

Notes from October 19, 2010 Planning Commission Meeting

After general business matters, Noelle set out the goals and process for moving forward. She reviewed the Draft Town Plan dated January 4th, 2010. She mentioned that the Town Plan lays out the vision, but it is the beginning, not the end of the work. Then the community must decide how to implement all the strategies laid out in the Plan. The PC is reviewing and updating the zoning districts and bylaws. Normally, the Plan is passed and then the bylaw work is started; however, in Bristol, we are working on both.

In reviewing the town plan, Noelle looked to see where and how the core area and downtown were discussed in the Plan. She noted that these areas were mentioned in goals regarding:

- Housing
- Services – childcare, health center and retail
- Concern was raised about how the downtown could compete and thrive if these services were located outside the core
- Transportation and how it relates to developing a compact, mixed use core and also include mobility option for walkers and bikers
- Energy
- The need to concentrate higher density residential growth in these areas
- The link to infrastructure cost
- The need to maintain a mix of housing type
- That new development should be compatible with the current character
- The need to enhance and preserve the historic settlement pattern

Noelle read text from the Vision section of the Plan (page 6):

“Affordable energy efficient housing opportunities would be available close to the village area and within walking distance of its businesses. Other support services, such as childcare, health centers, and a wide variety of locally owned retail facilities would operate in the village of Bristol. The village area would remain the heart and core of Bristol.”

Noelle wanted to remind everyone at the beginning of the meeting of the breadth of issues that need to be considered as we work through this district.

She mentioned that Sue and John were working on reviewing the draft for grammar, formatting and would also encourage them to look for areas of consistency and inconsistency. She noted that on pages 69/70 there were definitions that might have to be updated when we finalize our draft definitions and also pages 75/76 the districts were listed and again this might change through this process.

Boundaries of Village Business

We began by reviewing the new boundaries for the district we are now calling Village Business. This is a combination of what are now Block Commercial and also some of Neighborhood Commercial. There was some discussion on the boundaries as compared with the State's Downtown Designation Program. Howden Hall is not included in this district and Noelle explained the state's Program and noted that if Howden Hall was not in this district, but in the area designated by the state, there were no disadvantages for fundraising or grants. In the end PC members agreed on the draft boundaries. They felt comfortable that the language talked about retail on the bottom for Main Street as they were felt that this might not fit or not allow for flexibility in other areas of this district if required.

Village Business Standards and Dimensions

Noelle then turned to page 19/20 of the Draft District Standards. She reviewed the current and proposed "Objectives and Guidelines." The committee agreed on the new draft language.

Discussion then turned to page 20 and the dimensional standards. The committee agreed to the following specific standards:

- Proposed Maximum (6 du per 1 ac)
- Proposed Minimum (1.0) and Maximum (2.0) Floor Area Ratio
- Proposed Minimum lot size of 10,000 sqft
- Proposed lot frontage (50 ft)
- After some discussion of lot coverage, the proposed Maximum (90%) was agreed upon
- Proposed Minimum (2 stories) and Maximum (4 stories)
- Accessory structure front setbacks were agreed upon
- Accessory structure property line setback was agreed upon

The Committee noted that these standards will be considered along with other general standards for compatibility and that will ensure new buildings fit into the current fabric.

Some questions on other standards:

- **Question:** Does lot coverage also include parking and driveways?
Answer: Yes – all impervious surfaced & roofed areas
- **Questions:** There was a lot of discussion around the Road setback and property line setback. How is the road setback measured? Is it from the center line? A 10 foot road setback might work on Main Street, but what about on other streets? How would it apply to internal lots (like the site of Shaws), how would it be measured?
Answers: The stated setbacks are from the edge of the right-of-way. We will include in the definition or somewhere as a general standard that if the edge of the right-of-way is not known it is to be estimated as 25 feet from the centerline of the road. Interior lots typically have a setback for all lot lines equal to either the front setback or the greatest setback required in the district. That language generally goes into the general standards for lots, setbacks, yards.
- **Question:** For the property line setback – does this include the sidewalks? Not all the sidewalks are the same size?
Answers: Sidewalks are typically in the right-of-way although in an entirely new development with private infrastructure they may be within a lot.
- **Question:** Is the sidewalk considered the towns right-of-way or is it part of the property line?
Answers: Usually the edge of the sidewalk is a good estimate of the edge of the right-of-way with the sidewalk within the ROW. Also the location of utility poles is a good estimate of the edge of the right-of-way where there are no sidewalks.
- **Question:** Footprint – is this just the actual footprint on the ground, or the maximum size of the building? If it is the former, members felt this was too high.
Answer: Footprint would be measured from the exterior walls of all enclosed space at the largest story of a building. The footprint standard is intended to create a ceiling for building size. If only lot coverage is used to control building size, then there is no maximum and with a large lot you can get a large building. Historic downtown block buildings usually max out in the 25,000 to 30,000 sf range and that would be something larger than typical like a hotel or a major corner building. Most are closer to 10,000 sf. So, based on our discussion from this meeting, the PC members may want to consider a smaller sized foot print. Perhaps a quick measure of existing footprints of various buildings to provide scale.

- **Question:** With the footprint of the accessory structure, the same questions were raised regarding footprint. If it was just the on the ground footprint, members felt it was too large. Also, is there some rationale to the 3:1 size ratio of principle building:accessory structure?

Answer: There was no explicit rationale, but the idea is to keep the accessory building from being the predominate structure. Again, given the discussion from this meeting, the PC members may want to consider a smaller maximum footprint.

Definitions needed:

- **Story –**

STORY. A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; except that basements and attics shall not be considered stories.

ATTIC. A space immediately below the roof of a building in which the possible floor area with a headroom of 5 feet or less occupies at least 40% of the total floor area of the attic. An attic shall not be considered a story for the purposes of determining building height.

BASEMENT. That portion of a building below the first or ground-floor level and having less than 4 feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

- **Road Setback**

ROAD SETBACK. The required distance between the edge of the road right-of-way and the nearest point of any structure. If the edge of the right-of-way is unknown, the road setback shall be measured from the centerline of the road by adding 15 feet for town and private roads or 25 feet for state highways to the setback distances specified in Article * of these regulations.

- **Property Line Setback**

PROPERTY LINE SETBACK. The required distance between a lot line and the nearest point of any structure.

Proposed Schedule of Uses

We next moved to the proposed schedule of uses. Some of the changes made on the draft, include:

- Dwelling, Multi-Family – from P to SP
- Home Business – from C to SP
- Family Childcare Home – from not allowed to SP
- Daycare Facility – from not allowed to SP

There was much discussion again on “Guest Facility” which would be short-term rentals for those that come in for a conference, meeting, family gathering, etc. We looked at the definitions that we drafted and there was agreement that the definition of Inn fit this and we would rename it Inn/Guest Facility.

There were questions raised as to how other communities dealt with vacation rentals – weekly rentals. It was noted that the owners have to pay rooms and meals tax and that the town might want to know where these homes are in town. Noelle agreed to look into the issue. We ended at the Household, Group Living, Healthcare and Daycare Uses. We will pick up and continue with this schedule of uses and then the general standards for this district.

Information on Vacation Rentals: Noelle called the planning and zoning staff in Warren and Waitsfield on how they handle this issue of weekly vacation rentals. One of the folks I spoke with gave a bit of history on this issue. The state hired an ex-inn keeper who searched the internet for weekly housing rentals and started documenting the owners and homes. The state then started sending tax bills to those renting for

less than a month. The state does not alert the towns to these rentals. Both of the staff I spoke with felt that it would be difficult and time consuming to administer and enforce. One said, "good luck" and "never figure it out." Generally, a home owner has a right to rent his/her home. They could get in trouble if there was some safety or fire violation and/or if they start to advertize as an inn. The key question to the Planning Commission would be why would you want to collect, manage and potentially enforce this issue. If you define single dwelling unit and include a length of time for living in the home and also include a definition of physical form as well as the use of the building, then you may want to monitor this. Again, it would be challenging to do this. The only area they heard of where rentals can be denied is in home owners associations. One example is Officer's Row on Route 15 in Colchester. Only owners can live on the property and they are not allowed to rent the units.

If you had a developer building large developments solely for this purpose, you may want to define and manage. In these cases, usually weekly rentals are only regulated by zoning in resort communities where this is a widespread practice and homes are built for the sole purpose of being rentals. It is difficult to regulate weekly rentals because you typically would not know about them unless there was a complaint or the owner came in voluntarily.