

**Brandon Planning Commission Special Meeting - Draft
September 18, 2024**

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

Other Present: Logan Solomon, Larry Stevens

1. Call to order

The meeting was called to order at 6:06PM by Jack Schneider - Chair.

2. Agenda Approval

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

3. Approve Meeting Minutes

. Brandon Planning Commission Special Meeting – August 27, 2024

A motion was made by Neil Silins and seconded by Sara Stevens to approve the August 27, 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 the permits are down from last month. There is nothing significant for the current approved permits. More permits have been received for review and approval that will be reported at the next meeting. The biggest permit is raising the industrial building on Newton Road from the FEMA buy-out. There was a DRB meeting held for the 22 units on Jones Drive and a setback variance for a pole barn. Jack Schneider noted the building reviewed by the DRB is near the Compass Center and used to be a dorm. Someone is looking to put in 22 housing units that will house 33 people with one-bedroom and two-bedroom apartments. Mr. Schneider advised with the elimination of the Town's Act 250 rule, this building still required Act 250 review because the building had previously been under Act 250 review and that follows the building for the life of the building. Mr. Stevens stated everyone he has dealt with has been very good and he has not had any issues with any of the permits to date.

6. Continue Progress on BLUO Update and Review New Sign Ordinance

. *New Sign Ordinance*

Jack Schneider requested completion of the sign ordinance to provide to the Brandon Chamber at their upcoming meeting for communication to the rest of their members. In addition to the zoning district information, there could be interest from the public regarding signage. Logan Solomon provided a clean copy of the sign section that included the suggested changes from the last meeting. Mr. Schneider stated this incorporates the separate downtown retail signage ordinance rather than having two separate documents. Once completed it becomes a stand-alone publication the Zoning Administrator can hand out. Larry Stevens advised the .gov pilot program is running and people can complete a permit application on-line, that is a link on the Town's website. The Town has switched to a different URL and Mr. Stevens email address is code@brandonvermont.gov.

Logan Solomon advised there is a clarification about home occupation signs.

Section 902 Exemptions – Ms. Steen questioned if temporary signs are defined as she did not see a time limit. Logan Solomon stated temporary is defined but not the length of time. The time limit is in the general standards (204 g). Ms. Steen stated this information should all be in one spot and Mr. Solomon suggested the information be placed in the definition of a temporary sign.

Section 903 – Ms. Steen requested clarification of signs with more than two sign faces. Mr. Solomon stated multiple sign faces would be a pole with multiple small signs.

Mr. Solomon noted there was a question about insurance and advised that Rutland City has \$1 million coverage. Ms. Steen asked what would be reasonable for this Town's businesses and thought that \$500,000 is a lot. When talking about a sole proprietor it is questioned what a reasonable amount would be. Neil Silins stated a commercial insurance policy would likely include this type of insurance. Mr. Solomon stated previously there was nothing in the sign ordinance and this would be for any new permits. Sara Stevens asked if there is an insurance binder required or is it up to the Zoning Administrator to require a certificate of insurance annually, and will the Town be able to keep track of this. Natalie Steen stated it is on the business owner to maintain the insurance as they would be liable for the sign and suggested this would be a topic to bring to the Chamber to determine what a reasonable amount would be. Ms. Stevens asked if a business did not maintain an insurance binder if the Town would require the sign be removed. Lisa Peluso asked if the Town would be liable if a business owner does not have insurance. Ms. Steen noted someone would likely go after both the Town and the business, and it is on the Town to ensure that a sign is properly installed. Mr. Solomon noted there are arguments on both sides of whether this item should or should not be included and suggested it would be a good idea to talk to the Chamber. Mr. Schneider will bring this topic to the Chamber for discussion. Ms. Steen suggested \$250,000 would be a good number. Sara Stevens will also reach out to an insurance agent about this item. Ms. Steen stated sign lighting and illumination references to another section. Mr. Solomon stated they have to adhere to the outdoor lighting standards. Ms. Steen recommended adding specific sign lighting specifications and not referring to another section. Ms. Steen will provide Mr. Solomon with specifics for addition to the section on lighting specifications. Under nonconforming signs, Ms. Steen said that they can be moved or removed for 6 months for repair and suggested striking that section and require a new sign be built. Mr. Schneider stated in the current BLUO the materials had to be natural materials and this is not addressed in the revised document. Sara Stevens stated there had been discussion of not wanting to dictate the material. Mr. Schneider stated in Section 902(3) signs carved into a building have to be of the same material and one is exempt provided it is part of the façade. Section 904(d) – under creativity – natural material signs are encouraged. Neil Silins asked about the statement concerning ornamental brackets and Mr. Solomon stated this is more of an encouragement, but not a requirement. He noted the entire section is more guidance. Mr. Solomon stated sandwich board signs are to be no larger than 2' x 3', should be anchored, and are only permitted for temporary or seasonal events. All were in agreement with addition of the statement. Mr. Schneider stated Section 902(1) talks about temporary signs. It was suggested to remove the statement regarding the Select Board having to approve the temporary or special event sign if it is placed on public land. Ms. Steen stated the Planning Commission develops policies and procedures and there is the Zoning Administrator to administer the BLUO and she did not feel this should have to be brought to the top. Mr. Schneider stated any request for temporary signs have to go to the Zoning Administrator. Part of the logic is that a lot of signs are not wanted in Central Park distracting drivers, which is the reason for a specified time for an event. It was a decision to remove the statement regarding Select Board approval, subject to their approval. Larry Stevens stated with regard to home occupation signage, it states they are limited to one sign and the business he issued a permit put one by the road and one on the side of the house as a directional sign. It was suggested there could be a change to one sign and one directional sign for a home occupation business. Mr. Solomon stated that would be exempt because it would be covered under directional signs. Mr. Schneider stated the temporary signage for Segment 6 was not dealt with until 6 months ago and Mr. Biasuzzi had sent the non-conforming businesses a letter. Once the new BLUO is in effect, the Zoning Administrator will need to ensure conformance of the ordinance. It was suggested to add banners as temporary signs. Mr. Solomon changed Section 904(b) to 4 or more signs but should have a clarifier of non-commercial flags. It was questioned if a business could have multiple projecting signs on their building if not limiting to one of each type of sign. Ms. Steen suggested feather flags should have a specified number per business. Mr. Solomon stated any feather flag is to be taken in when a business is not open and no more than one feather flag per business.

Article 3 – Zoning Districts:

Section 303 - Village District – Logan Solomon will confirm changes of names of districts are made and all are in the right section. Natalie Steen asked where the mixed use is located and Mr. Solomon advised there are several pockets of mixed-use districts and have not changed. On the map they are the purple sections and the village district are the red areas. For the village district, Mr. Solomon stated the density is currently ¼ acre and the red area is allowing for doubling that density. Ms. Steen asked what was determined to be the average lot size and Mr. Solomon can research that information and get back to the Board. Mr. Schneider noted the State has mandated five units. Mr. Solomon advised that will be part of the village and mixed use that is served by water and sewer. Mr. Stevens stated there is some area in the village due to ledge that are not served by water and sewer. Mr. Schneider noted this ordinance is talking about new structures and for purposes of when coming to the Zoning Administrator to determine what one can do within the district they are in. Mr. Solomon advised Mr. Silins suggested that currently natural material extractions are prohibited in mixed use, village, and neighborhood.

Section 306 - Chart for Permitted Uses: Natalie Steen suggested agriculture uses should not be permitted in the downtown and natural resource extraction uses be prohibited in all districts except rural. Mr. Schneider noted there are gravel pits in mixed use. Mr. Solomon stated there is a provision that speaks to crossing boundaries and the regulations are based on the more restrictive. It was recommended that agriculture and natural resource extraction uses be prohibited in mixed use, central business district and village. It was also noted that farm animals should not be allowed in the village district and exceptions will have to go to the DRB to be allowed. Mr. Solomon stated Brandon’s animal ordinance talks about free roaming animals, like dogs and the prior zoning administrator had suggested aligning the BLUO with that ordinance. Mr. Schneider suggested this could be addressed during a future revision. It was suggested that agriculture be left as conditional and prohibited in the central business district and permitted in rural areas. Natural resource extraction to be prohibited in the central business district, village, and neighborhood. High impact uses to be conditional only in the rural area. Commercial I is permitted in central business district, mixed use, and village, and conditional in others. Commercial II did not change except for the addition of industrial with light manufacturing. Residential II change is conditional in the rural area. It was suggested to change mobile home park uses to be prohibited in the central business district and village. The other areas would be conditional and would be subject to DRB review. Ms. Steen suggested placing the aquifer overlay in the chart as there are uses that would want to be prohibited or specified in the aquifer overlay information. Mr. Solomon stated there is also a flood overlay that is a section of its own.

Section 307 – aquifer protection overlay district has been added. The overlay includes many rural areas. In the current BLUO most items were conditional and high impact uses are prohibited. It was noted that high impact uses would be prohibited in the aquifer and all others are whatever is allowed within the district. Under 307(d) – add all high impact uses are prohibited in the aquifer protection overlay district. Mr. Solomon stated there are performance standards that will apply and the standards themselves should cover all information. There are development standards that should ensure proper wastewater disposal. There were no other comments or changes to the remainder of section 300. Mr. Solomon will prepare a list of the significant changes to the BLUO for a review and through the process will flag what should be discussed at the next meeting.

Section 613 - Logan Solomon stated this talks about flammable liquids. Mr. Silins suggested adding that flammable liquids should be in a leak-proof containment area.

Section 619 - Farm Animals – Logan Solomon stated Neil Silins had suggested adding no farm animals shall be kept in inhumane cages or other containments that restrict natural movement. Jack Schneider stated there is an animal ordinance and Mr. Solomon stated the animal ordinance is about animals running loose and the implications of that. Larry Stevens advised the State has taken over the authority for animal cruelty. Ms. Steen stated this would be a structure the BLUO has no control over. It was suggested that Item 1 controls the impact on neighbors and it was suggested to strike the new one.

Logan Solomon advised State law outlines what types of renewable energy one can and cannot regulate. Mr. Schneider stated the Town has an enhanced energy plan and the Town does not have control over homeowners’ solar array. Sara Stevens asked if solar panels can be put wherever a homeowner wants them. Lisa Peluso advised there are setback requirements that would need to be satisfied. Ms. Stevens suggested if the BLUO calls out satellite panels, it should call

out solar panels. It was asked if solar arrays should be included as an accessory structure. Natalie Steen noted solar arrays require a permit from the State. Mr. Solomon noted if towns have siting provisions, they are considered. Jack Schneider stated for commercial arrays, the PUC has the final decision but they take into consideration an enhanced energy plan. Ms. Steen stated for private solar, it is feasible to say that solar is prohibited in a front yard. Mr. Schneider suggested encouraging rooftop solar, as directional. There was consensus to encourage screening for ground mounted arrays. Ms. Steen suggested the arrays abide by setback requirements with preferable location on the side or back of the building and screened as best possible. It was suggested to add solar to the listing of accessory structures – Section 407 – solar installation. Ms. Peluso stated with the State having a green initiative, she wants to ensure that what is being added does not discourage people from installing solar. It has to be clarified that a permit is not required by the Town and the main concern is the setback requirements for accessory structures.

Jack Schneider requested Mr. Solomon provide a clean copy of the signage section to present to the Brandon Chamber for discussion at their next meeting.

7. Discussion of BLUO Outreach Timeline: Public Open House and Select Board Draft

This item was postponed to a subsequent meeting.

8. Other Business

There was no discussion held.

9. Date of Next Meeting

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 8:27PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary