

Brandon Planning Commission Meeting - Draft
April 5, 2021

Board Members Present: Lowell Rasmussen, Ralph Ethier, Allie Walter, Allie Breyer, Todd Nielsen, Liz Gregorek, Bob Foley

Board Members Absent: William Mills

Others Present: Jeff Biasuzzi, Dave Atherton, Bill Moore, Jack Schneider

1. Call to order

Allie Walter called the meeting to order at 6:04PM.

2. Agenda Approval

A motion was made by Allie Walter and seconded by Allie Breyer to approve the agenda as amended. **The motion passed unanimously.**

Move the Zoning Administrator's Report to Item 4 on the agenda.

3. Approve Meeting Minutes – February 1, 2021

A motion was made by Allie Walter and seconded by Allie Breyer to approve the Planning Commission minutes of February 1, 2021. **The motion passed unanimously.**

4. Zoning Administrator's Report

Jeff Biasuzzi confirmed all new members have received the information packets and noted if anyone has questions they can reach out to him. Mr. Biasuzzi reported the busy permit application season is starting and he is receiving calls on perspective projects. Hannaford's is planning to give the building a facelift and make a slight addition. There are going to be some conditional use applications, one being the transfer station to reconfigure their structures and place a canopy where people unload their trash.

Allie Walter stated there were previous discussions about feather banners relating to the construction in Town. Mr. Biasuzzi stated the construction will not be completed until sometime in May. The feather banners and the issue of the two square foot open signs are boiler plate issues in Section 407 of the BLUO. Mr. Biasuzzi suggested he could put comments on a draft version of the BLUO for the Planning Commission to review and decide how to address them. He stated the more newsworthy issue is noise and stated the Planning Commission has the assignment to write rules that are to be approved by the Select Board. Separate ordinances could be addressed by the Commission with the approval by the Select Board. Allie Breyer asked when Hannaford's redoes their sign if they will conform to the sign ordinance. Mr. Biasuzzi stated the proposed sign is from their corporate office and has been assigned to an engineering firm. The current sign is not in compliance but is the same sign. He has suggested to the engineering firm that they should design a replacement sign that conforms, but he has not heard back from them. Dave Atherton reported the Select Board is taking authority on drafting a noise ordinance and are not looking for the Planning Commission to draft an ordinance. Mr. Atherton stated with regard to the Hannaford sign, if they are an existing business, their sign would be grandfathered unless they want to change the structure. Mr. Biasuzzi stated they want to do a facelift and signage on the store and he has provided suggestions, but if they want to maintain the current sign, they can keep it. Mr. Biasuzzi stated with regard to the noise ordinance, if the Select Board is producing an ordinance, the Planning Commission should not work on a separate ordinance for the BLUO. Mr. Atherton confirmed the Select Board has decided they will be creating the ordinance. They are currently taking input from the public and talking with the Town's attorney but are not ready to create an ordinance. Mr. Biasuzzi noted he has copies of existing noise ordinances that he can provide to the Select Board and recommended there should not be duplicity if there is a free-standing noise ordinance it should come out of the BLUO.

5. Board Reorganization

Allie Walter turned the meeting over to Dave Atherton to do the board reorganization.

A motion was made by Allie Walter and seconded by Lowell Rasmussen to appoint Allie Breyer as the Chair of the Brandon Planning Commission. **The motion passed unanimously.**

A motion was made by Allie Breyer and seconded by Ralph Ethier to appoint Allie Walter as the Vice-Chair of the Brandon Planning Commission. **The motion passed with one abstention – Allie Walter.**

The meeting was turned over to Allie Breyer. Ms. Breyer welcomed the new member to the Committee.

6. BLUO Review

Allie Breyer reported the Planning Commission has been working on the Brandon Land Use Ordinance (BLUO) for changes to the definitions in each of the sections. The separate articles had been assigned to individual members to review and recommend changes, with the Commission as a whole reviewing the proposed changes. Jeff Biasuzzi advised amending the ordinance is for the sake of improvement to make it more workable and easier to understand. Mr. Biasuzzi suggested before looking at individual sections that a review of the definitions might be the easiest thing to start with. He noted every time a noun or verb is in a regulation, there should be a definition to add clarity and legal support to the rules and there should be continuity between the definitions and the articles. He noted there are a lot of definitions and some are key to basic application permits that are submitted. Mr. Biasuzzi cited accessory structures as an example and noted that this is a major issue. Mr. Biasuzzi stated the current definitions in the BLUO are general and there is a lot of gray area and he is proposing a more comprehensive set of definitions. Allie Breyer stated there are a lot of words that are missing definitions and is why the Commission is combing through the articles to determine what is missing. Ms. Breyer advised the Commission's review had left off at Section 5 and suggested reassigning sections 6, 8 and 10 to the new members. Section 9 is the flood hazard section and is already completed. Ms. Breyer will provide all members with the notes on the proposed changes. Mr. Biasuzzi will send the definitions to all members as well as the model VLCT definitions and advised the Farm Animal section needs the most work. Ms. Breyer noted the Performance Objectives and Standards is a large section and was split between Robert Foley taking 600 to 618 and Liz Gregorik doing the remainder of the section. The two remaining sections related to Wireless Telecommunication and Administration. Mr. Biasuzzi did not know how current the telecommunications section was and noted there have been many changes since Act 248. This Act put the responsibility of telecommunications under the jurisdiction of the Public Utility Commission (PUC) who can override most ordinances. There are some sections that Act 248 will not override but a lot of the regulations in the current zoning are likely overridden by the PUC. The end result of a working section in the zoning regulations would be to emphasize the elements of telecommunications the Town does mandate and what ones are exempt under Act 248. Mr. Biasuzzi noted the point being with the rules in place from the State, it is appropriate to thin out what the Town can say and what it does not have jurisdiction on. Anything the Town comes up with should be run past the RRPC for Town Plan compliance and VLCT for legal compatibility. Mr. Biasuzzi stated VLCT does not have a model template but he does have some feedback from them, and the big thing is siting and screening. For example, cell towers have different regulations under and over 140 feet. Dave Atherton advised the Town has an attorney that they run things by, rather than the VLCT. Mr. Atherton also wanted to clarify that Section 600 (Performance Objectives and Standards), is more for when there is a permit for a development or land use and the criteria has to be met by the developer to get permits issued from the Town. Allie Breyer asked how Act 250 weighs in and Mr. Atherton advised they do weigh in a lot. Mr. Biasuzzi stated under Act 248, anything the PUC has jurisdiction on, Act 250 does not have authority. Agriculture is also an area that Act 250 does not have authority and is under the purview of Department of Agriculture. Mr. Atherton stated Act 250 has a set of criteria on the state side of regulations and is out of the town's jurisdiction and supersedes the town's regulations. Ms. Breyer asked if the Town's performance objectives and standards are in addition to Act 250 or how they interplay. Mr. Atherton advised they probably are not in addition to and a lot of towns are taking Act 250 as their zoning ruling but noted it would be interesting to look up. Mr. Atherton advised this is where the DRB comes in. Mr. Biasuzzi advised Brandon is the only town that has some standing with Act 250 on Articles 6, 7 and 10. Mr. Biasuzzi suggested reviewing the feedback he received from VLCT against the ordinance and speak with someone from the PUC that has a background in

telecommunications that can offer information. It was decided that Allie Breyer will do the research on the telecommunications section. Todd Nielson volunteered to review the Administration section. Ms. Breyer will provide instructions to the new committee members. Lowell Rasmussen clarified the committee is not depending on people to be content experts and the review of the sections is more of a collaborative effort. Ms. Breyer asked how often the Town Plan is revised and Mr. Atherton advised that it is renewed every 7 years. Mr. Atherton stated the Town Plan is more of a wish list for items the Town is planning to do and in working with the Town Plan it is good to use the resources of the RRPC. Mr. Atherton noted the Plan has come in handy for grant applications. Bill Moore stated when the Town went through the four year review of the Downtown Designation, the mapping for the designated downtown had to be added to the Town Plan. Mr. Moore suggested the next time the Town Plan is reviewed, there could be consideration in extending the designated downtown out Marble Street and up Seminary Hill slightly to include the businesses that are there.

7. Old/New Business

Allie Walter stated it has come up in other meetings that we have the Brandon Greenways and people are looking at how to utilize green spaces. There are several people interested in doing art in town and Mr. Biasuzzi has advised that murals are not under the sign ordinance. Ms. Walter suggested the Planning Commission may want to look into that in the future and possibly develop a Committee with people from the DBA, B.A.G and Planning Commission and possibly other groups to discuss how to approach public art and murals in Town. Allie Breyer asked if a committee could be created or if it would need to go through the Select Board. Dave Atherton stated the Town does not have a ruling on murals and past instances might be good to look at. Mr. Atherton noted there are no regulations for murals that are on private property as long as they are not advertising or are offensive. If the murals were to be placed on Town property, it would need to go through the Select Board, but anything on private property, there is no jurisdiction. Liz Gregorik stated people also cannot be told how to keep up the murals if it is on private property. Bill Moore cautioned the Planning Commission with trying to step up and create a division in telling people what they can do with their property. He likes the approach the DBA has had in going to businesses to discuss suggestions. Mr. Moore suggested developing a relationship with the businesses if the Planning Commission has some suggestions. He stated when creating a committee that indicates something is or is not okay, can create a problem. Allie Breyer asked if anyone has reached out to Rutland to discuss the murals they have. Mr. Moore stated it was a group of people that approached the landowners with an idea. Ms. Gregorik stated everyone has a different opinion of art and if there is someone who wants to paint a mural, that person should go to the business directly as there could be lines crossed in creating a group. Ms. Walter stated there was discussion of art that is racy and this was more of the Zoning Administrators' concern. Ms. Gregorik understood this concern but asked who decides what is or is not acceptable if it is personal property and she did not think a committee would have authority.

Allie Walter advised Kevin Thornton is interested in speaking with the Planning Commission about the development of Brandon from a historical perspective. Lowell Rasmussen asked if the DBA has a state historical designation or a national historical designation. Mr. Rasmussen has experience with national historical designations and noted there could not be murals painted if that is the case. Bill Moore reported there are some buildings, like the Smith Block that has received state and federal tax credits for its historical designation. The Town also has a Historic Preservation Commission and Dr. Thornton may have information on this. Liz Gregorik suggested it would be good to determine what buildings would be acceptable for murals. Mr. Moore will provide Allie Walter the contact information for the Rutland Downtown Partnership to discuss what their process was for their murals. Allie Breyer requested the information be brought to the next meeting.

Lowell Rasmussen requested a discussion of the Brandon's Energy Committee. This Committee was a subcommittee of the Planning Commission and was appointed to develop an energy plan that was completed and approved. The Committee now needs to determine what the next steps will be. Allie Breyer suggested adding this as an agenda item for the next meeting. Mr. Rasmussen will reach out to the Energy Committee members to advise there will be a discussion at the next meeting.

8. Date of Next Meeting

Next meeting – May 3, 2021 at 6:00PM via Zoom

9. Adjournment

A motion was made by Allie Breyer and seconded by Lowell Rasmussen to adjourn the meeting at 7:24PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary