

**Brandon Planning Commission Meeting - Draft
November 2, 2020**

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

Others Present: Jeff Biasuzzi

1. Call to order

Michael Shank, Chair, called the meeting to order at 6:00PM.

2. Agenda Approval

A motion was made by Allie Walter to approve the agenda. **The motion passed.**

3. Approve Meeting Minutes – October 5, 2020

A motion was made by Ralph Ethier to approve the Planning Commission minutes of October 5, 2020, as presented. **The motion passed.**

4. Zoning Administrator's Report

Jeff Biasuzzi provided a written report. Mr. Biasuzzi asked if anyone would like to serve on the DRB, as it gives an individual a different perspective if one is also on the Planning Commission. Mr. Biasuzzi stated the DRB is a statutory process and if there is a conditional use or an appeal, it is a formal process that has a formal hearing. The DRB only meets when there is a matter of action and the hearings are warned. Mr. Biasuzzi tries to bundle two or three hearings in one meeting during the busy season. Michael Shank requested an update on Dollar General. Mr. Biasuzzi stated the proposed location is north of the Brandon Flower Shop and south of the Medical Center. It is part of the Elemental Partner's ownership that is a nine-lot subdivision. This would be a conditional use and it would be reviewed under the BLUO as a major subdivision. There will be challenges with wetlands. Dollar General's mode of operation is building a 9100 square foot floor plan and place any selection of exterior structure that a municipality is looking for. The plan is in the preliminary stages and the first hurdle will be the Agency of Natural Resources due to wetlands. Elemental Partners is a group of investors located in California. In the 20 years since they owned the property, the impact fees for the development would not be in the future for them and they asked the Town to extinguish the Act 250 application and local permit and reconfigure the property in 9 lots. There are two larger lots and the other lots are smaller. Dollar General is the second fastest retail chain in the US. The developer is aware of the local requirements and preferences and this would fill a need that is not in a lot of rural towns. They have been looking for two years in Brandon. Mr. Shank stated it was known that they would come at some point and wanted to encourage the big and small box stores to figure appropriately to keep the look and feel intact. Mr. Biasuzzi stated there was a conversation with the Town and photos were provided of existing stores in Vermont that Bill Moore and Dave Atherton have and they can provide them to the Planning Commission. They have several designs that look like barns or capes and the store proposed for Pittsford will look like a large cape-style building. They are flexible on color and finishes and are very cooperative to work with. Mr. Shank thinks they would take away business from downtown businesses but appreciates the site in that it could still be walkable. The RRPC does not want sprawl created and he would want to discuss this with the RRPC, as it is the desire to infill development as much as possible. Mr. Biasuzzi noted the Town Manager asked them about extending the sidewalk and the developer noted that would not be a problem. Mr. Biasuzzi stated the permit will determine if the site is suitable and more details of the project can be addressed after that point. They will find another site if the wetland comes into play. He stated they are patient at getting things done and done right. Allie Breyer asked if a business comes into town and follows all the regulations, does the town have any say with the types of business they want. Mr. Biasuzzi stated in his opinion, if they follow the municipalities' rules, why should the investor not be allowed to move forward with a project. He noted that is the reason people say Vermont is not business-friendly. This process becomes lengthy and expensive when an investor has spent money in engineering and permitting. with conditional use applications. The DRB follows the rules and there are clear standards, and they have the ability to decide other considerations like architectural rules. Mr. Biasuzzi suggested the

Planning Commission should look at the rules and standards to be sure they guide the standard, as the environmental court could favor with the developer. Mr. Shank noted the same rulings have to be used for all businesses. Mr. Biasuzzi stated the Medical Center is a business and would be beyond this possible project. Mr. Shank expressed concern that similar to Walgreen's lighting issue relating to the signage, in that process they had shown how different Walgreens had done signage in other areas that were in line with the character of the town. Mr. Biasuzzi stated Walgreens was a very difficult company to work with in the process. Mr. Shank noted when Dunkin Donuts is built, it is grandfathered with internally lit signs, but they will have signage that does not adhere. Mr. Biasuzzi stated if Dollar General moves forward on this, they will start with an introductory meeting with the Planning Commission and Select Board and there will be a chance to make suggestions at that time. They are still on a fact-finding mission at this point as far as the wetland challenge. Mr. Biasuzzi will provide the Planning Commission the name of the Dollar General's developer. Mr. Biasuzzi noted many franchised businesses take available space, but Dollar General tends to not do that. Mr. Shank requested a correction of the Planning Commission members' information on the website with Mr. Shank as Chair and Stephanie Jerome as Vice-Chair.

5. BLUO Review and Discussion

The Planning Commission continued with Article 4 of the BLUO in identifying definitions. Allie Walter suggested the following: accessory structures, lot line, boundary line, impervious surface area, dwelling unit, residential area, in-home bed and breakfast business. Jeff Biasuzzi would like the BLUO to be informative and suggested using examples so that people relate to what you are talking about, such as an Airbnb. Mr. Biasuzzi noted any home occupation has to be a residence and was intended to help people run their business in their home. The statute allows for the Town to make the regulation more restrictive. If an Airbnb is a separate structure not lived in by the resident, it would not fall under home occupation. Mr. Biasuzzi will send the Planning Commission more information on this subject. Under Section 407, he highlighted the information on the Brandon Workbook and suggested that some of the vision could be taken from the Workbook and make it relevant to the BLUO. Ms. Walter stated temporary is ambiguous in the signs section and Mr. Biasuzzi stated temporary would need to be included in the definitions. Mr. Shank stated with regard to feather signs, the new ordinance has enforceable reminders and asked when the regulations are to be enforced with the Route 7 construction ending. Mr. Biasuzzi advised temporary measures for signage were approved during construction and suggested this may need to be amended. Mr. Biasuzzi will check with Dave Atherton on this ordinance as the majority of the project is done and agreed there should be an end date advertised. Mr. Biasuzzi reported a sign company has sent him samples of materials used in the sign industry and noted many signs are made of recycled plastic bottles that are durable and inexpensive and can be made to look like wood.

Mr. Shank also questioned the status of the home across from Brandon Hardware. Mr. Biasuzzi stated if it is a home occupation, a permit would be required, but noted the items for sale are in the public right of way and at the least it would require a vendor permit. Allie Breyer asked for clarification on the feather signs. Mr. Shank advised a temporary sale sign is allowed for up to 21 days twice a year. Mr. Shank stated there are parameters around the feather signs and they would not fall under this. They are allowed if it is a short period of time and only for special events but are not for a permanent use. Mr. Biasuzzi suggested extending the time for more than 21 days and having them taken in at night. There is compliance on sandwich signs but not on feather banners. Mr. Shank did not think the time needs to be extended, but the Planning Commission may want to reconsider a rewrite on the signage ordinance due to industry changes in materials and suggested making the limit of the sign comparable to the industry standards. Ms. Walter asked what the benefit would be for adhering to the industry standards and Mr. Biasuzzi stated it would be beneficial to businesses. Mr. Shank stated the Town should not subscribe to industry standards as they are always going to go bigger with lights and signs. Mr. Biasuzzi suggested getting temporary defined in the definitions and add ingredients of the Workbook. Mr. Shank agreed the Planning Commission needs to remain flexible and constantly update this document to assure it is serving the community. Mr. Shank suggested small historic towns that are successful would be interesting to study to assure that as planners the Town is marketable while also preserving the Town's historic character.

Under Section 409, accessory dwelling units to be added to the definitions. Mr. Biasuzzi stated the accessory dwelling unit description is concise but there could be language added and he will send some suggested language to the Planning Commission. It is a form of an apartment, but all apartments can't be accessory dwelling units as an accessory structure cannot have more than one bedroom. Lowell Rasmussen noted that some information from Vermont Land Use was sent to

the Planning Commission and asked if this should be incorporated into the BLUO. Mr. Biasuzzi stated one ingredient missing is that it can only be an efficiency or a one-bedroom, anything larger is an apartment and is required language by statute. Under Article 5, non-conforming uses, aquifer districts, noncomplying structure and nonconforming lots were also added to the definitions.

6. Old/New Business

Michael Shank stated the winter months will give time to discuss the noise ordinance. Lowell Rasmussen suggested dedicating a meeting to developing a noise ordinance for Brandon. Allie Breyer suggested obtaining other towns' information on noise ordinances. Jeff Biasuzzi provided the Planning Commission two towns' ordinances on this subject. Mr. Shank stated town residents have requested this and he wants to be mindful of working in a timely manner. The Committee agreed that a separate meeting would be good. Mr. Shank proposed at the December 7th meeting to discuss the noise ordinances that have been provided to the Committee and to come back with additional Vermont town or city ordinances to offer up for discussion. An appropriate reference point would be another Vermont town that has a similar economic feel. Mr. Biasuzzi will put out a request to other zoning administrators and the VLCT regarding a model for other noise ordinances.

Ralph Ethier asked about the downtown parking. Michael Shank stated the Planning Commission was going to facilitate the conversation with the DBA and Chamber about parking when meetings were in-person. It has been asked by the town leadership to postpone this discussion until a few things were completed, like the new public parking behind the Mobil station and when business is back pre-COVID or when the worst of COVID has passed. Mr. Ethier stated there has been a lot of residents moving into the downtown. Mr. Biasuzzi noted the State is encouraging more in-town living to be closer to services and to utilize existing structures. Mr. Biasuzzi shared a zoning guide for Vermont neighborhoods with Mr. Shank to share with the other Planning Commission members that talks about maximizing populations in villages.

7. Date of Next Meeting

Next meeting – December 7, 2020 at 6:00PM via Zoom

8. Adjournment

A motion was made by Allie Walters to adjourn the meeting at 7:30PM **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary