

**FINAL**  
**Brandon Planning Commission**  
**November 4, 2013**

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

**Others present:** Charlene Bryant, Tina Wiles, Bernie Carr, Janet Mondlak, Eric Mallory

**Call to Order:**

Anne Bransfield called the meeting to order at 7:06PM.

**Approve Meeting Minutes for September 4 and October 7:**

A motion was made by Anne Bransfield and seconded by Linda Stewart to approve the minutes of the October 21, 2013 meeting. **The motion passed unanimously.**

**Public Comment Period**

There was no discussion held.

**Action Items:**

***1. Draft Sidewalk and Merchandise Display Ordinance (Discussion with Bernie Carr, Brandon Chamber of Commerce Representative)***

The local businesses have various issues with the Sign ordinance, in particular the Sandwich Board section. Bernie Carr had also commented at a previous meeting that the Planning Commission should allow lighted signage as part of a business' sign.

Mr. Carr read the BLUO Section 407 (c): "Permit Required: No sign shall be erected, enlarged, redesigned, reworded, substantially rebuilt, or altered in any way without a permit issued by the Administrative Officer, with the exception of those signs specifically exempted in Section 407(j) or (k). Permits shall be issued for signs in conformance with this ordinance Application shall be made on the designated form, specifying legend, size, shape, colors, location, materials, height, support structures, lighting, and other information as may be necessary to determine conformance with these regulations. Any sign not expressly permitted by, or exempted from, the provisions of this ordinance is prohibited." Mr. Carr stated the businesses would like the words: colors and materials eliminated from this section. There is nothing in the ordinance regulating sign color and the businesses do not agree that the Planning Commission should dictate the material for a sign. Tina Wiles stated this is subjective and she reviews the overall presentation of what is being presented. She noted people have been very receptive to this process and this is not a criterion to disallow a sign.

With regard to the sentence in the BLUO Section 407 (e): "All other sign permits shall be referred to the Development Review Board for review and approval", Mr. Carr stated the Development Review Board has no guidelines for approving, disapproving or establishing conditions on "all other sign permit requests".

Tina Wiles stated there may need to be a waiver criterion for signs. There is a standard for “all other signs” for going through the DRB. Janet Mondlak stated statutorily there are five criteria for the DRB and a variance should not exist for a sign. It was noted there is too much restriction in the number and size of cluster signs. Tina Wiles stated one can have up to 50 square feet for a cluster sign. Bernie Carr suggested consideration be given to where the sign is located in town, i.e. outside of the village area, along Route 7, or in the downtown. Mr. Carr likes the idea of the Form Base Codes, as it would provide the Zoning Administrator some flexibility and if there are questions about an issue, it would trigger the review aspect of it. Tina Wiles stated the better way is to do a total allowance of clustered signs. Ms. Wiles noted it was known, during the development of the BLUO, that there would be some items that would need to be revisited.

With regard to BLUO Section 407(f) Appeals, Mr. Carr stated the only option for appeal under this ordinance is if the applicant or an interested party (i.e. an adjoiner) can show that the Administrative Officer made an error in approving or denying an application. The businesses believe it is unfair to the general business community that there is no mechanism for an allowance using a waiver or other process. Janet Mondlak stated there is no other mechanism for someone to appeal through the DRB and there are cases where this clearly does not work. Ms. Mondlak suggested there be some kind of leeway where the Zoning Administrator can review and approve and change the appeal process for the neighbors. It was noted that the Planning Commission tried to take this out of the Zoning Administrator’s responsibility. Tina Wiles stated one step further should have been to provide the DRB direction. Ms. Wiles suggested considering all signed permit requests under the conditional use criteria, which would give them the ability to look at conditional use. Linda Stewart stated there would need to be hearings held to make changes to the BLUO. Bernie Carr thought that with the Form Base Code, if there is something minor, it would provide the Zoning Administrator authority to make allowances.

Regarding the BLUO Section 407 (g) Standards for Development Review Board Review (See Section 1009), Mr. Carr stated there is nothing in Section 1009 that refers to DRB review of any part of the sign ordinance, but the local businesses would like there to be. Tina Wiles stated there needs to be definition of what can be reviewed.

BLUO Section 407.5. “All signs shall be constructed of wood, masonry, stone, metal or alternative materials, compatible with other signs located within the surrounding area or district and all other applicable standards under this Section.” Mr. Carr stated the businesses believe the Town should not dictate the material of which a sign must be constructed, as this is subjective.

BLUO Section 407.11. “Gas station canopies shall be used to shelter pump station areas from the elements, and not as a landmark or advertisement for the business beyond the canopy sign allowances set forth in Section XI(1)( c). Beyond the area occupied by signs, the canopy shall utilize colors that blend with the gas station itself, i.e. no bright, garish, or company/logo colors to call attention to the canopy. A gas station canopy must be of a height and size which is in scale with neighboring structures, and must not be of a size which is larger than required for its functional purposes (the use of a canopy as a structure for placement of signs shall not be considered a “functional purpose” in this regard.” Mr. Carr asked why the color has to “blend” with the gas station and who would determine what color is “garish”, as this also seems very subjective. There needs to be the creation of a Design Review Board for these types of items. It was suggested to eliminate the wording..’ i.e. no bright, garish, or company/logo colors to call attention to the canopy.’

BLUO Section 407.12.i.(4) Clustered Signs – Mr. Carr stated the businesses feel there is too much restriction on the number and size of clustered signs. It is understood there is a potential cluster sign applicant who needs (4) different signs to identify four businesses that share a driveway entrance. Cars are traveling 50 mph past this driveway and the size of the sign is important.

BLUO Section 407.12.i.(5) Facade Signs – Mr. Carr stated the businesses feel that for larger buildings, this can be very restrictive. They ask for an allowance for buildings over 9000 square feet be 10% of the building frontage.

Eric Mallory stated the town has lost industry and customer bases. In an effort to gain customers who now work in Rutland or Middlebury, he leaves his detailing and inspections signs out after hours. Business owners have to attract the customers that used to work here, but have gone out of town to work. Mr. Mallory stated business has decreased due to fewer people in town and the sandwich board signs are an effective way to advertise.

BLUO Section 407.8 Sandwich Board or Portable Signs – “One (1) per business; maximum two (2) per lot 10 square feet. Signs should be at least fifteen (15) feet from the traveled portion of the roadway or five (5) feet from the curb, whichever is greater; except in Central Business District where sign must be placed adjacent to the curb or green space, if available. Must be removed each day and stored inside upon close of the business.” Mr. Carr stated the mandate on the placement of the sign (15 feet from the traveled portion of the roadway or 5 feet from the curb) is too restrictive, in the businesses opinion. There are many things nearer to the curb or traveled portion of a roadway – sign posts, trees, mailboxes, etc. There are not that many businesses in our community with a sandwich board sign. It is believed they should be allowed in a safe and non-obstructive location. No business person who has invested money in a sign will place it in a location that is going to undermine the security of the sign. As for the central business district, why do the signs need to be stored indoors upon close of the business? Sandwich board signs are heavy and not easily moveable. Business signs are important for the owners even after they are closed for the day. There are probably a maximum of 20 – 25 sandwich board signs in town on a regular basis and the businesses maintain they are not harmful or dangerous. Linda Stewart stated the sandwich board signs are more of a hazard. Tina Wiles has had conversations with downtown businesses with regard to where to place the sandwich boards. Bernie Carr suggested having them placed in the tree lines. Marty Feldman stated if there was no ordinance, there could potentially be a catastrophe in town. There needs to be something to fall back on. The intent was not to keep people from advertising, but if there are no restrictions, there would be no way of enforcing where they are. Mr. Feldman noted the ordinance may be a little too restrictive. Tina Wiles stated the sidewalks are town property and the Sandwich Board Sign ordinance and the Sidewalk Sign and Merchandising Display ordinance were developed because they are on the town property. Ms. Wiles recommended getting rid of the Sidewalk Sign and Merchandising ordinance. There is also a Public Use ordinance and that is where the Sidewalk ordinance should be, which would not make it a Zoning Administrator or DRB issue. The two ordinances, the Sandwich Board or Portable Signs and the Sidewalk Sign and Merchandising Display ordinance get confused. Jeff Guevin stated the zoning code is to regulate private property and the information on the central business district applies to sidewalks. If the town owns the right of way, it can dictate what happens on that property. Janet Mondlak stated if there is a sandwich board sign issue, zoning is not the proper tool to address it. Marty Feldman stated the main topic was to address safety. Tina Wiles stated the signs should be located so as not to interfere with pedestrian and vehicular traffic. Bernie Carr suggested dealing with the signs on a case by case basis. Janet Mondlak stated section H(1) gives the Zoning Administrator leeway and is well written. The Sidewalk Sign and Merchandising Display ordinance is too restrictive and Ms. Mondlak stated it is unfriendly to business. Bernie Carr stated businesses are smart about what they are doing and it is a common sense issue. Ms. Wiles has identified Facilities Public Use as a place for the Sidewalk ordinances. Janet Mondlak stated the Select Board will eventually take the ordinance off the table for action and she noted there is a conflict with the ordinance.

BLUO Section 4075 (1) “The following signs are prohibited and shall not be allowed in any District. – Item 2 - Internally illuminated signs, except “Open” signs not to exceed two (2) square feet in area.” Mr. Carr stated the businesses believe internally illuminated signs should not be limited to 2 square feet “Open” signs. Lit signs are industry standard and imperative in a geographic region that has many “dark” days. Mr. Carr stated anything inside the glass should allow as much information as needed to bring in more business. Tracy Wyman stated an

illuminated sign should be allowed to remain on as long as the business is open and shut off when the business is closed. Marty Feldman stated the Planning Commission was more concerned with projecting the light out. Janet Mondlak asked that this ordinance be revisited, as it is not business friendly to have it so restrictive. Eric Mallory stated there are a lot of nice signs that have been made and it would be better to have something different rather than just an open sign. Bernie Carr stated it is a bad time for the ordinances to be more restrictive, as businesses are struggling to bring in business. Janet Mondlak requested the Planning Commission obtain the recommendations of the VDAT marketing people concerning these issues. Marty Feldman stated the ordinance was developed to help keep Brandon more of what people want it to be.

## ***2. Brandon Based Code Status***

Anne Bransfield will have a discussion with Robin Bennett concerning what has been paid to Brandy Saxton and determine if the town can come up with the additional \$2,500.00 needed for the contract. Tina Wiles is working on a budget and there are several line items such as Professional Services, Legal Fees, Planning Commission Legal Fees, and Professional Supplies that have funds and there will be an attempt to fund this contract through the various line item funding. Tina Wiles and Robin Bennett will be meeting tomorrow to discuss a budget. Ms. Wiles will review the contract and discuss it during the budget meeting. Ms. Wiles stated the total budget includes salaries and funding for items such as Planning Commission conferences, DBA hearings, and public notices. Ms. Wiles expressed concern about the funding of projects, such as the lighting of the falls. It is hoped that Green Mountain Power will help fund this project. Going forward, the Zoning Administrator, the Planning Commission and the Rental Code department will have separate budgets. Ms. Wiles asked the Planning Commission to provide her with an estimate of the anticipated consulting costs for the next fiscal year or other items that should be included in the budget. It was recommended to include \$8,000.00 in the budget for consulting costs. Ms. Wiles stated will also be a second round of Disaster Relief grants.

## ***3. VDAT Update***

Ethan Swift will be providing Anne Bransfield the VDAT report. Tina Wiles asked if the Fluvial Erosion and the Hazard Mitigation plans were provided to VDAT. Anne Bransfield stated the Planning Commission met with the VDAT team to discuss the projects, such as the Form Base Code and Wild Life Corridor that the Commission is working on. The VDAT team is financed through federal funds and their focus is on assisting downtowns with disaster recovery and resilience. They will be providing recommendations on design and marketing. Anne Bransfield stated there is a new requirement to have flood resiliency in the Town Plan and Tina Wiles is working on this item.

## ***4. Rural Recreation Planning Conference Ideas and Opportunities***

Jeff Guevin, Anne Bransfield and Bill Moore attended the Rural Recreation Planning Conference last Friday. Bill Moore would like to work with the Planning Commission in initiating some of the ideas that were discussed. Tina Wiles stated she had started a capital plan for Estabrook Park that she has provided to Mr. Moore and he will be working on a capital plan for the parks. There are grants available for sidewalks through the AOT and Safe Routes to Schools. Anne Bransfield will distribute information received at the conference to the Planning Commission members.

## ***5. Front Porch Forum Participation***

Jeff Guevin stated the Front Porch Forum is like an on-line bulletin board and stated the Planning Commission members can sign up to participate on this forum.

## **6. DBA Presentation (10/27/13) of Market Analysis (posted on the blog)**

Linda Stewart stated the DBA provided a presentation on the survey they had conducted with the assistance of a consultant from UVM. A number of surrounding zip codes were used, based on the market area determined by the consultant. The survey included random questions for businesses and customers. Results of the survey indicate the average household income is \$50,000.00 and provided information on where people are spending their money. The survey indicated the consumers want a variety of restaurants like a coffee shop or diner and a greater variety of groceries. The consumer survey was around 150 people. The second part of the survey related to the business owners that indicated there is more parking needed. There were 51 businesses who participated in the survey.

### **Other Business as Needed:**

There was no discussion held.

### **Upcoming Training Opportunities**

#### **. November 7<sup>th</sup> – VNRC Forest/Wildlife Woodshop – Town Hall 6:00PM – 8:30PM**

This meeting will be held at the Brandon Town Hall on Thursday. Ms. Bransfield stated other planning commissions, conservation people and a representative from the regional planning commission will be in attendance. It would be a good meeting for the Planning Commission members to attend, as it will relate to the wildlife corridor.

#### **. November 19<sup>th</sup> – VLCT Fall Conference in Montpelier**

### **Next Meetings:**

November 18<sup>th</sup> – Regular Planning Commission Meeting  
December 2<sup>nd</sup> – Regular Planning Commission Meeting  
December 16<sup>th</sup> – Regular Planning Commission Meeting

### **Adjournment:**

A motion was made by Anne Bransfield and seconded by Linda Stewart to adjourn the Planning Commission meeting at 9:37PM. **The motion passed unanimously.**

Respectfully Submitted,

Charlene Bryant  
Recording Secretary