

Comments to December 26, 2024 Select Board meeting

Paved Roads

There was discussion at the meeting about why Business Yard access should be restricted to paved roads. Access restriction must depend on the definition of Business Yard. The Planning Commission put the paved road access restriction to Business Yard in the UDR because they imagined the trucks using the Business Yard to be in the 10 CY to 14 CY size. There has been testimony at the DRB meetings that trucks of this size loaded or unloaded raise dust and cause vibration in homes and businesses near the unpaved road that is excessive and detrimental to commerce and life style. The issue was raised at the Select Board meeting about not being able to deliver building material to a site if there is a restriction against driving a 14 CY truck on an unpaved road. There is a difference between a single 10 CY to 14 CY truck going past a home or business to deliver material to a construction site and 80 to 100 trucks of this size going past a location in one day or on multiple consecutive days. In the case of a Business Yard on the same unpaved road as a home or business you can reasonably expect anywhere from 15 truck trips to 100 truck trips per day for months at a time. That is a lot more dust in your home or business if you live or work on an unpaved road than you would experience on a paved road. In my opinion leaving the paved road restriction in the UDR or limiting the size of truck that can access an unpaved road from a Business Yard site on the unpaved road is appropriate.

Business Yard Size

There was discussion of limiting business opportunity in RA5 by removing Business Yard from this district. Again, this depends on the definition of Business Yard. A business that uses limited access to a Business Yard, such as a property management business, that generally exits the Business Yard in the morning with equipment that is more modest than a 14 CY truck and returns at the end of the business day is probably appropriate. A business that performs most of their work at another site is less disruptive to the neighborhood than one that exits and enters the Business Yard multiple times each day and performs loud operations at the Business Yard.

Also, a snow plowing business that performs most of their work off site with smaller trucks is probably appropriate. The scale of the operation matters.

RA5 is an agricultural district so farms are appropriate. Forestry is appropriate. In my experience both of these land uses are less offensive than an industrial land use. Business opportunities are not stifled by restricting inappropriate use.

Limited availability of property in the Commercial district C-1 was also cited as a reason to allow the use Business Yard in RA5. This only makes sense if the definition of Business Yard is appropriate for a largely residential district. The availability of space in RA5 is not a reason to change its character because space is not available in an appropriate district. The recent work of the planning commission has been to find ways to encourage population growth in Bristol. Keeping the character of RA5 rural is a better way to encourage population growth than turning it industrial.

A Specific Example

The sentiment was expressed at the Select Board Meeting that the DRB is at the vanguard against inappropriate Business Yard uses such as land fill, recycling and container storage. In my opinion that is not the case. The case of the Masterson Business Yard permit application was also raised at the Select Board meeting. There is anecdotal evidence that the Masterson Business Yard has been operating for approximately three years without a permit. There is also anecdotal evidence that the yard continues operation without a permit still. Stopping future violations like this example would be easier to enforce if the definition of Business Yard and appropriate district uses were clearer and more detailed and not less detailed. Aside from the fact that this Business Yard is operating without a permit a clear line of demarcation does not exist to define appropriate and inappropriate activity at this Business Yard or any Business Yard except for the examples of land fill and recycling.

In my opinion the UDR should either contain a definition of Business Yard that fits the district or remove the conditional use Business Yard from the UDR to prevent disputes like the Masterson case in the future.