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Town of Bristol
DEVELOPMENT REVIEW BOARD MEETING
Remote Public Meeting
Tuesday, July 27, 2021
Meeting Minutes

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

Others Present: Kris Perlee (Zoning Administrator), Peggy Connor (Recording Secretary), Jim Quaglino, Donovan Ward, Kevin LaRose, Jason Barnard, Steve Alario, Shawn Kimball, Robin D'Avignon, Bridget Nardiello, Chris Acker, Wade Acker, Peggy Spaulding, Emily Spaulding, Jill Mackler.

1) **Call to Order:** Chair K. Brown called the meeting to order at 7:08 p.m.

2) **Review agenda for additions, removal, or adjustments of any items per 1 V.S.A. §312(d)(3)(A)**
None.

3) **New Business:**

a) **Permit #21-402: Clark Investment Properties located at Liberty Street (Parcel #22.50.13) is requesting Final Approval for a 4-lot subdivision**

On behalf of the applicants, surveyor Kevin LaRose addressed landscaping concerns raised at the first hearing on June 22nd; specifically, adding a minimum of 16 trees and 24 shrubs to meet the requirements in the current regulations. In addition to the four existing red maples, 13 will be added along with 25 arborvitae in the 25-foot buffer. The updated survey also shows an adjustment for property boundaries; north and south lines of Lot 2 have been shifted north 10 feet. The zoning district line has been added to the map, and the sign will be located about 50 feet south of the existing sidewalk on Lot 2.

K. Brown moved to approve the 4-lot with provisions on the survey map as presented by Kevin LaRose; T. Wells seconded. **MOTION PASSED UNANIMOUSLY (6-0). [B. Tillberg recused; Alternate R. Rooker abstained]**

b) **Permit #21-404: Chris Acker located at Hewitt Road (Parcel #06.02.01) is requesting Final approval for a 3-lot subdivision**

C. Acker advised there were no updates to the documents presented at the preliminary hearing on May 25th. Abutter Steve Alario reiterated his concerns raised at the sketch review hearing regarding future plans for Lots 2 and 3. Although K. Brown indicated that it is not required that it be determined at this time, C. Acker advised there are no plans for Lots 2 and 3. S. Alario noted that it was his understanding Act 250 protects neighborhoods from radical changes as it relates to businesses, and asked if the property could be subdivided in accordance with Act 250. K. Brown explained that Act 250 has no jurisdiction over commercial development in 10-acre lots.

K. Brown moved to approve the property subdivision subject to the condition that the survey plat be submitted in strict accordance with the June 21, 2021 drawing by Steve Revell; Ted Desmond seconded. **MOTION PASSED UNANIMOUSLY (7-0; Alternate R. Rooker abstained)**

c) **Permit #21-302: Chris Acker located at Hewitt Road (Parcel #06.02.45.01) is requesting Conditional Use approval for a Business Yard per Bristol Unified Development Regulations Article III, Section 350**

K. Brown advised that a Business Yard is a listed conditional use in the Village Mixed District

57 and defined as “A site used primarily to store and maintain construction, landscaping or similar
58 heavy equipment and other materials and facilities customarily required by a contractor in the
59 building, landscaping, or construction-related trades or similar businesses, and where most of
60 the business activity takes place off-site. May include associated office space and/or enclosed
61 areas for vehicle or equipment repair or maintenance. Does not include regular or ongoing sale
62 of equipment.”

63
64 C. Acker explained that the 35-foot-high steel-framed building constructed on a concrete pad
65 will be used for storing and repairing equipment, with a small office space. Two of the three
66 overhead doors are located on the east side and one on the west. The building footprint is
67 approximately 11,645 square feet. There is on-site septic, and two accesses to the road.

68
69 J. Moyers suggested that the overhead doors be oriented away from the closest residents to
70 minimize noise when equipment repairs are being done inside the building. C. Acker agreed to
71 switch the design so that all overhead doors face west. J. Moyers pointed out that the proposed
72 building located east of Route 116 pushes commercial architecture east and questioned how it
73 fits into the character of the neighborhood. Citing the general criteria in Section 355 of the
74 zoning regulations, K. Brown noted that “the conditional use shall meet the dimensional setback
75 requirements for the district, the sign standard...and any other performance standards specified
76 in these regulations.” C. Acker advised that the majority of the 30-50 pieces of heavy equipment
77 used for excavating, hauling wood chips, etc. are on job sites; therefore, he anticipates fewer
78 than 10 (pickups, dump trucks, etc.) on the property at one time. In terms of idling during winter
79 months, he noted that warming the trucks may take up to a half hour in very cold weather.

80 Lighting: Light to the entrance will be pointed down as required by the regulations; sign lighting;
81 and no lighting in the parking lot.

82 Fencing: None is proposed at this time.

83 Hours of Operation: 6:00 a.m. to 7:00 p.m. 7 days/week plus any emergency work

84 Parking area: gravel

85 Landscaping: Will utilize existing trees, shrubs, and maples

86 Dumpster: To be in the back, independent of the building

87 Stockpiling of materials: None.

88 Number of vehicle trips per day: Approximately 5-6 trucks arriving and leaving the property

89 Pedestrian Facilities: Not a business open to the public

90 Conservation measures: insulated building with energy-efficient lights

91
92 T. Wells noted that the following should be included on the site plan: 1) dumpster enclosure; 2)
93 fuel supply; and 3) any separate parking spaces. K. Brown added that in preparation of the site
94 plan discussion, the DRB “may impose appropriate conditions and safeguards only with respect
95 to the adequacy of traffic access, circulation and parking for vehicles and pedestrians,
96 landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the
97 exterior of the building proposed and protecting the utilization of renewable energy resources as
98 specified in the criteria contained in Section 356 of the regulations.”

99
100 Interested parties, J. Mackler and Bridget Nardiello expressed concern with noise generated
101 from the business, the impact on the existing character of the neighborhood, and safety in terms
102 of traffic impact. S. Alario added that at this week’s Selectboard meeting, there had been
103 mention of sharing the business with Wade Acker. T. Wells indicated that so long as the
104 property remains a contractor/business yard, it is not required that it be exclusively Chris
105 Acker’s business; however, K. Brown noted that the DRB should be made aware if something
106 other than the proposed excavating business is being considered. Noting that the lot is deep, S.
107 Alario suggested that a simple solution to mitigate noise could be to set the building farther
108 back. C. Acker agreed to bring the suggestion to the building designer.

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J. Crandall moved to approve the applicant’s submission as proposed with documents provided and discussed; T. Wells seconded. K. Brown offered an amendment to the motion to include the following conditions: 1) hours of operation; 2) use restricted to a contractor/business yard; and 3) dumpster to be screened. J. Crandall accepted the amendment; T. Wells seconded. **MOTION PASSED (6-1; J. Moyers opposed; R. Rooker abstained)**

J. Moyers moved to limit decibels to no more than 55 at the property at any time. Hearing no second, **MOTION FAILED.**

4) Old Business

a. Continuation – Permit #21-400: Emily Spaulding and Peter Frelik at 49 Bristol Cliffs Drive (Parcel #090158) is requesting approval for a Planned Unit Development

Speaking on behalf of the applicants, surveyor Jason Barnard advised that they have concluded their proposal as initially presented to the DRB on June 22nd does in fact meet the criteria for a Planned Unit Development (PUD) and is the best use of the property. Consequently, the applicants ask that the DRB reconsider any objections to their request to waive the regulatory provisions and/or zoning setbacks as the proposed subdivision does not meet applicable standards for the RA-2 zoning district.

J. Moyers reiterated his position that a PUD implies a planned concept from the start, not incremental development, and that a PUD “means one or more lots...to be developed as a single entity” (p. 108 of zoning regulations); the property is already a single entity. He questioned the need to waive the minimum lot size when paring off a piece of the property would allow compliance. K. Brown noted that the DRB must consider the application before them. T. Wells expressed his support for the application with the condition that the property not be further subdivided.

J. Moyers moved to deny the PUD application as presented; Brenda Tillberg seconded. **(3 in favor: K. Brown, B. Tillberg, J. Moyer; 4 opposed: T. Wells, J. Crandall, C. Clauss, T. Desmond. Rob Rooker abstained) MOTION FAILED.**

J. Crandall moved to approve the PUD application with the condition that no further residential development be allowed on the large field in front of property, but is limited to agricultural use, such as a barn; T. Wells seconded the motion.

DISCUSSION: J. Moyers noted that, should the application be approved as a PUD, anyone who wants a waiver may simply call their proposal “a PUD” even though the “P” stands for “planned,” and he will therefore not support the motion. K. Brown noted that because each property is unique, setting a precedent should not be a concern; however, he asked the applicants if they would like to withdraw their application prior to a vote on the motion. Emily Spaulding explained that it was her understanding a second option could be considered. K. Brown advised that the DRB may only act on the application as presented and warned. **E. Spaulding withdrew her application as presented.**

b. Approve Minutes 5/25/2021

Approval of DRB meeting minutes for 5/25/2021 **DEFERRED**

Update on campsite on the New Haven River

On the question of the camp potentially located on the floodplain, C. Clauss again asked about

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161 the current status. K. Perlee explained the timeline of the project and will provide more details
162 next week. K Brown added that the matter does not necessarily fall under the purview of the
163 DRB, and further explained the process of permitting and the role of the DRB.

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165 **5) Adjournment**

166 J. Moyers moved to adjourn; T. Wells seconded. **MOTION PASSED UNANIMOUSLY (7-0).**
167 Meeting adjourned at 10:32 p.m.

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170 Respectfully submitted,
171 Peggy Connor

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