

Planning Commission Meeting

April 4, 2017

Commission Members: Sue Kavanagh, Kris Perlee, Gary Clark, Bill Brown, Katie Raycroft Meyer

Other: Eric J Forand (zoning admin), Mary Arbuckle (NeatTV)

Public: Chris & Melanie Acker, Peeker Heffernan, Brenda Tillberg, Diane Heffernan,

Public Meeting opened for permit 17-01SD at 7:05pm

Peeker Heffernan described the proposal for a 3 lot sub-division on Monkton Road behind and adjacent to the property owned by Champlain Valley Plumbing and Heating (CVPH). As two of the lots have no road frontage they require a right of way (ROW) approved by the Planning Commission. The 3 lots will be using the same curb cut that CVPH uses to access their building/business. CVPH currently has a deeded 40ft wide ROW that would provide access the Heffernan property. The applied for 60ft ROW for the Heffernan lots would overlay and supersede the existing ROW.

Kris made a motion to accept as presented permit 17-01SD, seconded by Katie.

Katie asked why the access road curves as illustrated on the site plan map and Peeker stated it was so both new lots would be accessible by the same drive. Peeker stated the ROW will be 60ft wide all the way to the farthest lot (lot #2 as indicated on the plan). This will allow for a drive and utilities. The Commission asked about requiring an emergency vehicle turnaround and Kris stated that the PC was just able to approve the ROW and the rest would be left to the zoning administrator.

A vote was taken and all were in favor of the motion to accept as presented permit 17-01SD.

Kris made a motion to adjourn the public hearing on permit 17-01SD, seconded by Bill. All were in favor. Motion passed.

Public hearing adjourned at 7:20pm.

Public Hearing for permit 17-01PUD opened at 7:20pm

Chris described how he has received a conditional use permit as a multi-family residence, however one of the conditions of the permit is the buildings require inter-connected walkways (in order to qualify as a single multi-family structure). Chris feels that building covered walkways would make the space feel less open so he is applying for a PUD because that permit does not require the buildings to be connected. He had considered applying for a PUD last year but the larger setback requirements required for PRDs/PUDs by the previous zoning regulations would have made it impossible for him to proceed with that plan. In the new zoning regulations the PUD setback requirements are those of the underlying zone and the placement of the buildings with the conditional use permit meet the new setback requirements. There are currently gravel walkways between the two new buildings and the parking area.

Kris made a motion to approve as presented permit 17-01PUD, seconded by Gary.

Kris asked if the project meets the density requirements. The ZA stated that when the project was initiated under the conditional use permit last year it met the requirements then, however the new zoning requirements have been increased and the project technically no longer meets

the requirements. However as it was built under the old regulations it is grandfathered. The ZA also stated that the site plan indicates more than the required parking spaces for five residential units and the business/commercial square footage. Kris stated he likes the project as it is presented, he likes the split rail fence on the northern side of the property. Katie felt that there needs to be some landscaping between the project and West Street. Katie discussed how she felt that because of the different orientations of the buildings, it appears from West Street that you are looking into the back yard of the project rather than the prevailing pattern along West St. with buildings oriented to face the street. She feels that there should be some kind of visual delineation along the West Street border -- not screening (such as a tall or chain link fence), per se, but something that visually separates the development from and along the streetscape. She suggested something like a split rail fence which would coordinate with the one along the northern property line. This would better tie the project into the streetscape as there are two other properties close by that have split rail fences along the West Street sidewalk.

Kris felt there should be fewer things in that open area between the three structures as that would make it feel more open. He stated there was no consistency along West Street as some properties were close to road some further away, some had fences, some had trees, and some had nothing. He feels the Planned Unit Development (PUD) regulations do not give the PC the authority to add conditions to a permit.

The ZA asked about the two parking spots directly in front of the commercial space, they are shown as running north-south on the site plan but frequently he observes cars parked there running east –west by crossing the town right of way and the sidewalk. From a safety perspective, he would like to see something done to make sure cars park north-south as that makes the utilized curb cut smaller, making it safer for pedestrians on the sidewalk and for vehicles because of the traffic in/out of Martin's Hardware Store across Liberty Street. Also if vehicles park in a north-south orientation next to the house they will have to back into the project's parking lot before pulling out (moving forward) onto the street instead of backing out across the sidewalk and into the street. The ZA suggested reducing the curb cut by replacing the gravel with grass on the right of way side of the sidewalk in front of the commercial space that is currently between Liberty Street and the sidewalk. If that space is grass and the curb cut is visually reduced, customers and tenants will know they have to pull into the drive and then go left to park in the two spots indicated to the east of the house, thereby forcing them to park in the safer north-south configuration.

Katie asked about placement of the garbage dumpster. Chris acknowledged that he has not found a good location for it yet. It was suggested that he could possibly locate it closer to Liberty Street and have it screened. Kris mentioned that he did not feel that the PC had the authority to require Chris to screen the dumpster or change his entrance/parking access. Katie feels that because the applicant is applying for a PUD which allows the applicant leeway with developing a project that the PC does indeed have the authority to impose requirements as that will reduce the effect of the project on neighbors. Sue stated that the location of this project along a main corridor of Bristol (similar to other PRD/PUDs within the compact, more highly dense mixed use area of town) requires the PC to consider particular visual aspects that would better tie the project to the surrounding area and development.

The Commission asked Chris and Melanie what ideas they have about visual improvements along the West Street boundary of the project. They offered that they'd thought about some plantings/landscaping within the project overall but they did not want to agree to anything tonight and tie their hands in the future. They wanted to be able to assess it once spring/summer comes and figure out what they think was best for the site as tenants begin to

take residency. Chris Acker is required to act on the conditional use permit requirements before mid-May. The Commission discussed the visual improvements and how specific a site plan indicating improvements needed to be to be approved by the PC in order for a PUD approval to proceed.

Kris withdrew the motion he made earlier to approve the application as presented, seconded by Bill.

Kris made a motion to adjourn the public hearing on permit 17-01PUD, seconded by Gary. All were in favor. The motion passed.

Public meeting adjourned at 8:35 pm

The Commission continued to discuss the project and how much authority the PC had. Kris reiterated his view that the Commission and the regulations did not allow for the type of specific criteria being discussed. Commission members considered aspects of the deliberation for previously approved PRDs/PUDs, for comparative purposes. The ZA pointed out that very little of the PUD regulation language had changed for the new regulations (acknowledging that only the single category of PUD is now included, paralleling state regulations). Sue stated that it is indeed within the purview of the PC to apply site plan criteria when considering PUDs. Bill expressed an interest in finding a balance of viewpoints. It was decided that the Commission would require the applicant to submit an updated site plan with some form of visual improvement along the West Street border that delineates the property/boundary of the PUD and continues the continuity of the streetscape. The ZA will contact the applicant to request this additional information with the idea of continuing deliberation of this application at the PC's April 18 meeting.

The Commission discussed permit application #16-82 for a Change of Use for the property where Bristol Suites operates. Tom and Carol Wells had provided the additional parking information that had been requested by the PC at the March 21 public hearing.

Kris made a motion to approve permit 16-82 with the parking plan included in a memo from the Wellses dated March 22, 2017, seconded by Bill. All were in favor.

Minutes

Kris made a motion to approve as presented the minutes from March 21, 2017 meeting, seconded by Bill. All were in favor. The motion passed.

Kris made a motion to adjourn, seconded by Bill. All were in favor. The motion passed.

Meeting adjourned 9:31pm

Respectfully submitted,

Eric J Forand