

**Planning Commission  
Meeting Minutes  
October 18, 2016**

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

Other: Adam Lougee (ACRPC), Mary Arbuckle (NeatTv)

Public: Jodi, Jason and Justin Lathrop, Ted Lylis, Peeker Heffernan, David A., David G., and Wendy Livingston, Benjamin Putnam, Michael Russell, Jim Quaglino, Ian Albinson

**Public Hearing for on proposed re-adoption of the Bristol Town Plan  
opened 7:04pm**

Sue offered an introduction to the public hearing, explaining that the current Town Plan was approved by the town voters in November 2012. The PC is proposing re-adoption of the current TP in order to prevent it from expiring in Nov. 2017 because of the important role the TP plays in Act 250 reviews and to continue making Bristol eligible for state grant funding that may be contingent on having an active TP. If this proposal is approved by the Town voters (in March, 2017, Town Meeting election day), the PC will revisit and propose updates after that (and after the current work of updating the zoning regulations is complete). Recent state statute extends the required review and updating process from every 5 years to 8 years.

Sue opened up the floor to public comments and testimony:

Jodi Lathrop asked if the proposed updated zoning district map be added to town plan, including the proposed Daniels Four Corners overlay district? Sue replied yes, if the proposed zoning regulations updates pass the Town vote, the new maps would supersede the old/current map. Jodi asked if that wouldn't then be an amendment to the Town Plan (rather than full re-adoption as the PC has proposed).

Benjamin Putnam (Livingston attorney) introduced himself. Mike Russell (attorney for Lathrop family) asked if the Town Plan and zoning regs would be warned as a single item? Or two separate? If two, he thinks it's a problem. Ted Lylis asked if the Town Plan could be approved and new zoning regs not be approved? Or vice versa? Wants to confirm that there is a clear separation between the two and what might be scenarios by warning both documents as the PC is proposing (for simultaneous consideration and voting). Sue clarified that the current Town Plan would stay in effect (if this warning does not pass) until Nov. 2017. John E: clarified that the PC's intention is that if the proposed zoning regs pass in March 2017 the Town Plan will incorporate new zoning district map information, if not, the current Town Plan remains in effect, as is.

Benj Putnam asked where we are in proposed zoning regulations review process? Sue explained the to-date and anticipated (hoped for, planned for) timeline. Putnam also asked if it was too late to give input on zoning regs. Sue responded that it's fairly late in

the process but the PC is still considering input from around and since the 10/4/16 public hearing. The public hearing being held right now is about the proposed re-adoption of the Town Plan and further discussion of the proposed zoning regs should be held until the regular PC meeting later this evening. Putnam offered to wait until regular PC meeting opens.

Jodi Lathrop suggested that the PC would need to change the definitions in Town Plan given considerations of updated zoning regulations. Kris Perlee replied no, we decided to leave the use definitions as is in the Town Plan, since we can modify them in the future after the updated zoning regulations have been approved. The Planning Areas outlined in the November 2012 Town Plan are not proposed to change (via the zoning regulations considerations or during this Town Plan re-adoption proposal). Sue also pointed out that the issue is with the zoning district map and her interest in avoiding having two different maps (one in the 2012 Town Plan and one in a newly updated zoning regulations document).

Peeker Heffernan observed that the proposal (for re-adoption of the TP as is) is problematic – if he votes no to the proposed zoning regulations (for example because of the proposed Daniel's Four Corners overlay district) then he feels he has to vote no to the Town Plan re-adoption. Sue said she needs to find out what the downside of having two different sets of maps would be (one accompanying the 2012 Town Plan, one in the proposed updated zoning regulations should they pass in March 2017). What would it mean? John E asked Peeker if he's arguing against voting for regs and re-adoption of town plan at the same time. Peeker replied no, but asked how (generally and in the clearest way) does the Town pass them?

Ted L. inquired about proposing to vote/approve the TP at Town Meeting and then amend it? Reply: can't work at the meeting (with voice or paper vote) because the TP requires a full ballot vote. Benj Putnam proposed amending the TP by removing the zoning maps altogether while letting the text/narrative stand unchanged. Sue shared original idea to word the vote warning so that if the revised zoning regulations pass the new zoning district map would replace the one appearing in the TP

John E. attempted to sum up the conversation: TP re-adoption phrasing seems to be issue and suggested alternative: vote on zoning reg draft now only and the TP later – since there is no other election, let it expire – not ideal, but possibly acceptable.

Kris P responded suggesting the Town indeed hold an election in November 2017 for the TP itself, recognizing there would be a cost to the Town for a special election, but better than potential legal fees resulting from confusion of the TP and zoning regs maps if different for a period of time.

John E: feels the discussion has been clarifying. Jodi: agreed the conversation during the public hearing was good, suggested to not rush, provides an opportunity to evaluate, the Town makes out better. Sue thanked public for input; motion to close public hearing made by Kris and seconded by John, and passed. Public hearing closed at approximately 7:45 pm.

### **Regular PC meeting opened at 7:46 pm:**

Referring to the meeting agenda, Sue suggested the PC move right to item 5 – discussion of public input on proposed zoning regulations, saving the administrative matters and minutes approval to later and recognizing audience members present. Sue thanked Dave Livingston and Jodi Lathrop and all members of the public for their testimony and input at the zoning regs public hearing and since then. In the time since the public hearing and considering interest in particular in the proposed Daniel's Four Corners overlay district in particular, Sue described work with PC vice chair John Elder on several items of substantive input for PC consideration. She also described and referenced the draft zoning regs document that consultant Adam Lougee had amended since the 10/4 public hearing to incorporate non-substantive changes AND to note substantive input that still should be discussed. Sue suggested working through the substantive input first this evening.

Reminding everyone of the proposed timeline– 11/21 Selectboard has warned a public hearing on the proposed zoning regs. The PC will meet again on 11/1 and 11/15 to finalize.

### **Continued discussion of proposed Daniels Four Corners overlay district:**

Bill Sayre recused himself from the PC discussion because he owns property within the proposed district, offering to participate as a member of the public (and sat in the audience). Sue has shared public input/concerns with John E. since he was not present at the 10/4 public hearing and asked him to share his proposal on this topic:

John E: Starting with the premise that proposed DFC overlay district regulations would not make Livingston Farm a pre-existing non-compliant use, John acknowledged the Livingston family's interest in future expansion at that site. With the proposed DFC overlay district as written, the issue is that proposed Conditional uses would not be allowed in the overlay area (indicated on the draft zoning districts map). Why was the proposed overlay district conceived? To acknowledge the importance of the Rts. 116/17 intersection as a "gateway" to the town and to keep future development of the intersection from drawing business away from stores/business in the Main street (West St/East Street, etc.) area. At the same time, PC is sensitive to property owners' rights. So, how to serve the goals of a "gateway" area and avoid adjacent sprawl in a more flexible way? John proposed language and amendments to page 29 of the draft for the proposed DFC overlay section that would be an alternative to ruling out underlying zone Conditional uses. [see handout provided by John E.].

Sue clarified that this proposed amendment to the draft would eliminate the text making proposed Conditional uses in the underlying zones of the DFC overlay impossible to pursue and she expressed support for John's proposed amendment.

Dave Livingston asked about the impact of this on the Act 250 process? John E asked Adam to clarify. Adam replied that local zoning is concerned with uses while Act 250 is concerned with impact (ex: on infrastructure/environment). He added the the PC has

tried in the zoning regs update to not add additional burdens for applicants (beyond what Act 250 already may impose). Dave expressed concern with the possibility of being caught in the middle between local zoning regulations and the state's Act 250 process. Kris P offered that the 9 person PC is here to help and we acknowledge that process can be difficult for applicants.

John E. reminded the PC and audience that he is suggesting and that the PC is trying to find the compromise on this matter. Bill Sayre, speaking as a member of the public thinks the compromise proposed by John E is a good one

Benj Putnam, representing the interests of the Livingston family offered some clarifying language for p. 20 (uses). He suggested that the proposed design standards would take away some Livingston possibilities, should expansion/change of use require them to modify existing reality to add sidewalk, trees, etc.

PC discussion followed: Kris P: Question: for an already developed property, would a change of use mean that all conditional use rules apply? Adam confirmed yes they would (except non-substantive changes – ZBA can OK those). Mike Russell, representing the Lathrop family asked: does this mean the ZBA has the right to exceed the regs? Expressed concern.

John E. asked if we were headed in a good direction with this new proposal? Dave L. said yes. Kris P. expressed support for the compromise. Is concerned with the language “likelihood to pull business away...” feels it is too ambiguous, how can we interpret?

Jodi suggested using very specific language about the type of development the PC is proposing to prevent, “Why don’t you just say “No Walmarts” since that is the intent – Sue replied suggesting that the PC intends to remove references to “chain or franchise” stores/businesses from the draft zoning regs document.

Kris P and John E. will work together to finalize language on this proposed amendment to the draft DFC overlay district. Benj Putnam asked one final question on this topic: what would the threshold be for applying the proposed new DFC overlay regs to an existing use: any change in current use or be required to start design from scratch? John E: thanked everyone for well-focused discussion

[Bill Sayre rejoined PC]

Sue continued review of substantive input from the public hearing process:

**Sawmill in Village Mixed zone**

Sue acknowledged the Lathrop family’s interest in having the Sawill use be included as a listed use in the Village Mixed zone where their operation has existed for many years. Sue suggested adding it as a Conditional use to the proposed Village Mixed zone.

Mike Russell, representing the Lathrop family asked why the Lathrop operation area is not zoned Commercial? Sue explained that zoning regs/zones approved by the Town in 2006 made that area the Mixed zone and that the PC tried to make as few changes as

possible to existing zoning boundaries outside of responding to the 2012 Town Plan and making adjustments that support the TP's goals. Kris P pointed out that area's proximity to the most dense part of Bristol – business and residential - as a reason. Sue said the PC did not consider changing that area to Commercial and pointed out that the proposed Village Mixed zone allows for business and residential and residential development.

Mike Russell responded acknowledging the proximity if one is looking at a “flat” map, but because of the elevation difference one could consider more intense uses in that location. The site has a history of commercial use, why can't it be zoned Commercial now – it would still be subject to Conditional review, so why not? OR can we make Sawmill a permitted use in Village Mixed? There was not PC interest in changing that location to be zoned Commercial or to adjust Sawmill as a use other than as Conditional. Mike also offered draft amended text to the proposed definition of Industry, Light to include sawmill and to amend the definition of Sawmill [see handout].

Kris P. pointed out that the new draft includes indication that the Exempt uses appear clearly.

### **Extraction**

Sue reminded the PC that at the 10/4 PC meeting the members discussed and agreed to seek a change in language from current regulation and in the proposed draft following input from Pecker Heffernan at the 10/3 Selectboard meeting and at the 10/4 public hearing. Section 605, items 5 and 6 – OK with PC to accept the proposed new language in the most recent draft (re: the possibility of reduced setbacks with written permission from adjacent neighbors for extraction operations and location of sorting or grinding machinery).

### **Vehicle storage**

Sue suggested that based on input from the Lathrop family and Joel Bouvier regarding proposed Sec 730 (which was unchanged from current Town regulations) that the PC consider limiting this regulation to the HDR and VR zones only where there is the highest density of residential development. PC supportive.

### **Extending the Residential, Office, Commercial zone farther north on North Street to Garfield Street**

Sue reminded the PC of Tom Wells' request that the ROC zone be extended farther north on the east side of North Street to Garfield Street in order to include the property currently Almost Home and Synergy so that that use would no longer be non-compliant (it has been a business for many years, including a market, and is currently in the HDR zone). John E. suggested not changing the zone boundary. Skimmer asked about the old fire house and potential for development by extending ROC even further north and then agreed, no. Kris P. suggested no because the change would then make the neighboring multi-family house a non-conforming use.

### **35feet height structure maximum**

Sue reminded the PC that the SB has requested review of the proposed 25ft structure height maximum, particularly after inquiry about the potential to build on the town-

owned Stoney Hill/Lover's Lane land (steep). She reported that fire chief Brett LaRose has indicated that it's acceptable from a fire/rescue point of view for a structure to be higher than 35ft if no living areas/bedrooms are higher than that. Adam and PC reviewed draft and noted that we need to review if the PC meant to include this max height in the Main Street/downtown area where buildings are already tall? Perhaps need to distinguish this area/zone from the rest of Town? Discussion about building sites where steep pitches exist – ability to put parking below, etc.? How does the height calculation language square with considerations of future possible building?

### **Definition of inn/guest facility**

Sue shared recent input regarding the proposed definition which requires owner or manager living on site. Eliminate? Input indicated that requirement may be a burden to future development of inn/guest facilities which are greatly needed in Bristol. PC doesn't want absentee ownership – proposed on-site requirement is intended to avoid neglect of property. PC agreed to keep as proposed.

### **Other input or suggested amendments (non-substantial) indicated in the recent regs document**

Sue invited PC members to discuss any other point highlighted in the latest regs draft as indicated by the track-changes function and Adam Lougee's notes (appearing in the far right margin when viewed on the screen). Hearing no other questions or indications to discuss input added to the draft since the 10/4 public hearing, Sue suggested that the changes (other than input from this evening needing further refinement or consideration at the 11/1 meeting) be accepted by Adam for the next draft. Agreed.

Mike Russell, representing the Lathrop family, offered two other suggested amendments in writing: to Section 355 General Criteria for Review and Section 352: Existing Conditional Uses. [see handout]

Sue suggested that input and discussion from this evening's meeting be considered and that Adam Lougee would soon provide an updated draft of the zoning regs document to be reviewed at the PC's 11/1/16 meeting.

Motion to adjourn by Kris, seconded by John, all in favor, meeting closed at 9:30 pm.

Respectfully submitted,

Anna Daylor and Susan Kavanagh (in Eric Forand's absence)