

Bristol Town Administrator

From: Kris Perlee
Sent: Friday, March 25, 2022 3:40 PM
To: Tom K.
Cc: Bristol Town Administrator
Subject: RE: URGENT zoning & building permit violations

Mr. Kilbourn.

I have completed a preliminary review of the permit issued and the history of the parcels in question. I do not believe that there are any violations.

I will provide my findings and decision letter to you once complete.

KRIS

Zoning Administrator
Town of Bristol
802-453-2410

From: Tom K. <tomk_22@yahoo.com>
Sent: Friday, March 25, 2022 11:59 AM
To: Kris Perlee <zoning@bristolvt.org>
Subject: Re: URGENT zoning & building permit violations

I just want to verify that you are allowing construction to continue until you have reviewed it? There are clear violations about posting the permit for 15 days PRIOR to beginning construction. I understand that the building site and drive may take a little bit of time, but i think that you have more than enough to halt construction at this time. We both know that the longer things are allowed to progress, the more difficult it will be to have things moved to their proper locations

Tom
Sent from my iPhone

On Mar 25, 2022, at 10:49 AM, Kris Perlee <zoning@bristolvt.org> wrote:

Mr. Kilbourn –

I will be reviewing your letter over the next few days and will send you a response once my review has been completed.

KRIS

Zoning Administrator
Town of Bristol
802-453-2410

From: Tom K. <tomk_22@yahoo.com>
Sent: Thursday, March 24, 2022 9:02 AM

To: Town of Bristol <town@bristolvt.org>; Bristol Town Administrator <townadmin@bristolvt.org>;
Bristol Clerk <clerk@bristolvt.org>; Kris Perlee <zoning@bristolvt.org>

Subject: URGENT zoning & building permit violations

please see the attached letter and map regarding violations on plank road.

Thanks
Tom Kilbourn

Bristol Town Administrator

From: Bristol Clerk
Sent: Monday, March 21, 2022 9:03 AM
To: Bristol Town Administrator; Kris Perlee
Subject: FW: Plank Road Letter re: BTN
Attachments: Plank Road Petition re BTN.pdf

Importance: High

P.S. The reason Linda Conley didn't sign it is she is in the hospital.

Thanks.

Sharon Lucia
Town Clerk
Town of Bristol
PO Box 249
Bristol, VT 05443
802.453.2410 x5
clerk@bristolvt.org
www.bristolvt.org

NOTE: We are now open to the public. Our new office hours are Monday – Thursday - 8 am to 4:30 pm. The office is CLOSED on Fridays. Appointments are still required for research in the Land Records.

Please note that this email message, along with any response or reply, is considered a public record, and thus, subject to disclosure under the Vermont Public Records Law ([1 V.S.A. §§ 315-320](#)).

From: Bristol Clerk
Sent: Monday, March 21, 2022 8:28 AM
To: Bristol Town Administrator <townadmin@bristolvt.org>; Kris Perlee <zoning@bristolvt.org>
Subject: Plank Road Letter re: BTN
Importance: High

Hi

Attached is a letter that was dropped off this morning by Amos Martin (on behalf of certain Plank Road residents) regarding the Bristol Trail Network and their concerns. This was addressed to Selectboard, Zoning Administrator, DRB and Planning Commission. I did not include the DRB or Planning Commission chair on this email as Kris is their point person for documents.

Thanks.

Sharon Lucia
Town Clerk
Town of Bristol
PO Box 249
Bristol, VT 05443
802.453.2410 x5

clerk@bristolvt.org

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To members of the Bristol Selectboard, Zoning Administrator, Planning Commission and Design Review Board:

We represent the landowners of all of the adjoining properties on Plank Rd. bordering the recently cut trail extension by the BTN. We are writing to share our concerns and ask for assistance regarding the trail extension recently created by the Bristol Trail Network from the Old Dump to the Northeast that will end up on Plank Road between the Meaghan's Mountain View apartment complex owned by Stanley Livingston and Christine Lathrop's property. Most of this trail is already complete and has been published on FPF, Bristol 2021 Town Report and in the Addison County Independent. Most of the trail is on private property, owned by Jennifer and Brian Dukehart, however a portion between Livingston and the Lathrop land needs to be surveyed to determine land boundaries and will take place soon. It also appears based on past meeting minutes that this is not the first time there has been a boundary dispute AFTER a trail was created.

We are concerned that there is very little in the way of written documentation, checks and balances and notification in terms of the planning, development and execution of this new section of trail. Note that none of the adjoining land owners whose property is affected by this new trail were contacted. As adjoining landowners, we should have been notified through the Review Board according to the Unified Development Regulations (UDR). No permits have been pulled that we have been made aware of. We have researched the regulations and guidelines as well as the minutes of the Planning Commission, Selectboard, Bristol Conservation Committee, Bristol Rec. Club, and the Zoning Commission in order to understand the policies and procedures regarding the decision and notification processes regarding trail development, and how the Bristol Trail Network operates under the Bristol Recreation Club.

From that research we have discovered that the permit process as laid out by the UDR was not followed as far as we can tell by going back through meeting minutes of Planning Commission and DRB. That leads us to believe that the BTN did not follow Bristol Town Policy and Procedures. In an e-mail from Kevin Hanson, he wrote "The (Unified Development Regulations) UDR considers the trails of BTN part of the Outdoor recreation category, which is approved for all Zones as either a Permitted (SP) or Conditional (C) use (see summary table on page 16 of the UDR). Permitted use Site Plan Review is detailed starting on page 49, and Conditional Use starting on page 42 of the UDR.

As BTN considers new trails, it needs to seek either Site Plan Review or Conditional Use, depending on where the new trail will be. As noted in the referenced sections, the landowner will need to be the official permit applicant."

As adjoining landowners, residents and taxpayers in Bristol, we share the following additional concerns:

1. This trail would severely negatively impact the only remaining natural habitat denning and nesting in Bristol Village. After further research it has been determined that the wildlife crossing map on page 98 of the Bristol Town plan is 20 years old. This has been brought to the attention of the Bristol Conservation Commission. We have game camera footage of the denning action in the area and are happy to share with anyone interested. A small sample has been sent to the Bristol Conservation Commission.

2. We are concerned that the road access is located in a very unsafe section of Plank Rd. (no shoulder, streetlights or sidewalk) and can potentially create harm to those using the trail.

3. The entrance/exit onto Plank Rd. is a wetland, and was protected by a state mandated fence so the adjoining tenants of Meaghan's Mountain View would not be walking through it. We understand that the BTN did have the state assess the current wetland area and it was approved for access on that land. BTN agreed to have the state visit again this spring with a walkthrough with Zapata Courage. The land is very wet in the Spring with lots of standing water as there is a culvert for runoff from the field on the North side of Plank Rd. The past several years that land has been very soft and wet for the whole year even though there may not be water visible.

4. The proximity of the trail borders several of the property owner's land, dwelling and creates a severe lack of privacy. Historically, most of the trails throughout the county do not affect the privacy of land owners. It is rare to even see a private home on nearly any of these trails. Vermonters have been routing these trails in a way that has honored private landowners for a very long time. The current trail system is mainly on town owned land and does not affect private property land owners. This newly created trail is on private property and does negatively affect private land owners.

There is a lot of information to unpack here in order to understand all of the issues and concerns. Here is a timeline of communication and meetings that have taken place with the adjoining landowners on Plank Rd.

Mid November 2021: Christine Lathrop noticed people walking on what she thought was her property from her window at her house.

January 2022: Release of Bristol Town Report. Bristol Rec Club Inc. President Troy Paradee reported "In 2021 we broke ground on a new trail extending North toward Plank Rd, and this will be completed in the Spring."

January 20, 2022: Addison County Independent article published stating "an additional segment of the BTN is anticipated for this Spring, which will extend from the northernmost existing segment, the "Old Dump" trail, to Plank Road. What's exciting about this is that a lot of people walk and bike on Plank Road and now they will have a way into the trail system from there"

Feb. 10th 2022: As a partial group (not all property owners could be in attendance) we met with the Bristol Conservation Committee since the BTN update is usually on the agenda. We knew this was occurring from a FPF post showing their agenda. They were surprised to hear of the impact the trail may have and were sympathetic to the issues of wetlands and wildlife, including birding and denning. This was the first that they had heard of these concerns.

Feb. 14th, 2022: The group met with Porter Knight and Troy Paradee from the Bristol Recreation Club. We were told that the BTN is all about "building community" and the process of trail development comes from the landowners approaching them and suggesting a trail through their property. We are waiting for a follow up to have another meeting with BRC, who will invite the BCC. We have contacted Troy Paradee twice since and have not heard back about a future meeting to further address the concerns presented as well as to discuss future plans.

Also, in reviewing Bristol Conservation Committee minutes from 12/20-1/22, the BTN briefly reported on the planning of this trail but there was no mention of impact on wetlands, birding and denning. This is part of the outlined purpose of the Conservation Commission. According

to VT Bio Finder the property that the trail was built on is considered a "Surface Water and Riparian Area" as well as "Riparian and Wildlife Connectivity" and are rated as highest priority.

In an informal discussion with BTN, we were told that adjoining property owners were notified during the planning and development process. Only one property owner was contacted to move a private property fence sign and that owner in not one that is impacted by close proximity to their house. The remaining property owners were not notified by mail, phone or in person.

In a town of good neighbors who care about the land, outdoors wildlife, safety and privacy, this courtesy was surprisingly overlooked. This recent plan and trail development shows a lack of consideration for those landowners who take pride in their land and chose to live on land that offers privacy and respects wildlife and wetlands We, the adjoining property owners request that the Town of Bristol look into the issues and concerns as well as the policies in place to: support a plan for re-directing the trail and avoid anything like this happening again in the future of Bristol trail development. That said, we want to acknowledge the cooperation and support of the current property owners where the trail was cut. They were unaware of these issues and are willing to work with the adjoining landowners on solutions.

We thank you for your time and consideration and are happy to meet to answer any questions, discuss this major concern and plan for the future.

Respectfully submitted,

Meghan's Mountain View – Stanley Livingston Stanley Livingston

Christine Lathrop Christine Lathrop Amos Martin Amos Martin

James (Jim) Lienau Jim Lienau Brenda Myrick Brenda Myrick

Richard (Rick) Malzac Rick Malzac Jodi James Jodi James

Linda Conley _____

Linda Shiller Linda Shiller William (Bill) Cormany Bill Cormany

Linda Shiller – shilcorm88@gmail.com

James Lienau – jlienau9@gmail.com

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