

**Brandon Planning Commission Meeting - Draft**  
**August 27, 2024**

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

**Other Present:** Logan Solomon, Larry Stevens, Vicki Disorda, Patrick Snow

**1. Call to order**

The meeting was called to order at 6:00PM by Jack Schneider - Chair.

**2. Agenda Approval**

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

**3. Approve Meeting Minutes**

**. Brandon Planning Commission Meeting – July 29, 2024**

A motion was made by Natalie Steen and seconded by Sara Stevens to approve the July 29, 2024, Brandon Planning Commission meeting minutes. **The motion passed unanimously.**

**4. Public Participation and Comment**

There was no discussion held.

**5. Zoning Administrator's Report**

Larry Stevens reported there were a lot of permits processed in the month of August (see attached report). Permit #6341 will be going to the DRB for local ACT 250 with the meeting to be held sometime in September. This was previously the J-Building at the former Training School location next to the Compass Center. This will be going to DRB due to a change of use.

Neil Silins asked about the signage for Permit #6349. Mr. Stevens advised it is an in-home massage therapist business that has a free-standing sign next to the road and one the same size located on the house to allow for recognition of the entrance.

It was questioned if Permit #6341 is to be affordable housing and Mr. Stevens advised it is to be affordable housing and is the same person that purchased property on Grove Street that will also be affordable housing. Jack Schneider noted it would be good to increase housing in Town and requested an update of the number of houses added at a future meeting to include in the Planning Commission's report for the Town Report. The Planning Commission did a 6-month update and will do a final update prior to writing the report.

**6. Finalize BLUO Articles, II, III and Discuss IX (New Sign Ordinance Article)**

Jack Schneider advised he had asked Mr. Solomon to accept the recommended changes to the BLUO that were provided by all Planning Commission members. There is currently a clean copy of the BLUO. Article I is complete and Articles II and III will reflect the most changes with the State mandates. Mr. Solomon also provided the revised maps based on the last meeting. Article I is an introduction of the broadest pieces of framework for zoning, how the provisions are interpreted, and how to determine setbacks and boundary line adjustments. The Town Plan was approved by the Select Board and is the overarching statement of where the Town is headed and the BLUO is the set of rules and regulations

about what can be done in Town. The Town Plan is updated every 8 years and the BLUO can be changed more frequently with the last changes made in 2020. With new State regulations, the BLUO has to be updated.

Article II: Primary Use Categories and Descriptions – Logan Solomon stated the BLUO categorizes uses and this article explains what the categories are. Many towns do not have these categories and the benefit is treating all agriculture uses the same and each section explains the description of the uses. The residual uses have 2 different categories and the intent is not to cover every possibility but provide overarching examples and if not clear, the permit can go before the DRB.

Section 201 - The only change in Agricultural Uses is the State's change to required agricultural practices as opposed to accepted practices, and aligning the regulations with the new names.

Section 202 – Natural Resources Extraction Uses is a brief section that includes all solid and liquid resource extractions that are not classified in the in the High Impact Uses.

Section 203 – High Impact Uses – Mr. Solomon advised this definition did not change with the exception there of a clarified, or Subsection 1, because there is a degree of overlap. The current definition talks about integrity and it now includes aesthetics. Natalie Steen stated aesthetics needs to be defined. Mr. Solomon stated sometimes town plans indicate scenic resources. Ms. Steen noted aesthetics are not only what one sees, but what one can hear, smell and touch about an area, and not just sight. Mr. Solomon stated examples of high impact uses are included and a change in wording from junk yards to salvage yards, with the definition also revised for this term. Mr. Solomon did not see a statutory definition of salvage yards and he noted that three unregistered vehicles classify as a salvage yard. Neil Silins stated there may be some residents in the area that have multiple cars that are not in use. Natural resource pipelines and helipads were also added. Mr. Solomon advised the AOT has seen an increase in permits for helipads and when reviewing a permit, the AOT will determine if the municipality's zoning has any regulations on this item. It will categorize this as a high impact use and will mean the State could only approve a permit for this item in a rural area. Mr. Solomon suggested the wording could be changed to a restricted landing area but he wanted to ensure when the State is reviewing the by-laws they can locate it in the BLUO. Neil Silins suggested adding aggregate mining as a high impact use, like underground mines for sand and gravel extraction. Mr. Solomon noted incinerators and combusters are also included. The State has a definition for sport shooting ranges and Lisa Peluso suggested adding this as a high-impact use. Ms. Steen stated it should be clarified that this would relate only to outside ranges.

Section 204 - Utility, Civic and Institution Uses – Mr. Solomon advised there had previously been two sections and this section is a combination of two use categories. The intent is for the municipality's uses, emergency services or other categories that support the community and may require a large amount of parking. Examples would be religious institutions, private and public meeting rooms, schools, libraries, post offices, medical clinics, and childcare institutions. Natalie Steen suggested adding animal clinics as it has a higher impact on a neighborhood and would be Commercial II due to the possible noise and incinerators.

Section 205 - Commercial I Uses and Section 206 – Commercial II Uses – Mr. Solomon stated there was a suggestion to divide Commercial I and II uses. Commercial I does not normally have an impact versus Commercial II as those could have an adverse impact. Commercial II will go through conditional use if the use is of a certain scale or anything over 15,000 square feet. There is a clarifier that these do not include industrial or manufacturing uses. Neil Silins questioned with regard to Hotels & Motels, where Airbnbs stand. Mr. Solomon stated if one wants to list Airbnbs, they would go from residential to commercial. If adding just a room, it would be a mixed-use development. Natalie Steen noted concern and asked if towns are doing separate Airbnb type regulations and whether the BLUO should address it separately. Mr. Silins stated the concern is that it is in a residential district. Mr. Solomon stated short-term rentals are dealt with within the municipalities and noted Rutland Town has a separate ordinance. Larry Stevens stated that it is something the Town has been discussing as there is nothing in the Rental Code for short-term rentals. Mr. Solomon noted the ordinances can range in what they are accomplishing from monitoring how the rentals are happening to more strict regulations. Mr. Solomon stated the City of Burlington has put in heavy regulations for short-term rentals due to the impact on the housing stock. There are tradeoffs and it is unclear what a municipality can and cannot do, and whether there is legal authority to regulate it. Mr. Silins would like to see some oversight when converting units. Ms. Steen stated municipalities cannot regulate how

they are built. Mr. Solomon stated general guidance is to not risk litigation and advised that he can send some examples of regulations for this item. It was noted that the current section will remain as is.

Section 208 – Light Manufacturing/Industrial Uses – Mr. Solomon stated the concept is now increased to industrial as well as manufacturing. What is different is any commercial use impact is important, but the building size and the finished product, machinery used and the number of employees are unique to manufacturing and provides specificity. Neil Silins did not think the finished product would be affected. Natalie Steen stated there should be a definition for light manufacturing and noted they would all have to go through conditional use to meet the performance standards. Jack Schneider stated the Zoning Administrator should be able to approve light manufacturing in the rural district. Ms. Steen stated it is all conditional except for agriculture and open space. Mr. Solomon advised that he added information about impact and defined it in the actual section based on the actual use. It was noted that conditional uses have to meet performance standards but permitted uses do not.

Section 209 – Open Space Uses – there were no changes to this section.

Section 210 - Residential I Uses – There was a recommendation to remove the aspect of short-term accommodations as this would be commercial and not residential and all were in agreement to remove this item. For the childcare providers, it was noted it could be Residential I and the capacity numbers have to be registered with the State. This section relates to building a structure and it is known that it will be for childcare. Natalie Steen stated a childcare home with not more than 10 children and is the lowest level for home childcare. Mr. Solomon advised he will review this section further to assure that the terms are correct. Ms. Steen suggested keeping the information for the lowest level. Mr. Solomon advised there are two residential childcare providers in Brandon and if there is more added at the same capacity, it would be the same use, but if a greater capacity it would be Commercial II. Ms. Steen suggested including the verbiage registered versus licensed childcare. Registered would be Residential I and a licensed childcare facility would be Residential II. Mr. Solomon will bring back language based on the State's categories. Currently in the BLUO, all residential uses are treated the same and is unique to the region. This is taking Commercial I and Commercial II and carrying over to residential uses. For residential care homes under state licensing, Ms. Steen asked if this should be included the same as home childcare is permitted in any residential home. She has seen it done where childcare is its own section under uses and it would not need to be defined in any of these sections. Mr. Solomon suggested there could be a revision to have childcare be its own use category or any childcare up to 6 children could be indicated that it is permitted in all districts. Ms. Steen stated all types of childcare will need to be defined to ensure that the Town is following the State's regulations regarding childcare.

Section 211 – Residential II Uses – Mr. Solomon stated any structure with three or more dwelling units would fall under Residential II. Neil Silins thought that it should be based on the number of bedrooms rather than square footage. Jack Schneider asked the purpose for limiting the size of the building. Mr. Solomon stated a building with 10,000 square feet or more would be Residential II. A single-family home that is over 10,000 square feet or a duplex with more than 5,000 per square feet in each unit would fall under Residential II use. A single-family dwelling with 9,000 square feet would be Residential I. All childcare information in this section will be revised. Mr. Schneider stated the goal is to clarify the BLUO as much as possible for someone who would like to start a business in Town.

Section 212: Mobile Home Parks – There were no changes to this section.

### Article III – Zoning District Regulations:

Section 300 - Establishment of Zoning Districts - Logan Solomon stated there had been previous discussions concerning the idea of a more walkable mixed-use denser area surrounding the central business district (CBD). Mr. Solomon reviewed the proposed maps developed for both Brandon and Forest Dale. In the downtown, it is treating both sides of the street the same. Previously, the north side of Park Street and east side of Pearl Street were categorized differently because they are areas of high flood risk but the Town now has flood risk regulations and each side of the street can be treated the same due to those regulations. In Forest Dale, there was a discussion of connecting the blue sections. The Spring Pond area has been subdivided, becoming residential eventually and is included in the map to make it a more contiguous district. It is the intention in Forest Dale to change to Neighborhood Residential and Rural Lands with an Aquifer overlay district. In Brandon, the entire area is connected within the sidewalk areas and people will be able to get into downtown

easily without a car which is of value in talking about energy efficiency and walkability. The blue color signifies Neighborhood Residential and the red color signifies a higher density area that allows for Commercial Mixed Use. The only thing changed from the previous maps are the creation of the red and is a subset of the blue and the red is Residential Mixed Use and allows for more compatible commercial uses. It was suggested to change the name of the red area and Mr. Solomon suggested it could be called the Village Core. It was noted that the change was created to help the residents in reducing the standards and requirements. There was an analysis done to compare the regulations and there are areas that were considered conflicting and this will make it easier for changes for residents. Mr. Solomon noted the dimensional requirements are relaxed because of the conditions. There was a discussion of the names for the new districts and it was decided on Village District for the red areas and Neighborhood District for the blue areas. Ms. Steen suggested the word, district, should be added to all the area names.

Larry Stevens stated there was a permit application where two districts ran through the person's property between Rural and Neighborhood Residential that changes setbacks and asked if those boundaries will be adjusted. It was noted that the regulations of the less restrictive regulations would apply. Mr. Solomon stated there could be a number of parcels to have the boundaries pinned to specific districts.

Section 301 – Mr. Solomon advised there is a recommendation the State has but is not required and the only change would be a maximum front setback in the CBD of 20 feet. The structures will have to be located near the existing sidewalks for a welcoming environment or people to enter in or exit and would ensure there is not a parking lot in front of the structure. Jack Schneider stated there are not many places to build and the DRB could waive special instances. Neil Silins stated within the same lot, there is Dunkins, a gas station and car wash with all more than 20 feet back. Natalie Steen stated if there was a historic overlay, it would indicate construction of new buildings would have to conform to those regulations. Larry Stevens stated if you keep the 20 feet, it could restrict the use of a lot for those like the one where Dunkins is located. Mr. Schneider stated the DRB could rule on a difference. Mr. Solomon stated this is a guidance but not a requirement that the State is mandating. Mr. Solomon has reviewed the laws that pertain to zoning that are required by the State. Mr. Solomon advised if there was allowance for street level housing, horizontal mixed use could be allowed. Ms. Steen stated to encourage affordable housing is to permit dwellings on the second floor and suggested that residential uses be permitted, not conditional, on the second floor in the CBD. All were in agreement with the change for dwellings to be permitted on the second level or above.

Section 302 – Mixed Use Districts – Mr. Solomon stated this section has not changed much. He noted there are State laws that require the BLUO to allow or not allow specific things that are dependent on whether the Town has municipal water and sewer. This is not clearly defined, and it is not confirmed if a fire district water is municipal water. Mr. Solomon's guidance to protect the Town is the recommendation to assume that Brandon's water and sewer is considered municipal. Natalie Steen stated the fire district water is not private and is public and the Fire District Board is a municipal board according to State statutes. Mr. Solomon has made the changes with the assumption that the water and sewer in Town is municipal and will allow more density where there is water and sewer infrastructure. The changes allow for greater density for affordable housing and will allow for five dwelling units per acre as required by the State in the areas served by water and sewer. Mr. Solomon stated with the new State laws a single-family dwelling has to allow for a duplex anywhere there is water and sewer, the municipality has to allow for 3 to 4 units as permitted use. Jack Schneider stated in a residential area, the State has indicated that for a one-acre area, the municipality has to allow for five dwelling units that could be a multi-family apartment and is a function of density, with setbacks coming into play. Mr. Solomon stated the 1/5-acre change is a State law and another change is looking at setbacks. Currently Brandon treats all sides of the structure the same, however, how people interact with each side of structure is different. There are also aspects of speed limits where it is unwanted for structures to be tight and close to Route 7 that relates to higher speeds and noise. These changes show up in some of the districts and the Mixed-Use district is based on speed limits. This section speaks to residential uses and non-residential uses. Ms. Steen asked where the Mixed-Use district sends to the south. Mr. Schneider stated there are houses near Blue Seal and the highway speed is 50 mph, but Heritage Family Credit Union and Blue Seal are closer to the road. Mr. Solomon stated there is also Mixed-Use areas of Park Village, on the other side of Franklin Street that goes up to Country Club Road and another pocket near the high school that are the current districts. Ms. Steen would not want a business to sit 100 feet back as she would want to see it closer to the road with the parking on the sides as this would be more aesthetically appealing. It was the consensus of the Commission to change the front setback to 60 feet for all uses in

areas with speed limits greater than 40 mph and it was also suggested to change the side and rear setbacks to 30 feet. It was agreed to change the setback to 30 feet for all uses that would fall within the speed limit of 30 to 40 mph.

## **7. BLUO Timeline: Town Hall Public Session; Other Outreach; Select Board Draft Date**

Logan Solomon advised the grant terms indicate if the bylaws are adopted by a specific date, the Town would receive the State funding. The process consists of the Planning Commission submitting the draft bylaws to the required entities and warn a hearing to solicit public feedback. The Commission would then submit the draft to the Select Board to allow them to hold a public hearing and approve the draft. Mr. Solomon stated there needs to be time for the public input incorporated in the timeline and recommended the completion of the draft BLUO by early to mid-November. If the Select Board makes substantial changes, another hearing would be required. Jack Schneider suggested once Sections 2, 3 and 9 are finalized, they can be reviewed with the Town Manager. The River Corridor and Wireless Communications sections will not have any changes as the Town's River Corridor ordinance was the most recent change and there have not been any statutory changes to the telecommunications. Neil Silins advised Representative Jerome had indicated at the Select Board meeting that there will be some upgrades to the cell tower in the Forest Dale area. Mr. Solomon advised he has been keeping track of the recommended changes that will be available for the public to view. He also noted that it would be good to have an on-line map for people to view the proposed changes. Mr. Schneider noted nothing will be changing for anyone who has a current house.

## **8. Other Business**

It was suggested that an additional meeting be scheduled for September due to the timeline for the approval process of the BLUO.

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

Wednesday, September 18, 2024 – 6:00PM – Brandon Town Hall

Monday, October 7, 2024 - 6:00PM – Brandon Town Hall

## **12. Adjournment**

A motion was made by Lisa Peluso and seconded by Sara Stevens to adjourn the meeting at 8:42PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary