

**Brandon Planning Commission Meeting - Draft
July 20, 2021**

Board Members Present: Lowell Rasmussen, Ralph Ethier, Allie Walter, Liz Gregorek, William Mills

Board Members Absent: Todd Nielsen, Bob Foley

Others Present: Jeff Biasuzzi

1. Call to order

The meeting was called to order at 6:07PM.

2. Agenda Approval

A motion was made by Lowell Rasmussen and seconded by Liz Gregorek to approve the agenda. **The motion passed unanimously.**

3. Approve Meeting Minutes – May 3, 2021

A motion was made by Liz Gregorek and seconded by Lowell Rasmussen to approve the Planning Commission minutes of May 3, 2021. **The motion passed unanimously.**

4. Zoning Administrator Report

Jeff Biasuzzi stated the issue of signs has been discussed in past Planning Commission meetings and he has sent Planning Commission members a copy of the memo adopted the end of June. The memo supported the use of temporary advertising banners/flags until a more permanent amendment to the BLUO could be adopted. This is pro-business and there are no arguments with it as long as it is done in good taste and moderation. The issue with the soft banners/flags is they tend to proliferate. The long-term solution is to get to a middle ground and have the merchants weigh in.

Mr. Biasuzzi stated Hannaford wants to have replacement signage and will be going to the DRB for a variance. They have not sent a formal request yet but will apply for a variance as the two proposed signs do not fit the zoning rules. If the Planning Commission wants to participate in the hearing, they can do so as an interested party. There are a couple of key conflicts: the BLUO prohibits internally illuminated signs and there is a sign in the store and one on the pylon that had been originally granted a variance. The DRB had provided previously approved a variance so a precedence was set. In more historical towns, internally lit signs are not usually allowed. The Town allows downlit, gooseneck type lighting. Mr. Biasuzzi stated there are examples of acceptable signage in the BLUO. Hannaford wants an internally lit sign for their pylon sign. They have the signage down from the original size, but the proposed sign is still larger than 24 square feet but it is now more in keeping with the BLUO. They have fixed the pylon base and the intent is to keep the pylon sign at the current location. They want to replace the signage that is internally illuminated on the store facade with the same nonconforming size sign. Mr. Biasuzzi stated they want to keep the same size but use gooseneck lighting. This indicates the regulations are too restrictive at 25 square feet and perhaps could be amended to take in the size of the building or until that consideration is granted by the Planning Commission, variances might be tolerated. Mr. Biasuzzi stated the Planning Commission does not have to deal with this as it is a DRB review. Mr. Biasuzzi suggested a review be done of the sign ordinance to consider changing some of the rules. Mr. Biasuzzi will send the Commission members the West Rutland draft ordinance regarding the formula for signage. When he received the application, there are two parts to the application with one for adding to the store that would be a conditional use, and then updating the façade and signage. The DRB has the authority to grant a variance and

takes precedence over the Planning Commission. Mr. Biasuzzi stated the role of the Planning Commission in terms of the zoning regulations should be described in the rules. Lowell Rasmussen stated the only objection could potentially be the internally lit sign. Mr. Biasuzzi stated if the Planning Commission does not participate in the DRB hearing, there is no course of action. The Planning Commission has the ability to voice its concerns to the DRB about an application that is in contrast with the rules. Mr. Biasuzzi stated variances are defined in state law that the DRB conforms to and the DRB has the authority to provide a variance in accordance with town and state law. Mr. Biasuzzi thinks this application will proceed, but they are currently involved in the Act 250 process. Allie Walter confirmed the action plan will be that the Planning Commission will receive the draft West Rutland sign ordinance for review. Ms. Walter suggested talking to business owners to discuss the temporary signage. Mr. Biasuzzi has asked sign vendors to weigh in on this subject. Mr. Biasuzzi suggested if the rules can fit what is normal industrial practice, a possible revision of the sign materials could be done. At an earlier Planning Commission meeting, there was a suggestion of having a discussion with the Brandon Chamber. Ms. Walter is a member of the Brandon Chamber and will discuss this item with Bernie Carr at the next meeting. Lowell Rasmussen stated there has been discussion about the definitions in the BLUO and Mr. Biasuzzi noted there is no definition for temporary in the BLUO.

Mr. Biasuzzi reported the Town has received two requests to replace or add to cell towers. He noted there is a chapter on telecommunication rules in the BLUO. The attorney for the communication company may argue that the Town has no authority. Mr. Biasuzzi stated almost all bell towers have telecommunications in them now. Mr. Biasuzzi noted this does not fall under the Enhanced Energy Plan guidance. For new facilities, the Town may have the authority to weigh in.

5. Appointment of Committee Chair

Introductions of the Board were held. Allie Walter, owner of Blue Moon, grew up in Brandon and in addition to her seat on the Planning Commission is a Chamber member, and participates on the DBA and Greenways Committee. Ralph Ethier has been a life-long resident of Brandon and owns a business on Pearl Street. He also serves on the DRB and has been a member of the Planning Commission for about a year. Bill Mills has been on the Planning Commission for several years and lives in Forestdale with his family. Lowell Rasmussen has lived in Brandon for five years and has served on the Energy Committee for three years. Liz Gregorek has lived in Brandon for over 30 years and has been in HR for most of her career. She was on the Chamber Board for many years and has also been on the Rutland Economic Development Corporation Board. Jeff Biasuzzi is the Zoning Administrator for the Town and has lived in Vermont for 40 years. He has been self-employed for most of his life and works for several other towns as a part-time Zoning Administrator.

6. BLUO Review – Article VI, Section 600 - 614

Allie Walter stated with regard to the definitions, Michael Shank had developed notes on the definitions that were reviewed and Allie Breyer was also taking notes when she had taken over as Chair of the Planning Commission. Lowell Rasmussen stated in going through the sections to determine definitions needed, Jeff Biasuzzi had provided samples of definitions from other communities and also provided additional resources. Mr. Biasuzzi advised that Wallingford has a draft ordinance that has enhanced definitions. He provided to the earlier board definitions from West Rutland and definitions provided by the VLCT. There is much information available and he had suggested to the past Planning Commission to use those that have been developed previously. He noted the current BLUO has some definitions but if something is not defined it is not easy to enforce and if a town has good definitions, it will have better zoning. He noted that some items can reference state statute for additional information.

Liz Gregorek advised she went through Section 610 through 614 that had been assigned to her. She noted that 610 is about smoke and she referenced State statute for this section. Jeff Biasuzzi noted this is difficult to enforce at a town level and suggested looking up other town's rules for smoke and the state's health regulations. Lowell Rasmussen stated all definitions will show up in Article 11 and will be listed to define what is being discussed in each section. Mr. Biasuzzi stated all nouns should be plainly understood or be defined. Section 611:

- Fly Ash – Ms. Gregorek felt this section was clear. Section 612: Odors – objectionable needs to be defined. Section 613: Fire, Explosive, or Safety Hazard – significant needs to be either defined or removed. Mr. Biasuzzi stated this is one of the places where a solution to a local explosive problem could be added. Allie Walter suggested explosives should be defined. Ms. Gregorek suggested keeping it general enough to cover all items. Mr. Biasuzzi advised the statutory process for making changes to the BLUO would be for the Planning Commission to prepare the document, hold a public hearing and then forward it to the Select Board for a review and approval, following their hearings. Section 614: Outdoor Lighting – Section (a) is acceptable, in Section (b) under moving lights, Mr. Biasuzzi asked about programmable messages that are seen on gas pumps or other items. This supplements the sign rule and is where these issues come up and it was suggested to use general language. Allie Walter stated in the sign section, neon signs are not allowed but questioned if television signs could be used. Lowell Rasmussen suggested under Section (b) to add “if viewable from adjoining property owners”. Mr. Biasuzzi stated there is a common rule with regard to viewing from a boundary of the neighboring property. Section (c) – Ms. Gregorek will review this section against other towns’ information. Section (d) – Mr. Biasuzzi felt this is enforceable. Section (f) – Mr. Biasuzzi stated it is common to turn signs on ½ hour before opening and ½ hour after closing for security reasons. Mr. Biasuzzi stated there is usually three stages of lighting done for a new business that would include when the business is fully open, when the business is closing and then the security lighting. Mr. Rasmussen asked if anyone addresses security cameras. Mr. Biasuzzi stated it is a conditional use item and security cameras can be requested to be installed and maintained. Mr. Rasmussen noted concern of security cameras being an issue with privacy of neighboring properties. Mr. Biasuzzi encouraged any changes to the BLUO go through legal review. The changes should be vetted so there are no conflicts from one section to another and to assure they do not violate human rights or that they unintentionally might be a violation of other law. There should also be a review done by the regional planning commission to assure that the regulations are in compliance with the Town Plan. The regional planning commission’s review is at no cost to the Town; however, the legal review would be done at a cost. Mr. Biasuzzi suggested the Planning Commission submit their budget requests to the Town.

7. Old/New Business

Add the Election of Board Chair to the agenda for next month.

8. Date of Next Meeting

Monday, August 16, 2021, at Brandon Town Hall (Zoom Option Available)

9. Adjournment

A motion was made by Liz Gregorek and seconded by Ralph Ethier to adjourn the meeting at 7:44PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary