

**Brandon Planning Commission Special Meeting - Draft
October 21, 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 6:00PM by Jack Schneider - Chair.

2. Agenda Approval

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

3. Approve Meeting Minutes

. Brandon Planning Commission Meeting – October 7, 2024

A motion was made by Natalie Steen and seconded by Sara Stevens to approve the October 7, 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 provided a report of the recent permit activity. There were several permits that were fairly minor. There is one permit that is waiting for a septic variance from the State as it is a large parcel with a proposed subdivision to be less than an acre with part of the subdivision across the road and there is already a septic on the property. Neil Silins asked if they could put a residence on the other side of the road. Mr. Stevens stated it could possibly go before the DRB for review as it would be a nonconforming lot but he did not know if there would be enough land to accommodate a structure the size of a house. The house is on the west side of North Street and there is only .4 acre on that side of the street but the original owner owned 40 acres that has been split up amongst the family. This is a house with an existing system and there needs to be room for another septic system if the current one fails. The other permits had nothing major and there is one application that has been received but is waiting for a sewer allocation for another apartment building in the K building of the old Brandon Training School. Jack Schneider asked what business was requesting a permit for the business signs. Mr. Stevens was not sure what the business was going to be. Mr. Schneider advised it is difficult to read the document that is in the window of the town office and Mr. Stevens will look into it. Mr. Schneider also noted that any changes to signs is subject to the current BLUO until the update is completed.

6. Continue Progress on BLUO Update

Jack Schneider thanked Logan Solomon for the summary of changes. Mr. Schneider asked if Act 250 is referenced in the document as the Town has changed from a 1-acre to a 10-acre town. Logan Solomon stated the last section in Article 1 indicates that all permits have to comply to Act 250 and also in Section 1109, under the powers of the DRB there is a section that speaks to Act 250 review. Mr. Schneider suggested including a statement about Brandon being a 10-acre Town for Act 250. Mr. Solomon noted there is a clarifier that talks about the Act 250 exemptions in accordance with 1V.S.A.151. If a parcel has been under Act 250, it is a permanent status. Sara Stevens suggested placing Act 250 in the definitions that says Brandon is a 10-acre town for local review and all were in agreement.

Section 305(b) – Rural District – Regarding the aquifer district, Jack Schneider asked if that is the right place for it as it is talked about in Section 307. Natalie Steen stated that the aquifer protection overlay can be in the rural district. Mr. Schneider stated the aquifer district is also in the residential district and it should be noted there. Logan Solomon advised this serves as a clarifier and it should be in both.

Section 314 – It was noted there was a prior discussion about solar as to whether it could be regulated where the solar can be placed. Logan Solomon reported he talked to Jeremy Gildrien who advised anything that is connected to the grid is outside of zoning. Off-grid solar or renewable energy can be regulated. Any energy generation or storage is under Section 248 and a small solar project is an application rather than a formal extensive process of obtaining a permit. Screening can be required but it is unclear regarding setbacks as that is considered in the realm of zoning. Lisa Peluso stated people should be encouraged and not discouraged from solar installations. Natalie Steen stated it cannot be regulated whether someone can have a project but the BLUO should be able to indicate where it is within the setbacks. Mr. Solomon stated there is statutory criteria but it is possible to have municipal screening requirements. It was noted that solar is reviewed by the Planning Commission and Select Board for commercial projects and if it is not liked where it is sited, the PUC can still approve it. Jack Schneider asked if the Town would want to encourage people to screen their solar as the Planning Commission has the authority to encourage things that they may not have the authority to prohibit. Larry Stevens stated people may have small lots and if they can't meet the setbacks the Town cannot prohibit them. Mr. Solomon noted the State guidance is very clear about this and there was an amendment that prohibits municipal regulations regarding energy generation. Mr. Schneider advised the Historic Preservation Committee will be doing a revision of the Brandon Workbook and perhaps solar recommendations could be included in that document. Neil Silins asked about the roof mounted solar panels, as there was a question of height. Mr. Schneider stated it would limit extending beyond 10 feet above the roof line.

Home Family Childcare – Logan Solomon stated the verbiage was in the Article 2 use categories. All the verbiage is related to State requirements that are allowed in all districts and it was decided to move it to the accessory usage section. Having childcare in the home is an accessory use.

Section 405(b5) – Jack Schneider asked if a use must be conducted by the resident of the dwelling if one has a home that has a rental unit and a home occupation in it. Logan Solomon advised one must reside in the dwelling as a requirement of a home occupation. If there is a business and a rental unit in a home, it would be considered Commercial 1 and not a home occupation.

With regard to subdivisions, Logan Solomon made a change to allow a preliminary plan to be more detailed. The current subdivision process has a preliminary plan process that can only use paper and if the applicant wants, they could use mylar in the new version. This allows the property to be surveyed and provides the applicant with more options if they want but is not mandated until the final plan. The preliminary plan can be as detailed as the final plan if the applicant chooses.

Jack Schneider reported the Chamber sent the Sign section to businesses in Brandon and feedback that was received was added by Mr. Solomon. Logan Solomon stated there was clarification for temporary signs. It provides some common examples of temporary signs and the definition of a temporary sign captures more details. It is more of a clarifier of what a temporary sign is. Natalie Steen asked about regulations for candidate signs. A real estate sign could remain for several months until a sale, but portable election signs should not be left for a long period of time. All were in agreement with the sign definition.

With regard to Section 905(k), Jack Schneider stated there was discussion about a business allowed 4 signs but it does not specify what they are to be. Sara Stevens stated there are currently 5 signs allowed. Logan Solomon advised that one sign is exempt, plus 4 additional signs are allowed so there are still 5 signs. A window sign is one of the 5 signs and previously the window sign required a permit but it is now exempt. Mr. Schneider asked if one could have 4 wall-mounted signs and suggested each type should be referenced. Natalie Steen noted only one wall-mounted sign is allowed. Mr. Solomon stated it should indicate as outlined in Section 905 as a clarifier.

Section 907(d) – Jack Schneider questioned if a sign is altered and it has been a non-conforming sign, can it be reestablished. Natalie Steen suggested indicating a nonconforming sign may not be reestablished. It was asked if a business has a non-conforming sign and wants to repaint it, can they paint it or have it made of a different material? Ms. Steen stated if a sign is rotted or damaged, one would need to conform with a replacement. If someone purchases a business and the sign has not changed, the nonconforming sign may remain.

Section 908(b) – It was questioned how one applies for a sign permit. Larry Stevens advised one would apply online through the Town’s website the same as other permits. Jack Schneider asked if the Zoning Administrator grants a permit, do adjoining landowners have a right to appeal and if so, how would they do that. Logan Solomon stated the appeal process is if a permit is denied, the request can be appealed to the DRB. Neil Silins asked if a neighbor objects to a sign whether they can submit an appeal. Larry Stevens stated he sends out notices regarding sign permits to abutting landowners. Natalie Steen noted there would have to be specific design standards for appeals to happen. Mr. Solomon stated one could only appeal a permit approval if there were specific issues with the standards.

7. Discussion of BLUO Outreach to Various Constituents

Jack Schneider will meet with the DRB on Section II and requested Mr. Solomon provide any sections that pertain to the DRB to speak to them about. Logan Solomon stated there is a statement that says the DRB can hear any matters related to the by-laws that is broad encompassing. The DRB can provide an exemption when compared to projects that have a similar minor impact. There is also a statement that the DRB has authority over subdivision applications. Mr. Schneider suggested the DRB could provide input on what they think their rules and responsibilities are.

Jack Schneider suggested the public hearing be held during Planning Commission’s December regular meeting. It was recommended to approve the final draft at the November 4th meeting with a public hearing to be scheduled at least 15 days following the approval. Logan Solomon stated there has to be a report and a brief summary of changes that outlines the changes in each article and also the State requirements. Following the hearing, the Planning Commission has to approve the final draft prior to submitting it to the Select Board. The Select Board will then schedule a public hearing and if there are significant changes to be made from the first hearing, another public hearing must be warned. If there are no substantial changes, the Select Board will approve the BLUO. The final draft must be approved prior to December 31st to receive the grant.

8. Other Business

There was no other business discussed.

9. Date of Next Meeting

Monday, November 4, 2024 - 6:00PM – Brandon Town Hall

10. Adjournment

A motion was made by Natalie Steen and seconded by Lisa Peluso to adjourn the meeting at 7:11PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary