

Town of Bristol
DEVELOPMENT REVIEW BOARD MEETING
REMOTE Public Meeting
Tuesday, April 13, 2021
Meeting Minutes
DRAFT

DRB Members Present: Kevin Brown (Chair), Brenda Tillberg, Carol Clauss, John Moyers, Ted Desmond, Thomas Wells, Robert Rooker (Alternate), Josh Crandall (Alternate). **Absent:** Paul Jackman.

Others Present: Kris Perlee (Zoning Administrator), Valerie Capels (Town Administrator), Peggy Connor (Recording Secretary), Peggy Spaulding, Kevin Brennan, Alison Parker, Jamie Simpson, Emily Spaulding, Peter Frelik, Milford Cushman (Cushman Design), Ian Albinson, Josh Gale, Jill Fraga, Ryan Nick (Davis Realty), Jason Brownhardt.

1) Call To Order: 7:06 p.m.

2) Review agenda for additions, removal, or adjustments of any items per 1 V.S.A. §312(d)(3)(A)

None.

a) Approval of DRB meeting minutes, March 9, 2021

John Moyers moved to adopt DRB meeting minutes for March 9, 2021 as written; Ted Desmond seconded. **So voted 8-0.**

3) New Business:

a) Sketch Plan Review - Permit #21-400: Emily Spaulding & Peter Frelik requesting a 2-lot subdivision at 49 Bristol Cliffs Drive

K. Perlee noted that the sketch plan review is not a formal hearing; the principle focus is to determine whether the application is for a minor or major subdivision and if any further review is needed.

Speaking on behalf of Emily Spaulding and Peter Frelik, Jason Barnard reviewed the site plan and application to subdivide a 6.32+/- acre parcel property owned by Margaret Spaulding located at 49 Bristol Cliffs Drive to create a new 1.61 +/- acre parcel of land (Lot 2). Lot 2 will be conveyed to her daughter and son-in-law, Emily Spaulding and Peter Frelik, who plan to build a single-family residence on Lot 2 to be served by an individual on-site in-ground wastewater disposal system and provided water by the existing on-site drilled well to be shared with Lot 1. A 35' right of way (ROW) will allow for a shared driveway. Because the proposed subdivision does not meet RA-2 zoning standards, the applicant requests waivers related to zoning setbacks as provided in the Planned Unit Development (PUD) provisions.

B. Tillberg noted that the application appears to be for a simple subdivision, using PUD regulations. J. Crandall asked for clarification regarding the difference between a PUD and a non-conforming site. K. Brown explained that a PUD, encouraged by the Town's regulations, is meant to be a flexible tool in promoting the most appropriate use of land. T. Wells added that a combination of multiple lots can create conforming lots, and that the sketch plan is within the spirit of a PUD. K. Brown cited Section 609 4(d) of the Town's Unified Development Regulations: "The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provisions to cluster development and to preserve open space, streams, stream banks, steep slopes, wet areas, and unique

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natural or man-made features.” J. Moyers echoed B. Tillberg’s comment that adding one house does not equate to a PUD, and expressed concern over setting precedent. K. Perlee pointed out that a PUD is designed not to exceed density, and although the applicant could have applied for a 2-lot subdivision and a waiver, the PUD combines both. Regarding precedent, K. Brown noted the DRB is not bound legally or morally since each application is unique and considered on its own individual merit. J. Barnard indicated that the applicants could have applied for a standard subdivision; however, PUD provisions allow for a more tasteful way to preserve the character of the area. T. Wells agreed that the application as presented was a good use of the ordinance. K. Brown concurred, adding that the primary function of PUD is to preserve open space, and this proposal does that. K. Brown read the definition of a minor subdivision, per the regulations: “Any residential subdivision containing three (3) or less lots (two new lots), and otherwise not qualifying as a major subdivision.” T. Desmond moved to designate the Spaulding application as a minor subdivision; J. Crandall seconded. **So voted 8-0.**

b) Sketch Plan Review - Permit 21-401: Stoney Hill Properties requesting a 4-lot subdivision at Fire House Drive

On behalf of applicant, Stoney Hill Properties, Jamie Simpson provided an overview of the sketch plan to construct a business park located at Firehouse Drive with three (3) new buildings of various size ranging from 21,000 to 26,000 square feet on an 8.61 +/- acre lot and 1.06-acre lot to include a new water main extension, wastewater collection and disposal system, stormwater treatment system, underground electric and communications, extension of Firehouse Drive, new lighting and paved parking areas and sidewalks. The proposed subdivision is for a total of four (4) lots: Lot A (2.42 acres) planned for perspective tenants or buyer; Lot B (1.95 acres) and Lot C (1.89 acres) both yet to be designed; and Lot D (3.41 acres), an archeologically sensitive area to remain undisturbed. Firehouse Drive will be extended, and a 100’ wide ROW will allow Town access and maintenance rights. A total of 152 employee parking spaces are proposed to include 57 future parking spaces to be developed as businesses expand, as well as 5-foot wide concrete sidewalks along Firehouse Drive, within the 50-foot right of way. All permits for stormwater, wastewater and Act 250 have been submitted at this time. Following construction, all impacted areas will be landscaped and re-vegetated with new shade trees in the road’s green strip and some screening of the proposed outdoor storage areas.

J. Crandall asked if parking spaces are planned for Lot D, described as “archeologically sensitive.” J. Simpson indicated that because of the lot’s designation, permission from the Vermont Department of Historic Preservation (VDHP) is required. K. Brown asked if the buildings are at the same elevation as the fire station. Jamie confirmed the buildings do share the same elevation as the fire station: Building A at 568 Finished Floor Elevation (FFE); Building B at 567.50 FFE; and Building C at 570 FFE. He added that although Lot A is slightly elevated, the plan is to align Lot A with Lots B and C.

T. Wells noted that the project, clearly a major subdivision, has been well planned. K. Perlee advised that the conditional use review for Buildings A, B and C is scheduled before the DRB in two weeks. K. Brown moved to designate the project as a major subdivision; Ted Desmond seconded. **So voted 8-0.**

4) Old Business

- a) Permit #16-01PRD-AMEND: Robert Fuller at 93 North Street (Parcel #20-51-12.1) is requesting a site plan and PRD amendment to add 6 garages per Bristol Unified Development Regulations Article III, Sec. 391 (CONTINUED)**

FROM MARCH 9, 2021 HEARING)

K. Brown explained that at the DRB's last meeting on March 9th, parameters of the existing plan were unclear, as well as how the proposed changes impacted the permit itself. B. Tillberg added that members also did not have access to the Declaration. Since then, the Declaration and Bylaws had been forwarded to the DRB. R. Fuller explained that six (6) 2-bedroom homes have been approved, and the updated site plan shows the proposed six (6) garages. K. Brennan noted that Article 13 of the amendment to the Declaration and Bylaws of the Bristol Cottage Community sets out the standards: "May, subject to Steering Committee approval, construct improvements on the Owner's Cottage, or construct a garage not to exceed 24 x 24' in size, within the Limited Common Elements designated as a parking space allotted to the owner's cottage, or make any improvements or alterations to the owner's cottage subject to the terms and conditions of this Integrated Declaration and Bylaws, and any and all applicable laws, regulations, or permits..."

K. Brown cited Section 394 of the Town's regulations: "The Development Review Board may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking for vehicles and pedestrians, landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the exterior of the building proposed and protecting the utilization of renewable energy resources as specified in the criteria contained in Section 356 of these regulations."

T. Wells asked if the garages would all look the same. R. Fuller indicated that the owners would determine the design with oversight from the Steering Committee; however, his preference would be a variation, consistent with the vernacular of the Village of Bristol. K. Brown noted that the majority of buildings lie in the High Density Residential (HDR) District, citing objectives and guidelines on page 22 of the regulations: "It is the purpose of this district to allow for continued, high-density residential and compatible small business uses within the neighborhoods extending north and east from downtown Bristol. This district is largely developed with single-family homes and it is the intent of these Regulations to protect the existing character and maintain the district's traditional settlement patterns and residents' quality of life." K. Brown noted the concerns expressed at the DRB's previous meeting related to the potential impact of the proposed buildings on common land as well as the increase from 6 to 12 buildings for a more intensive use, and pointed out that the DRB has authority to impose conditions at this time.

T. Wells noted that the six 24' x 24' garages situated only yards in front of the cottages is not in character with the general area. K. Perlee suggested a compromise of incorporating garages into the existing buildings versus stand-alone structures. Those opting for stand-alone garages would then apply individually to the DRB. R. Fuller explained that two (2) of the garages are proposed on the north boundary, two (2) on the south, and two (2) facing North Street. He added that a 24' x 24' barn at Livingston's Farm is similar to what is being proposed. B. Tillberg pointed out that the development is essentially located in a gully, virtually unseen from North Street. K. Brown noted that the DRB is dealing with the legacy of a prior decision to divide building envelopes with the rest designated as common land; however, that is not to say revisions cannot be made. J. Moyers asked if other options had been considered such as one-car garages. R. Fuller explained that the original plan did not include garages since it was not anticipated they would be necessary. He added that parking spaces have been approved but unfortunately, due to the area's topography, it is not possible to locate the garages in the back.

Other concerns raised included: the growing scope of the project, lack of compliance with Section 609 of the regulations regarding PUD's, and light fixtures that fail to promote dark sky. R. Fuller noted that solar options may be considered for lighting. As a site plan amendment, K.

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Brown pointed out that the DRB may consider the implications the proposed garages may have on variables such as lighting. He suggested that the DRB has three options: 1) approve the site plan and PRD amendment as is; 2) deny; or 3) grant conditional approval. Should the application be denied, the applicant may resubmit an application that addresses concerns raised. Noting the PRD revised by the Declaration and Bylaws, and that the site plan affects a revision of the existing permit, K. Brown suggested looking at the site plan as a package. J. Moyers pointed out that not only are the additional garages a change from the original plan, but the number of parking spaces has increased from two (2) to three (3). R. Fuller explained that the original plan called for two (2) parking spaces per house, but a request was made from owners for an additional space for visitors. In terms of appearance, R. Fuller compared the Bristol Cottage Community to South Village Apartments in Middlebury, when first constructed were considered by many not in keeping with the town's character. He contended that once landscaping and re-vegetation is complete, Bristol Cottages will be a valuable asset to the Town in growing the tax base.

R. Fuller asked if approval is required if the garage fits in the building envelope. K. Brown confirmed that if the building is within the footprint and part of the house structure, approval is not needed.

J. Crandall moved to deny the application as presented; J. Moyers seconded.

T. Wells noted he would be amenable to a halfway solution, but will vote to deny the application as presented. K. Brown encouraged Mr. Fuller to consider revisions that address the Board's concerns and re-apply to the DRB.

So voted 8-1 [B. Tiller] Application DENIED.

OTHER BUSINESS:

J. Moyers inquired about the status of the solar project proposed for the property on Caine Hill Road, and the role DRB will play for the two projects consisting of 1) racks holding panels; and 2) battery storage facility. K. Brown indicated that solar projects fall under the jurisdiction of the Vermont Public Utility Commission (VPUC); however, adjoining or other interested parties may petition to participate, and a Section 248 proceeding allows for a public hearing. The DRB has no active role, but the Town may engage through the Selectboard.

C. Clauss asked about the camp built in the flood plain of the New Haven River. K. Perlee advised that he plans to make a site visit in the coming weeks.

Adjournment

Meeting adjourned at 10:00 p.m.

Respectfully submitted,
Peggy Connor