

**Planning Commission
Meeting Minutes
October 4, 2016**

Commission Members: Sue Kavanagh, Skimmer Hellier, Kris Perlee, Anna Daylor, Bill Sayre

Other: Eric Forand (zoning admin), Adam Lougee (ACRPC), Mary Arbuckle (NeatTv)

Public: Jodi, Jason and Justin Lathrop, Chanin Hill, Harland & Margaret Wendel, Ted Lylis, Pecker Heffernan, David & Wendy Livingston, Tom & Carol Wells, Betsy Blair, Peter Grant, Elizabeth Sayre

Public Hearing for Zoning Regulations opened 7:04pm

Sue explained the logistics of the evening including that it was being televised live and being recorded by NEATtv. Sue explained that this was the one required public hearing by the Planning Commission (PC) regarding the draft amendments of the zoning regulations. Sue also explained that the PC also planned to convey the Town Plan for re-adoption to the Selectboard at the same time as the revised zoning regulations. There will be a separate public hearing for the Town Plan on October 18, 2016. The PC hopes to have both voted on in March 2017. Sue explained the process the PC has taken over the last 4 years, starting by organizing the review of zoning districts using the planning areas outlined in the Town Plan. The PC used the Town Plan as a guide as they moved through the process.

Sue then opened the floor to questions and testimony on the proposed zoning regulations.

Tom Wells- Started by thanking the Commission and Adam for their work. His comments were as follows:

- 1) Professional office is defined but that term does not appear as allowed in any district. Needs clarification.
- 2) Healthcare clinic is allowed in some districts but the term does not appear in the not definitions.
- 3) He feels that the information that is specific to the Design Review District appears in too many places and needs to be cross referenced better or more clearly presented.
- 4) He suggests that the Residential Office Commercial (ROC) zone boundary should extend up North St. possibly to Garfield St. on the east side. The Almost Home market is currently a “grandfathered” use as retail is not allowed in the High Density Residential (HDR) zone. As the owner of the property he feels that with

the new housing project and his property it makes sense to extend the ROC zone, which would make his property complying.

- 5) He feels that Bar should require Site Plan review in the ROC district.
- 6) He thought it would be a good idea to make a list of properties that these regulations will make non-conforming.
- 7) He likes the change that gives the Zoning Administrator (ZA) more ability to accept small changes to permits.
- 8) He doesn't think it is necessary to mandate a change of use if the new use is a permitted use.
- 9) He would like to see roof top signs not be allowed.
- 10) He was not sure if regulations can dictate whether or not a "chain store" can be built.
- 11) He asked why more things were allowed in the Village Residential than in the HDR. Kris explained that the PC was looking to allow more residential density and other growth in the Plank Road area as an example.

Peter Grant offered several suggestions related to formatting of the proposed document including that the articles start at the top of the page with their titles, also that each article title be bolded.

David Livingston asked if due to the proposed Daniels Four Corner (DFC) overlay would his property become non-conforming. Kris stated it would because he has a conditional use permit and conditional uses would no longer be allowed within the proposed overlay district. David feels that his current business fits well in the space and he feels that he has done a good job of making it look nice. He has lots of customers come in from out of town. He feels that the proposed overlay will reduce the value of the land he owns as it will be allowed less uses than when he purchased it. He has ideas for the future and if the property is labeled non-conforming then he would have issues with the State and banks (for future financing). He feels that Act 250 is very robust and Bristol does not need another set of rules in addition. He would like to see projects approved on their individual merit not on where they are located.

Jody Lathrop –

- 1) She stated that the Lathrop's sawmill is located in the Village mixed area and sawmills appear to be not a permitted or conditional use there. She feels the same as David that being made non-conforming causes issues when a business tries to expand.
- 2) She is concerned that Section 730, which states trucks over 2.5 tons need to be parked under cover, would cause them to have to park all of their trucks under cover.

- 3) She feels the section 750 is too subjective.
- 4) She feels that a 50 decibel level of sustained night time noise is too low. She spoke to someone at ACT 250 and she stated no municipalities in the state have a specific decibel level cap/requirement.
- 5) Also regarding the proposed noise regulations, she feels that trucks have to have backup beepers as it is mandated by the state.
- 6) Thirdly regarding the noise regulations, she stated that sometime delivery trucks arrive early and in the winter they have to idle those to keep them from freezing.
- 7) She was concerned that some of her family's property was in the Bristol Pond District. The ZA said he would research that and let her know.

Betsy Blair asked if she would be able to dog sit for a friend at her house on Maple Street. Kris explained that would not be an issue and described a home occupation.

Peeker Heffernan-

- 1) He feels that items 1-4 in section 605, related to extraction, are the same as the Act 250 requirements and therefore are not necessary.
- 2) He asked that the current and proposed 200 ft property line setback requirement be on a case by case basis as he feels sometimes it is necessary and sometimes it is not, depending on the site and the project.
- 3) He thought the 300 ft setback for sorting equipment was not necessary as Act 250 has noise requirements and the Town should rely on that process.

David Livingston thought there should be exemptions available for certain lands. He is concerned about becoming a non-conforming business when he is currently conforming.

Jody Lathrop feels that zoning is against them and they have to fight for any expansion because they are currently labeled non-conforming.

Chanin Hill asked if the bio-mass power production plant on Four Hills Farm property made them a non-conforming use, Bill explained that the State overrules local zoning when it comes to power plants.

Peter Grant asked if this was the only public hearing regarding the proposed zoning regulations and Sue stated there would be two more conducted by the Selectboard.

Betsy Blair asked that the PC not ruin the rural nature of the Town. She asked if there were density issues in the rural agricultural planning areas. Kris stated that the regulations were drafted to keep the highest density in the village planning area.

Dave Livingston asked what he would have to do to have the proposed Daniel's Four Corners overlay not include his parcel. Kris stated the PC would take these comments back and review them and they could remove, reduce or leave the DFC overlay as is.

Jody Lathrop stated that if the new regulations do not pass then David's property would not be affected.

Bill Sayre stated that to clarify David is asking to keep the options he has, he is not asking for more.

Peter Grant stated the PC should ask the public what they think about the updated regulations. Kris stated that the PC was on a very tight schedule and could not re-work the entire document at this point.

Hearing no other questions or testimony, Kris made a motion, seconded by Bill to close the public hearing on the updated regulation. All were in favor 5-0.

Public hearing was closed at 8:27pm

Regularly scheduled PC meeting opened at 8:39pm

Minutes

Kris made a motion to accept as presented the September 6, 2016 PC meeting minutes, seconded by Anna. All were in favor.

Kris made a motion to accept as presented the September 20, 2016 PC meeting minutes, seconded by Skimmer. All were in favor.

Time Line

Sue reviewed the timeline. She stated that this is a very tight turnaround but they are still on schedule to convey the proposed zoning regulations to the Town for vote in March 2017.

Review of Public Comments on the proposed zoning regulations document:

The PC discussed the questions raised about the extraction section, specifically the 200 ft and 300ft setback requirements (appearing in the current and unchanged in the proposed zoning regulations document). The PC decided to propose language stating that an applicant for an extraction operation could request reduction of those setbacks to the underlying zone setback requirement if the applicant receives written permission from the bordering neighbors effected. Adam stated he would draft the proposed language for review at the next PC meeting. The ZA stated his opposition to this as there is no other place in the regulation that allows a waiver because the neighbor agrees. In #6 they agreed to add the word crushing in front of the word equipment.

They discussed the comment proposing changing the northwest corner of Daniels Four Corners to C-1. No action.

The Commission discussed the proposed Daniel's Four Corners overlay district. Sue discussed how the regulations were a document of compromise and they had one vote against the proposed DFC in the past so with only 5 members present that evening, they would not be able to reach a decision with a majority if the opportunity presented itself.

Before concluding the meeting Bill outlined his main points of interest for the PC after hearing testimony: he would like to see the Mixed zone include sawmills as a conditional use. He felt the PC should consider extending the ROC zone up the east side of North St. He stated he would recuse himself from future deliberation of the proposed Daniel's Four Corners overlay district as he is a landowner there (Bill had been away from PC meetings during the time the DFC overlay was proposed and discussed in late fall 2015).

David Livingston asked how his use which currently has a conditional use permit could become a non-complying use. The ZA explained that because the new DFC overlay does not allow conditional uses his become non-complying.

Bill cautioned the PC about taking away a person's right to do something on their land.

Kris made a motion to adjourn, seconded by Skimmer. All were in favor.

The PC meeting was closed at 9:55pm

Respectfully Submitted,

Eric J Forand