

Select Committee Meeting December 11, 2023

Numbered Points

- 1) The Zoning Guidelines for Vermont Neighborhoods (Zoning Guidelines), page 29 state that all industrial uses are not permitted in neighborhoods. RA5 is a “primarily residential neighborhood”. “Business Yard” is an industrial use. Business Yard should not be allowed in the RA5 district.
- 2) The Unified Development Regulations (UDR) describes the districts CON, HDR, VR, BPC, RA1, RA2 and RA5 as “primarily residential neighborhoods”. Only RA5 allows “Business Yard” as a conditional use. Business Yard should not be allowed in the RA5 district.
- 3) The goal of modifying the UDR is to increase the housing opportunities Bristol. Permitting an industrial use in a residential neighborhood is counterproductive. Business Yard should not be allowed in the RA5 district.
- 4) The appropriate site for a business yard is in the Commercial (C-1) district. Business Yard should not be allowed in the RA5 district.
- 5) Permitting a Business Yard with restrictions is difficult to enforce. Permitting a use with restrictions that are not enforced invites violations. Business Yard should not be allowed in the RA5 district.
- 6) Disallowing conditional use Business Yard in RA5 does not stifle development.

Discussion of Above Points

- 1) The Planning Commission has stated that they wanted to adhere to the Zoning Guidelines for Vermont Neighborhoods in their deliberations. According to the UDR, RA5 is primarily a residential neighborhood. Allowing the use Business Yard in a residential neighborhood is disallowed by the Zoning Guidelines. For the UDR to adhere to the Zoning Guidelines, Business Yard should not be allowed in the RA5 district because RA5 is a neighborhood. The definition of Business Yard in the UDR is broad and only prohibits “the regular or ongoing sales of equipment and materials”. Other uses, for example sorting mineral material, loading and unloading equipment and storing material which are often noisy, dusty and in other ways disruptive to the neighborhood are not prohibited by the definition of Business Yard.
- 2) The UDR does not allow the conditional use Business Yard in districts described as primarily residential except RA5. The definition of districts RA1 and RA2 is similar to the definition of district RA5. The conditional use Business Yard is not permitted in RA1 and RA2 but is currently permitted in RA5. Conditional use Business Yard should not be permitted in RA5 to be consistent with the prohibition in RA1, RA2 and other primarily residential districts.
- 3) Many people are not going to consider moving to a district that contains a Business Yard or has the potential to contain a Business Yard. A Business Yard has the potential to be noisy, dusty, disruptive and even dangerous to people living a residential neighborhood. Most people moving to an RA5 district will desire the character “of rural countryside where residential development is compatible with and surrounded by agricultural uses, forest uses and open space” not an industrial use.
- 4) According to the currently enforced unmodified UDR Business Yard is a conditional use in the VM, C-1 and RA5 districts. The modified UDR removes Business Yard from the VM district. The districts C-1, VM, REC, VB and ROC are described by the UDR as “Primarily Commercial,

Industrial and Mixed Districts” but only C-1 and RA5 allow Business Yard. If the modified UDR does not permit Business Yard in the “primarily commercial, industrial and mixed district” VM, it is unreasonable to have Business Yard in RA5 a “primarily residential” district.

- 5) One apparent solution to permitting a Business Yard in an RA5 district is to place restrictions on the permit. This apparent solution has problems with enforcement. The Zoning Administrator (ZA) is the individual tasked with enforcing the UDR. It is unreasonable to expect the ZA to police a Business Yard for permit restriction violations. The ZA does not have the resources to investigate apparent or reported violations along with the other duties the ZA is expected to perform. The best solution to the enforcement problem is to not permit Business Yard as a conditional use in any district outside of C-1.
- 6) Disallowing Business Yard as a conditional use in RA5 does not stifle business development in Bristol. The C-1 district is available for a business that wants to operate a Business Yard in Bristol. I would argue that operating a Business Yard in RA5 discourages new businesses from starting up in RA5. There are businesses currently operating in RA5 that benefit from a low noise environment that could be harmed by the noise, dust and vibration that a Business Yard could generate. These businesses welcome visitors to enjoy the “rural countryside” character of the RA5 district. Other non-tourist related businesses that benefit from a low noise environment are daycare and electronic recording.

Questions

- 1) Are there any questions about what I have presented?
- 2) This meeting is intended to solicit input to the Planning Commission update to the UDR. There is still time to remove Business Yard from RA5 in the UDR. Is there any reason to leave Business Yard as a conditional use in RA5 in the UDR?
- 3) Even without changes to the UDR to reduce restrictions, there are opportunities for increased housing in Bristol. Does the Select Committee believe that having a Business Yard in a residential district will encourage population growth in Bristol?
- 4) In the modified UDR the Planning Commission removed Business Yard from district VM. The district VM is a “Primarily Commercial, Industrial and Mixed District”. If Business Yard, an industrial business was removed from a primarily “Industrial” district what is the justification for leaving it in a primarily “Residential” district?
- 5) Is it reasonable to believe that the ZA can enforce restrictions placed on a permit for a Business Yard in RA5?
- 6) Does the Select Board believe that removing Business Yard from the district RA5 will stifle business in Bristol?

Thomas Fox