

Brandon Planning Commission Meeting - Draft
November 4, 2024

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

Other Present: Logan Solomon, Larry Stevens

1. Call to order

The meeting was called to order at 6:03PM 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 Meeting – October 21, 2024

A motion was made by Natalie Steen and seconded by Sara Stevens to approve the October 21, 2024, Brandon Planning Commission meeting minutes, as amended. **The motion passed unanimously.**

Correction to Item 7 – BLUO Outreach: minutes should reflect Section 11 not Section II.

4. Public Participation and Comment

There was no discussion held.

5. Zoning Administrator's Report

Larry Stevens reported there were fewer permits submitted from the last meeting, likely due to the time of the year. There was a change of use for the prior Cattails Restaurant to a new dispensary. There was a workforce housing permit approved for the Compass Center. In the prior Chinese Restaurant, an egress was approved. The dispensary north of Town near the Jiffy Mart will be moving to this location and the owner will reside upstairs. Natalie Steen asked if the workforce housing will need to go through Act 250. Mr. Stevens reported due to Act 181 relating to residential housing, this project will not require a DRB or Act 250 hearing. Ms. Steen asked if this would be for affordable housing. It was noted that Tanner Romano now owns the building and the project is specifically for workforce housing and will not be strictly for the Naylor & Breen workforce. Between this project and another proposed project, there will be 46 new apartments in Town. Mr. Stevens noted all of the permits reported have been approved.

6. Review Final BLUO Draft and Vote to Approve for Public Meeting

Jack Schneider sent the proposed changes to the BLUO to Mr. Hopkins and Mr. Moore and did not receive any comments. Natalie Steen reviewed the BLUO and was in agreement except for the wall signs Ms. Steen researched this topic and noted that a maximum of 12 inches is standard for signs extending from a building. This would give people more flexibility and would be included in the definition of a wall sign.

With regard to tenant parking in the central business district, the parking spaces in front of businesses cannot be used and with the reconfiguration of Route 7, tenants cannot park in front of the Brandon Inn or other businesses in this area.

Neil Silins stated most of his comments are grammar changes. Mr. Silins suggested a certificate of insurance be required when submitting a sign permit for those that are in the Town's right of way. He did not think \$500,000 was unreasonable for life-threatening issue. Sara Stevens stated at the last meeting there was discussion of how to monitor this process. Mr. Silins suggested it would not be the Zoning Administrators' responsibility to continually verify the certificate of insurance. Natalie Steen suggested the process could indicate that one has to have insurance and the Town may request a copy. Mr. Silins agreed that verbiage concerning a certificate of insurance be included in the permit process. Mr. Stevens noted there are some projecting signs that hang over the sidewalk.

Jack Schneider stated the BLUO hearing could be held on November 20th if the draft is approved at this meeting. Mr. Solomon had received everyone's suggestions and incorporated them in the document. Mr. Silins suggested adding the certificate of insurance with the sign permit application. Logan Solomon advised one may need to get the permit first before obtaining the certificate of insurance. Lisa Peluso agreed with the suggestion to have a checkbox on the application indicating that an applicant has insurance and by checking the box the applicant certifies that they have insurance and it takes the liability off the Town. Larry Stevens stated this verbiage could be added to the .gov application on the Town's website. Mr. Schneider noted there was also a discussion of the distance from the wall that a sign could be with a recommendation that it be 12 inches. The Commission was in agreement with the change to 12 inches. Mr. Silins also asked about seasonal events and how long their signs can be up. Mr. Solomon stated this should be added to the temporary signs section.

Jack Schneider met with the DRB and the only comment received was about the tenant parking in front of the Brandon Inn as that is an extension of Park Street. Logan Solomon stated for dwelling units in the central business district, the landlords cannot indicate that parking is allowed on the street or in the central park area. Mr. Solomon noted this parking lot is lumped into one roadway right of way parcel. Mr. Schneider stated dwelling units should have a parking space but in the central business district, the parking can be within ¼ mile of the unit and is usually in the parking lots behind Café Provence or Dunkins. Mr. Solomon stated the parking area near the Brandon Inn is also called town highway 93. Natalie Steen suggested the verbiage state between 2 and 23 Park Street and on Route 7. Mr. Schneider also noted one cannot park on the streets overnight after December 1st.

Logan Solomon added a definition of Act 250 indicating the verbiage about a 1-acre and 10-acre town, and also information about the Select Board repelling being a 1-acre town. It was suggested that only the definition would be needed and all were in agreement.

Neil Silins stated in the conflict-of-interest section, Item 3 is not a conflict of interest but a bias. Logan Solomon advised the purpose of defining it is to provide actions that the Zoning Administrator does and is a fitting situation. Mr. Solomon provided an example of a situation noting that the point is to establish a situation where a prejudgment was displayed. Jack Schneider agreed with Mr. Silins and suggested it may belong in a different area. The language of Items 1 and 2 are structured similarly, but the 3rd one is talking about bias. Mr. Schneider noted Brandon has a conflict-of-interest policy and this section needs to align with that policy. Natalie Steen suggested incorporating Item 3 into Item 1.

Logan Solomon advised that in the floodwater regulations, which is the State model, all references to the administrative officer have been changed to the zoning administrator. Mr. Solomon noted the flood regulations are very specific and the State has this template for the verbiage.

Sara Stevens asked if temporary has been defined in the definitions. Larry Stevens advised people are using storage containers and questioned at what point they are no longer considered temporary. He also noted the same with RVs, as one can use an RV for up to 21 days if not hooked up to utilities, but questioned if it is hooked up to utilities, what is the regulation. Logan Solomon stated with regard to RVs, the BLUO indicates that non-commercial housing that is not connected to on-site sewer and water is exempt. If it does not fit within that box under Section 106.10, it should be counted as a dwelling. Mr. Stevens stated if a container is temporary, a permit is not required. Mr. Solomon advised some jurisdictions provide temporary permits that are only good for a specific time and is another bylaw. He has not seen it in this region but has seen it in other bylaws. Mr. Silins stated if an RV is connected to sewer or water, it becomes a dwelling and is not exempt.

Natalie Steen suggested a container could be called an accessory structure. Mr. Solomon suggested a temporary structure should require a permit if needed for more than 6 months and there would need to be an intended end duration and the length of time would need to be specified. It was also noted that a temporary structure does not have a permanent foundation. Mr. Schneider suggested having a time period for a temporary structure where a permit is not needed but cannot be an extended period of time. The Committee was in agreement to 6 months. Mr. Solomon will create a definition for a temporary structure.

Sara Stevens asked what is defined as junk and how a property could get cleaned up if it is not a public health issue. Logan Solomon provided the State's definition of junk that includes old or scrap copper, steel or non-ferrous metals including rope, rags, ruined motor vehicles or parts. Mr. Solomon noted the State's definition was included in the BLUO under the definitions in Section 627. On page 30 in the current draft is where it is regulated in salvage yards. The provision is that the junk cannot be within 50 feet of any property line, visible from a highway or an abutting property owner. Neil Silins suggested the verbiage could just indicate ferrous or non-ferrous materials.

Natalie Steen asked about the accessory structure definition and suggested this could be where a container is noted. It indicates a bus or RV cannot be allowed as an accessory structure. Logan Solomon stated one could live in a container but at that point it would become a dwelling. Ms. Steen asked where it indicates an accessory structure requires a permit and Mr. Solomon advised it is in Section 401. Ms. Steen suggested adding containers in the accessory structure definition with its own sentence indicating it will require a permit if on a property for more than 6 months. Mr. Solomon stated a temporary structure could include containers and dumpsters. It was questioned what the regulation would be if one were to park a tractor trailer on a property for an extended period of time. Mr. Solomon stated that would not fall under zoning but might fall under junk if it had been on a property for an extended period of time.

Logan Solomon advised the Planning Commission could approve the draft contingent upon the changes discussed during this meeting. Once the public hearing notice goes out, the draft cannot be changed. The warning needs to run in the newspaper 15 days prior to the hearing. Mr. Solomon stated the Planning Commission can make modifications to the draft following the hearing and approve the document for submission to the Select Board that same evening. The Select Board will then hold a public hearing and if any changes are to be made to the draft, it would require a separate meeting. State law requires a written report that includes how the changes relate to the Town Plan. Throughout the process, if the Planning Commission or Select Board makes changes, it has to be reflected in the written report. The Select Board cannot approve the document on the night of their public hearing but would require a separate meeting and due to the deadline for the grant, a meeting could be held the following day. Mr. Solomon will provide the Planning Commission with a checklist of the approval process.

Mr. Solomon noted in Section 108, no more than one primary structure is allowed on a lot without a zoning permit. Mr. Solomon stated the intent is that one lot should have a primary structure and a primary use, but if one wants an accessory structure or accessory use, there is another section.

A motion was made by Natalie Steen and seconded by Neil Silins to approve the draft BLUO with the changes noted regarding temporary structures, wall signs, junk, containers, and various grammatical changes. **The motion passed unanimously.**

Jack Schneider will create a PowerPoint for the hearing. Logan Solomon advised there are specific requirements for public hearing notices that include the purpose of the amendment, geographic area, table of contents and a listing of where the full text is available. Mr. Solomon provided a completed warning and will forward to Mr. Schneider. Mr. Solomon has drafted the required written report that includes a brief explanation and the conformance with the municipal Town Plan and will provide a draft to Mr. Schneider to be included with the public hearing notice. It was noted that this information could be placed on the Town's website and available in the town office for review. The warning must also be posted in three public places, similar to other public warnings. The draft and report must also be sent to abutting municipal planning commission chairs, the RRPC and the State. Mr. Solomon will also be submitting the changes to the zoning map. Mr. Schneider will contact the Reporter to include this information in this week's newspaper.

7. Schedule Public Hearing for either 11/20 or 11/21

The Planning Commission public hearing regarding the BLUO draft will be held November 20th at 7PM at the Brandon Town Hall.

9. Other Business

There was no other discussion held.

10. Date of Next Meeting

Monday, December 2, 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 7:43PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary