

Bristol Selectboard Meeting

May 14, 2012

Selectboard Attendance: Chairman John "Peeker" Heffernan, Sharon Compagna, Joel Bouvier and Carol Wells. Others Attending: Town Administrator Bill Bryant, Mary Arbuckle (NEAT TV), Andrew Stein (The Addison Independent), and about 30 members of the public.

The sole purpose of the meeting was to conduct a public hearing regarding the draft Town Plan as presented to the Selectboard from the Planning Commission dated March 6, 2012. Chairman Heffernan called the meeting to order at 7:05 p.m. and opened the hearing for comments from the public.

Bruce Aciavatti referred to questions asked by Selectwoman Wells at the prior Selectboard meeting concerning policies and resource extraction. He would like to see a policy included in the land use section that clearly states that resource extraction will be prohibited within the Village Planning Area as defined in the draft plan. He suggested such a policy should be added on page 56 under item #13.

Kevin Harper spoke about the distinction to be made between light commercial uses and heavy industry. He referred to page 53, fourth and fifth paragraphs, and suggested that the distinction needs to be made clearer, particularly in regard to proposed language excepting prohibition of resource extraction in some cases.

John Moyers submitted written testimony (attached to these minutes) and further explained and reviewed the seven comments outlined in his written material. 1) proposed language to clarify that gravel extraction which is incidental to an otherwise approved use may be sold (Page 52); 2 & 3) clarify that extraction "will" be prohibited, not "should", in the Village Planning Area and clarify that extraction "shall not" be allowed, not "would not", in the Village Planning Area (page 53); 4) similar to Bruce Aciavatti request above, add policy statement on page 56, section 12 that "commercial gravel extraction and heavy industry shall be prohibited" in the Village Planning Area; 5) suggestion for clarifying language on page 50, section 12, 4th paragraph to encourage light industrial growth and specifically referring to former Autumn Harp property; 6) suggestion on page 3, section F, policy, to strike everything after the first sentence regarding definition of policy as used in the plan; and 7) strike sentence on page 3, section F "The Planning Commission, Selectboard, and Zoning Board of Adjustment or their successor will only approve land use changes and proposed projects that in their judgments conform to the entire Town Plan."

Peter Grant noted that the Zoning Board of Adjustment does not look at the Town Plan in its deliberations, made in reference to John Moyers last comment.

Kevin Harper suggested that on page 53, paragraph 2, that "it is anticipated" is too ambiguous a term for clearly prohibiting gravel extraction in the Village Planning Area. On page 57 under Task #1, suggests replacing "which would include" with "that will prohibit" extraction in the Village Planning Area. On page 55, Goal #5, re. compensation for taking of use of property, suggests striking the entire sentence as these rights are established under law and have no value in the plan.

Bruce Aciavatti concurred with Kevin Harper's last comment regarding property rights language being stricken. He also noted concern about language on pages 53 and 57, that indicates that quarrying may only be prohibited until completion of further studies.

Kevin Harper inquired as to the difference between rock and quarry in reference to item #16 on page 57. Peeker Heffernan explained that generally rock is considered to be as it comes out of the bank, whereas quarrying generally refers to blasted ledge.

John Moyers spoke about Kevin Harper's suggestion to remove language on page 55, Goal #5, stating that the Constitution protects property owners on this topic. He noted that takings has generally not been considered to include "future profits."

Jason Lathrop noted that his family's lumber mill business has been located off South Street for over 70 years. He would like to see this site included in mixed use as it has been for many years, so that forest product industry use may continue there as an approved use and not as a non-conforming grandfathered use. He noted the importance of zoning as it applies to business financing and the difficulty of banks considering financing for non-conforming uses.

Kris Perlee, member of the Planning Commission noted that new zoning maps now being worked on have not been included in the draft Town Plan.

Jodi Lathrop inquired about the location of 265 Rounds Road on the maps in the appendices. She noted this residential property has 7 acres and she doesn't want to see it moved to the Conservation District with a 25 acre lot size, thus making it a non-conforming lot. There was some confusion about which map and this will need to be looked into further.

John Moyers noted that his suggestions were made in priority order. His top priority is the request to make a reasonable exception for incidental sale of gravel from a development site.

Russ Rueger indicated general agreement with comments made by Kevin Harper, John Moyers and Bruce Aciavatti. He thanked the Planning Commission for its hard work on developing the new plan. He stated that with a few improvements, this would be a really good document.

Bruce Aciavatti inquired about the process going forward. The Selectboard explained that it will discuss possible changes proposed this evening as well as any they may have. They would seek input on any changes they propose from the Planning Commission. Then the public hearing process will resume with the intention of a public vote on the plan with the November General Election. It was asked whether the Selectboard discussion will be public and it was noted that it would be. There was some further discussion on this topic and it was agreed that this discussion will take place at the May 21st Selectboard meeting.

The hearing was closed and the meeting adjourned at 8:05 p.m.

Respectfully Submitted,
William Bryant, Town Administrator