

**Brandon Planning Commission**  
**September 17, 2012**

**Planning Commission Members Present:** Anne Bransfield, Marty Feldman, Linda Stewart, Jeff Guevin

**Others present:** Charlene Bryant, Tina Wiles, Devon Fuller, Dave Atherton, Richard Baker, Ethan Swift

**Call to Order:**

Anne Bransfield called the meeting to order at 7:05PM.

**Approval of Minutes:**

A motion was made by Linda Stewart to approve the August 20, 2012 minutes as amended. **The motion passed unanimously.**

Linda Stewart advised when asking about the signs at Rite Aid, she had also asked Ms. Wiles to look into the signs at The Cozy Cottages.

**Zoning Activity Report:**

A discussion was held concerning the offenders of the zoning ordinance. Tina Wiles advised the FEMA issues are very time consuming and there are many other areas that she is working on. Ms. Wiles stated she is working on a couple of violations that may have to go to environmental court. With regard to the DRB, Ms. Wiles has started doing notes based on the information presented and applying it to the ordinance to give them guidance. Ms. Wiles has also been assisting with drafting their findings and decisions. It was noted there are many non-compliances with the sign ordinance, but it is felt that some of the violations may be due to businesses being unfamiliar with the new ordinance. A suggestion was made to send a letter to the businesses outlining the details of the sign ordinance.

**Form-Based Codes Presentation – the Brandon Based Code:**

Anne Bransfield provided a presentation on Form-Based Codes to the Brandon Select Board. The Planning Commission has been reviewing Form-Based Codes for some time. The current Brandon Land Use Ordinance (BLUO) is Euclidian zoning that has districts based on uses, but there are also Form-Based concepts graphed into the process. In Euclidian zoning, there is a focus on segregating uses and Form-Based promotes mixed uses. The current zoning is based on proscription and Form-Based is a community process and is developed through a series of “ice cream socials”. Jeff Guevin stated the BLUO will do the job, but there are better tools that can be used. Anne Bransfield stated she can provided the Select Board with Paul Dreyer’s presentation, who is the Zoning Administrator in Newport who would like to work with the Planning Commission on this project. The concept of this zoning is that the use will follow the form of the buildings and to reflect more on what actually exists. The Planning Commission would like to term this Brandon-Based Codes, which will be based on the concepts developed from community input. The beginning of the process is a community outreach effort and it is hoped to reach out to all segments of the community. This outreach will continually be done throughout the process as well. Part of the process will be a mapping process and public input will also be done with this. The idea is to make the zoning reflect the on-the-ground realities. This zoning is a function of explicit standards and

is much less a DRB function. The downtown may be more exact, whereas the rural areas could have less restrictive standards. Through the process, it will be determined what people really want to see and ultimately there will be a check-list of what is required, which will make the zoning easier. There is a lot of wiggle room in the current zoning regulations and this should make it easier for developers. The downtown would become denser and will look more homogenous. The towns in Vermont that currently have Form-Based Codes are Burlington, S. Burlington, Newport and Huntington. This is a new idea in zoning and will require a lot of writing by the Planning Commission. The technical aspect can be fairly challenging and is likely why it has not been adopted as readily in more towns. Linda Stewart stated this would be more of a change in development, rather than an increase in development. Jeff Guevin stated this will help with redevelopment or improvements and will cut down the variance hearings and a lot of misunderstandings; and will reduce the zoning codes from 87 pages to around 25 pages. The Form-Based Codes will improve the zoning process and make it clearer. Marty Feldman stated it will bring the zoning more in compliance with the Town Plan. Anne Bransfield stated the Commission wants to reach out to various groups of people in all age ranges. Ms. Bransfield provided a comparison between Euclidian zoning versus Form-based Codes. Tina Wiles questioned whether other towns are doing this process town-wide or just for downtown. Jeff Guevin stated some towns do a hybrid method, in doing the downtown and sub-downtown area. Dave Atherton requested a copy of Newport's Form-base Code document. There has been a search of the criticisms of the Form-Based Codes and the main criticism is when everyone is not included into the process. It was noted Newport worked very hard to get input from all areas of the population. Ethan Swift would like to anticipate some of the responses and he understands the merit behind the process, especially with the historic downtown; at the same time he has heard criticism about the sign regulations and questioned how restrictive this process will be. Jeff Guevin stated this will be a collaborative effort, with a lot of public input, and is really more about the process than the end-product. He stated the goal is to work extensively with the public. Tina Wiles questioned how the overlays will be included in the Codes. Mr. Guevin stated there may not be overlays, but the information will be incorporated into specific districts. Marty Feldman stated the overlays could also cut across different districts. Ms. Wiles also questioned whether all current infrastructures would be taken into consideration and it was confirmed they would be, such as easements to property lines, sewer lines, etc. Mr. Guevin stated the idea is to eliminate use restrictions and provide a broader spectrum of uses. Nationwide, there are a few hundred communities that have gone to Form-Based Codes and it is the desire of the Brandon Planning Commission to be at the forefront of this effort. Paul Dreyer is very much in demand and he is very interested in working with Brandon on this project. There will still be zoning, but the goal is to try to make the parameters clear and understandable, while operating within the state parameters. The current zoning is based more on what one cannot do and Form-Based Codes are based on what can be done. Richard Baker asked if this is the most appropriate use for the Planning Commission's time over the next three years. The Planning Commission does not anticipate this process will take three years. Jeff Guevin stated Paul Dreyer is not essential to doing the project, but he would be helpful. It is noted that more communities are likely not going in this direction because it is new and is a lot of work, however, the Planning Commission is willing to take on the task. Ethan Swift stated the Planning Commission has a good line of thinking, but it could increase variance requests and is a lot of work to implement. Mr. Swift questioned what demands would be placed on other boards, such as the DRB. It was noted this will not change the way the town works, or threaten state laws, and the Planning Commission will likely run into some items that will need to be brought before the DRB. Anne Bransfield stated the Rutland Regional Planning Commission (RRPC) is very interested in working with the town on this project and they would like to figure out ways to weave in low impact development. The RRPC thinks Brandon is a good town to model this process. Jeff Guevin stated the

Planning Commission would definitely need help with this project and is the reason they want to work with Paul Dreyer. There are many agencies that have resources and are interested in helping the Planning Commission in this effort. Richard Baker reiterated it will likely be two to three years before the Planning Commission has a zoning ordinance. It was noted that Paul Dreyer indicated this will likely take about 6 months to write. Tina Wiles advised the town already has information on the conservation areas and the wild life corridors and public input could be obtained, based on ideas from this information. It was noted the Town of Newport completed their implementation of Form-Based Codes in approximately one year. Tina Wiles stated there needs to be some changes made to eliminate the number of items going to the DRB. Mr. Feldman stated this process is a better fit with the impetus of what is happening in town with the amount of community involvement. It was noted if the community's input is that they prefer to keep the BLUO as is, then the Planning Commission will tweak the current BLUO. Dave Atherton asked if this process helped revitalize the Town of Newport and it was noted it opened up a lot of opportunities for the town to use the properties in ways that had not been possible in the past. Mr. Guevin stated the current zoning has a lot of detail, but does not address every situation. The thought is that the Codes will be more aligned with thinking about how things look, rather than how they are used. The goal is to have a process that reflects the modern realities. Anne Bransfield stated the application will need to be completed immediately for the planning grant. Devon Fuller liked the idea of Codes that are creative and tell what can be done, instead of what can't be done. It was reiterated the Planning Commission would like to have Paul Dreyer assist with this effort, but the Commission is willing to do the process with or without him. Linda Stewart stated there are two members that have planning degrees and the Commission is confident this initiative can be done. Anne Bransfield stated there are also other agencies that will assist. Tina Wiles expressed concern about fixing the accessory/structure setback issue. It was noted the Planning Commission can work on an amendment for this issue in parallel with the work they will do on the Form-Based Code process. Tina Wiles stated the Future Land Use Map will also need to be meshed with the process. Ethan Swift stated there are agencies that will also assist with this process. Ed Bove is interested in working with the town on this effort. Devon Fuller was agreeable to the Planning Commission taking on this process, while also addressing the concerns expressed by Ms. Wiles. It was noted the municipal planning grant is due September 28<sup>th</sup>, which would be an \$18,000.00 grant for consulting fees. The Select Board thanked the Planning Commission for providing a presentation on the Form-Based Codes. Anne Bransfield encouraged the Select Board members to contact her if they have additional questions.

### **Public Comment Period/Next Meetings:**

There was no public discussion held.

The next Planning Commission meeting will be held October 15, 2012 @ 7PM at the Brandon Library.

### **Public Outreach Discussion:**

Discussion was held concerning the Planning Commission beginning the public discussions about the Brandon Form-Based Codes. A suggestion was made to develop a script relating to questions for the initial group discussions. Jeff Guevin provided a conceptual overview of the process and a decision was made for the Planning Commission members to attend the initial public discussions as a group. Phase I will include the initial contact with various groups and businesses in town that include the Brandon Senior Center, American Legion, Rotary, DBA, Brandon Chamber and potential businesses such as New England Woodcraft, Blue Seal Feed and Lawes Ag. Phase II would consist of culminating the input from the initial meetings into draft form and hosting

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follow-on discussions with the public. Phase III would be the formalization of the Codes based on the follow-on discussions during Phase II. The first round of information gatherings are scheduled to be complete by December 1st and the second round of gatherings are scheduled for completion by March. Additional iterations will be done based on the input received from the second round of discussions.

**Other Business as Needed:**

There was no discussion held.

**Adjournment:**

A motion was made by Linda Stewart to adjourn the meeting at 9:26PM. **The motion passed unanimously.**

Respectfully submitted

Charlene Bryant  
Recording Secretary