Town of Bristol
PLANNING COMMISSION MEETING
HYBRID Public Meeting
Tuesday, October 17, 2023
Meeting Minutes

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Planning Commission Members Present: Anna Daylor, Kevin Hanson, Slim Pickens, Chanin Hill, John Moyers, Rob Rooker, Bill Sayre
Others Present: Kris Perlee, Zoning Administrator
Visitors: Adam Lougee (ACRPC), Jim Quaglino

Call to Order: PC Chair Kevin Hanson called the meeting to order at 7:07 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
No adjustments were made to the agenda; Kevin noted some items which were sent out via email that afternoon.

II. Public Comment
Tom Fox read a letter containing comments regarding the Business Yard use in the RA5 District, which he submitted as part of the record.

Carol Wells offered comments regarding the proposed requirement for a residential manager at an inn, and explained the logistics of the current answering service protocol she uses at her business.

III. Continuing Business
Discussion/Acton: Continue By-Law Modernization Grant work with ACRPC: Overall review of the Unified Development Regulations

Kevin outlined that this would likely be the final meeting before the scheduled Public Hearings, and noted that the priority issues are those related to the grant requirements. Adam will work to provide any necessary clarification and to ensure that the UDRs are following State requirements. Kevin explained that the grant match is forgiven if the UDR adoption process is completed by the end of January 2024, and that leeway has been granted to allow for voter approval at Town Meeting. However, the Selectboard is still required to hold hearings and have the draft available for placing an Article warning the vote on Town Meeting day.

Adam then reviewed recent revisions made and sections of the UDRs still under discussion by the PC.

- Recent map revisions moving approximately 20 parcels back to the current HDR District were confirmed as what was intended.
- Duplexes in HDR, and what to provide, if anything, for a density bonus were discussed. S.100 calls for duplexes to have the same dimensional standards as single-family residences, which is essentially a 100% density bonus. It has not been fully clarified whether S.100 is meant to refer to unit density or simply dimensional standards. Kevin suggested a 25% density bonus might be suitable. It was agreed to determine if there was agreement regarding whether a bonus should be provided for, and then to address the amount of bonus to be provided, if any. After some interim discussion regarding the provision of a bonus allowing for conversion of larger houses on

small lots into duplexes, and the potential for allowing for larger ADU sizes as another strategy for allowing further density in the HDR, there were decisions made regarding duplexes. All those present agreed that a density bonus should be allowed in the HDR for duplexes, as a strategy for overcoming constraints on lot sizes, and after some further discussion it was agreed that duplexes should set at a density of 5 units/acre, allowing for a duplex on a .4-acre lot.

- Anna provided a link to the Vt VCGI site, which allows for viewing parcel sizes throughout the state.

Next, some adjustments to language regarding ADUs were discussed.

- Adam noted that the phrase 'efficiency or one-bedroom apartment' was removed from Bristol's definition, in order to comply with new statutory language, and the square footage was reduced from 1000 ft^2 to 900 ft^2 for the same reason.
- The standards previously outlined to define 'clearly subordinate' were then reviewed by the PC members present.
    - Fewer number of bedrooms.
    - Greater setback from property line.
    - Height at least 20% less than that of the primary dwelling.
    - Design features and materials compatible with the primary dwelling.
        - It was explained that this was included to prevent the ADU from being more noticeable than the primary dwelling, and thus not 'clearly subordinate.'
- There was some discussion of the general lack of support locally for design standards.
- It was agreed that basement area should only be included in the 900 ft^2 allowance if it is habitable space, as that is part of the statutory definition.
- Discussion of the logistics of an accessory structure containing space for different uses ensued
    - Typically, the current protocol is to have an accessory structure (e.g., garage, workshop) permitted and constructed, and then return for a permit to develop the upper floor into an ADU.
        - This is because the current definition of 'accessory structure' does not include living space.
    - John indicated that reinstating language from the 2017 UDRs, allowing for a more expansive allowance for ADUs, if they go through Conditional Use Review, would be beneficial.

MOTION: John made a motion to reinstate the language specified from the 2017 version of the UDRs. The motion was seconded by Slim. Discussion included the following points:

- Adam noted that this would be out of compliance with S.100.
- John felt that this would allow for ADUs in conjunction with duplexes, and would also allow for an ADU to be permitted at the same time as the structure in which it would be housed.
- Kris pointed out that the first part of the 2017 statement precludes associating an ADU with a duplex.
- Rob indicated that this provides for more review, but does not prevent the structure from being developed.

The motion failed with John, Slim, and Anna voting in favor and Chanin, Rob, Bill, and Kevin opposed.

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There was further discussion regarding keeping standard 'e' in the 'clearly subordinate' outline, which calls for a degree of design standard to be applied to ADU construction. Kris pointed out that the language is quite arbitrary, and not possible to enforce uniformly.

MOTION: Rob made a motion to remove subpart 'e' from the definition of 'clearly subordinate.' The motion was seconded by John. The motion passed with Slim opposed and the rest of the members in favor.

Changes to the definition of 'Inn/Guest Facility' were discussed next. Adam and Anna had worked together on this, for presentation to the rest of the PC. The level of review for this type of use was changed from Conditional Use to Site Plan Review. Therefore, some focus had been placed on ensuring that a manager or other personnel on duty at all times, so that incidents or complaints would be able to be addressed in a timely manner and to prevent non-resident operators from neglecting the business. Adam explained that this language was added to both the Hotel and Inn/Guest Facility definitions. Discussion ensued, with the following points made:

- The language should address the big picture of this type of use, not just one or two example properties.
- This requirement may fall more under management than zoning, and does not appear to apply to any other type of business.
- There are potential impacts on neighbors, e.g. the need to address noise complaints in a timely manner.
- It is difficult to define 'timely manner.'

MOTION: John made a motion to table this issue, as it is not related to the main focus of this update, which is increasing density. The motion was seconded by Anna. It was pointed out that any changes not adopted at this point will be under consideration for many more months before another iteration is ready for review; it was also noted that currently this type of use requires Conditional Use Review, where the DRB has an opportunity to impose similar conditions. The motion failed with John and Slim voting in favor, and Rob, Chanin and Kevin voting against.

MOTION: Rob made a motion to accept the language as proposed. The motion was seconded by Chanin. The motion was amended by Anna to adjust the Hotel definition to include 'on premise' rather than 'on duty.' The amendment was seconded by John. The amendment passed, with Chanin and Bill opposed and the rest of the members in favor. The amended motion passed with John opposed, Anna abstaining, Kevin abstaining as Chair, and the rest of the members in favor.

The proposed 'Business Yard' definition was discussed next, with a review of the language which had been drafted by Adam. There was not full support for including this use in the VMU District, as the goal was to create more residential opportunities there. John also indicated he felt that RA5 is also primarily residential and that this use is not compatible with that district. Kris noted that the Town Plan calls for a balanced economic base, with the retention of existing businesses and encouragement of new enterprises.

No definition of a 'large-scale' excavating business had been drafted, and there were questions raised as to whether some existing businesses may be rendered nonconforming by these changes; it was agreed

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that 'large scale' is difficult to define. Kevin proposed specifying truck and equipment sizes in the definition, and also including a requirement for access to a paved road.

There was further discussion of allowance for this type of business, with the need for flexibility and tolerance to allow for growth while also balancing where housing needs are critical, particularly within the village areas.

MOTION: John made to motion to remove 'large-scale' from the proposed definition. The motion failed for lack of a second.

MOTION: Kevin made a motion to remove 'large-scale excavating businesses' from the last sentence of the definition, and to add 'construction yards with heavy equipment (with typical use of 10 yard or larger dump trucks and 95 horsepower or larger excavators or similar equipment) be sited with access to a paved road.' The motion was seconded by Bill. The motion passed with Bill, Rob, Anna, and Slim in favor; Chanin opposed; and John abstaining.

The districts in which to allow large-scale excavating businesses was discussed next.

MOTION: John made a motion to remove large-scale excavating businesses as an allowable use from VMU and RA5. The motion was seconded by Anna. It was noted that this would leave the use only allowable in C1, and that it would make several existing businesses non-conforming. The motion failed with John and Anna in favor, and Rob, Chanin, Bill, and Slim opposed.

MOTION: Slim made a motion to remove large-scale excavating businesses as an allowable use in VMU. The motion was seconded by John. The motion passed with Slim, John, Anna, and Kevin in favor and Rob, Chanin, and Bill opposed.

There was some further discussion of accessory structure dimensional standards; no changes were proposed to the setback standards in the draft document, and the lot coverage was left as footprint, not changed to total building area. Height limitations were discussed in more detail. It was noted that a one-story house might be impacted when building a garage if structure height was limited in the same manner as ADU height, but some suggestions for limitations were offered. These included a specific number of feet, a limit of one story, and others.

MOTION: Kevin made a motion to limit the maximum height of accessory structures to 28 feet. The motion failed for lack of a second.

One other item related to including a description of exterior materials on zoning applications was tabled.

MOTION: Chanin made a motion to approve the proposed UDRs with the changes agreed up at the meeting. The motion was seconded by Rob. Some members requested that the full document be available before voting. The vote passed with Chanin, Rob, xxx and Kevin in favor, and John, xxx, and xxx opposed.

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It was noted that Monday, October 23 is the deadline for posting a Public Hearing notice for the planned November 7 date, so if any member determines that further editing is required, they should reach out to Kevin and Kris by the end of the day on Thursday so that an emergency meeting can be called for Friday.

Discussion: Public Notice/Communications
Kevin provided some draft communications for outreach and social media postings related to the upcoming Hearings; he asked that PC members review this information and provide feedback to him.

There were no objections to tabling the rest of the items on the agenda.

IV. New Business

V. Administrative Matters
Acceptance of Minutes

Discussion: Zoning Administrator Report

Discussion: Miscellaneous Correspondence

VI. Public Comment
Nobody offered public comment at this time.

VII. Adjournment
The meeting adjourned at 10:10 pm.

Respectfully submitted,
Carol Chamberlin, Recording Secretary

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