

Brandon Planning Commission
April 16, 2012

Planning Commission Board Members Present: Anne Bransfield, Phyllis Aitchison, Marty Feldman, Linda Stewart

Others present: Charlene Bryant, Tina Wiles, Ethan Swift, Monica Erhart, Jamey Fidel, Kate McCarthy

Anne Bransfield called the meeting to order at 7:09PM.

Minutes of March 19, 2012 and April 2, 2012:

A motion was made by Phyllis Aitchison and seconded by Marty Feldman to approve the March 19, 2012 minutes. **The motion passed unanimously.**

A motion was made by Phyllis Aitchison and seconded by Marty Feldman to approve the April 2, 2012 minutes. **The motion passed unanimously.**

Review of Draft Sign Ordinance Hearing – Ethan Swift:

Ethan Swift stated there was a Select Board hearing on the Land Use Ordinance changes. There was a question involving the sign ordinance and how the appeal process works. Mr. Swift stated there was interest from community members to have a waiver process. The Select Board did not entertain any significant modification to the Land Use Ordinance changes. There were a couple of questions and concerns about the appeal process as far as what recourse an applicant has if a proposal is denied. Mr. Swift spoke to Anne Bransfield about this issue and everything related to the appeal process is addressed, although it is somewhat ambiguous around Section 407(e). There was confusion in that people did not understand it was spelled out if the application was received and denied, there was a course that can be followed. Mr. Swift stated the clarity and content exists and the Select Board would like to see the Land Use Ordinance go through the adoption policy. He realizes there are timeliness issues regarding the Flood Plain Section and the Select Board is agreeing with the draft that is provided and they would like to see this iteration go through. Mr. Swift stated it is clear as to what is required and is defined in Section 407(d)4. The Select Board set another hearing date regarding the BLUO for May 7th. A discussion was held concerning the location of the hearing, with the decision made to hold the hearing at the Brandon Library. Ethan Swift noted the hearing was closed this morning and all concerns by the Select Board were addressed. Tina Wiles questioned if Mr. Swift wished to discuss the Conditional Use, noting one of the deficiencies is facade signs. Ms. Wiles noted the 24 square foot signage is not sufficient for industrial buildings. She suggested choosing a percentage of the building and allowing signage based on signs on the building. Linda Stewart stated there is a limit to the number of signs to one free standing and one building, and sign sizes should be built according to the natural landscape. Tina Wiles stated this is something that can perhaps be fixed at a later time, as she is not aware of any projects that would currently be affected by this.

Wildlife Corridor Protection Discussion (Overlay Districts Language, etc)

Monica Erhart of Staying Connected provided some sample language to Ms. Bransfield that other towns had incorporated in their plans. Kate McCarthy of the Vermont Natural Resources Council provided the results of an analysis completed of Brandon's Town Plan and by-laws and how they would address the natural resources. It was felt the documents are good, noting they are thorough and concise, and articulates everything that natural resources bring to the town. Suggestions were made to tweak the policies to make them stronger, such as changing wording in sections from "shall" to "should". In the Future Land Use Section, two suggestions made included clarification of the relative density of settled villages and a change in the land use map to indicate what is wanted for future land use to be. Jamey Fidel of the Vermont Natural Resources Council stated the specifics are good in the Town Plan and there is good specific language about protecting corridors.

With regard to the Zoning Ordinance, a review of Articles 3, 6 and 10 was done. Ms. McCarthy stated those sections were chosen because they address where development is reviewed. The performance objectives and criteria are the main checklist and are general standards. There were three sections that applied to natural resources; Section 606, Section 607 and Section 625. Section 606 mentions resources that are important to the town, but does not provide specifics on protecting them. This was flagged as an area where natural resources protection can be improved. Ms. McCarthy stated defining resources is good, but there should be indication of what the protection is to be. Section 607 seemed to be written to capture unique situations in the topography and Ms. McCarthy noted the recommendation in the Town Plan with regard to slopes could be added to this section.

Tina Wiles advised there have been some changes to Item b in Section 625. Kate McCarthy noted information on stream buffers could also be added into this section. It was questioned how this ordinance works with the FEH. Kate McCarthy stated having a vegetative buffer can make it more pleasant for wildlife in the stream, as well as preventing erosion. She noted the only place that natural resources get reviewed is in the general standards and they have come up with a menu of options to make the natural resources sturdier.

Jamey Fidel stated they have flagged Section 7, Item 11i in the Subdivision Regulations noting there is good intention, but fragile features are not defined. It was noted that although there are definitions and accompanying maps, it is not enough to outline what resources are to be protected, but guidance also needs to be defined. In reviewing the subdivision trends, another item flagged was threshold, noting it would need to be lowered. Mr. Fidel stated the town could stay with what they have and add additional lines that could include connectivity areas in Section 606 and in Section 7, Item 11i, defining the areas and having accompanying maps. The town could work with Vermont Fish and Wildlife and Staying Connected for setting the definitions. Moving beyond that, standards could be built in that would fall under Conditional Use and could be put into development standards. Mr. Fidel provided a sampling of specific language of what could be included to explain what is required. Kate McCarthy stated because there are special areas, it can be noted what needs to be done to assure that development does not adversely affect resources. Jamey Fidel provided a handout on a sample zoning and subdivision regulation to aid wildlife connectivity in Vermont. Mr. Fidel stated many towns build into their plan the ability to work with the Fish and Wildlife experts in determining what wildlife is the most important to protect. There are different ways to define “no adverse effects” and Mr. Fidel noted the Fish and Wildlife Department are good in determining the hierarchy to minimize the impacts. It was noted that over time some types of wildlife may become rarer. Mr. Fidel stated maps are good, but there should be definitions as well. Mr. Fidel stated a wildlife overlay district could be developed and noted that towns make decisions based on what their resources are and what their own level of growth is. Anne Bransfield questioned how a floating district works and Jamey Fidel stated the overlay district could be defined by areas noted, such as deer wintering areas. Some towns have a fixed overlay district, such as a lake overlay district. This can build in a heightened level of review for that district. Mr. Fidel stated a lot is based on aerial information, as well as information obtained from biologists from the Fish and Wildlife Department. Mr. Swift questioned how confident can one be with the corridors. Mr. Fidel stated the best way to conserve a corridor is to site the protocol that was used and build in specifics in the town’s development review process. Towns that want to take a first step with conservation can build in some safeguards. Marty Feldman stated this is conceptually good, but is concerned about too many restrictions for development for landowners. Mr. Fidel stated it does take time for the DRB to set the standards and allows for conversations between the DRB and landowners, which is one of the reasons for having Fish and Wildlife Department come in and provide information. Mr. Feldman stated the larger development will be handled through Act 250; however, the Planning Commission will be dealing with the smaller subdivisions, which is what concerns him. Tina Wiles stated something similar to the Flood Plain regulations can be done, indicating that recommendations can be required from Fish and Wildlife Department. Mr. Fidel stated currently what is written, a landowner would not be sure of what needs to be done and a suggestion was made to make the process more user-friendly in clarifying what wildlife is to be preserved and how it is to be done. Phyllis Aitchison questioned who would be the person responsible for the overseeing this process and it was noted this would be Tina Wiles.

Kate McCarthy stated the town could choose to have its own wildlife study done. Tina Wiles advised the Fire District just did a geological study that relates to the aquifer. Mr. Fidel stated the study would cost money and some towns have done it through a municipal planning grant. They will go on properties where landowners have allowed permission and it may help to define which resources are the most important for the town. Tina Wiles stated there are areas in Brandon where these studies have been done, noting that she has the aquifer information from the Fire District's study.

Mr. Fidel wrapped up by saying this is ultimately the decision of the town. Options noted this evening include putting definition on what the Planning Commission already has relative to wildlife conservation. To go a step further, the town could build in some review standards in the Zoning and Subdivision Regulations to define more specifics for the landowners. The town could also opt to have a new kind of district, such an overlay district that would identify the wildlife habitat and the connectivity information. He noted many towns build in some type of heightened review in certain areas, indicating that development is not prohibited, but provides awareness of the critical wildlife. In the Zoning Ordinance, there should be definitions. Mr. Fidel recommended providing some type of review standards, such as an overlay district, with the intention of guiding the placement of development, not stop it. Kate McCarthy stated road length could also be a trigger for review. Anne Bransfield stated the Planning Commission has to determine what needs to be protected and suggested the possibility of having them back to assist. Jamey Fidel stated the current grant they are working under expires at the end of June. Mr. Fidel suggested the town contact the Fish and Wildlife Department to define what to protect and then determine whether a heightened level of review is wanted and whether they want to be more specific in the DRB. Tina Wiles questioned the two-acre zoning and Kate McCarthy stated having the majority of the town two-acre zoning can make conservation difficult. Linda Stewart attended a conference where it was noted that a five-acre zoning would be better. Ms. McCarthy stated it is potentially something that could undermine the Planning Commission's efforts with conservation. The Board thanked Kate McCarthy, Jamey Fidel and Monica Erhart for attending the meeting.

Anne Bransfield stated the Committee members should review the information. Ms. Bransfield advised Monica Erhart will be available to assist the Committee with this effort until Mid-May.

Other Business as Needed:

There was no other business discussed.

Public Comment Period:

There was no discussion held.

Schedule Future Meetings:

May 7, 2012

May 21, 2012

Adjournment:

A motion was made by Anne Bransfield and seconded by Phyllis Aitchison to adjourn the meeting at 8:54PM.
The motion passed unanimously.

Respectfully submitted

Charlene Bryant
Recording Secretary