

Draft
Brandon Planning Commission Meeting
June 6, 2016

Planning Commission Members Present: Jeff Guevin, Linda Stewart, Frank Bump, Marty Feldman

Planning Commission Members Absent: Anne Bransfield, Phyllis Aitchison

Others present: Anna Scheck

Call to Order:

The meeting was called to order at 7:08PM by Jeff Guevin, Planning Commission Chair.

Agenda Approval:

A motion was made by Linda Stewart to approve the agenda as presented. **The motion passed unanimously.**

Approval of Prior Meeting and Hearing Minutes:

A motion was made by Linda Stewart to approve the April 18, 2016 Planning Commission minutes. **The motion passed unanimously.**

A motion was made by Linda Stewart to approve the May 2, 2016 Planning Commission minutes. **The motion passed unanimously.**

New Business:

. Planning Commission Membership

Linda Stewart has agreed to remain on the Planning Commission for another term of three years and will write a letter of interest to the Select Board. Frank Bump will also write a letter of interest to the Select Board to remain on the Planning Commission for another term. Marty Feldman stated he is also now a member of the Chamber of Commerce Board and will only be available for the first Planning Commission meeting of each month. Jeff Guevin proposed the potential for going back to a once a month meeting schedule once the zoning update is completed.

. Zoning Administrator Role and Responsibilities

It was noted the Zoning Administrator's role is independent of the Planning Commission and the Planning Commission appreciates her input as an ex-officio member of the Planning Commission, but they do not seek to influence her in the performance of her job. The Zoning Administrator also works as the delinquent tax collector, rental housing code enforcement person and health officer.

. Other Business as Needed

Linda Stewart stated there are many violations but the fact that the Zoning Administrator holds many different titles makes it difficult to keep up with the violations. Ms. Scheck advised she has just received more violations

that she will be acting on. She noted many of the issues are time consuming. Ms. Scheck noted she has sent out many letters that she does not include in the Planning Commission packet.

Old Business:

. *Zoning Administrator Report*

Marty Feldman questioned the status of the Sign Ordinance discussed during the May 2nd meeting. It was noted that the waiver only applies to setbacks. The waiver has not been approved by the Select Board yet. Jeff Guevin stated the Select Board wanted to see the waiver language. Ms. Scheck will send the Select Board the waiver document and a copy of the Sign Ordinance and request the Select Board consider adopting the changes and the waiver. It was questioned if the Select Board would require a hearing prior to adoption of the waiver. Jeff Guevin will write a memorandum, as Town Agent, advising the Select Board what the law is as it relates to this subject. Linda Stewart stated the Town Manager had indicated at the May 2nd meeting that the Town had come to a resolution for the Compass Center.

. *Brandon-Based Code and Review of BLUO (Continued)*

Anna Scheck requested a review of the Subdivision section. Ms. Scheck stated state regulations indicate if a road divides a property into two parcels; a subdivision permit is not required from the state. The Town's ordinance indicates if a road divides a property, it could be a subdivision as long as both sides of the lot meets the size lot requirement and is separately deeded. This is a conflict with the state and Ms. Scheck suggested the ordinance should mirror the state's regulation. Jeff Guevin indicated the state's concern is about wastewater with regard to subdivisions, which is mainly the reason that local subdivision regulations exist. This information is found in Section 1101 of the Brandon Land Use Ordinance (BLUO) under Definitions. Marty Feldman questioned whether there are many boundary line adjustment requests and Ms. Scheck indicated she has not received many of these requests. It was noted that a boundary line adjustment could be several acres of land, as long as a new lot is not created. Mr. Feldman stated it would make sense to give the Zoning Administrator the authority to do boundary line adjustments and it was confirmed that Ms. Scheck does have that authority. Ms. Scheck noted that she also advises anyone requesting a boundary line adjustment to contact the state to confirm whether a permit is required by the state. Ms. Scheck stated she does not have any other issues with the Subdivision regulations.

Jeff Guevin requested Section 711: Design Standards be revisited. He suggested it should indicate under 711(a) that subdivisions will be in full compliance with this ordinance. With regard to Section 711(b), Mr. Guevin stated since the Town is moving towards density, the 125% might be a low percentage. Mr. Guevin suggested Section 711(b) could be eliminated and Section 711(a) could read a subdivision will be in full compliance with all relevant districts. Linda Stewart stated there was previously a discussion with a developer with regard to clustering and the need for keeping open spaces. Mr. Guevin noted this wording is encouraging open spaces through clustering. If this is taken out, one would have to meet the regulations on density that are in a different section of the ordinance. It was the consensus of the Planning Commission to delete Section 711(b).

Anna Scheck advised she has information relating to new state agriculture regulations that she will provide to the Planning Commission. As of mid-October, the state will have new agriculture regulations and the Commission will need to discuss whether to grandfather some of the items relating to farm animals. Section 111: Agriculture and Forestry in the proposed Brandon Based Code (BBC) indicates a land use permit is not required to farm or harvest timber if it conforms to state practices. Jeff Guevin stated it is not required at all. The BLUO indicates there is no permit required for agriculture uses and Section 104: Forest Harvest also indicates a permit is not required. Mr. Guevin stated Forestry should be an exempt item. It was decided that this will be removed

from the new BBC Section 111 and added to Exemptions under Section 110 that have been taken from Section 104 of the BLUO.

Marty Feldman questioned the result of the discussion at the last meeting regarding demolition. It is not thought that a permit should be required to demolish a structure. It was noted there is a safety issue in taking down buildings and the state is involved when there are asbestos issues. Anna Scheck noted the state now requires an asbestos assessment and a lead paint assessment for any structure pre-1970 that is to be demolished. This is for both commercial and residential structures. Jeff Guevin suggested there could be different regulations for an accessory structure versus a primary structure. Instead of the size feature, it was recommended to concentrate on the use with regard to demolition. Mr. Feldman stated it seems reasonable to require regulations with demolishing a structure. Mr. Guevin suggested demolishing a barn, shed or gazebo should not require a permit, but in the event of demolishing a house or other type building a permit could be required. It was also suggested to exempt the demolition of a temporary structure. Section 110 (9) of the BBC, will be replacing Section 104(b) (8) and 402(a) and (b) of the BLUO.

Regarding Section 619: Farm Animals in the BLUO; Anna Scheck stated under the new state regulations there will be definitions of what the Town will be responsible for. Jeff Guevin suggested eliminating this section and handle according to the Performance Standards of the BBC. Linda Stewart stated it would be more difficult for the Zoning Administrator to enforce without more specifics. Mr. Guevin stated Section 111(b) in the BBC has no information on agriculture and only speaks of farm structures. Ms. Scheck stated Section 201 of the BLUO includes agricultural and animal husbandry uses as defined by the State of Vermont. As of October, anything that is not a small farm; the regulation will be the responsibility of the Town. Mr. Guevin stated instances that would cause problems such as feed piles or manure would be regulated by the State. It was suggested to remove Section 619, with the idea that the Planning Commission will look at urban agriculture, which will be in the Performance Standards.

Ms. Scheck distributed information on an upcoming Planning and Zoning Conference that will be held at Lake Morey.

Next Meeting:

To Be Advised.

Adjournment:

A motion was made by Linda Stewart to adjourn the meeting at 8:52PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary