

**Brandon Planning Commission Special Meeting - Draft
July 29, 2024**

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

Other Present: Logan Solomon, Seth Hopkins, Larry Stevens

Others Present via Zoom: Jeff Biasuzzi

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 Neil Silins to approve the agenda. **The motion passed unanimously.**

3. Approve Meeting Minutes

. Brandon Planning Commission Meeting – July 1, 2024

A motion was made by Natalie Steen and seconded by Sara Stevens to approve the July 1, 2024, Brandon Planning Commission meeting minutes. **The motion passed unanimously.**

4. Public Participation and Comment

Seth Hopkins noted he was present to be supportive of the Planning Commission in their BLUO process and to support Larry Stevens as he starts his position as Zoning Administrator.

5. New Zoning Administrator’s Introduction and Report

Larry Stevens reported he has taken over as Zoning Administrator from Jeff Biasuzzi and is working on a backlog of permits. A report of recent activity since July 1st was distributed to the Commission of permits that were approved with a couple of projects that were started prior to the approval of the permits. One project was given a fine as the construction was 50% completed prior to approval. Jack Schneider stated the Planning Commission will be reviewing the fee schedule and providing input for possible changes. Mr. Stevens advised he works 24 hours combining both the Zoning Administrator’s position and Rental Code and Health positions and is in the town office Tuesday through Thursday from 8AM to 4PM. Lisa Peluso asked how it is decided who to fine and who not to fine. Mr. Stevens advised he is working with Mr. Biasuzzi and followed his lead on the current permits. Neil Silins noted concern with the fine or permit fees as it is indicated that the fees would be determined by the Select Board or Zoning Administrator. Seth Hopkins stated a fee schedule was approved by the Select Board in 2021 and suggested it is a good time to review it with a new Zoning Administrator. It is ready for an update and enough of a priority for Mr. Stevens to draft a new fee schedule and bring it before the Planning Commission for their consideration. Mr. Schneider suggested the fee schedules should be in line with other towns in the area. With the BLUO modifications, the Planning Commission is trying to assure that all possible items that a developer or resident wants to do is clear in the BLUO to avoid having to constantly ask the Zoning Administrator for clarification. There has been ambiguity in the BLUO and many things have had to be sent to the DRB.

6. Finalize BLUO Articles 2, 3 and 9 (New Sign Ordinance Article)

Logan Solomon provided maps for the Commission to review for potential changes to determine what the boundaries will look like (See attachments). One map viewed was of the central business district (CBD) and the neighborhood residential

districts. The red areas are the higher density walkable areas. Mr. Solomon advised when viewing Park Street and Pearl Street, they are split into two districts due to the flood hazard and river corridor areas. The walkable areas were determined by Google maps for areas within 11 minutes of the CBD. Jack Schneider stated the current BLUO has five districts and the changes proposed are to have the central business district, residential mixed-use districts, neighborhood residential districts, and rural districts. There could be a flood/hazard overlay and another potential overlay would be a historic streetscape. Mr. Solomon advised Ms. Steen provided language regarding historic and natural protection and there are boundaries that already exist with the historic district.

Natalie Steen asked about Pearl Street on the east side with not including it in the red for setback reasons, not density, since if it is in an overlay district, could it restrict that district with a flood district. It was also questioned if there would be issues with the setbacks on the south side of Park Street for somebody wanting to add on. Jeff Biasuzzi advised these are old fashioned deep lots and there has not been much in the way of development but there have been some changes to the back buildings that have occurred. The lots are narrow and the side setbacks are more of a concern. For the north side of Park Street, there are flood hazard issues. Ms. Steen asked if the south side belongs in residential mixed use. Mr. Solomon stated the feel on Park Street is different but the setback is measured from the property line and in terms of a dimensional sense, it is not too big of a difference due to the way lot sizes are calculated.

Mr. Solomon stated a walkable district to the central business district is designated for higher density and compatible uses. Right now, the minimum is ¼ acre and some closer to the CBD are smaller. Mr. Solomon stated in cases where there are nonconforming structures there is a purpose of an average. This would allow for new structures to be similar in the district. An example provided was the vacant lot on Franklin Street where one would look at the two buildings on either side of the lot to provide visual symmetry that could be a nonconforming setback. Mr. Solomon stated it needs to be determined the number of units per a specific fraction of an acre and noted there are existing single-family homes on less than .2 acres. Mr. Biasuzzi stated many lots in the village are not surveyed and there are no tax maps to work from. The second issue is that Brandon is one of few towns that measure setbacks from the outside drip edge of the eaves, as most towns use the foundation wall that is an easily determined measurable. Mr. Solomon advised that has been addressed. It was questioned if there are any houses in Town that are on sewer but not on water. Seth Hopkins confirmed there are some properties that are on sewer and not water, but there are more that are on water and not sewer. Mr. Biasuzzi stated one thing to consider is that water is more valuable and it is easier to get septic on property that has fire district water. He suggested those permits could be done on a case-by-case basis and use State wastewater rules and would be site specific. Mr. Solomon advised the State only has sewer data and the map is based on the sewer data from the Agency of Natural Resources. Mr. Biasuzzi stated most exemptions to Act 250 were conditioned on a parcel having municipal sewer and water and the legislation did not recognize fire districts as municipal water. He asked if the current legislation is being updated so that fire districts solve the water problem. Ms. Solomon advised he will be reviewing the new bill and will report back at next month's meeting.

Jack Schneider stated the Forest Dale map does not show mixed use residential. Mr. Solomon advised some could be residential mixed use. Forest Dale is in the aquifer district and there will need to be base districts outlined if the aquifer will be an overlay district. He stated the developments have been existing since the mid to late 80s and Forestbrook has water but not sewer. Neil Silins asked if the businesses have conditional use and Mr. Solomon advised commercial 1 uses are allowed, commercial 2 are prohibited. Natalie Steen asked if commercial 2 are light and heavy industry. Mr. Silins also questioned if high use is based on parking and Ms. Steen noted it is also noise and adverse impacts on the area. Ms. Steen also suggested adding aesthetics. Jeff Biasuzzi advised there are usually double the commercial 1 applications to commercial 2, with commercial 2 applications being more problematic and should maybe have stricter standards to comply with. When talking about industry, large and small, it should be well-defined. Lisa Peluso asked if noise is included in commercial 1 and 2. Mr. Solomon advised there are performance and development standards for land use permits that have to do with noise and vibration. There is also language that dictates excessive noise. Mr. Silins suggested for heavy industry and economic development, there could be designated areas for heavy industry. Ms. Steen noted there is an industrial park and suggested large businesses would not want to be placed on agriculture lands. It was noted that high impact is only in the rural district and a permit could go through the DRB for exceptions. Ms. Peluso suggested continuing the blue in the center of Forest Dale. Jack Schneider advised that town management is trying to get Forest Dale as a village center.

With regard to impervious coverage, Logan Solomon advised the first provision change is a permit that was created sometime in 2010 that took a while to roll out and is recommended language. The permit has a high standard for stormwater and would only be used for development of a certain scale and is a long process. Mr. Solomon stated on applying for a permit one would have to provide documents of acquiring the State permits. The permits apply to adding 3 or more acres of impervious surfaces for commercial. Mr. Solomon noted there is information about permeable pavement. He stated it may need to meet a 3rd party certification and he will research this item and incorporate it in the document.

Logan Solomon stated in regard to recreational areas like fitness centers or movie theaters, a fitness center would support the residents and asked if for-profit uses may be residential approved. Natalie Steen suggested schools or libraries that are owned by the public could be included but leave any kind of commercial out. Mr. Solomon agreed civic or owned by the public is good language and he will work on the language.

Logan Solomon reported for historic architecture there is a state-required density bonus. The larger picture is flexible zoning with towns having specific goals and is the big picture bonus. He advised the state requirement for affordable housing bonuses includes mixed use and any areas with public water and sewer. There is a question if fire districts are included for municipal water and sewer. This is a provision that has been brought up and is a big bonus. The specifics are in 24V.S.(c)4412 and are the required regulations by the state. Mr. Solomon suggested having this provision could satisfy having increased density. Mr. Solomon stated it could specify a certain number, as long as it meets state standards. In this narrow context fire districts are not included as municipal water. Jeff Biasuzzi asked to look at what would be a sidebar to municipal sewer and water as some rural areas might have on-site wastewater treatment. He suggested looking at private wastewater treatment centers and how they are going to treat that under the new law. Mr. Solomon will have additional information at the next meeting with regard to the new law.

Jack Schneider stated the BLUO has to be approved by the Select Board by December 31st for satisfying the grant. The new law, architectural overlay and signage may be the areas that people may have questions on. Mr. Solomon suggested the historic overlay may be a project for the future as it is not uncommon to consider items for a future update. Natalie Steen suggested there could be some standards under the actual districts in Article 3, and for the CBD there could be a standard to be compatible to existing structures. Mr. Schneider suggested the Brandon Workbook should be refreshed and the BLUO could refer people to that. Neil Silins noted concern with adding a floor to a structure without specifying a height. Natalie Steen noted there could be a maximum height. Jeff Biasuzzi suggested Brandon could also include height waivers as well as set-back waivers for the DRB. Mr. Solomon suggested there could be research done on other towns' height waivers.

For Section 303(e), Jack Schneider asked if all were in agreement with the change to 1/12 acre from the 1/4 acre. Logan Solomon advised if the change was to be 1/8 acre, it could be a single family, a duplex on 1/4 acre and 4 units on 1/2 acre. That would allow for double the density as 1/12 would be tripling the current number. It could be multiple structures or a single structure. Lisa Peluso noted concern with run off and if increasing 10% or 20% it could change the flow of water. Mr. Solomon stated the language could include 3rd party certifications and advised he will research if a certification exists for permeable paving. Jeff Biasuzzi advised permeable paving is 2 to 4 times the cost and has to be installed and maintained correctly and for an average village property, it is a budget challenge. Natalie Steen thought 1/12 is too much in the residential mixed-use district and suggested going with 1/8 and have the density bonus so if one wants to build senior or affordable housing, it can be bumped up, but limit high end, high density. She would like to keep the density lower but allow to increase for the needs. Ms. Steen suggested 1/4 is good for neighborhood residential. Mr. Solomon stated a maximum of 1 parking space per dwelling unit is to be allowed for those served by water and sewer, and those not served by municipal water and sewer it is .5 parking space. All were in consensus to the changes to 1/8 and 1/4. Ms. Steen noted in the red section there has to be water and sewer.

Mr. Biasuzzi also suggested Section 607 needs to be reviewed with regard to permeable paving. Seth Hopkins stated there are some West Seminary Street properties that have town water and private septic systems. Natalie Steen suggested it is up to the developer to determine if they can put a building on their lot as long as it satisfies the wastewater provisions. Ms. Steen stated one can't increase density unless there is water and sewer. It was suggested get rid of the water and sewer requirement and make the size be 1/4 acre. Lisa Peluso questioned accessory dwellings if they are restricted to height. It was noted that the height of the principal structure is generally higher than the new structure. Jack Schneider advised the

DRB recently approved garages that were taller than the primary. Mr. Solomon advised there are state required and zoning regulations that are suggested.

Jeff Biasuzzi noted the last adoption process was the town plan and advised if the Zoning Administrator is to do the adoption process, it takes a lot of time. He stated sometimes the regional Planning Commission will do the process.

7. BLUO Timeline to End of Year

Logan Solomon had provided a timeline that includes the Planning Commission holding a public hearing, followed by submitting the draft BLUO to the Select Board. The Select Board will also hold a hearing about the proposed changes. The public meeting notice will include the draft BLUO and a report on the purpose of the amendments. Mr. Solomon will provide the public hearing notice. The proposed document will also be available for viewing at the town office. Mr. Solomon will email the Planning Commission members regarding what to prepare for the meeting. Mr. Solomon will update the draft with the proposed changes from this meeting. Jack Schneider stated Articles 2 and 3, and signage will need further work. With regard to subdivisions, Mr. Solomon will review it again. It was suggested to send any additional comments to Mr. Solomon.

8. BLUO Public Outreach Discussion (Residents/Businesses)

Jack Schneider stated feedback from retail businesses will be needed regarding the changes in the signage section.

9. Other Business

No other business was discussed.

10. Date of Next Meeting

Tuesday, August 27, 2024 - 6:00PM – Brandon Town Hall.

12. Adjournment

A motion was made by Neil Silins and seconded by Sara Stevens to adjourn the meeting at 8:15PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary