

**Brandon Planning Commission Meeting - Draft
January 4, 2021**

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

Others Present: Jeff Biasuzzi, Brent Buehler

1. Call to order

Michael Shank, Chair, called the meeting to order at 6:05PM.

2. Agenda Approval

A motion was made by Stephanie Jerome to approve the agenda. **The motion passed.**

3. Approve Meeting Minutes – December 7, 2020

A motion was made by Lowell Rasmussen to approve the Planning Commission minutes of December 7, 2020, as presented. **The motion passed.**

4. Zoning Administrator's Report

Jeff Biasuzzi stated there was a conversation at the December meeting about flags and unpermitted signs. The Select Board confirmed with Mr. Biasuzzi that the banners on the buildings in the central business district were approved during the Segment 6 construction project, but when the project is officially completed they are to come down. Mr. Biasuzzi stated the banners on the buildings have the blessing of the Select Board and predates the changes in the BLUO regarding signs. Mr. Biasuzzi stated the neon signs in the businesses have been there a while, but he feels there are more now, and he is reaching out to businesses to advise that they are not allowed. Mr. Biasuzzi suggested the neon signs, as long as they don't flash or blink, could be allowed as they are essential to businesses. Mr. Biasuzzi noted the open flags on the Briggs building are an incumbrance, but the open signs he thinks should be the exception to the neon rules. Mr. Shank noted he is comfortable continuing the lenience the Town has shown the businesses, knowing that when the project is officially done they will return to the enforcement of the ordinance. Mr. Biasuzzi stated when people do apply for a sign, he will stick to the ordinance. Mr. Biasuzzi noted the sign industry uses metal and wood, but their base sign is recycled plastic that looks like wood. Mr. Shank suggested addressing just the date and enforcement first for signs. Allie Walter agreed with the leniency, but once the construction project is over she suggested reevaluating the sign ordinance and perhaps set a size limit to neon signs. Stephanie Jerome hoped to stick with the construction end date and suggested sending a note to the businesses about the change and advise that all new businesses need to comply in accordance with the ordinance. Mr. Biasuzzi noted that for new businesses, it can be advised that neon signs are not allowed, but the issue is with the existing businesses, which is a bit more challenging. Mr. Biasuzzi suggested the Chamber could assist with this effort. Ms. Jerome suggested an email and other methods of communication be used to inform businesses prior to the deadline of the construction project. Allie Walter advised Bernie Carr had indicated there was discussion of the Chamber sending a reminder to the businesses on this subject and she is more concerned with the feather signs than the neon signs. Mr. Shank agreed it could be a combination of the Zoning Administrator and the Chamber in educating the businesses on the changes in signs. Mr. Biasuzzi will draft an information piece and meet with Mr. Carr to discuss a team effort in getting the word out. In terms of revisiting the sign ordinance, Mr. Shank stated there is a desire to revisit the sign ordinance from some people. Mr. Shank supports the current language and is not inclined to revisit it but asked other members their thoughts on Section 407 of the BLUO. Stephanie Jerome advised the old ordinance was very complex, not business-friendly and created a lot of issues with the business community. There was an effort to come up with visually acceptable signs for a historic downtown and the ordinance was simplified and has a much easier fee schedule and measurements for signs for the businesses. It has been in place since the fall of 2018 and one of the new signs is the Walgreen's sign that was a step in the right direction, as there used to be two large, tall signs. Mr. Biasuzzi stated other towns have guidelines regarding the sign size versus the size of a building, but in keeping the ordinance simple, it is hard to add extra restriction. Mr. Biasuzzi

stated from the merchants' side, signs are the best advertising and businesses count on good signs. Mr. Shank summarized that there have been two items around neon signs and the scale of signs versus building size. Allie Breyer asked if the thought that the old sign ordinance was too strict was based on reality and whether there was information about businesses not coming to town due to this issue. Mr. Biasuzzi advised the Town of Manchester has a 26-page sign ordinance and he does not think the sign ordinance has deterred businesses. Mr. Biasuzzi will send the Committee a draft of a sign ordinance from West Rutland as it takes building sizes into the calculation. Mr. Shank stated when the sign ordinance was developed, there was discussion of whether to refer to the Workbook or add language from the Workbook concerning what the Town desires the look to be. Brent Buehler asked if the feather flags will be allowed and Mr. Shank advised at the end of the construction project, there will be an effort to assure all businesses comply with the ordinance. Mr. Biasuzzi stated under the current ordinance, a feather flag less than 15 square feet saying "sale" or open is allowed, so the only way to get rid of feather flags is to indicate they are not allowed. Mr. Biasuzzi stated a 15 square foot feather "open" flag would comply. Mr. Shank noted it is agreed that signs are important but there is a desire to preserve the look and feel of the Town. Someone could have a feather flag that is under 15 square feet that indicates "open" or a sale feather flag for up to 21 days. Allie Breyer thought there should be a separate subcategory for "open" neon signs, especially with Vermont businesses being impacted in the winter months with early darkness. She agreed that feather banners should be changed. Lowell Rasmussen saw the logic in the "open" neon sign if it is managed but he does think the feather signs are annoying. Ralph Ethier stated the ordinance does not cover how far the signs can be away from the businesses and suggested there should be a footage requirement near the business. Mr. Biasuzzi stated the sign should be on property area. It was noted signs should not be placed in any of the public parks and Mr. Biasuzzi will remind the businesses of this rule. Mr. Ethier agreed with how the ordinance is written, except perhaps the feather flags. Mr. Shank stated with the signage ordinance as it stands, the feather flags in Town should be seen as temporary and can only be out for 2 times a year for up to 21 days. Mr. Shank summarized that the neon and feather flags are the items to be considered for change in the BLUO. Mr. Buehler noted concern of the many signs on a private residence south of Town as it devalues the entire neighborhood and asked if there is an enforcement for that. Mr. Biasuzzi advised there is not specific language for this and there is also the issue of constitutional rights. If a person is not advertising a product or service, there is nothing in the ordinance that prevents individual's ideas. Allie Walter also noted there are places in Town that have a lot of trash. Mr. Biasuzzi stated there is an open storage section in the ordinance and he is more concerned with open storage than signs. He is trying to get people to comply but most of the offenders have been doing this for a long time. A junk ordinance, as opposed to a zoning ordinance is an option and the open storage ordinance does have room for improvement. Mr. Shank suggested tabling discussion of this section until later in the spring. It was suggested to continue discussion of changing the feather and neon signs in the ordinance and reach out to the Chamber and businesses concerning these potential changes. Mr. Shank suggested a change to neon signs could be done in a way where the look and feel of the signs are consistent throughout Town. Ms. Jerome suggested this could potentially be something the Chamber could discuss.

5. Noise Ordinance Review and Discussion

Michael Shank requested the Committee's feedback on the noise ordinance draft that included the VLCT model with the definitions from Williston and Woodstock. Allie Walter felt the firearm section may be an issue and the chart seems abstract and it might be useful to have a chart that is more user friendly. It was suggested the ordinance address items like the music at night weddings at the inns. Allie Walter will ask the owner of the inn if there is an agreement with regard to music late at night. Mr. Biasuzzi stated they could enforce the State statute that is after dusk and before dawn and if it is an event and there is a permit required, there could be conditions indicated. Allie Breyer suggested there could be reasonable restrictions. Stephanie Jerome noted the ordinance cannot be hurting businesses and the wedding business is large for the Town. Ms. Jerome suggested talking to the Economic Development Officer about this item to be sure that a change is not going to inadvertently harm the local inns. Allie Breyer suggested there could be a balance without hurting businesses. Jeff Biasuzzi stated Woodstock has a lot of inns and could provide some insight whether there is an ordinance regarding weddings. Mr. Biasuzzi noted most weddings end by 11PM. Mr. Shank suggested doing research on how other towns manage weddings. Mr. Shank noted that Mr. Buehler provided a letter to Commission and read the information that has been included in the document that would satisfy his inquiry. Lowell Rasmussen thought the draft was a good first step but noted on the enforcement side with regard to landlords, the current speaks to the person and does not take into consideration the landlord. Mr. Biasuzzi stated the zoning ordinance refers to enforcement through Chapter 117, but the current ordinance only has the enforcement through environmental court that will not enforce the stoppage. The law says that landlords are responsible and that includes the tenants. Tickets are good for minor offenses, but the Police Chief is not

a fan of doing tickets, but the Zoning Administrator, Animal Control Officer or Town Manager can be approved to issue tickets. Article 7 enforcement is from the VLCT draft and the italicized was pulled from Williston. Mr. Shank stated under the firearms section, he would be comfortable pulling the shooting range and removing Exception 1 for shooting ranges in Town, unless the Commission wants to add things around indoor private shooting ranges. Mr. Biasuzzi advised that it can be added as a conditional use and included in Article 6 as a specific item and should be defined in definitions. It could go to the DRB that could require noise studies as a conditional use and give neighboring property owners the ability to weigh in. Mr. Biasuzzi stated a private shooting range that has members is available for regulation, however, a private property owner is protected except for the noise ordinance. Mr. Biasuzzi noted Rod and Gun Clubs in existence in this area have been around for a long time and perhaps before zoning. He suggested maybe the officials in Pittsford and Chittenden could provide some insight. Mr. Rasmussen stated there will have to be delineation between commercial and non-commercial. Allie Walter stated the issue is people that have semi-automatic rifles and questioned if there is a way to minimize that use. She suggested fine-tuning the noise level to include a length of time. Allie Breyer stated in speaking to people about this issue, it is found there is a huge problem both outside and within Town. She appreciates the VLCT's exemptions for those who want to skeet shoot. Mr. Biasuzzi stated this is a sensitive subject and as far as in the village, there can be no recreational shooting within this area. The noise ordinance seems to be the most universal non-segregated regulation that one could use to cut down on gun fire. Mr. Biasuzzi provided the following link for noise decibels: <https://www.creativefieldrecording.com/2017/11/01/sound-effects-decibel-level-chart>. Mr. Biasuzzi stated many of the noises are short-term, and the duration is something that should also be considered in the rules. Ms. Breyer stated assault firearms are very distressing and is worried that a time limit could muddy the water. Mr. Biasuzzi advised the ordinance could regulate a minimum isolation distance from other residences and noted it would be easier to enforce. Mr. Biasuzzi stated a decibel level is a more qualitative type of enforcement. Mr. Shank stated with people using Tannerite or assault weapons, the exceptions would want to represent the majority of the population, as in the example that Mr. Ethier provided regarding chainsaws. Hunting would also be an exception as there are many hunters in Town that are not shooting range users and when hunting you would not be using multiple rounds. Mr. Shank suggested the February meeting would continue discussion regarding downtown wedding times, definitions, firearms, and language around majority interest.

6. BLUO Review

This item was postponed to a subsequent meeting.

7. Old/New Business

Michael Shank advised that his current schedule conflicts with the Planning Commission meeting time and suggested either stepping down as Chair or changing the meeting to 5PM. It was the consensus of the Committee to move the meeting time to 5PM.

There were no updates on Dollar General. Jeff Biasuzzi will advise the Planning Commission on any changes with regard to Dollar General and the high School on Seminary Hill. Michael Shank requested the point person information for Dollar General be sent to Allie Walter.

8. Date of Next Meeting

Next meeting – February 1, 2021 at 5:00PM via Zoom

9. Adjournment

A motion was made by Allie Walter to adjourn the meeting at 7:36PM **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

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