

**Brandon Planning Commission Meeting
November 16, 2015**

Planning Commission Members Present: Jeff Guevin, Frank Bump, Linda Stewart, Marty Feldman

Planning Commission Members Absent: Phyllis Aitchison, Anne Bransfield

Others present: Anna Scheck

Call to Order:

The meeting was called to order at 7:08PM by Jeff Guevin, Planning Commission Chair.

Agenda Approval:

A motion was made by Linda Stewart to approve the agenda as amended. **The motion passed unanimously.**

Amend the agenda to devote 15 minutes to the Sign Ordinance.

Approval of Prior Meeting and Hearing Minutes:

A motion was made by Linda Stewart to approve the minutes of the November 2, 2015 Planning Commission meeting. **The motion passed unanimously.**

Old Business:

. *Zoning Administrator Report/Sign Ordinance Discussion*

Anna Scheck referenced a November 13th memo she had sent to the Planning Commission regarding sign setbacks and wished to discuss a specific sign located at the Good Earth Farm location. Ms. Scheck expressed concern that the current BLUO does not seem appropriate as it treats signs as accessory structures which would not appear to have the appropriate setbacks. Jeff Guevin stated he understands Ms. Scheck's interpretation, however under the definitions of the BLUO, structures include signs. If a structure includes a sign, accessory structures would include signs as it would be any separate structure. Mr. Guevin stated this is not in the Sign Ordinance and is separately noted in the BLUO and was likely there before the Sign Ordinance was written. Mr. Guevin stated it is clearly an accessory structure, but it will be left to the Zoning Administrator to determine whether a variance is required. Mr. Guevin stated that it gives the Zoning Administrator the authority over placement of signs. Ms. Scheck stated at one point signs were not regulated. Ms. Scheck stated there were other signs in the same general area, also zoned HDMU, that were permitted without question of the setbacks and that another property that had received a variance for sign size only and not setbacks. Jeff Guevin noted there was

already a sign in place. Linda Stewart noted when Hannaford's moved into the Grand Union building, it was considered a replacement of the sign that existed. Ms. Scheck noted that with setbacks, it would require the sign to be 125 feet from the center line in the road. She also noted that in another section, authority is given to the Zoning Administrator to relocate the sign to ensure vehicular or pedestrian safety. Also discussed was the fact that no off premise signs will be located in a town or state right of way. There have recently been issues regarding off premise signs in two locations. Mr. Guevin advised that he has obtained the services of an attorney to review the Sign Ordinance based on content.

Anna Scheck advised there were letters sent to Foley Brothers and Compass Center regarding sign compliance. Foley Brothers had a non-compliant sandwich board sign and they have since removed the sign. Ms. Scheck stated a solution for Compass Center could potentially be to amend their covenant to provide a better sign than what is currently there. Ms. Scheck has had a conversation with the state and they indicated that a second directional sign could also be installed.

There was concern expressed regarding signs in the downtown business area. Anna Scheck stated sign area shall not exceed 30% and posters placed in windows will be considered signage under this section. Ms. Scheck reported May's Place has submitted an application.

Ms. Scheck reported there were a couple of agriculture issues. Ms. Scheck noted there were some good points in the article relating to agriculture that Mr. Guevin had provided her, and she suggested some of the points be included in the ordinance. Ms. Scheck stated that under the new regulations, the state will not deal with anything that is not a small farm. The regulations are based on acreage or number of animals.

Anna Scheck provided information on the two solar projects slated for installation in Brandon. One project is for the town and is located near the Industrial Park and the other project is for McKernon Group and will be located on New Road next to the McKernon building. Jeff Guevin stated the town has party status, if requested, on each project. Mr. Guevin was uncertain who the requesting designee would be, but thought it could likely be the Town Manager. It was noted the town project will be screened well. Mr. Guevin recommended the Zoning Administrator determine who will be representing the Town regarding the McKernon project.

. Town Plan Adoption Timeline

- Solar Siting

Jeff Guevin had provided a draft for the Planning Commission members to review. Linda Stewart asked if Jeff Stewart's recommendation had been included and Mr. Guevin advised that a portion of the recommendation was included in the Town Plan. Mr. Guevin advised that Ethan Swift thought the solar section looks good, but considering there is a project in the wildlife corridor, he would prefer that there are not fences. It was noted that natural screening versus fencing would be an option. Linda Stewart stated the description regarding screening is appropriate. Mr. Guevin stated there has to be measures for aesthetics. It was noted that in the

description, the “Average Person” will be the collective Planning Commission and Brandon Select Board. Marty Feldman asked if there is a way to place a portion of Act 56 in the Plan. It was noted the Town Plan refers to the state law and a copy of Act 56 could be included as an attachment. The Solar information will be included in the Energy Section.

- *Adoption Timeline*

The Town Plan adoption process will be restarted. There will be a hearing during the Planning Commission’s December 21st meeting. The Plan will then be forwarded to the Select Board to hold two hearings after January 21st. The Plan will then be sent to the Rutland Regional Planning Commission in February for adoption.

- *Further Revisions to Town Plan, If Applicable*

There was no discussion held.

New Business:

. *Begin Brandon-Based Code Overview*

Jeff Guevin advised that what the town currently has is the Brandon Land Use Ordinance (BLUO) and the Planning Commission is looking to simplify the ordinance. The current focus is based on use: Residential, Commercial, High-Density Multi-Use and requires a permit for all uses that include garages, decks, sheds, etc. It was recommended to regulate structures rather than uses, which would still require building permits and there could still be setbacks. The Brandon-Based Code would focus on where a building is located on a lot and what a building looks like as far as height, width and general appearance. Zoning is in place to eliminate nuisances. This is not so much a change in what is regulated, but a focus on how it is approached. It was noted there is a lot of good information in the current BLUO that can be used. It will need to be aligned with what is required aesthetically and there will need to be setbacks or build-to lines. There will not be as much of a focus on what the business is, though there will be performance standards. Mr. Guevin stated there will be no buildings allowed in natural areas such as Class 2 wetlands and town parks. The T2 transect will be rural, which is the vast majority of the land in Brandon and this is where there could be subdivision standards or minimum lot sizes. The T3 transect would be the village for areas like Carver Street and Champlain Street and would have a few more requirements in those areas. Within the T3 transect, there will likely be sub-districts such as Mt. Pleasant and Forest Brook. The T4 transect would be village centers and the T5 transect would be the downtown. Mr. Guevin advised the Planning Commission has been provided the framework and the details for the Code will now have to be developed. There will be a review of the performance standards to determine what to include in the Base Code. It is ultimately hoped to have a permit application that will do away with some permits altogether. It was noted the process should be made clearer for the applicants and easier to administer. Linda Stewart stated there has been discussion for a while about doing transects and there has been money spent for the start-up of the project and she thinks that it is the right way to go. Mr. Guevin thinks that the current BLUO inhibits a lot of uses and does not encourage good

development. It was agreed the current plan was not succeeding and aesthetics is one of the main things that draws people to a region. The focus will be to fix things that do not work in the zoning that will help guide development and will allow people to have greater freedom to develop their properties.

. Review of BLUO

This item was postponed for discussion at the next meeting.

. Other Business as Needed

There was no other business discussed.

Next Meeting:

December 7, 2015 @ 7:00PM at the Brandon Library

Adjournment:

A motion was made by Linda Stewart to adjourn the meeting at 9:03PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary