

Town of Bristol
PLANNING COMMISSION MEETING
HYBRID Public Meeting
Tuesday, November 7, 2023
Meeting Minutes

DRAFT

Planning Commission Members Present: Kevin Hanson, John Moyers, Slim Pickens, Chanin Hill, Rob Rooker, Bill Sayre

Others Present: Kris Perlee, Zoning Administrator; Carol Chamberlin, Recording Secretary

Visitors: Betsy Blair, Mark Bouvier, Sally Burrell, Donald Davis, Lily Davis, Ron Dendas, Randy Durand, Tom Fox, Patricia Hunt, Anne Lloyd, Adam Lougee (ACRPC), Jim Quaglino, Sally Roth, Dave Sharpe, Pat Sharpe, Helen Young

Call to Order: PC Chair Kevin Hanson called the meeting to order at 7:04 pm.

I. Review agenda for additions, removal, or adjustment of any items per 1 V.S.A. 18 §312(d)(3)(A) and implicit approval

A discussion among PC members of the comments provided was added to the agenda.

II. New Business

Public Hearing on proposed Unified Development Regulations (UDR), Zoning Sections

Kevin Hanson opened the Public Hearing.

He provided an overview of the PC's work on the revisions, which was pursuant to a Bylaw Modernization project, focusing mainly on increasing housing opportunities for all income levels by providing for smaller lot sizes in several downtown Zoning Districts.

Kevin then provided an overview of each of the following Sections of the UDR, opening the floor to comments after each:

- **Maps**
 - The High Density Residential (HDR) district has been expanded and the Village Residential (VR) district correspondingly reduced.
 - The Village Business (VB) district has been expanded to include every parcel on the Bristol sewer system and the Residential, Office, Commercial (ROC) district correspondingly reduced.

Dave Sharpe commented that the work done by the PC in developing these regulations is very important, and that consistent administration is also critical to their effectiveness.

- **Uses**
 - Multi-family Dwellings are proposed to be allowed with a Site Plan review in the Village Mixed (VM) district, currently a Conditional Use.
 - Inn/Guest Facilities are proposed to move from a Site Plan Review to a Conditional Use review in the Village Business (VB) and the High Density Residential (HDR) district.
 - Business Yards are proposed to be eliminated as a permitted use in the Village Mix (VM) district. They are currently a Conditional Use.

Tom Fox proposed that Business Yards also be removed as an allowed use in the RA5 District, and read a letter to the PC regarding the topic (attached).

There was some further discussion regarding this topic, including confusion as to why 'or larger' is included in the allowance for heavy equipment and noting that homeowner insurance covers tractors up to 39 HP in size. It was explained that the definition includes a parameter only allowing larger equipment to be housed where there is direct access to a paved road.

- **Village Business District (VB)**
 - Several dimensional standards within this district allowing up to 8 units per acres and reducing the minimum lot size to 5,000 sq. ft are proposed.
 - Density and height bonuses for affordable housing are included as required by the HOME Act for areas served by both water and wastewater.
- **Residential Office Commercial District (ROC)**
 - This district is reduced slightly, losing some parcels to the Village Business (VB) district.
- **Village Mixed District (VM)**
 - Several dimensional standards are proposed to be changed to allow for up to 4 units per acre and reducing the minimum lot size to 10,000 sq. ft.
 - Several dimensional standards are proposed to be adjusted to better reflect existing development patterns.

Randy Durand asked about considerations for environmental constraints when increasing the density in the Rocky Dale portion of the Village Mixed District, noting that there is the flood plain as well as wildlife corridor/connectivity in that area. Sally Burrell spoke of density being allowed for in areas where there is good pedestrian access, noting that this is not necessarily the case in the Rocky Dale area.

- **High Density Residential District (HDR)**
 - High Density Residential (HDR) district is proposed to expand into the Village Residential (VR) district to provide more opportunities for housing.
 - An incentive is proposed to create Two family Dwellings (Duplexes) by allowing them to be built to a density of 5 units per acre, a 25% density bonus over other residential construction.

Kevin noted that the density in this District is not being changed except for the allowance for duplexes at a higher density; this is the District with the highest density.

In answering a question from Don Davis, it was confirmed that a portion of Plank Road will be pulled into this District. This will be a reduction in size of the Village Residential District.

There was some discussion of the village designation, and Kris Perlee explained that the Police District is the only remaining portion of the prior Village. John Moyers explained that there is a Village Planning Area, which includes the core village, and that some of these density changes are meant to modify that Village Planning Area by expanding the areas with greater density allowed.

- **ARTICLE IV: REQUIRED REGULATIONS**

- a. The section governing Accessory Dwelling Units (“ADUs”) was adjusted to conform to State of Vermont statutory minimum requirements.
- b. The term “clearly subordinate” as referenced in the statute was further defined.

- **ARTICLE X: DEFINITIONS**

- Business yard: Proposed changes to the definition of Business yard to clarify the types of business and activities allowed and to specify access requirements for businesses with larger pieces of equipment.
- Hotel and Inn/Guest facility: Proposed changes to require a manager on premises at larger hotels and on duty and available to respond in a timely manner at Inns/Guest Facilities

It was asked if the hotel/inn changes would also apply to short-term rentals (STRs), or Airbnb uses; Kris explained that, as Bristol has no regulations specific to STRs, they are not treated differently than any other home rental. An attendee cautioned that increased density allowances might lead to more STRs rather than increasing the residential housing inventory.

Kevin asked if there were any other items included in the changes that had not yet been addressed; nobody raised any other topics. He then summarized what had been heard during the presentation, and asked for any additional comments. Responses included a reiteration of a request to change the Business yard definition; and a comment from a homeowner on Mayhem Road, which has a paved section, who wondered what opportunities might open up for business yards in his neighborhood although he assumed the intent of the pavement was for improved road maintenance.

Betsy Blair commented on the changed nature of landscaping, which she believes has moved from basic property maintenance to now include earth moving and other changes to terrain.

Kevin then asked the rest of the PC members if they had any comments related to the issues that had been raised.

John Moyers noted that enforcement of the UDRs might be a topic for the PC to address at some point in upcoming meetings.

John also indicated that the PC should possibly look into RA5 being the only residential area where business yards are allowed, and that the definition should likely be tightened up. Slim Pickens also expressed that the definition should be looked at and possibly set to limit the size of machinery allowed, as the business yard use as it stands might detract from a residential area. Bill Sayre noted that he does not wish to discourage the development of businesses, but that the density allowed should impact where a business yard is appropriate.

Several members commented on the flood area of Rocky Dale creating a natural limit to very dense development; John commented that the wildlife impacts should also be considered in the future; and Bill explained that the zoning in the Rocky Dale area is a legacy of an earlier village plan, and the PC was

looking to transition to allowance for greater density in a considered manner, and so did not look at a total change of zoning district for that area.

John noted that he is the owner/operator of STRs, and that VPR had recently aired a useful program regarding the topic. Bill indicated that this appears to be more of an issue in resort towns, but he is willing to hear input on the topic. Slim expressed that, while STRs don't appear to be a current problem, it might be wise to look ahead. Rob noted that there would need to be full consideration of the regulation and enforcement possibilities.

John again spoke of the Village Planning Area, explaining that this has been discussed thoroughly in the past, with public support expressed for expansion of density to allow for future village growth. He indicated that this current work on the UDRs contextualizes those prior discussions.

Kevin explained that no conclusions are intended to be made following the evening's discussion, and that the conversation will continue on November 21st, at the second public hearing scheduled for reviewing the proposed UDR changes. He outlined the logistics of moving forward with any changes the PC decides to make to the proposed language, explaining that if anything substantial does change, the PC will hold an additional public hearing. The draft will then go before the Selectboard, and they will likely schedule a public hearing at one of their December meetings.

III. Public comment

John Moyers asked for an outline of the other changes included in the draft UDRs, and Kevin explained that they are mostly grammatical fixes, with nothing substantive to note. He noted that a redline copy is available, which makes it easy to find any of those minor changes by simply looking for different color text.

Sally Burrell suggested that the Town's Energy Committee and PC work together at some point to determine what regulations regarding energy use might be appropriate in relation to the allowances for increased housing density.

Betsy Blair spoke of STRs and the potential impacts on residential housing related to climate change and the likelihood of an associated increase in STRs and second home ownership.

IV. Adjournment

The meeting adjourned at 8:18 pm.

Respectfully submitted,
Carol Chamberlin, Recording Secretary

Attachment -- Text of letter from Thomas Fox to the Planning Commission:

November 7, 2023 Planning Commission Public Comment Meeting

Mr. Chairman

The residents of the Bristol Notch Road, an area that is zoned RA5, live in a neighborhood. Does anyone on the Planning Commission dispute that?

The Zoning Guidelines for Vermont Neighborhoods page 29 under "Neighborhoods" states All industrial uses are "Not Permitted".

In the marked up Unified Development Regulations (UDR) under definitions, page 101 "Business Yard" is allowed to have heavy equipment "10 yard or larger dump trucks and 95 hp or larger excavators or similar equipment". By that definition there is no limit to the size or number of industrial machines that may be used in an RA5 neighborhood. The definition of "Business Yard" is not consistent with the Vermont neighborhoods zoning guidelines.

Either the definition of "Business Yard" must change or "Business Yard" must be removed from the RA5 definition. My suggestion is to remove "Business Yard" from the RA5 definition.

"Business Yard" is not permitted in CON, HDR, VR, BPC, RA1 and RA2 districts. These are districts along with RA5 that the UDR states are primarily residential districts. It is inconsistent and inappropriate for "Business Yard" to be allowed in RA5 when it is not allowed in the other primarily residential districts. "Business Yard" is appropriately only allowed in Commercial district C-1. "Business Yard" was recently removed from VM in the marked up UDR.

At one of the Planning Commission meetings that I watched on NEATV there was discussion of limiting the size of equipment allowed in RA5 to what a landscaping business might use. I interpret that to be a 2.5 yard dump truck and 15 hp tractor.

How did the definition that is in the marked up UDR get there? This is not a rhetorical question, I would like an answer.

Permitted businesses that currently exist on the Bristol Notch Road include but are not limited to Maple Sugaring, B and B, Woodworking and Farming. All of these are appropriate uses that would suffer from an industrial scale "Business Yard". That is a business larger than a landscaping business. The existing businesses invite visitors to come by for an experience that does not include the noise and vibration caused by a "Business Yard" as currently defined including 50,000 pound trucks passing by. Visitors who come to these businesses want to spend a peaceful day with family members enjoying a Vermont activity.

If your intention is to promote housing in Bristol allowing a "Business Yard" as currently defined in the marked up UDR in a residential area is counterproductive. Very few potential new residents are going to want to live near an industrial operation. The only other district beside RA5 that allows a "Business Yard" is Commercial C-1 and C-1 is not intended to expand housing opportunities in Bristol but does include light industry.

Can we remove "Business Yard" from RA5?

There is no definition of "neighborhood" in the UDR but the UDR states in definitions "Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings". A customary definition of neighborhood is "A district, especially one forming a community within a town or city." The neighbors that live on the Bristol Notch Road form a community.

Thomas Fox