

Town of Bristol
PLANNING COMMISSION MEETING
Tuesday, July 15, 2025
Meeting Minutes

Members Present: Fred Baser, Kevin Hanson, Melissa Hernandez, Chanin Hill, John Moyers, Michelle Perlee (Ex-officio, Selectboard liaison), Ellen Repstad, Rob Rooker, Slim Pickens, Bill Sayre
Staff Present: AZ Larsen, Zoning and Planning Administrator
Others Present: Ron Dendas, Adam Lougee (ACRPC)

I. Call to Order: Kevin called the meeting to order at 7:03 pm. The meeting was held in person and via ZOOM.

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

No changes were made to the agenda.

III. Public Comment

Nobody requested time to comment.

IV. New Business

Discussion: Future Land Use Mapping and Act 181

Adam provided a summary page, and outlined that the purpose of Act 181 is to provide more coordination between the state and the regions in land use planning, with a focus on Act 250 involvement. A primary function of the implementation of Tiers will be to incentivize village development by removing Act 250 jurisdiction for housing in appropriate areas. Adam explained that if Bristol opts in for Tier 1B status for the Village area, housing development of up to 50 units would be exempt from the Act 250 process, but would still need to go through Bristol's regulatory and review process. Bristol's current designated downtown and a half mile surrounding that area are currently exempt from Act 250, and will remain so until the end of 2026 when the interim exemption ends and the new Tier designations are put into effect.

Adam then explained that most of the Town's area will be part of the new Tier 2 designation, and subject to the same Act 250 thresholds as are currently in place. The one exception will be for any proposed roads longer than 800 feet, or road/driveway combinations of greater than 2000 feet in length; these applications will be subject to Act 250 review regardless of what is proposed in the rest of the application. He then noted that work is continuing by the LURB regarding the designation of, and rules for, Tier 3 areas, which will be focused on addressing rare, threatened, and endangered species/communities, significant natural communities, soils that do not retain water well, headwaters with steep slopes and at elevations above 1200' (although the final elevation parameter may be lower), and habitat corridors of statewide significance. He acknowledged that these corridors may exist in areas which are already more densely developed.

PC members then reviewed with Adam the current mapping of Bristol which has been developed by the RPC. Adam explained that the Regional maps were created based upon each town's zoning maps, and incorporating current future land use mapping, with a goal of keeping parcels in one Tier to the degree possible. There was some discussion of what the inclusion of the previous landfill area in the Village/Tier 1B designation would mean for exemption, and it was noted that there are likely state-level limitations specific to that site which would need to be considered were any development proposed. Adam indicated that this parcel could potentially be removed from the Tier 1B area, but he was not sure where it might best be included if not with the rest of the Village area. It was also pointed out that there are some parcels in the Village area where there is acreage that extends up a steep hillside to the east, and agreed that those should likely be removed from the Tier 1B designation.

Adam then pointed out some other details of the map he was presenting, noting the enterprise areas, that the Rural General area closely corresponds with the Town's 2-acre zoning, that current use properties have been noted and included in the Rural Ag and Forestry area, and that the Rural Conservation area includes more densely forested land, include some National Forest, conserved lands, wetlands, and so forth.

He outlined the requirements for opting in to Tier 1B, and explained that the Tier designations do not impact the Town's zoning or bylaws. He noted that he is working with towns to review these maps, to gather feedback and ensure that the final product is in accordance with the Town's intent and continued compatibility with the Regional Plan.

PC members raised some more specific questions, such as whether there should be other pockets of enterprise areas, what areas might be designated as hamlets – areas just outside the Village that do not have as much infrastructure/civic/commercial uses, and other questions to be discussed at the next PC meeting. Adam asked that the group outline any questions for him in preparation for their August meeting, and that they have any proposed changes to the mapping ready for his review by their September meeting.

Discussion: ADUs and Statute

Kevin outlined that the PC is seeking to better understand Bristol's regulations' compatibility with Section 4412 of the state statute regarding ADU development. He had drafted seven questions to be answered in order to clarify this information.

- Which ruling governs for ADU/duplex when there is an existing permit in place for a PUD or subdivision whether it is local or state like Act 250? Some have conditions like 1 single family home per lot. Also, what restrictions, if any, can an HOA impose?

State statute has precedence; §4412 speaks to promotion of ADU development and places restrictions on town regulations; towns cannot be more restrictive than the statute, but can be less restrictive; towns cannot be more restrictive regarding ADUs than they are regarding SFRs.

Adam is not aware of any legislation that places restrictions on what HOAs may allow or disallow regarding ADUs.

It is likely that an Act 250 permit which allows for only an SFR on a lot would need a jurisdictional opinion or amendment in order to develop an ADU.

- Does an existing non-conforming use disqualify a single-family home from being able to add an ADU, such as in a zone where residential uses are not allowed but are pre-existing?

If an SFR exists, even if an SFR is no longer a permitted use in the District in which it is located, then an ADU is allowed on that property.

Later in the meeting, it was asked if development of an ADU in a non-conforming structure – in any District – would require DRB review; Adam felt that this might be a possibility, but again emphasized that the purpose of the statute is to provide for ADU development.

- For the term "criteria" in § 4412F, do the specific Dimensional Standards values for a single-family dwelling unit or the parameters referenced ("review, dimensional, or other controls") applied to the structure (single-family or accessory) being reviewed be the basis of review?

Adam explained that the same dimensional standards as set for SFRs need to be applicable to ADUs, and that some of the dimensional standards the PC implemented for ADUs in an attempt to provide 'subordination' are no longer permissible. There was some disagreement with this opinion from some PC members, but Adam emphasized that the purpose of the statute is to allow for ADUs, and so it should be read conservatively. He acknowledged that there may be different dimensional standards for ADUs, but they would need to be less restrictive than those for SFRs, not more restrictive.

- If the single-family Dimensional Standards are used as the criteria for evaluating an existing (or new) accessory structure, does that create a more restrictive situation for the addition of an ADU into the accessory structure that is otherwise compliant?

In an existing structure closer to the property line than allowed for a residence/ADU, Adam did not think it would be permissible to place an outright restriction on conversion to an ADU.

- In § 4412 there is no allowance for an ADU in a new nonresidential building (accessory structure), only an existing one. Does the UDR Section 404 that allows an ADU in a new nonresidential building, including the specific requirements listed in Section 404 result in a less restrictive condition for an ADU than §4412?

Adam explained that §4412 is agnostic regarding whether an ADU is located in an SFR or in another structure.

- By allowing an ADU in a new accessory structure, assuming it is less restrictive than § 4412, can Design and Performance Standards, specifically those in Section 750 be applied?

Kevin felt that this question was now moot.

- § 4412 states that an existing accessory structure can be converted to an ADU, but does acknowledge that other uses are allowed as part of the conversion. Could an ADU be put on the 2nd floor of a barn and the 1st floor be used for a garage?

Adam confirmed that this is possible. John noted that he believes that, because the statute does not directly address two new uses in one new building, he would like to see the ability for a more in-depth review of such applications. He made a point of there being the potential for people to use this 'loophole' to build a structure closer to the property line than allowed, and subsequently apply for a change of use to an ADU.

Fred pointed out that AZ has a good understanding of these nuances, which is what is important for applicants and ensuring the statute/regulations are followed. Kevin noted that he and AZ will work on developing associated guidelines for applicants and future ZAs to use as a reference.

Action: Interpretation of ADUs and Statute

Action on this matter was tabled, to be taken up at a future meeting.

V. Administrative Matters

Approval of Minutes: The minutes of June 17, 2025 were approved.

Review: PZA Zoning Report – AZ reported that permitting is slow, but there have been several DRB reviews.

Discussion: Miscellaneous Correspondence – No correspondence needed to be addressed.

VI. Public Comment

None

VII. Adjournment

The meeting adjourned at 9:24 pm.

Respectfully submitted,
Carol Chamberlin, Recording Secretary