

**Brandon Planning Commission Meeting - Draft
June 3, 2024**

Board Members Present: Jack Schneider, Natalie Steen, Sara Stevens, Lisa Peluso, Bob Foley

Other Present: Logan Solomon

1. Call to order

The meeting was called to order at 6:22PM 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 – May 6, 2024

A motion was made by Bob Foley and seconded by Sara Stevens to approve the May 6, 2024, Brandon Planning Commission meeting minutes. **The motion passed unanimously.**

4. Public Participation and Comment

There was no public comment.

5. Zoning Administrator Report

There was no discussion held.

6. RRPC's Logan Solomon on BLUO Dimensional Standards Analysis

Logan Solomon reported since the last meeting he has started a deep dive through each article of the BLUO. Article 1 was reviewed and there are only 1 or 2 outstanding items to fix, in particular the superseding statute and clarifying that. He stated it is all in accordance to State law. Article 2 with regard to uses was reviewed and some clarifications were made. Mr. Solomon noted the BLUO has used categories and reviewed a couple of examples and provided clarifying samples that fit in the use categories. He suggested splitting into Residential 1 and 2. Residential 1 would be one- or two-family dwellings as the law requires treating single family and two-family, or duplexes, the same in terms of dimensional standards. Residential 2 would be townhouses, retirement communities or any structure over 10,000 square feet. He will provide all of these details to the Commission members. The public service use is about the public facilities, emergency services, etc. and they are in the use table that is similar to community support and recreational and seem simpler to combine for clarification. There will be clarification within each section. For Article 3, Mr. Solomon put together an analysis. In applying for the grant, there was a specific focus on dimensional standards in and around the downtown. A requirement of the grant is to review the handbook and with dimensional standards, it suggests taking a random lot and survey the existing lot conditions. The point of the survey is to look at the existing dimensional standards and mimic those. There are some conditions that may be pre-zoning that the Commission may want changed. Mr. Solomon stated it will be more about visual symmetry. He took the State's example and reviewed the lots that are not in the rural district. When looking at the report, the lot sizes that are recommended are too big relative to existing conditions and the setbacks are too far back. Mr. Solomon provided recommendations of taking the setback and bringing it to standard. There are outlying areas, which are different zoning districts and the strip near the post office is a cluster just west of the central business district. There is also the corner of McConnell Road and Route 7 that is high density use and is less dense and the

conditions are different next to the CBD (central business district). After the library, there is another high-density mixed-use cluster that can be reviewed. Most towns regulate setbacks from the front, side, and rear of the building, but Brandon does right of ways and lot lines. Mr. Solomon suggested it is appropriate to regulate the front, side and rear of a building and he has made changes in Article 3 for the Commission's consideration. He also noted the CBD does not have maximum front setbacks and suggested there be a maximum front setback. Mr. Solomon asked the Commission to review the incorporated and suggested edits. With regard to impervious surface lot coverage, he was unable to do a 1:1 analysis but can do building coverage to provide a rough sense. He suggested taking a degree of caution with those numbers. There is State information regarding single and double, but anything related to dwelling units per acre is underestimated. He stated in a few places, like the aquifer setbacks, he has been trying to clarify for the zoning administrator to implement. Mr. Solomon noted this analysis is to inform the Commission and he hoped to provide clarity for the figures.

Jack Schneider stated half the Town does not conform due to the age of the houses. Houses have had to conform to the regulations today and asked what could be done with lots that do not have buildings and whether they are to conform to other buildings in the area or forward to the DRB to do a setback variance. He does not think there are a lot of places that would not have to conform to the zoning ordinance. Mr. Solomon stated in lowering the setbacks, several non-conforming parcels would be removed in the information. Mr. Solomon stated the setback standards could be changed, as the setbacks would be conforming to the standards for that district. If there are not lots directly next to a building to be permitted, the average only applies to having lots around it. He noted this has been implemented or is in the drafting stages in several towns.

Natalie Steen asked when looking at an aquifer, should it become neighborhood residential with an aquifer overlay. Logan Solomon stated an aquifer protection district is usually an overlay district and it is possible to do. His thought was impervious surface lot coverage numbers are different with an aquifer district. It would be the decision of the Planning Commission and he could help draw the boundaries. He stated as part of the analysis, he has zoning maps, parcel information, sidewalk information, and speed limit information. Jack Schneider stated the aquifer protection areas include neighborhood and neighborhood rural and it is hoped to get a district for Forest Dale. He asked if the aquifer overlay would make more sense. Mr. Solomon stated the overlay district is the more conventional way of doing it, but there is not a lot of difference between the standards of the two districts. Instead of five districts, there would be four plus an overlay. An overlay is having the base districts and additional regulations that would be districts for specific reasons. One could be an aquifer to have provisions for groundwater. There is also a historic architectural overlay that could include the historic buildings. He noted that the idea would be for historic preservation, revitalization, and economic development, with encouraging basic historic architectural specifications. Mr. Schneider advised all of the historic buildings are listed in the Brandon Workbook but there are no design guidelines. Ms. Steen stated with a historic design district, there could be specific guidelines. With regard to the aquifer, she will ask Ray Counter to determine what the area should be, noting that the Prudential Board is looking at adding another water tank. Mr. Solomon stated historic architecture could be an area that would fit for Forest Dale. There is also river corridors and mapped flood hazards as outlined by FEMA. Ms. Steen noted that aquifer districts do not need to be large and she will have more conversations with Mr. Counter. Ms. Steen reported a tank was just acquired in Forestbrook and is now all one fire district and the aquifer covers that. Mr. Solomon advised the numbers highlighted would be the numbers that would better fit and have fewer non-conforming lots. Mr. Schneider questioned the southern multi-use high density area that the Rescue Squad and bank are in, as there are also residences that are closer to the road. Ms. Steen suggested the Town would want new buildings to be in line with the other buildings, or the average if there are building locations that are drastically different. Mr. Schneider stated the majority of reasons the DRB has to meet is due to setbacks with requesting variances. Ms. Steen noted there is not much change needed in the CBD. Mr. Solomon recommended a maximum setback, but the CBD has the least number of changes. Ms. Steen asked with high density multi-use are there recommended changes for minimum setbacks. Mr. Solomon noted for high density with mixed development, the State would argue what he is suggesting is too high and suggested doing it by speed limits, but the State has specific model downtowns and neighborhood districts and recommended a 3-foot setback. Ms. Steen asked about conformance of houses on Franklin Street and Mr. Solomon suggested due to the variance in the lot sizes, that "or average" would be fitting and the simplest. Mr. Solomon noted the neighborhood residential district is very large. Mr. Schneider asked when there is a sidewalk, when does the lot line begin and Mr. Solomon advised that those items are being highlighted in each section with case studies being provided. Ms. Steen suggested making Franklin Street south from the Fire District to the Library high density residential. Mr. Schneider suggested it would make it clearer for the DRB to make two different residential districts. If it is high density mixed use it could allow for converting some

space into commercial. Ms. Steen also suggested making high density mixed use around the CBD. She stated there would need to be performance standards and design standards, and there could potentially be limit to commercial. Mr. Schneider stated he can see changing the aquifer district and two different types of residential. Ms. Steen noted with the surrounding area around the CBD, high density mixed use would provide for creation of walkable neighborhoods. Mr. Solomon advised the State's minimum is 5 units per acre. Mr. Schneider noted the DRB allowed for a change from 1 to 3 dwelling units and is the flexibility of the DRB. Mr. Solomon suggested in terms of Article 3, he has numbers that would fit existing conditions and there could be a creation of the aquifer district overlay, and in the purpose, it could be clarified what the district would be. Mr. Solomon will provide what the boundaries would be for the Commission's review and noted there are ways of creating incentives and creating bylaws to encourage or discourage different types of buildings. Ms. Steen will send the latest BLUO draft to Mr. Solomon and suggested doing track changes to the existing document. Mr. Schneider advised the river corridor/flood plane section is current. Mr. Solomon intends to get through the BLUO cover to cover by the end of June.

7. BLUO Articles Review and Signage Verbiage

Logan Solomon advised he reviewed 10 sign ordinances and 8 different case studies and from there he pieced together different provisions and standards that improve communications, safety, and health concerns. He has done a review of way that towns can regulate signs that has a wide range. He picked a model sign ordinance from an industry group that sell signs for the different types of signs. He would like to address business owners' concerns about signs. He is reviewing the BLUO and CBD ordinance to consolidate them and thinking about exemptions for not having to get a sign permit in allowing for a face area. He wanted to get the side of the sign making industry in addition to the towns with sign ordinances. The BLUO indicates the signs are to be wood, metal, or natural materials and of the 10 case studies, no other study addresses materials. He also looked at a design firm for what are good signs and instead of allowing specific materials, suggested providing a bonus for allowing a better sign when using natural materials. Jack Schneider stated Dunkin's signs are not included in the BLUO with some directional illuminated signs due to safety reasons. The DRB allowed for the illuminated signs but they had to remove the branding. They also had an illuminated menu board but it was also not covered. Mr. Solomon stated electronic message boards were allowed and are only allowed in multi-use high density. He stated electronic message boards have been permitted and he stated the lighting provisions in the BLUO are the standard. Any use of moving effects is prohibited. Mr. Solomon noted it would be good for the businesses to see the proposed changes so that the Planning Commission could receive their comments. In reading the sign section he noted there are missing items and he started looking at other municipalities to try to fill in the gaps.

The Zoning Administrator reviews signs for the most part, with the exception of the appeals process and it is important to keep the ordinance a consistent process for the Zoning Administrator to handle. Bob Foley stated definitions will provide more clarification and will be helpful to Mr. Biasuzzi. Mr. Solomon has been defining things when going through the articles and he will then create the definitions once the document is reviewed completely. Mr. Solomon stated it will be organized with purpose and scope, exemptions, what is prohibited, types of signs allowed, and then standards for all signs that include general, total number allowed, free standing signs, home occupations, insurance, and a possible dimensional bonus in using the materials desired. It is more effective to call out the types of materials not wanted. Ms. Steen suggested illuminated could be allowed with specific criteria. Mr. Schneider questioned the CBD temporary signs and Mr. Solomon advised they are permitted as long as they meet all the standards. Ms. Steen also noted there should not be a separate ordinance outside of the BLUO. Mr. Solomon noted he has incorporated both ordinances in the BLUO and Section XX3 – prohibits signs that are placed on a motor vehicle for signage not otherwise allowed in the BLUO so taking a car and parking it with a sign on it would not be allowed. With regard to real estate and political signs, they are listed under exemptions and have specific regulations. Mr. Solomon suggested the Commission review the document he provided. There are general sign standards and specific types, after that is how to measure the dimensional signs and sign setbacks. There is also non-conforming signs that could have specific exemptions. Ms. Steen asked if there was anything done regarding signage for a building with multiple businesses for uniformity, noting she had provided Mr. Solomon with information on this subject.

Lisa Peluso asked if the sign regulations are for businesses or residential. It was noted that any sign not seen from a public right of way is not regulated. Logan Solomon stated with regard to free speech, there was a 2016 Supreme Court decision regarding free expression and the Commission has to be careful about the design elements for signs as he has seen some

ordinances that violate this decision. Jack Schneider suggested looking at the existing signage when doing the walking tour, as some of the signs were done during the Route 7 construction and suggested inviting store owners to participate in the walking tour.

8. Discuss “Walking Tour” Route and Goals (Public and Business Owner Outreach)

Jack Schneider suggested the walking tour could include Union Street, Park Street, Seminary Street, and the area near Dunkin. This would hit most of the signs downtown. It was suggested to start at Central Park and end at the Town Hall. It was confirmed the walking tour would begin at 5:30PM on Thursday, June 27th. Mr. Schneider will advertise in the Chamber newsletter. It was noted the tour would include the CBD, Park Street, Franklin Street, Walgreens and Hannaford, and stores along Center Street, Conant Square, Dunkin, the old high school building and ending at the Town Hall. Natalie Steen suggested reaching out to businesses to potentially offer an incentive for participants attending. Logan Solomon asked if formal questions or an ad hoc debrief would be more beneficial. Ms. Steen suggested targeting what opportunities or issues the businesses are experiencing. Mr. Schneider suggested having topics to cover but being more of an informational session. Additional public hearings will be held regarding the update to the BLUO by the Planning Commission and Select Board.

9. July 6th Independence Day Shared Booth (Public Outreach)

Jack Schneider reported the Planning Commission will be sharing a tent during the July 6th celebration with the Energy Committee and possibly SolarFest. The Planning Commission could possibly give the results of the walking tour at that time.

10. Other Business

Jack Schneider thanked Bob Foley for his participation on the Planning Commission with his appointment ending June 30th. The Select Board has approved the appointment of Lisa Peluso to the Planning Commission beginning July 1st.

11. Date of Next Meeting

Monday, July 1, 2024 - 6:00PM – Brandon Town Hall.

12. Adjournment

A motion was made by Natalie Steen and seconded by Sara Stevens to adjourn the meeting at 8:13PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary