced his feeling that his comments were not given the same review as other members of the Planning Commission or the public and that he had not had adequate opportunity to present his comments. He stated that he felt like a second class member of the Planning Commission. Jackson noted that there would be additional opportunities to comment on the bylaw before its final adoption by the selectboard. With no further discussion, the motion was voted on and approved with Paul, Jackson and Nathan voting in favor and Malcolm voting against.

Under additional business, Paul noted that at the October 16th regular Planning Commission meeting, the PC could review Malcolm's additional written comments and if appropriate, those could be sent along to the Selectboard with recommendations for their review.

With no additional business to conduct, the meeting was adjourned at 11:14pm on a motion from Paul Kendall, seconded by Jackon Evans.

NOTE: Next Regular Meeting October 16, 2025 at 7:00 pm

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Section	Question/Comment	Concurrence	Response/Date	Commenter	Notes
4.6, 4.9 - Rural 1/Scenic	Noted that Rural 1 & Rural Scenic have nearly identical requirements. What's the difference?		Paul: Each district is designed to prioritize each area in the town. Rural I is an agricultural heritage district. Rural Scenic is characterized by the visually pleasing landscape. The character of these districts changes the approach of reviewing permit applications as they pertain ot the town plan and those districts. Nathan: Each district was reviewed for the appropriateness of development and density, including the presence of the infrastructure to support development. The Town Plan guided the discussion of these districts and their restrictions. Malcolm: State statutes require looking at the present use of the district and enhancing that in the bylaws. **No action taken.**	Mike Czok	
4.6, 4.9 - Rural 1/Scenic	Mimimum lot size in Rural I should be less than 10 acres. Feels it would make owning property more affordable.		Malcolm: Studies show that when you take a large piece and divide it into 2 (10 into 2 5's), it changes the value. But 10-acre parcels preserve characteristics of the district. **Motion:** Paul moves that we acknowledge receipt of comments but affirm there is a difference between Rural I and Rural Scenic and that reducing acreage does not reflect the character of the area or the intent of the district. JE 2nd. Discussion: Malcolm: proposal changed the size of lots and setbacks. Should look at those in terms of what we want the district to be. **Vote**: Paul, Jackson, Nathan, aye. Malcolm votes nay. **The motion carries.**	Mike Czok	
General	Open spaces should be maintained and not developed		Nathan: Part of what makes our community a good place to live is those open spaces. Agrees with the comment. **No action taken.**	Linda Doane	

2.2	Travel trailer onsite for 6 consecutive months - change time frame		Paul: Kyle suggested edit: "180 consecutive days within a calendar year." Lou: trying to prevent people from living in trailers for long periods of time without water and septic hookups. 180 days within a ____? Paul proposed: "180 days within a 365-day period". Nathan: Problematic, what about tents? chicken coop? 2.2 7 Malcolm: **Motion:** Structures without water and/or sewer hook-ups, for temporary or intermittent occupancy, such as tents or camper trailers or recreational vehicles, shall either be on-site for fewer than 60 days within a 365 consecutive days or be fully licensed and ready for immediate use; Nathan Seconded. Discussion: Nathan noted that the language later on is inconsistent. **Vote:** Malcolm, aye. Nathan and Jackson's nay. Paul abstains. **The motion does not pass.** Nathan **Motion:** Structures without water hook-ups, for temporary or intermittent occupancy, such as tents or camper trailers or recreational vehicles, shall be on-site for fewer than 180 days within a calendar year or be fully licensed and ready for immediate use; PK 2nd. Discussion: Malcolm: Why have 12 months consecutively if broken over a calendar year? Nathan: Someone who will not be living there for 180 days straight can move it around. Malcolm does not feel it meets the intent of the bylaw. **Vote:** Paul, Jackson, Nathan, aye. Malcolm nay. **Motion:** 2.2 12 & 13: 180 days within a calendar year to match language above. PK moves to adopt JE 2nd. Discussion. None. **Vote:** PK, NC, JE aye, MP nay. **The motion carries.**	Lou Helmuth	
6.5.A	Delete refence to Rural Scenic and sidebar		**voted to change at 09/18 meeting**	Lou Helmuth	

7.3, 7.8 (Waivers)	Feels DRB should not be able to waive subvision requirements. May find requirement does not apply to a situation but should waive.		Paul noted there has been considerable back and forth on this item. Lou's comment says to take it out. Paul does not think it wise. Kyle suggested that DRB's authority be narrowed to waive certain standards. **Motion:** Paul proposed that DRB may waive as part of a subdivision's application, the following review standards of section 7.8 (#'s 2, 6, 7, 9, 12 & 14), subject to appropriate conditions. Simple subdivisions should not require these. JE 2nd. Discussion: Malcolm: If certain features are not there, why would a waiver be required? Paul: All is subject to "appropriate conditions." Plat would note that further conditions exist to allow for future development. Malcolm: notes that statutes "may" require approvals such as those in bylaws. What are the conditions they are being held to? These waivers are a list of things that could desecrate a natural site. Waivers should be up to DBR. Going through a lot of work to preserve the district, these waivers make it possible to violate that. **Vote:** NC, JE, PK aye, Malcolm nay. **The motion carries.**	Lou Helmuth	
8.2	DRB should not be permitted to waive lot size requirements. Proposed the following sentence be added: “No waiver can be granted by the AO or the DRB for lot size requirements.”		**Motion:** Paul: moves 8.2 redrafted as follows: (see Memo B 09/19/25) JE 2nd. Discussion: The last paragraph is confusing. **Amendment to Motion:** Nathan: amend to add reference to section 8.2.2. " JE 2nd. These are issued by the Administrative Officer for certain conditions, and the Development Review Board for others, per section 8.2.2" **Vote**: aye, Paul, Jackson, Malcolm, Jackson. **The amendment to the motion carries. Vote on amended motion**: Paul, Jackson, Nathan aye. Malcolm abstains. **Motion:** 8.2.1: Add reference to 8.2.2 at end of the first paragraph. Moved by Paul, 2nd JE. Vote: Aye, Nathan, Paul, Jackson. Abstain: Malcolm. 8.2.2: **Motion:** add commas around "other than minimum lot size". Paul moved. JE 2nd. Discussion: **Vote**: Malcolm, Paul, Nathan, Jackson aye. **The motions carried.**	Lou Helmuth	
General	Typos - see Lou's annotated Bylaw document		Thank you, Lou. They were picked up in Kyle's edits. Grammatical edits were non-substantive. **No action taken.**	Lou Helmuth	
4.4, 4.8, 4.10	Village & Neighborhood Residential Districts are the same. Why have seperate districts?		Village Districts allow conditional commercial uses, while they are not permitted in Neighborhood Residential Districts. **No action taken.**	Paul Rea	

2.1.2 & 5.8 (language does not match)	How is "substantial improvement" defined as it pretains to the expiration of zoning permits after three years?		The current bylaw (and the draft bylaw) both require that work be "commenced" within two years of the date of issuance. The draft bylaw provides for a two-year extension if requested 30 days prior to the expiration date. Kyle: Substantial Improvement has to do with the flood hazard area. Prevents cumulative improvements in the Flood Hazard area that wouldn't trigger a substantial improvement. **No action taken.**	Paul Rea	
	Is there a process to evaluate potential subdivisions before having to pay for a land survey?		Paul: Jessie's concern is that the Subdivision Application Requirement for a certified Survey Plat (Sec. 7.7, #8) is too onerous for an applicant, if there is doubt that the DRB may deny the Permit Application. She should be directed to the Preliminary Plan Review requirements (Sec. 7.6.1 #3). This section anticipates her concern and allows for the submission of a less rigorous Draft Survey Map. I would interpret this as allowing the submission of a dimensioned sketch showing the proposed development and clearly presenting the four items it requires. If, after the Preliminary Review, the applicant wishes to proceed with the full subdivision review, then the requirement of Sec.7.7, #8 would have to be met. **No action taken.**	Jessica Brassard	
4.4, 4.8.3	1/2 acre lot sizes are too small and potentially unbuildable. Would not help with affordability	III	Paul: Not a requirement, just permissive if you can meet all requirements. Water and sewer from the State are still required. Current lots exist that are 1/2 or less. This allows those lots to now be conforming and allow for additions, etc. Nathan: We identified areas for future development. Malcolm, on the 1/2 plot, you can put a septic near the boundary. Neighboring parcels can be usurped but putting the septic too close to the neighboring lot. **No action taken.**	Jessica Brassard, Paul Rea, Mike Czok	
General	Concern that the bylaw may not align with the enabling legislation		**No action taken.**	Malcolm FitzPatrick	
4.3.1, 4.11.1, 4.11.2, 4.11.3, 4.11.6.2, 4.11.6.3, 4.11.6.4, 4.11.6.5, 5.2,	Flood Corridors are an unscientific measurement		**No action taken.**	Malcolm FitzPatrick	
General	Study soil types to determine where development should occur.		**No action taken.**	Malcolm FitzPatrick	
1.7	grants to the Development Review Board (DRB) certain authority, but it omits the DRB's authority over Site Plan Approval and Subdivision Approval. These authorities should be added.		See revised draft 10/02 section 1.7. Motion: Paul motioned to accept as written in the revised draft, Nathan 2nd. Discussion: **Vote**: Nathan, Malcolm, Jackson aye. Malcolm, nay. **The motion carried.**	Paul Kendall	
3.12	permits Accessory Dwelling Units under certain conditions. The list of conditions included in the proposed Bylaw , however, is confusing and omits mention that if an ADU adds a bedroom, a State Wastewater Permit may be required.		See revised draft 10/02 section 3.12. **Motion:** Nathan moved as written in the revised draft. Jackson 2nd. No discussion. **Vote:** unanimous aye. **The motion carried.**	Paul Kendall	

7.3	grants to the DRB a very broad authority to grant waivers during the review of a Subdivision application. Its opening sentence says, As part of its approval, the Development Review Board may waive or vary, subject to appropriate conditions, the provisions of any or all application or review procedures, submittal and development requirements. Does this mean that the DRB can waive Sec. 8.2.2, limiting waivers to only dimensional concerns? Or, does this mean that the DRB can waive the Preliminary Plan Review Process of Sec. 7.6.1 (#3) and, by implication, waive the Review Requirements of Sec. 7.7 and the Review Standards of Sec. 7.8 (which would include waiving the Road Frontage and Access Requirements of Sec. 3.2 and 3.20)? I personally do not believe that either exception would be appropriate or is intended, and that Sec. 7.3 should be edited to reflect this concern.		covered above	Paul Kendall	
3.8	3.8 is very unclear. It permits up to two Principal Buildings on a single lot. The section then permits an exception to this very two building limit. If a lot is "able to be subdivided", more Principal Buildings may be permitted on a single lot. But, the section neither mentions the agency and process for determining that ability to be subdivided nor does it say how that ability to be subdivided should be made a part of the lot's permanent land record. This exception is in fact a waiver. It should, therefore, state in Sec. 3.8 that requesting such an exception will require Subdivision Review.		**Motion:** Paul "With the exception of Planned Unit Developments, no more than two principal buildings may be placed on a lot unless, subject to subdivision approval (7.8), such buildings and any buildings accessory to such principal buildings are positioned such that the lot is able to be subdivided into two separate and individual lots, both lots, and their respective uses conforming to all applicable provisions of this Bylaw." JE 2nd. Discussion: **Vote**: aye Jackson, Paul, Nathan, Malcolm. **The motion carried.**	Paul Kendall	
2.2	Campers that are onsite for more than 6 months should be registered		see above	Paul Rea	
General	The terms "may", "shall" and "should" should be used in the bylaw.		**No action taken.**	Paul Rea	
4.11.6.5.A	Requirement in the Flood Hazard Area to rebuild existing buildings that are damaged to 2 feet above base flood elevation should be returned to 1 foot above base flood elevation, as in the current bylaw.		Nathan: Could a waiver be sought to get around this? Kyle: Substantial damage or improvement would trigger. **Motion:** Malcolm: following substantial damage, the first floor be raised to 1 foot above base flood elevation. Nathan 2nd. **Vote**: Malcolm, Nathan, Paul, Jackson aye. **The motion carried.** Kyle noted that we need to match to 4.11.6.5.B.ii: **Motion:** Nathan moved to edit next section to state 1 foot above base flood elevation. Malcolm 2nd. **Vote:** All voted in favor. **The motion carried.**	Paul Rea	

3.2, 3.20.2, 3.20.3, 3.20.4, 3.20.5,	Driveway standards are too restrictive and will make the cost to build homes too high. Consider easing these especially for seasonal dwellings.		Paul's suggestion following Paul Rea's concern 3.20.4: **Motion:** change to "one principal dwelling unit" and shall meet the following standards. Change 1. Minimum right-of-way shall be 30 feet. "3.20.5: All new or expanded driveways other than those covered in section 3.20.4 and private roads shall meet the following criteria. JE 2nd. Malcolm: What happens if you added an accessory structure? Nathan: You would need to meet the road standards. **VOTE**: aye, Nathan, Paul, Jackson, Malcolm. **The motion carried.** 3.20.5.1 Malcolm: **Motion:** add "its written concurrence" before "on plans" motion. Nathan 2nd. **Vote**: aye, Nathan, Paul, Malcolm, and Jackson **The motion carried.**	Paul Rea	
?	Energy standards are too expensive and difficult to enforce		State Level issues not something we can act on. **No action taken**	Paul Rea	
?	Gallonage requirements of wastewater permits should be reduced.		State Level issues not something we can act on. **No action taken**	Paul Rea	
from Kyle's edits	West Braintree Village District		**Motion:** Nathan: The village boundary is 1000' from either side of the Route 12A center line, beginning at Grantsworth Road and extending northwest of Batchellor Brook. Paul 2nd. **Vote**: aye unamimous. **The motion carried.**		
from Kyle's edits	7.6.1 #10		**Motion**: Paul: change "public road or private road or driveways" JE 2nd. Kyle expressed concerns that any roads would be a public improvement. Paul modified his motion to say "public roads." Paul withdrew the motion as it was discovered that this section pertains to Major Subdivisions.		
from Kyle's edits	general non substanative changes		**Motion:** Paul: moves to accept non-substantive edits that Kyle made to the 10/02 revised Draft Zoning Bylaw. Nathan seconded, and all voted aye. **The motion carried.**		