

**Brandon Planning Commission Meeting - Draft**  
**July 20, 2020**

**Board Members Present:** Michael Shank, Stephanie Jerome, Lowell Rasmussen, Ralph Ethier, Allie Walter, Allie Breyer

**Board Members Absent:** Bill Mills

**Others Present:** Seth Hopkins, Jeff Biasuzzi, Tim Guiles

**1. Call to order**

Michael Shank, Chair, called the meeting to order at 6:02PM.

**2. Agenda Approval**

A motion was made by Lowell Rasmussen to approve the agenda. **The motion passed.**

**3. Approve Meeting Minutes – June 1, 2020**

A motion was made by Allie Walter to approve the Planning Commission minutes of June 1, 2020 as presented. **The motion passed.**

**4. Zoning Administrator's Report**

Jeff Biasuzzi reported there is a return to the normal level of permit applications prior to the pandemic. There is only one new single-family residence application that is a lag from last year's numbers. The housing market in Brandon has been very busy even with the stressed property selling which is evidenced by the Franklin Street house being torn down. The owner decided to tear down the structure. It was a six-family house by permit and is walking distance to the central business district and Mr. Biasuzzi expects it will be a good property when rebuilt. There is interest by a local business to move to the vacant space in the Vermont Tubbs building to consolidate all of its employment into that facility and is looking to increase its production and payroll. Mr. Biasuzzi has been working on some of the traditional zoning violations such as junk, animals, etc.. He has not had any direct feedback on the final approval of the River Corridor updates from the Select Board. Michael Shank reported a presentation on the River Corridor was done at the Select Board Hearing and there were no requests for changes in the text. Mr. Biasuzzi advised that once the hearing was closed the Town has a 45-day window and he hopes the Select Board will add this to a future meeting agenda to address. Mr. Biasuzzi reported the Energy Plan was approved and is in place. He will ask the Town Clerk to sign and record the Plan. Mr. Shank will follow-up with Seth Hopkins and request a vote of the Select Board to move the River Corridor process along. Mr. Biasuzzi advised he has definitions prepared and anticipates mailing to the Planning Commission for review with suggested changes. He has started working on his suggested highlights to the BLUO in such areas as accessory structures and setbacks that will bring it up to date and provide more clarification. Good definitions help people understand what the language in the document applies to. There is also an old fee schedule that is often confusing and does not include the \$5 Vermont legislature required increase from 2019. Mr. Biasuzzi has a template that is user friendly and is easier to understand when someone asks what the fees are and includes an increase from \$10 to \$15 for a recording fee. The usual process is sending the proposed changes through the Planning Commission and then forward to the Select Board for approval.

Michael Shank asked if the Planning Commission needs to play a role in the chicken debate. Mr. Biasuzzi stated Brandon is the only town that addresses farm animals. Most towns are silent on the subject as previously farm animals in the back yard were not a problem, however, chickens are now the 3<sup>rd</sup> most popular farm animal as pets. There is room for updates on farm animals, but there should be a minimum threshold as long as it doesn't violate health ordinances or noise ordinances, but there should not be a permit required. Stephanie Jerome stated the Planning Commission did revise the

farm animal ordinance a few years ago and she believes there is a limit between having farm animals versus being a farm. Mr. Biasuzzi stated there is a certain number of animals that would put someone in the Department of Agriculture exemption and provided an example. Mr. Shank suggested the Planning Commission, in conjunction with the Dept of Agriculture could do a workshop. Mr. Biasuzzi noted that would be a good idea and could potentially include other towns. Mr. Jerome suggested asking Blue Seal Feeds to also be involved in a workshop. Mr. Biasuzzi stated it would be a good solution to develop an ordinance, as it would be faster and simpler to enforce. There is only one district where one does not need a farm animal permit and that might be something to look into further. Mr. Biasuzzi suggested also including exotic animals. Mr. Shank will work on this item.

## **5. River Corridors Update**

Michael Shank reported this was previously addressed and reiterated the last hearing had no requests for any changes. He will follow up with the Select Board Chair to be sure that the process is moved forward to complete the update.

## **6. Discussion of BLUO Updates**

Michael Shank advised the current BLUO was adopted in 2015. Mr. Shank suggested a process for reviewing the current BLUO, noting of the 11 Articles that Article 8 will have new text with the River Corridor update and Article 11 will outline the definitions. Mr. Shank suggested all Planning Commission members read Article 1 and Article 11 to become familiar with them. For the remaining articles, Mr. Shank suggested each Commission member choose an article to review and bring their reflections and possible suggestions for adding or improving to the next Planning Commission meeting for discussion. The articles were distributed as follows: Article 2 – Primary Uses – Allie Breyer, Article 3 – Land Use District – Lowell Rasmussen, Article 4 – Accessory Structure – Allie Walter, Article 5 – Michael Shank, Article 6 – Performance Objectives – Michael Shank, Article 7 – Subdivision Regulations – Ralph Ethier, Article 9 – Wireless Communications – Stephanie Jerome, Article 10 – Administration – Bill Mills. Mr. Shank suggested each Committee member could add comments to a word document and forward to Mr. Shank who will consolidate for review of the BLUO. Jeff Biasuzzi noted one item that has not been addressed either as an ordinance or an improvement to the BLUO would be the noise issue. Mr. Shank stated he has had communications with the Police Chief regarding exploding targets and fireworks. The Planning Commission has an opportunity to try to address it which would then become a zoning violation or a recommended ordinance for the Select Board to pass, which would be more of a police matter. Mr. Shank would like to keep it within the editing process and would be happy to review other towns' ordinances regarding this topic. Mr. Biasuzzi advised that he will circulate the proposed definitions to the Committee members soon.

Jeff Biasuzzi stated with regard to accessory structures, Brandon is unique in that it includes detached and attached structures that presents unique sets of circumstances with setbacks. The Planning Commission had discussed in the past there are two distinct separate sections that addressed detached structures, such as storage sheds mostly. He stated if that could be simplified it would be helpful on setbacks and other attached structures could be left alone in his opinion. Mr. Shank suggested the Planning Commission could schedule workshops to help in educating the community on the BLUO and also recommended the BLUO could be placed on the Town's website with a drop down of FAQs to provide easily accessible information on topics such as farm animals, accessory structures, fences, etc. Mr. Shank suggested as Committee members are going through the articles, they consider items that could be included in FAQ's for the website. Mr. Biasuzzi suggested considering changes for subdivisions as they do not regulate minimum widths. He noted there are many unusual sized lots in Brandon that have subdivided lots that are not up to standard. For discussion of any articles in the BLUO, Mr. Biasuzzi is available to meet with members to discuss the articles they are working on for his input. Bill Moore and others are working with the RRPC on broadband and Article 10 could be helpful in this effort. Mr. Biasuzzi suggested contacting Representative Shaw regarding the telecommunication tower in Pittsford and noted that Pittsford had, prior to Act 248, telecommunication in their zoning. It is up to the Legislature to figure out how the towns may have some jurisdiction. The Planning Commission's next meeting was scheduled for September 21, 2020 to discuss Article 1 and get as far into the other articles as possible with sharing reflections, educating other members on the articles, and providing suggested updates. The hearing process for updating the BLUO would be scheduled once the document is updated. Mr. Biasuzzi suggested starting with the definitions, as conversations of the other articles will refer back to the definitions. All agreed and it was the decision to start with Article 11 – Definitions. Mr. Biasuzzi will mail the paper copies of the articles and scan and email to all members of the Planning Commission. Mr. Biasuzzi stated once the

Commission comes to an agreement on the definitions, they can be sent to the RRPC or VLCT to vet them. The RRPC will review the definitions with regard to compliance to the Town Plan at no fee and VLCT will review definitions for legality compliance and protected rights and charge an hourly rate. Mr. Shank summarized the Commission will begin with Article 11 and forward to RRPC and VLCT for review. Once this is done, a review beginning with Article 1 will be done. Members were encouraged to reach out to Mr. Biasuzzi for input. There are no copy edits needed on the individual assignments for the next meeting.

## **7. Old/New Business**

Stephanie Jerome reported everything had changed in the Legislature once the COVID19 planning began. The Legislature is back in session in August to pick up with what was left on the table. In January, she sees them going back to some legislation such as Act 250. Grants have not been as good for the Greenways Project as a lot has been put on hold due to COVID19. An emphasis was placed on getting people their unemployment and assisting farms. The next session will pick up on the building piece.

Tim Guiles noted appreciation for being able to sit in on the Planning Commission meetings.

## **8. Date of Next Meeting**

Next meeting – September 21, 2020 at 6:00PM via Zoom Meeting.

## **9. Adjournment**

A motion was made by Stephanie Jerome to adjourn the meeting at 7:00PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary