

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

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

Board Members Present Via Zoom: Bob Foley

Others Present: Jeff Biasuzzi

1. Call to order

The meeting was called to order at 6:03PM.

2. Agenda Approval

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

3. Approve Meeting Minutes – August 16, 2021

A motion was made by Lowell Rasmussen and seconded by Liz Gregorek to approve the Planning Commission minutes of August 16, 2021. **The motion passed unanimously.**

4. Zoning Administrator Report

Jeff Biasuzzi reported it has been a busy month. There was an appeal that was sent to the environmental court as the abutter thought it affected his property, however, the two neighbors have agreed that they will work it out rather than take it to trial. Hannaford also had a hearing with not a lot of feedback from the community, but no decision has been issued. They have consulted VLCT on legal questions they had, and they have had to go to Act 250 for a minor review. Act 250 has decided to warn the public and unless there is an opposition filed by October 8th, they will approve the Act 250 application. There has been some permitting activity and there have been people talking with Mr. Biasuzzi about projects they would like to do that include a possible self-storage unit on one property and a possible miniature golf course. Dollar General sent a representative to the Town to research sites. He has received requests from attorneys to review properties that are being transferred due to recent sales.

Mr. Biasuzzi reported the health officer and he had to go to a property on Church Street. One resident has chickens for pets but there are no issues with the chickens that are in a 12' x 12' enclosure. Another neighbor raises chickens and rabbits and has had problems with skunks and some neighbors have complained about yard maintenance. A site visit was required and when visiting they were compliant.

5. Appointment of Planning Commission Chair

A motion was made by Liz Gregorek and seconded by Ralph Ethier to appoint Allie Walter as the Planning Commission Chair. **The motion passed unanimously.**

A motion was made by Allie Walter and seconded by Bob Foley to appoint Liz Gregorek as the Planning Commission Vice-Chair. **The motion passed unanimously.**

Jeff Biasuzzi suggested scheduling the regular meeting date which historically has been the 1st Monday of the month. It was the consensus of the Board to maintain the regular meeting date as the 1st Monday of each month with a start time of 6PM.

6. Sign Ordinance Review

Allie Walter noted the Planning Commission had previously discussed the current sign ordinance. Jeff Biasuzzi stated the 2006 sign ordinance in the BLUO was much longer and suggested additional information could be taken from that version. The BLUO is workable, but there are parts that do not work well with the sign industry and is limited in flexibility for the store fronts. The maximum sign can be 24 square feet and if there is a long store front, that does not provide a lot of impact. Hannaford has asked for internally illuminated signs, though many of their signs are externally downlit illumination. The size of the sign should perhaps take into consideration the size of the building and no internal illumination, if that is the preference. The materials outlined currently are limited to wood, metal or natural materials like stone or slate. There are many signs now made of plastic that look like wood and Mr. Biasuzzi suggested that could be allowed. Mr. Biasuzzi will send the Planning Commission a copy of the West Rutland sign ordinance, as there are ingredients that work well in that version. Lowell Rasmussen noted due to the Segment 6 construction, the Select Board allowed a lot of temporary signs in the Town. Mr. Biasuzzi noted the Select Board has the authority for revision to zoning for certain instances, but once the zoning is approved, it falls under statutory process changes. William Mills stated the Select Board did not change anything, but there was not enforcement due to the impact of the construction on local businesses. Feather banners were a big topic and with Segment 6, they were used a lot. Mr. Biasuzzi stated it should be a sign-friendly town and one or two feather banners might be okay, but Brandon is trying to avoid these types of signs. Mr. Biasuzzi suggested including a clarification on what temporary banners are. Mr. Biasuzzi stated if signage is the first section the Planning Commission will review, he will also send other examples from towns in addition to West Rutland's version. The BLUO references the Town Workbook and provides examples of signage and Mr. Biasuzzi recommended including the information from the Workbook as an addendum in the BLUO. Mr. Rasmussen suggested the Commission do some review of the ordinance's history and review the current ordinance at a future meeting. Ms. Walter suggested asking the DBA and Chamber for their input on the current ordinance for consideration in reviewing the ordinance. Liz Gregorek suggested the Chamber could possibly do a survey to obtain feedback from the local businesses and Mr. Biasuzzi noted the Planning Commission could draft a survey to provide to the Chamber. Mr. Biasuzzi stated enforcement is a major chapter in the zoning ordinance and one form of enforcement that can be done is a civil violation where tickets can be written and if someone has multiple violations, the ticket cost would increase. Mr. Biasuzzi also noted the noise ordinance should be revisited as it is still an unresolved issue. It was the consensus of the Commission to review the sign ordinance information provided by the Zoning Administrator at the next meeting and develop a questionnaire to be sent to the Chamber for distribution to the local businesses. Mr. Biasuzzi will send the Commission the sections he would propose feed on from the businesses.

7. BLUO Review

Liz Gregorek reported on actions from the last Planning Commission meeting. There was a question of whether the Select Board would want to approve changes to the BLUO by section or in its entirety and Seth Hopkins advised the Board would prefer all changes at one time. Ms. Gregorek sent the Planning Commission members the marked-up version of the BLUO that Allie Breyer had provided. Ms. Gregorek has also attempted to contact the Fire Department regarding clarification of definitions in the Hazardous Waste section of the BLUO but has not received a response. There was also a question of whether the Fire Department maintains a list of locations or if they need to know where hazardous waste locations exist. Jeff Biasuzzi suggested Ms. Gregorek email Tom Kilpeck at tkilpeck@townofbrandon.com. Mr. Biasuzzi noted this probably extends beyond zoning and is more with State regulations. Ms. Gregorek requested clarification about the aquifer zone. Mr. Biasuzzi stated there is an aquifer protection zone in the BLUO that is defined in the zoning map and is referred to in Article 2. Mr. Biasuzzi stated Article 2 defines what each zoning district is and what the intended use is. Mr. Biasuzzi suggested rewrites where the language is weak would provide a more user-friendly document. There was discussion of off-street parking and what the definition might be. Mr. Biasuzzi stated if it is off-street it would be in one of the municipal parking lots, He noted the Smith Block does have off-street parking as they got a permit for parking behind Café Provence and the new municipal parking lot as it is within ¼ mile from the Block. Mr. Biasuzzi will send a document from VLCT on the importance of definitions. He noted if there is an action to be enforced there has to be a clear definition. If an action goes to court, a word such as "temporary"

needs to be clear to be an enforceable item. Ms. Gregorek requested clarification of Section 619 - Farm Animals. Mr. Biasuzzi noted other towns are also working on farm animal regulations. He noted that people come to the DRBs requesting to be able to have certain animals on their property. There are many animals that a determination cannot be made. Lowell Rasmussen noted there are only three paragraphs in the BLUO and Mr. Biasuzzi noted there is need for clarification. Mr. Biasuzzi stated Section 619 indicates unless you qualify as a farm, everyone that has a farm animal has to go to the DRB. This is a nuisance for both the DRB and the property owners, and suggested odor, noise and animal waste should be key issues in the ordinance. Mr. Biasuzzi stated this is a conditional use and the section that outlines conditional uses should be referenced.

Under Section 625, Ms. Gregorek stated there was a Stream Corridor program referenced and asked if that document could be referenced. Mr. Biasuzzi advised that Article 8 - Flood Hazard and River Corridor Overlay District provides information on riverbank protection and suggested Section 625 could remain with a reference to that section. Mr. Biasuzzi also noted for Article 8, there is a subsection of definitions for that section and is the most technical section of the entire BLUO.

Jeff Biasuzzi advised there is room for improvement in Section 627 and advised that he will provide a reference for that section.

For Article 7 – Subdivision Regulations, Ralph Ethier stated under Section 701, cluster development needs to be defined. Allie Walter also suggested “open space or common land” may need a definition. Jeff Biasuzzi stated there are not many subdivisions in this area and he did not think that a lot of changes would be needed in this section. Under Section 701.c.(1), Mr. Ethier suggested proximity should be defined. He did not find any definitions in the charts that needed clarification. Under Section 711.e(1) – promulgated needs a definition. Mr. Biasuzzi suggested using a more user-friendly word like “promoted by”. In Section 711.i(1) – viewshed should be defined.

Allie Walter suggested starting with a review of Article 8 for definitions at the next meeting. Jeff Biasuzzi noted that it is a new regulation and will likely not need a change as it is boilerplate from FEMA and Vermont ANR.

8. Old/New Business

Jeff Biasuzzi reported the Mountain Times had a listing of fall events and Upscale Retail was listed. There was also an article in the Rutland Herald that promoted Brandon.

9. Date of Next Meeting

Monday, November 1, 2021, at 6:00PM with location TBD

10. Adjournment

A motion was made by William Mills and seconded by Lowell Rasmussen to adjourn the meeting at 7:51PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary