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Town of Bristol
DEVELOPMENT REVIEW BOARD MEETING
Remote Public Meeting
Tuesday, July 25, 2023
Meeting Minutes

D R A F T

DRB Members Present in person and by remote: Kevin Brown, John Moyers, Brenda Tillberg, Ted Desmond, Tom Wells (joined meeting remotely at 8:00 p.m.).

Absent: Josh Crandall

Others Present: Kris Perlee (Zoning Administrator), Peggy Connor (Recording Secretary), Applicant Josh Masterson and representative Greg McKenney, senior engineer for Murray & Masterson Environmental Services (Permit #23-301)

Visitors Present:

Marin Howell, Gretchen Masterson, Patricia King (remote); Helen Young, Nate Launer, Keith Schnell, Thomas Fox, Matt Bryan, Olivia Glascoe, Alan Lathrop, Jim Dumont, Matt Davis, Zoraida Jennings (in person).

1) Call to Order

Chair Kevin Brown called the meeting to order at 7:12 p.m.

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

None.

3) Old Business

a. Continuation from May 30, 2023: Permit #23-301: Masterson Development Properties, LLC of Lower Notch Road (Parcel #090227) is requesting a Conditional Use for a Business Yard per Bristol Unified Development Regulations Article III, Section 350

Since the initial hearing on May 30, 2023, Attorney James Dumont entered his appearance on behalf of Matthew Davis and Caitlin Cusack, Tom Fox, Helen Young, Beth Ekroos, and Keith and Maya Schnell, and requested his clients be granted Interested Person status. In his letter, dated July 24, 2023, Atty. Dumont asked the Development Review Board to consider:

- 1) Whether the Masterson proposal qualifies as a “business yard” use as defined in Article X of the Town of Bristol’s Unified Development Regulations, noting the contractor is receiving materials (gravel or fill), processing them by screening, and then stockpiling the materials before they are deposited at the next customer’s property.
- 2) Because none of these uses is allowed in the RA-5 zoning district, if a conditional use permit is granted, it should clearly state that the permit does not authorize unloading, screening, stockpiling, and loading of gravel or fill for use off-site as part of the business.
- 3) There has been no evidence that the proposed land use will not cause a significant increase in noise that would not be compatible with the character of the land.
- 4) It should be the applicant’s burden to show that the increased truck traffic will not cause undue adverse impact because of vibration and dust.
- 5) A noise expert should be retained, and a traffic study conducted to be made available to all parties prior to a decision by the DRB.

In his Supplemental Information for Conditional Use Application dated July 20, 2023 on behalf of Josh Masterson, engineer Greg McKenney addressed noise and traffic concerns raised at the May 30th hearing, including:

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- Revised traffic volumes anticipated, noting that in the month leading up to the May 30th hearing, Mr. Masterson was in the final stages of constructing his home on Lot #1, which contributed to additional traffic volumes and noise levels on Lower Notch Road.
- On May 4, 5, and 8, a review of video surveillance at the property indicated a total of 132 one-way trips by dump trucks, with a maximum of 80 trips in a single day.
- It is estimated to make a maximum of 100 one-way trips/day of a combination of dump trucks and work trucks, with up to 20 one-way trips (7:00 a.m.-9:00 p.m.) and 14 one-way p.m. peak hour trips (4:00 p.m.-6:00 p.m.) This maximum level of traffic is anticipated to occur up to 2 times per year.
- An estimated average of 60 one-way trips per month from either a dump truck or semi-truck would occur. Assuming 24 working days per month, that is 2.5 one-way trips./day. An estimated average of 204 one-way trips from either a standard pickup truck or a one-ton truck would occur in 1 month. Assuming 24 working days per month, that is 8.5 one-way trips/day. The combined average is 11 one-way trips/day.
- The level of noise experienced by neighbors on May 4, 5, and 8 will not be the daily norm, but rather occur up to two times annually.
- Mr. Masterson has begun implementing electrical relays to shut off back-up alarms on his equipment.
- Business hours will be 6:00 a.m. to 6:00 p.m., with work days generally ending by 5:00 p.m. Monday-Friday. Seldom do employees work Saturdays; however, operations of the yard would occur between 7:00 a.m.-5:00 p.m. during snow removal season, and pickup/one-ton sized truck traffic may occur at any point in the day, depending on weather.

Questions from DRB members included:

Q: What is the process for topsoil screening?

A: Use of a loader and excavator and topsoil screener to remove rocks, sticks, and other matter to produce various types of screened topsoil used for different types of landscaping projects off-site.

Q: Noise and Traffic impacts were measured only three days in May?

A: Measurements taken on days with the greatest truck volume at the site.

Q: Will trucks idle beyond proposed business hours to warm up during winter months?

A: Trucks will generally warm up at North Street location. Any idling on Lower Notch Road will be limited to 10 minutes.

Q: Can a list of equipment be provided?

A: Equipment includes 8 excavators, 2 tandem dump trucks, 2 one-ton trucks, 2 bulldozers, 5 trailers, 1 loader, 1 roller, 7 pickup trucks.

Q: What steps have been taken to mitigate noise of back-up beepers and tailgate slamming?

A: Some relay switches have already been installed, and more are planned. The dump trucks and loader have hush beepers, but they are not allowed on excavators. Drivers do their best to minimum noise when shutting tailgates on tandem trucks weighing nearly 2 tons.

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108 Q: Describe a typical week of activity in the summer months.

109 A: An average of 15-20 employees; 2 work trucks in and out; 4 one-way trips and an average of 2 ½
110 per day.

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112 Q: Will plowing equipment be leaving and entering the site during the winter months?

113 A: The only pieces of equipment stored at the Lower Notch Road site will be an excavator or heavy
114 pieces of equipment.

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116 Q: Would Mr. Masterson consider asking all subcontractors be required to have hush beepers on their
117 equipment entering the site?

118 A: Such a condition would likely further limit the availability of drivers.

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120 Comments/Questions from the Public:

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122 Alan Lathrop who has lived at 83 North Street over 40 years advised that he has never witnessed a
123 problem with excessive traffic as a result of the Masterson operation.

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125 Zovaida Jennings of 2621 Lower Notch Road, and works from home, advised that she rarely hears
126 excessive noise from backup beepers or slamming of tailgates.

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128 Atty. Dumont asked for records of business activity for the last 12 months and/or invoices of all topsoil
129 deliveries. Josh Masterson pointed out the majority of work at the site during that time period was
130 related to the construction of his house. Greg McKenney reiterated that the topsoil is used for projects
131 off-site, and is not for sale.

132
133 Zovaida Jennings pointed out that nearby homes have also recently used excavators, and dump trucks
134 not belonging to Masterson's also contribute to the volume of truck traffic.

135
136 Discussion:

137 Noting that a site visit had been suggested by several of those in attendance at the May 30th meeting,
138 Kevin Brown asked if DRB members would agree to meet at the site. Tom Wells suggested that
139 although a site visit may be helpful, additional expert testimony on the issues of noise and traffic
140 volume is needed to establish a baseline for existing use. He added that results from a game camera
141 are not adequate to measure traffic impact, and before the DRB can impose any restrictions, it will need
142 testimony from a qualified expert as well as a noise analysis taking into consideration the atmospheric
143 conditions unique to the site. Kevin Brown pointed out there is no municipal standard for noise in the
144 RA-5 zoning district. Tom Wells noted that in addition to factual data, an expert could provide
145 commercial standards to be included in an ordinance.

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147 Next Steps:

- 148
149 ➤ Hearing recessed and will reconvene on Tuesday, October 24, 2023.
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151 ➤ Expert traffic and noise reports to be distributed to DRB and interested parties two weeks in
152 advance of the next hearing on October 24, 2023.
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154 ➤ Site visit if needed.

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156 **4) New Business**

157 **5) Approve Minutes for April 25, 2023 and June 13, 2023**

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159 John Moyers moved to approve DRB meeting minutes for April 25, 2023; Tom Wells seconded. Motion

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160 passed 4-0 (K. Brown, J. Moyers, T. Wells, B. Tillberg) (T. Desmond abstained)

161

162 John Moyers moved to approve DRB meeting minutes for June 13, 2023; Kevin Brown seconded.

163 Motion passed 4-0 (K. Brown, J. Moyers, B. Tillberg, T. Desmond(T. Wells abstained)

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165 **6) Adjournment**

166 Meeting adjourned at 9:20 p.m.

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168 Respectfully submitted,

169 Peggy Connor, Recording Secretary