

**Town of Bristol**  
**DEVELOPMENT REVIEW BOARD MEETING**  
**Public Meeting**  
**Tuesday, December 10, 2024**  
**Meeting Minutes**

**DRAFT**

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**DRB Members Present:** Kevin Brown (Chair), Rebecca Cole, Ted Desmond, John Moyers, Brenda Tillberg, Tom Wells

**Staff Present:** AZ Larsen, Zoning and Planning Administrator

**Others Present:** Jason Barnard (Barnard & Gervais), Larry Hamberlin, Karen James, Kyle James, Kitty Jerome, Maggie Kanouse, Scott Kluever (Lawrence Library), Jason Lathrop (CLBM), Rebecca Ryan, Terry Ryan, Ash Smith, Patti Smith, Karen Swanson, Adam Thomas (Thomas LLC), Amber Thomas (Thomas LLC)

**1. Call to Order:** Kevin Brown called the meeting to order at 7:00 pm.

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

No adjustments were made to the agenda. Mr. Moyers made a motion to add a discussion of an issued permit to the end of the meeting; the motion failed for lack of a second.

**3. Old Business**

**Appeal** by Ash Smith of Zoning Administrator no action decision regarding the Lathrop Mill subject to Bristol Unified Development Regulations Section 360.

Ash Smith reviewed the contents of a letter he and his mother, Patti, had submitted to the DRB. He explained that they had always been in support of Lathrop's, and that they understood both the needs of the mill operation as well as those of the neighbors living near the mill property. Mr. Smith went on to question why truck loading at night was necessary, to ask if any noise mitigation was possible for the truck loading and chipping operations, and to explain that the Smiths have concerns regarding air pollution created by the mill, particularly as there is a child care operated from their home.

Mr. Smith provided a history of operations and noise impacts from the mill; he and Ms. Smith both noted that there has been an increase in noise levels in recent years. He indicated that their sleep is disrupted, and reported that nighttime activity is not common among mill operations.

Mr. Smith offered suggestions that a study be conducted and mitigation measures be put in place for noise reduction, and also proposed that limitations on the hours of operation be imposed.

Mr. Brown explained that this hearing is to determine if the Zoning Administrator acted appropriately when issuing the no action letter, and that no conditions could be imposed through this process.

Mr. Smith explained that his research had determined that State Forestry Rules allow for night deliveries, but that those Rules also call for mitigation of any noise impacts from these activities.

Mx. Larsen provided some logistical details of the timeline of this appeal, and explained that Mr. Perlee's letter had stated that this is a preexisting use, that the sawmill is an allowed use in the Village Mixed District, that the mill had been operating since the 1940s, and that the Town first adopted zoning regulations in 1968.

They further outlined that the chipping process falls under the definition of a sawmill, so there was no change in the use to precipitate the need for Conditional Use review for the property.

Jason Lathrop was then provided an opportunity to address the issues raised. He provided a history of activities at the mill site, beginning in the 1940s, culminating in the chipping and screening work which is the primary activity of the mill's current operations. He explained the need for nighttime loading of chips for delivery to Middlebury College, indicating that the loader operation is not noisy and that it does not operate near the property line. He acknowledged that the chipping equipment is noisy, but pointed out that chipping takes place at night only when absolutely necessary, the usual times of operation are from 6 am to 5 pm. Mr. Smith confirmed that this explanation of the chipping and loading operations match his experience of noise from the site.

Mr. Lathrop explained that building a berm at the property line would serve to both hide the lights of vehicles and to deflect/absorb some of the noise generated at the mill. Mr. Smith agreed that in the past it was customary for a log pile to be in place near the property line, which likely served to diminish some of the noise generated at the site.

Mr. Brown made a motion to close the hearing, but after some discussion among the Board, adjusted the motion to table the issue until later in the meeting.

**MOTION:** *Mr. Brown made a motion to table this issue until the end of the meeting, following review of the other applications on the agenda. The motion was seconded by Mr. Desmond, and passed unanimously.*

**Permit #22-403:** Thomas North Street LLC is requesting a preliminary plat review of a 6-unit PUD application subject to Bristol Unified Development Regulations Article IX, Section 931.

Jason Bernard provided an overview of the PUD plans, which had been adjusted following his previous presentation to the Board during Sketch Plan Review. The proposed plans are now for two duplex units on the westerly side of the lot, and two 3BR single family residences on the Pine Street side of the parcel – one for occupation by the landowners and one to potentially be built in the future. No subdivision is proposed, the entire lot will remain in single ownership.

Mr. Barnard outlined the planned water supply infrastructure, including meter pits and lines, and indicated that approval had been obtained from the Water Commission. All the residences will be served by onsite wastewater systems; permits are already in place. He pointed out that both driveways are pre-existing, and will be widened to 16' with a hammerhead provided for access.

Other points made by Mr. Barnard included that an Act 250 amendment is required, for which the application is almost ready; and that a stormwater design is included in the application materials (SW2), and includes a gravel wetland between the proposed duplexes and disconnect areas at the single family residence locations. The site plans provided with the application include landscaping and lighting plans; some new tree plantings are proposed and many existing trees will be retained, all exterior lighting is planned for ingress/egress locations, will be downcast, and is designed to not cast light on other properties.

Mr. Brown advised the applicant to speak with the Fire Chief regarding the road width, and provide the Board with a letter approving the access, as the 16' proposed width may be narrower than the Department's standards.

Mr. Barnard confirmed, after questions were raised about the access road area, that there is a small row of trees along the roadway, which will not have to be removed for development of the road or for installation of the water line. He also indicated that roadway widening will take place on the northern side of the road in order to avoid disruption of the hedgerow to the south. He explained that the 16' width is planned in order to provide some measure of traffic calming. It was also confirmed that there will be some clearing required for placement of the structures and wastewater system, but that other wooded areas will be left in their current state; clearing limits have been indicated on the site plan.

No other questions were raised regarding the proposed development.

Mr. Moyers explained that it is best that outdoor lighting is configured in a way that bulbs are not visible, and noted that looking into dark sky certification is helpful when determining which fixtures are most suitable.

Final review for this application will be held on January 28, 2025.

#### **4. New Business**

**Permit #24-063:** Lawrence Memorial Library of 40 North Street (Parcel #235024.1) is seeking a 7-foot waiver for the rear yard setback subject to Bristol Unified Development Regulations to Article III, Section 381.

Mr. Brown noted that he has performed some legal work for the Library, and so was willing to chair the discussion but would abstain from any votes taken on the matter.

Mx. Larsen reviewed the plans submitted with the application, including the proposed gazebo location. They noted that the waiver is being sought due to the location of the property's leach field, and that all the other HDR District setbacks will be met. It was pointed out that the method of construction planned, permeable material as a base with the structure supported by concrete posts, does not preclude placement on septic fields. Mr. Kluever explained that the proposed location also serves to open up the yard area for other activities sponsored by the Library. The adjoining neighbor expressed that there are no concerns with the gazebo being close to the property line, and Mr. Kluever indicated that a cedar fence approximately three feet in height will be installed in order to contain children

participating in outdoor activities. Mr. Kluever felt that the fence installation would be an appropriate condition included in granting of the waiver requested.

**MOTION:** *Mr. Moyers made a motion to approve the 7-foot waiver as requested by the Lawrence Memorial Library, conditioned upon installation of fencing as proposed. The motion was seconded by Mr. Wells, and passed with Mr. Brown abstaining.*

**Continuation of Appeal** by Ash Smith of Zoning Administrator no action decision regarding the Lathrop Mill subject to Bristol Unified Development Regulations Section 360.

Board members agreed to deliberate in open session.

Mr. Brown explained that the Board must first determine whether any current Zoning Regulations are applicable to the operations taking place at the Lathrop Mill, in other words, the question of whether the Zoning Administrator correctly issued a letter indicating no absence of a necessary permit and therefore no action necessary for the Lathrop Mill property is what requires answering.

It was noted that the most application section of the UDRs would be 352, but that the uses in place at the Mill predate the Ordinance, and so the required Conditional Use review is not necessary as there is no change in use from what has previously been encompassed in mill operations. The sections of the UDRs which address noise were mentioned; Mr. Brown explained that these apply only within the context of a use that is otherwise regulated by the UDRs, which in this situation is not the case.

It was agreed that the berm proposed by Mr. Lathrop might be helpful in addressing the situation, but noted that the DRB does not have the authority to require such a condition without an application to review.

It was also pointed out that adoption of a noise ordinance would be under the purview of the Selectboard.

**MOTION:** *Mr. Brown made a motion to affirm the Zoning Administrator's 'no action' decision. The motion was seconded by Mr. Moyers, and passed unanimously.*

## **5. Adjournment**

The meeting was adjourned at 9:21 pm.

Respectfully submitted,  
Carol Chamberlin, Recording Secretary