

**Brandon Planning Commission Meeting - Draft  
February 1, 2021**

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

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

**1. Call to order**

Michael Shank, Chair, called the meeting to order at 5:04PM.

**2. Agenda Approval**

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

**3. Approve Meeting Minutes – January 4, 2021**

A motion was made by Allie Walter to approve the Planning Commission minutes of January 4, 2021. **The motion passed.**

**4. Zoning Administrator's Report**

Jeff Biasuzzi reported the permit season is slow. Mr. Biasuzzi sent the Commission information concerning Ethan Nelson's mural that will be on the north side of the Brandon Flower Shop. He also received a one-page noise ordinance from the Town of Mendon that is a qualitative one and looks like language from VLCT. Michael Shank stated he did not see the mural as a sign but would like to have a discussion with the Planning Commission about murals, noting Rutland has done a great job with murals on their exterior walls and he would like to see more in Brandon, where appropriate. It was questioned if the RRPC has information on this subject. Mr. Biasuzzi stated Rutland City has been successful in attracting artists and perhaps the RRPC could advise on this subject. Allie Walter reported the Greenways Committee had discussed the mural that is going to be placed on the flower shop and there was also discussion of doing some in other areas in the Town and the Artist Guild is identifying areas. Mr. Shank stated this will be welcoming from the north and suggested a mural could be done at the south end of Town and perhaps on the side of the Walgreens building. Allie Breyer suggested murals could be done in the crosswalks similar to what is done in other places. Mr. Shank advised NACTO helps cities do this to reduce pedestrian deaths and harm. Mr. Shank noted in terms of the Planning Commission's role, it is not something that usually comes through the Commission. Mr. Biasuzzi stated it is more of a Chamber related matter but suggested it could be useful to poll the population concerning this subject and other items like banners and signs at town meeting. Mr. Biasuzzi noted Brandon has always had an unusually high level of people being courteous to those in walkways. Mr. Shank stated anecdotally, it is a mix for him as he finds pedestrian crossways sometimes forgiving and sometimes very dangerous and it would be interesting to do a study. Mr. Biasuzzi suggested the solution for crosswalks in bad locations is for solar powered lights. Mr. Biasuzzi advised in his conversation with the flower shop, it was mentioned there was a lot of local support for the project. Mr. Biasuzzi suggested there could be a grassroot fundraising effort to fund the cost of materials. He also noted this is not a sign and there is not an architectural review provision in the BLUO and there is not a regulation against it. Allie Breyer asked if other towns use an architectural review and Mr. Biasuzzi noted towns like Shelburne, Charlotte, Manchester, and Woodstock have restrictions on architecture. Ms. Breyer stated there had been conversations about the look and feel of the Brandon downtown area and suggested that might be something to consider at some point, but noted she is pro-mural. Mr. Biasuzzi advised there has to be a balance between property owners' rights and regulations and suggested there could be a co-operative effort developed where all murals have to be approved by the Town's Select Board that are over a certain size. Mr. Shank suggested Mr. Guiles might be interested in talking with the Select Board on this subject and Allie Walter will discuss with the Greenways Committee concerning a cooperative effort between that committee and the town. Ms. Walter suggested there could potentially be a Mural Review Committee that could have representatives from the Planning Commission, Select Board, Greenways and Artist Guild. Mr. Guiles noted there is a town garage that would make a great mural spot and is the first building coming into town

from the west. Mr. Biasuzzi noted there are a lot of structures that would benefit from murals and suggested it could be used for tourism with creating a pamphlet that provides information on the mural art in Town.

## **5. Noise Ordinance Review and Discussion**

Michael Shank shared a draft of a noise ordinance that was created from the VLCT model ordinance and additional information from Williston and Woodstock's noise ordinances. Mr. Shank stated some changes were made from last month's conversation and the next step would be to agree on a final draft and schedule a Planning Commission hearing prior to forwarding it to the Select Board for consideration. The definitions remain the same. In Article 4a, radio and phonograph were removed and items b, c, d, and e are all the same. In item f, permitted shooting ranges were removed. Allie Walter had asked for some kind of context for objectional noises and Mr. Shank included a link for the Hearing Health Foundation that will provide people information on sounds and how loud they are. There were no changes in Article 5 or 6. There was discussion at the last meeting about chainsaws and this item, as well as other items such as weed whackers, etc. were added as exemptions. Weddings in town were also discussed and this item is listed under Item i and would have an 11PM deadline on Friday and Saturday nights, which is the recommendation from the VLCT. It was noted that weddings could also be an exemption. Under Article 7, there is text from Willison regarding offenses. Article 8 has no changes. Mr. Shank advised none of the policy has new language, but is language taken from the VLCT, Williston and Woodstock documents. Lowell Rasmussen requested clarification on the firearms section and Mr. Shank advised there was an additional section on shooting ranges that would require a 2-week notification to the Select Board for events that had been removed from this draft. Mr. Rasmussen noted he had researched noise ordinances and it appears there are no national noise ordinances outside of workplace environments and is basically one town at a time. There is a give and take relationship between noise ordinances and property rights and interstate commerce, but no real parameters. Mr. Rasmussen noted by using the VLCT ordinance, it is a good starting point. Mr. Rasmussen suggested thinking about noise buffers that would benefit the community not only now but 20 years from now and decide on viewpoints to encourage property owners and businesses to think about noise buffers. Allie Walter suggested the Planning Commission could also consider a discussion on drones, but noted the draft is solid and she likes the firearms section. Mr. Shank stated there have been complaints from people about ATVs and intentionally operating cars loudly and he thinks that the exhaust section would cover those. Ralph Ethier asked about the responsibility of landlords with the noise. Mr. Shank advised that he had not added language on this subject but he will add it if anyone has language on this subject. Allie Walter stated in a lease agreement, noise is usually covered between the tenant and the landlord. Jeff Biasuzzi stated penalties are usually paid to the town and it seems the preference is to have a free-standing ordinance, rather than having the information added to the BLUO. Mr. Biasuzzi advised fines are paid to the judicial court according to statute. If it is a free-standing ordinance, the Police Department can issue a ticket to the violator. If it is in zoning, Chapter 117, the violation has to be issued to the owner of record. Mr. Shank confirmed the Commission was creating this document as a free-standing ordinance. Mr. Biasuzzi suggested the Planning Commission could discuss this ordinance with the Police Department. Mr. Biasuzzi noted the law enforcement officer has to have firsthand knowledge and witness the violation. Mr. Shank asked if video can be submitted for evidence. Mr. Biasuzzi was not sure about the judicial court, but it probably would work in environmental court as the court will consider well-documented evidence of a violation that is time-stamped and dated. Mr. Biasuzzi suggested it is good practice to label the ordinance document a draft and date each revision so that the general public is able to view the changes. Mr. Biasuzzi noted a shooting range is not in the definitions and whether it is a commercial or owner/noncommercial shooting range. Mr. Shank stated the shooting range is no longer in the document and the document is clear about prohibition and exception. Mr. Biasuzzi recommended adding explosives, which would cover fireworks also. Under Article 4h, Mr. Biasuzzi noted it indicates any noise which is deemed objectionable but should be defined by whom. Mr. Rasmussen stated in Article 3.13 there is an unreasonable noise definition and suggested keeping the descriptors the same. Mr. Shank noted a change will be made to refer to 3.13 using the same language. Mr. Biasuzzi stated in Article 4, paragraph d, the last sentence refers to exhaust and engine noise and suggested adding unreasonable in that paragraph as well. Bill Mills asked if there is no discharge of firearms except for hunting within the Town of Brandon. Mr. Shank confirmed it would be within the municipal area to include all Brandon addresses. Mr. Biasuzzi advised if it is talking about the entire township including rural areas and not just the village, it should be made clearer and state the Township of Brandon or if the intent is to be just the village, the various districts could be used. Mr. Mills noted there is a shooting range in Forestdale and he can foresee this being an issue. Mr. Shank stated if there is an informal operation in Forestdale, perhaps the shooting range information should remain in the document with the requirement to obtain a permit from the Town. Mr. Biasuzzi suggested this may need more research as it is unrealistic

there is the expectation that people are going to be prohibited from shooting their guns on their property. Mr. Rasmussen was conflicted on this item as some of the websites on noise ordinances have the issue with this item and suggested this may be a point that may delay if not make it impossible to accomplish everything else in the noise ordinance. It was suggested getting the village area passed might be more effective in solving the problem that many communities are trying to solve. Allie Walter agreed that she thought the Town of Brandon meant downtown and this would be a good first step. Ms. Walter asked if there could be a restriction on explosives as fireworks are not allowed and also exploding targets. She agreed it would be difficult to include all of Brandon. Allie Breyer stated it is hard for her to agree with just the village, as there are people that have issues with gun owners shooting excessively and suggested including the shooting range verbiage in the document. Mr. Shank stated the shooting range information would require someone to apply 2-weeks in advance of an event to the Select Board with a maximum of 4 people. This would allow people to plan around events. Mr. Mills stated there are a couple of gravel pits that are used for shooting ranges and are privately owned and he can see this being a huge issue. Mr. Rasmussen advised that he read an article where it was attempted to put this type of ordinance in place and the NRA stepped in and said that it is undue use of police power and the courts agreed. Mr. Rasmussen understands this is a problem and suggested there could be discussion with the people that want to have shooting ranges as to how they could be good neighbors. Mr. Shank supported facilitating these conversations and thought it a reasonable thing to do. Mr. Shank summarized the Planning Commission wants a change to within the village and perhaps include explosives and exploding targets in the rural areas. Mr. Biasuzzi stated in looking at the zoning map, the rural residential district is 25 to 30 square miles. The focus could be changed to the central business district, residential district, and the high density multi-use areas for stricter gun control as the focus should be on population density and those areas are well-defined. Mr. Shank suggested the next Planning Commission meeting will focus on how to delineate the noise ordinance and revisit the sign ordinance.

## **6. BLUO Review**

This item was postponed to a subsequent meeting.

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

Mr. Shank reported Stephanie Jerome resigned from the Planning Commission due to her duties in Montpelier and Lindsey Berk has expressed interest in serving on the Commission. There will be public announcements regarding the vacancy and Mr. Shank noted if any Commission members know of people interested in serving to advise them to send a letter of interest to the Select Board.

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

Next meeting – March 4, 2021 at 6:00PM via Zoom

## **9. Adjournment**

A motion was made by Allie Breyer to adjourn the meeting at 6:23PM **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary