

**Brandon Planning Commission Hearing – Brandon Land Use Ordinance Update - Draft
November 20, 2024**

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

Other Present: Vicki Disorda, Janie Chester Young, Steven Jupiter, Michael Peluso, Faith Daya

Others Present via Zoom: Steve Beck

1. Open Hearing

Jack Schneider, Board Chair, opened the public hearing at 7:00PM.

Mr. Schneider stated the sole reason for the hearing was to receive public comments on the revisions to the Brandon Land Use Ordinance (BLUO). At the end of the public hearing, the Planning Commission will vote whether the draft is to move on to the Select Board where they will review the document and hold a public hearing. The goal is to complete the revision by the end of the calendar year. The purpose of amending the BLUO is to ensure that it is consistent with the Town Plan. The Town Plan was updated at the beginning of the year and the Select Board signed off on the Plan in February. The goal of the revisions to the BLUO are to increase housing opportunities, reduce nonconformities, align bylaws with changes in State law, and minimize impacts to local resources consistent with the Town Plan. The Town Plan that was approved is the basis for the zoning bylaws. The Town is also required to update the zoning bylaws due to recently enacted State legislation – the Home Act and Act 181. The process after the Town Plan approval was for the Planning Commission to ensure the bylaws aligned with other parts of the county and the state laws, with the assistance of the RRPC through a State Modernization grant. The document is available in the town office and a digital copy is available on the Town’s website. The Planning Commission members who worked on the document are Natalie Steen-Vice-Chair, Jack Schneider– Chair, Neil Silins, Sara Stevens, and Lisa Peluso. There is an alternate position open on the Planning Commission and anyone interested in the appointment can contact the Town Manager. Logan Solomon, a Planner for the RRPC, Jeff Biasuzzi- previous Zoning Administrator and Larry Stevens-current Zoning Administrator assisted in the revision. There were 11 working sessions open to the public and a walking tour of the downtown was done where the group viewed some of the non-conforming signs and other items of interest to update. Mr. Schneider had a discussion with the Brandon Chamber regarding signage and also received feedback from the DRB. It was noted the DRB can make decisions outside of the Zoning Administrator’s realm. Any existing structures, lots, permanent signs are all grandfathered in and the changes are with new construction that a permit is required and existing non-conforming permanent signs. There are several temporary signs that are not exempt and the Zoning Administrator has been following up on those for conformance. The River Corridor and Flood Hazard sections are provided by the State and was updated recently. The uses, districts and signage had the most changes and all maps are on the Town’s website. The Central Business District boundary goes to where the old high school was, the Brandon Library, the Steven Douglas House and Hannafords. There are not a lot of spaces for new development in this district. There is now a 20-foot setback from the sidewalk for the purpose of not having a jagged line up of stores and creating a walkable, comfortable, pedestrian-friendly central business district. Parking and common spaces are encouraged to be in the back. Residential units are permitted in the Central Business District with the storefronts facing the street and residents in the back or upstairs. The High-Density district was renamed Mixed Use and allows 5 dwelling units per acre if the town sewer and water exists, otherwise it is 2 acres. There previously was an Aquifer district that is now an overlay for that district, with the goal of protecting the Town’s water sources. The older pre-zoning part of the Town going up Seminary Street and Conant Street were built 150 years ago and the Planning Commission wanted to allow for infill with a denser concentration of housing. Commercial uses and home businesses are permitted up to 15,000 square feet. Permanently parked mobile homes are not permitted. The Neighborhood district is what was the entire Residential district and a Village district was carved out. This is an area where natural resource extraction would not be allowed but a number of dwelling units per acre would be allowed if there was town sewer and water. The last district is the Rural district and there have been no changes in that area. If there is town water and sewer there would be a ½ acre requirement, otherwise it is 2 acres. A lot of time was spent on signage and received a lot of input. This is for any applications for new signs with current signs being grandfathered. When the BLUO is approved by the Select Board, these regulations will go into effect. The existing BLUO continues until the draft is

approved. Businesses can have a mix of 4 signs and exemptions include non-commercial flags, like a business open flag. One can have a feather banner that has to come in at the close of business. Multiple feather banners are not permitted. On premise directional and informational signs are permitted and exempt and do not need a permit and can have branding on them. The Planning Commission was looking for feedback during the public hearing and once the final draft is determined, it will be forwarded to the Select Board. The Select Board will review and hold its own public hearing and once the final draft is approved by the Select Board it will be forwarded to the State and registered with the Vermont Department of Housing.

Steven Jupiter asked for an example of a nonconforming sign that will be grandfathered in. Jack Schneider stated a non-conforming temporary sign would be where the Aubuchon sign used to be and there are many feather flags around Town. Mr. Jupiter asked if a vinyl banner could remain. It was noted they were approved by the Select Board during Segment 6 and they were found out of conformance prior to the adoption of this revision. Vicki Disorda asked what the number of units that can be on a lot in the Neighborhood district. Mr. Schneider stated one could have five units on an acre lot. It was questioned if putting five units on an acre lot if the acreage could be subdivided into five separate lots if there is water and sewer. Natalie Steen stated it would depend on the frontage, but the lot size would not be a requirement. Mr. Schneider stated .2 of an acre is buildable with water and sewer but there are subdivision regulations. Ms. Disorda asked what the maximum density would be and would the Town be able to withstand growth particularly with the parking issues. Mr. Schneider stated in the Central Business District there could be an accessory dwelling unit, like a garage that could be converted. The Central Business District is already very densely built up. Ms. Disorda stated if the population increases, it will impact the Central Business District. Mr. Schneider advised the goal is to increase affordable housing and Rutland County has some of the oldest housing stock in the country and very few housing developments are being built. He cannot imagine potential development would put a strain on any of the town's services.

Faith Daya, a resident near the old high school stated it is going to potentially be considered Commercial, as well as Residential use and asked if parking is a consideration as it appears this building is grandfathered in. Jack Schneider stated the owner pulled the application and the DRB did not act on the proposed use. There is a requirement that residential parking in the Central Business District that includes the old high school has to be available within ¼ mile not on the property itself. The potential for a large number of cars would be for an event. Ms. Daya asked if parking is considered when a building is going to be developed. Natalie Steen stated parking is always a consideration and will need to show in the application where people will park. Janie Chester Young, also a resident of West Seminary Street, is in the Village district and was unsure of what is included for Commercial 1 uses in the Village. The new potential for the amendments if adopted make the requirements of parking available within ¼ mile but the issue is that the purpose is to create more affordable housing in the Town and these amendments are allowing that to happen. Everyone is pointing to the same parking spaces and the old high school could allow 8 cars. Legally there is only parking on one side of West Seminary Street but there are now cars parked on both sides. This street fuels three streets coming to Town and families and people with wheelchairs are using the street. There is already an issue with parking and Ms. Young's concern is as a homeowner on the north side of the street, what potential the residents have when one side is the Central Business District and the other side is the Village district, which one will get the priority. Will there be safe parking or the expansion of potential use. Jack Schneider stated the current BLUO indicates resident parking in the Central Business District has to be offered within ¼ mile. There is an issue with parking and the Select Board has appointed a group to look into options for improving this situation and are focusing on the downtown area. The handicap people traveling down Seminary Street would not be something covered in the zoning ordinances and the sidewalks will be a project of the Town's. Ms. Young stated there is a visibility issue of pedestrian traffic when cars are parked on both sides of the street and she is concerned about Commercial 1 use without review. Natalie Steen stated there are two different issues. The configuration of the road is something that zoning does not fix. When going through a permit review, the performance standards have been improved to assure that it fits with the neighborhood like traffic impact and noise to ensure there was not an adverse impact on the area. She stated the DRB should consider the impact on the area and not just dimensional requirements. Jack Schneider stated parking in areas that are not allowed is a Brandon Police Department issue.

Janie Chester Young asked what the Mixed-Use district is with five dwelling uses per acre. Natalie Steen advised this was a requirement of the State and Mixed Use can be Commercial/Residential. Mr. Schneider stated that anything that was built prior to the revision is grandfathered. Ms. Young stated the regulations have different criteria for the Central Business District, Mixed Use and the Village districts and she wanted to clarify where the 5 dwelling units per acre is

allowed. It was noted that in the Village it can be 8 units, in Residential it can be 5 units as long as there is town water and sewer, and Mixed Use and Rural are a minimum of 2 acres when there is no water and sewer. Jack Schneider advised the individual districts can be viewed on the maps. Mr. Jupiter asked for clarification when the minimum building size is 2 acres or 1 acre, does one dwelling have to have 1 or 2 acres. Mr. Schneider stated if a lot is not a full acre it is fine to build. Mr. Jupiter asked if the Mixed-Use district that has town water and sewer can place a house on a ½ acre. Natalie Steen stated the minimum is 1/5 acre per unit in Mixed Use with town water and sewer for 1 acre and without town water and sewer it would be 2 acres. It was noted that Neighborhood Residential has been split between Village and Residential. Natalie Steen advised there was a huge Neighborhood district and they wanted to correct boundaries around similar types of development and updated the lot sizes to match what is already there. Jack Schneider stated the State regulations are now indicating that five units are allowed with town water and sewer, whereas the current zoning ordinance has been four. These are not huge changes that are being made but the Town wants to encourage in-fill and have more affordable housing.

Vicki Disorda stated the Planning Commission was changing some of the wording about home daycare. Natalie Steen stated the wording was updated to assure that it conformed with the State regulations. Janie Chester Young asked if daycare facilities are in Commercial 1. Ms. Steen stated that there would be a larger facility and would require a permit; home daycares are up to 10 children. Ms. Young asked what types of businesses are included. Jack Schneider stated a home business would be a Commercial 1. Commercial 1 will not have more than 15000 square feet and these uses do not include industrial or manufacturing. Ms. Steen noted a business would require review by a zoning administrator. If it is a conditional use it would go to the DRB for extra review. Ms. Young asked if duplexes will be allowed where family homes are allowed in areas served by water and sewer. Ms. Steen advised this was a State requirement. Neil Silins stated there are other considerations from the State that involves looking at a lot of different things to put less burden on the infrastructure.

Vicki Disorda stated in the agriculture zone, the wording changed from acceptable to required practices. Natalie Steen advised that is State language for accepted agricultural practices and is not anything the Planning Commission has control over. Ms. Disorda's concern is the solar arrays that are being put up in Vermont are on agricultural lands. Jack Schneider stated any energy generation is regulated by the State and not the towns. If a solar developer proposes a project, there is a questionnaire that they complete and the Brandon Energy Committee reviews it and if it is an acceptable site, they forward it to the Planning Commission to review and it is ultimately forwarded to the Select Board for a letter of recommendation if acceptable. Ms. Steen stated each town has to map preferred sites and remove areas of prime agriculture. If a solar project is proposed in a non-preferred area, it is likely not going to happen. The PUC does not consult the BLUO but does review town plans. The PUC will take into consideration the recommendation from the town, but they have the ultimate decision. If it is a prime agricultural location, it will not likely get approved, as well as scenic areas. The State encourages development in abandoned quarries and brown fields that have no use. Residential solar projects have to apply through the State and have to abide by setbacks, but do not require a permit from the town.

A motion was made by Natalie Steen and seconded by Lisa Peluso to move the draft BLUO to the Select Board. **The motion passed unanimously.**

3. Close Hearing

A motion was made by Natalie Steen and seconded by Sara Stevens to close the hearing at 8:12PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary