

**Brandon Planning Commission Meeting - Draft  
April 15, 2024**

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

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

**Other Present:** Seth Hopkins, Mike Bailey, Janet Mondlak

**Others Present via Zoom:** Jeff Biasuzzi, Logan Solomon

**1. Call to order**

The meeting was called to order at 6:35PM 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 – March 4, 2024**

A motion was made by Sara Stevens and seconded by Natalie Steen to approve the March 4, 2024, Brandon Planning Commission meeting minutes. **The motion passed unanimously.**

**4. Public Participation and Comment**

Janet Mondlak read the following letter regarding comments on the Sign Ordinance for the Planning Commission's consideration when revising the BLUO:

*"Dear Planning Commission members:*

*As you are reviewing the different sections of the Brandon Land Use Ordinance and I would like to provide input on Section 407, Sign Requirements. My husband Joel and I have been retailers in downtown Brandon since 2003 in three different locations (with a few years gap from 2015-2020) and feel that we have good insight into the topic of signage.*

*Good signage is crucial for every business wanting to alert the public, either people walking or driving by, that they are, in fact, "in business." The Brandon Land Use Ordinance provides good opportunities for businesses to erect signs that are in compliance but in my opinion, it falls short for the realities of today's world. People are distracted and vehicles look to get through town as fast as possible.*

*The Town of Brandon is ever more reliant on Local Option Tax monies. Brandon's business community is an integral part of making that happen. The policies of the Town should reflect this symbiotic relationship.*

*The Sign section of BLUO starts out with a strong Purpose which I like.: "(A) Purpose. The purpose of this Section is to: preserve and improve the existing attractive aspects of the Brandon environment; promote the public welfare, convenience and safety of its inhabitants and visitors; conserve and enhance the value of properties; and encourage a suitable style and scale of outdoor advertising."*

*I also believe that the Ordinance allowing up to five signs at each business is generous. However, I object to the limit of only one sign per category being allowed. For businesses in the Central Business District, we are not allowed*

*freestanding signs (pole mounted, clustered, plaza), which really limits us to only four signs.*

*For example, at our business, which spans two large storefronts right in the middle of downtown, we can only have one "open" flag. We currently have two "open" flags but we don't have a projecting sign off the building nor do we have any window signage. While I'm talking about open flags, I used quotes around the word above because our flags don't say "open". One says, "Antiques" and the other says "Furniture." So, I also object to the limitation of the flag only being allowed to say "open." I fully support the size restriction to 15 square feet.*

*The next item that I strongly object to is the restriction of man-made materials for permanent signs. In my opinion, this is quite frankly a ridiculous restriction and was most likely the pet peeve of one former Planning Commissioner who pushed it through. In this day and age of a huge variety of materials available, to tell a business owner they cannot use a man-made material to construct their permanent sign might actually drive someone to open their business somewhere else. For example, our vinyl sign (which was in compliance when we hung it) cost \$86. The same size sign in a lightweight metal has been quoted at over \$800. In addition, the placement of a metal or wood sign in the same location as our current sign could be detrimental to the public because the sign hangs right above the doorway.*

*The cost of opening a business in today's world is not for the faint of heart. Let's show prospective business owners that Brandon is OPEN for business and has policies to support and encourage that. I'm sure there are other members of the business community that might have some input to other parts of the sign ordinance that do not affect me so I'll stay out of them. I would encourage you to solicit input at the appropriate time so stakeholders can give their perspective.*

*Thank you for your time and for your service to the Town."*

Jack Schneider noted one of the biggest objections is the type of material. Ms. Mondlak agreed but advised it is also the number of signs with regard to one of each of the four types of signs allowed. Neil Silins stated this will be one small part of a major update of the ordinance. Ms. Mondak stated there may be other items that businesspeople may not like in the current ordinance. As far as the sidewalk merchandise, she thought it should be folded into the sign section of the ordinance which is currently a Select Board authorization. Ms. Schneider reported there will be a variety of outreach meetings and suggested one be scheduled for business owners to share their ideas. Ms. Mondlak knows that other business owners will have input as well. Mr. Schneider noted Logan Solomon of the RRPC has suggested doing a walkaround town that could include signs as part of this review. Jeff Biasuzzi agreed with Ms. Mondlak that the ordinance needs an overhaul.

## **5. Review SolarFest's Presentation to BEC for Proposed 150kW Solar Array**

Mike Bailey of SolarFest reported a presentation has been made to the Brandon Energy Committee (BEC) regarding a 125-kilowatt array on their property. Jack Schneider advised the questionnaire from the Town's Enhance Energy Plan relating to perspective renewable vendors was completed and submitted to the Planning Commission. It is the responsibility of the Planning Commission to consider a letter of support or non-support for submission to the Select Board. The Select Board can issue a letter of support to the PUC for projects the Town is in support of, with the PUC having the ultimate authority for approving projects. Mr. Bailey provided copies of the proposed project that is planned as a 125-kilowatt project, rather than a 150-kilowatt project that was presented to the BEC. Mr. Bailey advised Solarfest is a 501(3)C nonprofit that has been in existence since 1995. They educate people regarding renewable energy and have been in Brandon since 2022. They have 74 acres on Steinberg Road, plus an additional 10.5 acres that was purchased and is where the project would be. There is an existing 3-phase power line and an existing travel road that goes from Route 73 to the planned site. There will not be a need to cut down trees or add infrastructure and both lots are in the Energy Plan as preferred sites. The questionnaire was completed and Mr. Bailey noted that in addition to providing renewable energy to local residents and businesses, it is also a tax benefit to the Town. Mr. Bailey provided a review of the array and noted it would be in a tree area and would be a fixed array with 3-phase power and an existing power line. The panels will be about 15 feet at the highest point. Mr. Bailey reviewed a map that showed the distance and locations of each of the adjoining property owners in relation to the project. The nearest point to the array would be invisible due to a hill and because of the trees, there is no visibility of the array. Sara Stevens asked who would benefit from the project. Mr. Bailey advised it would be investors, individuals, or businesses who purchase a share of the power and would own the panels in

their field. Jack Schneider stated it is like the Acorn project in Bristol. Mr. Bailey stated their goal is to complete the application for the PUC by August 1<sup>st</sup>. He noted this is a good use of the property, reduces the amount of carbon and is a preferred site in the Enhanced Energy Plan. Mr. Bailey reported Solarfest is doing a number of things for the community as part of their mission. They met with the Vermont Historical Society and have plans to renovate the barns for community activities. The downtown sidewalk ends at the gas station and there is discussion of extending the sidewalk to Estabrook Park as part of the downtown development plan. They are also discussing with Pitney Meadow Farms in how to best offer community garden space to residents, noting their model also provides excess food to food pantries. In addition to the music events they host, there will be community engagements beyond the community solar. In terms of visibility, Mr. Bailey provided additional photos on the visibility from the solar site, reiterating it is invisible and noted no current vegetation needs to be removed. Sara Stevens asked about the decommissioning of the project. Mr. Bailey advised there is a Vermont standard that SolarFest will follow. Mr. Bailey noted SolarFest does workforce training for people to become solar installers and will be using instructors and students to construct the array to become certified. In terms of recycling, the standard life of a project is 25 to 40 years and there is nothing toxic except for some material in some of the solder. There is a large recycling installation in Massachusetts, but there has not been a lot of need for it at this point. SolarFest will be in compliance with the standards and is a zero-waste organization. The panels will be pile-driven with no concrete. They are doing a wetlands delineation with the people that had previously done this for an update and there are no problems anticipated, but it will be completed prior to finalizing the application. Neil Silins asked if the project is proposed to be enlarged at some point. Mr. Bailey stated currently the array is within the standard and the property would not fit the next standard for a 500-kilowatt project. The footprint does not accommodate much bigger than this project. Mr. Silins asked how many homes could buy into this project and Mr. Bailey stated the estimate would be 20 homes or businesses. Mr. Schneider stated SolarFest has another 10-kilowatt array for their business. Mr. Bailey advised they have a permit for 15 kilowatts and have built 8.4 kilowatts that are used for the barns and the EV charging. They are hoping to create charging stations for EVs and currently there is a car canopy that has charging capabilities. Mr. Bailey stated they are working with Devon Karpak, the Tech Ed instructor at OV, and students as part of their community service day helped paint signs. Hannaford Career Center and Stafford Technical Center are doing classroom instruction, but having a practicing lab is hard to find. Instead of expanding more on their properties, SolarFest can potentially provide them with the training. SolarFest started solar installation training in 2010 and almost all the solar installers nearby were trained by SolarFest. Mr. Bailey stated they are happy to be a part of Brandon and have been fortunate that many people are coming to the events and volunteering. They have been cleaning the barns and are now at the point of improving them. Mr. Bailey noted their website is solarfest.org for anyone who may have an interest in volunteering.

A motion was made by Natalie Steen and seconded by Neil Silins to authorize the Committee Chair to send a letter of support to the Select Board regarding the proposed SolarFest solar project. **The motion passed unanimously.**

## **6. Act 250 Discussion with Town Management in Attendance**

Logan Solomon advised he reached out to the Natural Resource Board that is a body that enforces Act 250. They don't have a formal process to switch from a 1-acre to a 10-acre, but what is required is specific verbiage. The Natural Resource Board is trying to standardize the process but are not certain when they will have the process and advised if there is the decision to make the change to stay in communication with their Board as it is a matter of a change of language. The Executive Director said that this is the first request that has occurred in his tenure. They do want to standardize the process, but right now it is a matter of checking in and assurance that the language is outlined. Jeff Biasuzzi stated with regard to business in going from 1-acre to 10-acres the Town has to update the zoning to indicate what it wants to be and the Environmental Board does not have to review or approve it. Mr. Solomon agreed that the zoning has to be tweaked. Mr. Biasuzzi noted it would require the Natural Resource Board agreeing to what the Town wants to do. It would be an advantage because many commercial sites are under 10-acres and if Act 250 is on the property, it has authority forever, unless the legislature changes that policy. Mr. Schneider asked if the Town has lost businesses because of the 1-acre restriction. Mr. Biasuzzi advised as a real estate broker, he has been told that some businesses would not look into property with Act 250 jurisdiction. Mr. Biasuzzi stated the change would shorten the process, but it wouldn't have the secondary review by Act 250. Mr. Biasuzzi noted one business in Town took almost a year to get through the Act 250 process. Ms. Steen asked how many towns are 1-acre towns in Vermont. Mr. Solomon was not sure of the figure but noted if a town has both subdivision regulations and zoning, they are generally a 10-acre town but Brandon is one of two towns in the district that have opted to be a 1-acre town. Seth Hopkins stated on behalf of Bill Moore for Economic Development this has been an unnecessary hinderance and a deterrent for businesses when they have to go through Act 250. The Town Management's position is that it would a good opportunity for the Planning Commission to review the

BLUO for developers to meet standards, but the additional look is unnecessary as far as economic development. Ms. Steen noted a town is usually only 1-acre if one does not have zoning and asked if the Select Board could revoke this. Mr. Biasuzzi stated the process is that the BLUO needs to be updated and the Town has the option to change the zoning regulations and the Vermont Land Use Board has to agree. Bob Foley stated there are 120 1-acre towns and 130 10-acre towns in Vermont. It was noted the Act 250 jurisdiction ordinance is a separate stand-alone ordinance in Brandon. Seth Hopkins advised the ordinance is a Select Board ordinance that could be reconsidered and removed. The BLUO could not be changed until the Act 250 ordinance was acted on. Mr. Hopkins stated this is under the authority of Title 10 VSA 6001(3)(a)(3). Ms. Steen asked if the Town could take the action to revoke it without it having to go to the State. Mr. Hopkins noted he will have to research this item. Mr. Hopkins stated the Select Board would be inclined to hear from the Planning Commission.

A motion was made by Natalie Steen and seconded by Neil Silins to authorize the Commission Chair to write a letter to the Select Board requesting consideration to revoke the Act 250 Ordinance that is on the Town's website. **The motion passed unanimously.**

## **7. Zoning Administrator Report**

Jeff Biasuzzi reported there are investors looking to take over property at the old training school that has been for sale, noting it is a good place for residential housing. He has been working on sign enforcement and has been receiving the typical building season permit requests. Mr. Biasuzzi noted the sooner the Sign Ordinance can be brought to a higher level, the better. Neil Silins requested Mr. Biasuzzi provide notes for the minutes due to the issues with the zoom audio.

## **8. Finalize BLUO Article I, Review Articles V & VI, Discuss Article VII**

Jack Schneider stated Article 1 has been covered and all changes captured. Natalie Steen advised she has a master copy of the changes that she had forwarded to everyone. Jeff Biasuzzi suggested under Section 104 regarding exceptions to building permits to consider being able to develop projects on municipality-owned property without formal DRB review. He was familiar with another town that has clear discussion of when municipalities are exempt to avoid the DRB process for things like upgrades to sewer systems or recreation areas. One can't exempt a flood hazard area but there could be a lot of time and effort eliminated if they could avoid the additional long DRB process. Another Town does require a formal application to be reviewed by the Zoning Administrator to determine if the project conforms with the zoning regulations but eliminates some of the minor applications. Mr. Solomon has seen both of the examples and the language does exist. Ms. Steen stated if minor things are going through conditional use, it should not matter who is applying and there could possibly be some things moved out of conditional use. Mr. Biasuzzi stated those can be found in Articles 2 and 3. This discussion was deferred to a future meeting and it was suggested the Zoning Administrator provide examples of items that should not go to the DRB and provide the Zoning Administrator flexibility. Ms. Steen stated Mr. Biasuzzi is asking the Planning Commission to consider making municipal development exempt and suggested Mr. Biasuzzi provide the language he would like changed. Ms. Steen noted she made several suggested changes for Article 5, and Mr. Silins and Mr. Foley had also provided input. Mr. Solomon stated his changes were mostly clarifying and changed administrative officer to zoning administrator and land use permit to zoning permit.

Jeff Biasuzzi stated with regards to nonconforming lots, the BLUO does not provide enough information for a property owner to understand what nonconforming is and there is no clarification of what the property has available to them. There is no clear language to follow State statute. Natalie Steen advised that she addressed all of that in her revision. Logan Solomon stated he also has language from Rutland City on this topic. Jack Schneider noted from the changes that Ms. Steen made, the section is clear. Ms. Steen stated Mr. Solomon's changes were not included in the revision. Mr. Biasuzzi stated the Planning Commission may want to look into a minimum lot size. Ms. Steen noted that will be addressed in Articles 2 and 3. She also advised in Article 6 she made a slight revision regarding noise. If one has to go through a conditional use, they need to show that it will not create noise that is excessive or too loud to neighbors with regard to land development or change of use. An example would be adding a shooting range and Ms. Steen noted that the standard decibel in Brandon is 70, which is high. Mr. Biasuzzi advised a few years ago noise was a hot button with regard to shooting. Ms. Steen stated that issue is not related to this particular article and noted it is for the Select Board to determine whether they want a noise ordinance, but when reviewing new development, this can include not adding adverse impact to the character of the area. Mr. Schneider stated there had been a desire to institute a noise ordinance, but regarding the BLUO it is about new development or a change of use. At that time, the Select Board did not have a desire to create a

noise ordinance. Mr. Schneider agreed Section 608 is clear now and has been clarified that if it adversely affects the neighborhood, it is not allowed. Ms. Steen will come up with a definition of what adverse effect would constitute. There has also been an addition of no blasting creating adverse vibration after 5PM. She noted there is a section on vibration but does not have limits on the time of day. Mr. Biasuzzi stated this could be for construction noise as well and suggested being consistent with all types of noise as far as the time of day.

Mr. Schneider asked Ms. Steen to maintain the master list with all suggestions. Ms. Steen noted Mr. Silins had comments but no changes. There was a question about Section 503(a) that allows new construction on non-conforming small lots and Ms. Steen noted she also made changes to that section in accordance with Statute. Ms. Steen also defined Section 606 to better define the historic and natural areas. Sara Stevens asked for clarification on Sections 610 through 612 with regard to ash. Ms. Steen stated performance standards are for new development that require conditional use review and this zoning is for applications of new development and for specific uses. Mr. Biasuzzi stated it includes change of use, change of intensity of use and/or new construction.

## **9. Other Business**

Jack Schneider asked when the walkabout and the first discussion on signage for local businesses should be and it was suggested the walkabout could occur sometime mid-May at around 5:30PM. Mr. Schneider stated as part of the walking tour, signs could be discussed. Natalie Steen stated community and business input would be welcome during the tour. Neil Silins suggested an open meeting for businesses to obtain their comments. Mr. Solomon noted he has not conducted a walkabout but his predecessor had done many and it is more conversational and less formal. Mr. Solomon suggested during the walkabout, the Commission could hear the comments from people and at a later time there could be a community forum. Mr. Biasuzzi stated Mr. Bove's tours would finish in a place where people could voice their ideas and it appeared to be very productive. Mr. Schneider suggested it could start at Central Park, walk around residential and business districts, and end at the town hall. It was suggested one of the areas could be Park Street. Ms. Steen suggested planning the route at the next meeting. Mr. Solomon will provide information for the next meeting regarding details of the walking tour and will send language for Articles 5 and 6 to Ms. Steen for merging into the draft. Mr. Schneider noted the BLUO does not have architectural design standards for new construction. Ms. Steen noted she has a lot of information on design standards and there are ways that it can be done, which would mostly be in the central business district. Mr. Schneider stated the old Brandon Workbook deals mainly with the central business district and provides information on design and this item would be something that the public would want to weigh in on.

## **10. Date of Next Meeting**

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

## **11. Adjournment**

A motion was made by Bob Foley and seconded by Sara Stevens to adjourn the meeting at 8:41PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary