

**Brandon Planning Commission Meeting - Draft  
March 4, 2024**

**Board Members Present:** Jack Schneider, Natalie Steen, Neil Silins, Sara Stevens

**Board Members Present via Zoom:** Bob Foley

**Others Present via Zoom:** Jeff Biasuzzi

**1. Call to order**

The meeting was called to order at 6:08PM by Jack Schneider - Chair.

**2. Agenda Approval**

A motion was made by Natalie Steen and seconded by Neil Silins to approve the agenda. **The motion passed unanimously.**

**3. Approve Meeting Minutes**

**. Brandon Planning Commission Meeting – February 5, 2024**

A motion was made by Natalie Steen and seconded by Sara Stevens to approve the February 5, 2024, Brandon Planning Commission meeting minutes. **The motion passed unanimously.**

**4. Public Participation and Comment**

There was no discussion held.

**5. Zoning Administrator Report**

Jeff Biasuzzi reported permits are in spring mode with the building season picking up with the early warm weather. The big news with regards to upcoming zoning activity is the parcel on the corner of High Street and Route 7. Doug Cummings will be applying for a permit for a village laundry. There has been some activity on feather flag enforcement.

**6. Review Key Points of “Enabling Better Places”**

Jack Schneider noted this was the document Logan Solomon of the RRPC provided that had been created by the State for the Commission’s review. He stated one item suggested is the Town identify and address possible points of resistance. Mr. Schnieder stated one point is that the Town does not want to own anymore infrastructure. There is a reluctance of the Town to get into the housing business and there are no town parcels available for sale and the Town will not pursue any purchases. The RRPC is trying to work with individual towns to find plots of land available for affordable housing and there are a few spots in Town. Mr. Schneider advised one can view them on Zillow. There are 17 acres near Estabrook Park and Steinberg Road that Elemental Partners currently owns. They were going to develop this area, however decided against this because Act 250 would be too expensive. Mr. Schneider thought the document was basic and suggested the largest resistance is from the Town. Mr. Schneider was unsure if the primary residence has to be owner-occupied in the BLUO. Natalie Steen advised this was not noted in the first three Articles. Neil Silins suggested the properties on Park Street that are near the river might be suitable. Bob Foley asked how one mandates that they are being used for only long-term rentals. Mr. Schneider noted there is currently a house on Park Street that has three apartments and is not owner-occupied. Mr. Silins also noted that people who own properties and live out of state are not the primary residents. Mr. Schneider stated short-term rentals are not currently addressed in the BLUO. Mr. Silins stated the goal is to make regulations more amenable for smaller homes, but he questioned if that would mean more affordable.

**7. Review BLUO Article I, discuss Article II and III**

Jack Schneider noted for the review of Article I of the BLUO, Natalie Steen and Logan Solomon provided recommended edits. The Commission reviewed the edits provided by Ms. Steen and Mr. Solomon. Ms. Steen advised that she removed language that was unnecessary and noted one of the changes made by Mr. Solomon was to change land use permit to zoning permit throughout the document. Jeff Biasuzzi thought it is easier to use zoning. It was the consensus of the Commission that land use permit be changed to zoning permit. In reviewing Section 104, it was suggested to reference statutes for state-mandated exemptions. Mr. Biasuzzi stated people may not understand the state-mandated exemptions and the explanations provide it in layperson terms and suggested using traditional language. There might be simpler language that he will send to the Commission regarding this section. Mr. Biasuzzi advised there is redundancy between this section and in Article IV Detached Structures as they have different footprints and both are too small and suggested combining 104(b)2 with language in 402 and making it one accessory structure exemption, noting most towns use 120 square feet with a height of 8 feet. There will also need to be a discussion on shipping containers as most of those are 160 square feet. The Town will need to either exempt them or not, and they need to be identified as an accessory structure that could be best done in definitions. It was suggested to remove 402(c) and incorporate it into 104(b)2. Mr. Biasuzzi stated under 104(b)(3), silviculture is not currently in the BLUO and he will provide an update with the statute. In the paragraph that referenced administrative officer, it was suggested a change to zoning administrator. Mr. Biasuzzi stated 104(b)7 regarding fences is an issue for the zoning administrator. He noted that 73 inches is fine, but in Section 402, there will need to be a more detailed conversation. It was suggested to eliminate the rural mailboxes, 104(b)8. Mr. Biasuzzi advised wind turbines are outdated and are based on State statute and noted rooftop solar is the only exemption, but rack-mounted solar panels are not. Mr. Biasuzzi advised recreational vehicles are currently limited to 21 days, but the State allows them as long as they are self-contained. It needs to be clarified in the BLUO if they hook up to wastewater and water systems and someone is living in one for several months of the year as this is a constant problem. Mr. Biasuzzi noted the State outlines this in EPA Chapter I for State wastewater disposal and potable water supply regulations if it is not self-contained. They have to be self-contained and not hooked to municipal services or private sewer systems. One cannot have an unpermitted connection to a sewer or water system. Mr. Biasuzzi stated temporary use is a definition that is lacking as it is undefined and needs clarification. Regarding 104(b)11, there is usually a limit on the number of days for an event with regard to lawn sales. Mr. Biasuzzi stated Brandon has a vendor ordinance and language could be added to that. He suggested a separate line for food trucks as there is nothing to regulate food trucks in Town. For Section 104(b)12, wheelchair ramps should be located five or more feet from all lot lines and Mr. Biasuzzi suggested adding ramps and associated landings should not exceed 36 square feet with the verbiage indicating (open or roofed). Under Section 107, Mr. Biasuzzi suggested removing the word "primary" and using just the word "structure". It was also suggested it read "except for zero setback which should include jut outs and overhangs." Natalie Steen suggested in Section 302 regarding minimum setback in the central business district to remove primary structure and indicate minimum setback is zero. Mr. Biasuzzi stated the question becomes what applicable provisions are and how do you define the standards. He stated some towns say all new construction should comply with subdivision regulations if they want to create a separate parcel. The BLUO has its own subdivision regulations but does not address the subject of new construction. The subdivision regulations follow State statute. Ms. Steen questioned if there were concerns with this section in Article I and Mr. Biasuzzi noted the language is better. He stated existing small lots if owned by the same person should be legally merged. He stated the language in Section 503 is good but does not address the issue of merger and whether a road is a natural subdivision. In the section being discussed, the language is appropriate. Mr. Biasuzzi noted that boundary line adjustment is usable language and Ms. Steen noted it follows statute and is in keeping with the subdivision. Mr. Biasuzzi advised with regard to boundary line adjustments in Section 110 that under the new statute a clerk does not have to record unless a mylar is provided and if it is not recorded in 180 days, the subdivision or boundary line adjustment will expire. Section 110(a)2 was changed to a survey map by a Vermont licensed surveyor showing the locations of existing structures and the new and old boundaries have been submitted on mylar to the Brandon Town Clerk for recording. Mr. Biasuzzi advised under Section 111, VTrans also has jurisdiction for access on a state highway or class roads. An adjustment to (3) to read access approval and/or permit from Vermont Agency of Transportation. Jack Schneider questioned town road access permits and Mr. Biasuzzi noted they are included in a separate section. The review of Article I was completed.

With regard to Article II, Jeff Biasuzzi advised most towns use a Table of Uses, but the BLUO uses categories if allowed in the zoning district. He noted it is unique and is similar to form-based usage. Natalie Steen questioned where some uses like childcare and forestry fit and Mr. Biasuzzi noted that this Article will require more clarification now allowed in Act 47. Ms. Steen noted there is also no light industry or industry. Mr. Biasuzzi noted Commercial II includes all commercial uses. Additional questions concerning this Article included the traditional definition of industrial, where gravel pits would be included and solar. Ms. Steen stated the definitions in the Article should be addressed and the applications may require

additional review to be redefined with more clarity. Mr. Biasuzzi stated Logan Solomon will focus on this section where Act 47 is addressed. Mr. Biasuzzi noted definitions are as important as some of the zoning and suggested a review of the West Rutland definitions. Bob Foley stated the prior Planning Commission had worked on a comprehensive list of definitions and had reviewed the West Rutland definitions. Ms. Steen also noted that Vergennes zoning had good definitions and how to regulate them. Mr. Biasuzzi stated things that are commonly used should be defined like temporary, tiny house, and recreational.

Jack Schneider requested Ms. Steen share the draft document with all members and Logan Solomon. Jeff Biasuzzi advised the Planning Commission has seven months to complete a draft of the Plan. Logan Solomon can expedite the process for Act 47. Natalie Steen stated all articles do not have to be done for approval of a revised plan. Flood plain and subdivision rules are solid and a solar section needs to be added. Ms. Steen noted the focus is on housing. It was suggested to postpone the review of Articles II and III until after the walking tour is done. It was suggested Articles V and VI be swapped for Articles II and III for discussion in April. Mr. Biasuzzi advised Item 407 regarding signage needs a lot of attention. Jack Schneider suggested combining the Signage section in Accessory Structures and the Central Business District signage section.

## **9. Date of Next Meeting**

Monday, April 1, 2024 - 6:00PM – Brandon Town Hall.

## **10. Adjournment**

A motion was made by Sara Stevens and seconded by Natalie Steen to adjourn the meeting at 8:12PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary