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Town of Bristol
DEVELOPMENT REVIEW BOARD MEETING
Remote Public Meeting
Tuesday, April 12, 2022
Meeting Minutes

DRB Members Present in person and remotely: Tom Wells, Brenda Tillberg, John Moyers, Josh Crandall.

Absent: Kevin Brown, Ted Desmond

Others Present: Kris Perlee (Zoning Administrator), Peggy Connor (Recording Secretary), Jim Quaglino, Peter Heffernan, Ed Burke, M. Chris Blanchard (Bristol Electronics), Stephen Cobb, Kevin LaRose (Letersky)

1) **Call to Order:** T. Wells called the meeting to order at 7:11 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 #22-400: Leonard Letersky located at 139 North Street (Parcel #601147) is requesting Final Plat approval for a 3-lot subdivision per Bristol Unified Development Regulations Article IX, Section 930**

In response to recommendations made at the DRB's February meeting, surveyor Ron LaRose indicated that the proposed 3-lot subdivision in the Village Residential zoning district will create two one-half acre parcels – Lots 2 and 3 - with a 35' right-of-way (ROW) along the northern boundary of Lot 2 to benefit Lot 3. Regarding the proximity of the barn to the house, although the applicant is willing to remove the barn, instead the minimum setback will be met as the southwest corner of the barn to the lot line measures 6.6'. Ron added that the applicant understands he is prohibited from building any structure within the right-of-way. All state permits related to wastewater and septic are being processed with no delays anticipated.

J. Moyer moved for final plat approval for Permit #22-400 as presented; J. Crandall seconded.
MOTION PASSED UNANIMOUSLY 4-0. (T. Wells, B. Tillberg, J. Moyers, J. Crandall)

b. **Permit #22-600: Edward Burke located at 806 Rocky Dale (Parcel #07131) is requesting Waiver approval for setback relief per Bristol Unified Development Regulations Article III, Section 380**

On behalf of landowner Ed Burke, M. Chris Blanchard of Bristol Electronics reviewed the sketch plans for building a post-and-beam structure to support a solar array in the parking area of Rocky Dale Gardens, to include 4 parking spaces under the structure. Chris indicated that the structure will be 50' from the center line, and measures 10' from the corner of the drip edge of the array to the adjacent neighbor's property line. Noting that the zoning requirement for the Conservation district calls for front yard setback of 80' and side yard setback of 50', the applicant is requesting waiver approval for setback relief.

DISCUSSION: T. Wells asked how much of the existing foliage would be altered to accommodate the solar array structure. Builder and head installer Stephen Cobb indicated that trees would be trimmed to the south to allow for access. Owner Ed Burke added that preserving the foliage is a priority, and he has spoken to his neighbor who had no objection to the location of the proposed solar array structure.

C. Blanchard noted designating between commercial and agricultural zoning districts appears to be a grey area, and contended that Rocky Dale is considered an agricultural property. E. Burke agreed, and added that part of his business is propagating plants.

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B. Tillberg suggested that DRB members review the criteria for granting waivers to reduce dimensional requirements (Section 383 of the Unified Development Regulations):

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon one's neighbors.
4. The design used incorporated design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon one's neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

T. Wells suggested that as a condition for the waiver, the existing foliage between the proposed structure and Route 116 be substantially left in place to serve as screening.

J. Moyers moved to grant the waiver for setback relief with the condition that the majority of the existing screening remains unaltered; B. Tillberg seconded. **MOTION FAILED 3-1: 3 in favor (T. Wells, B. Tillberg, J. Moyers); 1 opposed (J. Crandall).**

J. Crandall expressed his concern with criterion #3, noting that the placement of the solar structure is too close to the setbacks. He added that although the current neighbor supports the planned solar array, a future neighbor may not. E. Burke noted that all options for locating the solar array had been considered carefully before determining that the chosen location was the best spot. Given that all adjacent property owners had been notified, per State Statute, indicating that their participation in the waiver hearing is a prerequisite to the right to take any subsequent appeal, DRB members T. Wells, B. Tillberg and J. Moyers were satisfied that the Mr. Burke's neighbor has no objection to the proposal. J. Crandall requested a revote on the motion made by J. Moyers and seconded by B. Tillberg. **REVOTE: MOTION PASSED UNANIMOUSLY (4-0) (T. Wells, B. Tillberg, J. Moyers, J. Crandall)**

4) Approve Minutes for February 8, 2022

DEFERRED, lacking a quorum for approval.

5) Adjournment

Meeting adjourned at 7:40 p.m. The next meeting of the DRB is tentatively scheduled for Tuesday, April 26, 2022, at 7:00 p.m.

Respectfully submitted,
Peggy Connor, Recording Secretary