

Town of Brattleboro  
Development Review Board  
Meeting  
October 17, 2016

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**1 Call to order**

The October 17, 2016 meeting of the Development Review Board was held in the Selectboard's Meeting Room in the Municipal Center, 230 Main Street, Brattleboro, Vermont. The meeting was called to order at 7:00 PM by Chair James Valente. Other Board members present were Kathryn Turnas, Jr., Maya Hasegawa, Eric Annis, and George Reed-Savory. Alternate David Whittle was present. Michael Gouin and W. Joe Bushey were absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Kevin Thatcher, Rod Francis, Mark Carignan, Ray Giolitto, Michael Bucossi, and Peter Elwell.

**2 Chair's opening remarks:**

At the DRB we hear applications for land development in the town of Brattleboro and appeals of zoning administrator decisions.

Procedurally the Development Review Board operates 'On the Record'. Broadly, this means that we take a clear record of testimony from the applicant and any interested parties and then issue a written decision with our findings. Applicants and members of the public should be aware, that as we are 'on the record' this is your opportunity to comment on and provide evidence relating to an application. In the event our decision is appealed to the Environmental Court, the court will **not** take or consider additional testimony at its hearing.... but will look at the evidence from our hearings, the regulations, and determine if the evidence supports the findings and decision of this board.

Only interested persons that participate in this proceeding may appeal a decision made by the Board, so I strongly encourage all of you to speak up at this hearing.

As we are on the record we are going to ask that you affirm that your testimony will be truthful.

So would the applicants and anyone wishing to speak to an application please affirm the following:

"I hereby affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury" .... I do.

Applicants require a majority vote of the full board to succeed. That is 4 votes out of 7. If we do not have a full board present to hear your application then we will consider a request to continue your application to the next public meeting.

After taking testimony the board will close the public hearing and may vote on your application. The board will issue a written decision within 45 days of the close of the hearing. While we may vote on an application it is the written decision that controls the timeline for appeal.

It should be noted that the TOB is a party with an interest in land development applications. The Town does not have a special status before this board. Documents provided to the board by the town planning department, town attorney or other town departments will be considered in exactly the same way as information from the applicant and all other interested parties.

**3 Approval of Minutes of September 19, 2016**

**Annis moved, which was seconded by Turnas**, to approve the Minutes of September 19, 2016. The vote in favor was 6-0; the motion carried.

**4 Affirmation of Interested Parties**

All interested persons took the following oath: I hereby affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.

**5 Confirmation that the meeting had been properly warned**

Brian Bannon (Zoning Administrator) stated that the meeting had been properly warned.

**6 Disclosure of conflicts of interest and ex parte communications**

There were no conflicts of interest or ex parte communications.

Whittle was appointed to hear all applications.

**7 Review of Cases/Public Hearings**

<b>2016-154</b>	Town of Brattleboro for Brattleboro Publishing Company; Service Center District; request for Site Plan Approval to renovate a building for use as a public safety complex, a Police Station, with rental office space and site improvements at 62 Black Mountain Road; Tax Map Parcel #70524.000
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Persons who participated in the DRB hearing by “offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding” [pursuant to 24 VSA 4471(a)] were: Town of Brattleboro.

Ray Giolitto and Kevin Thatcher were in attendance to present this request by the Town of Brattleboro for Brattleboro Publishing Company for Site Plan Approval to renovate a building for use as a public safety complex, a Police Station, with rental office space and site improvements at 62 Black Mountain Road; Tax Map Parcel #70524.000

Giolitto offered an overview of the project and reviewed the floorplan. Thatcher reviewed site plan elements.

The Board reviewed submitted application materials and site plans. The Board asked for clarifications.

**Turnas made the motion, which was seconded by Hasegawa**, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Section #434 of the Brattleboro Land Use Regulations, this request by the Town of Brattleboro for Brattleboro Publishing Company for Site Plan Approval to renovate a building for use as a public safety complex, a Police Station, with rental office space and site improvements at 62 Black Mountain Road; Tax Map Parcel #70524.000. The Board added the following conditions to those in the draft decision:

- 1. The stormwater collection, treatment and control system authorized herein shall be properly operated and maintained. An inspection shall be completed every six months. The inspection shall evaluate the operation, maintenance and condition of the stormwater collection, treatment and control system.**
- 2. The impound area fence height shall be no more than 14 feet.**
- 3. An electric charging station or stations for two cars and a conduit to the cruiser parking area sized to support future chargers for those spaces shall be installed.**

This decision is subject to the condition that no changes, excepting those allowed under section 425 of the Brattleboro Land Use Regulations, shall be made to the submitted site plan as described and limited to the above Findings of Fact and Conclusions of Law without the written approval of the Brattleboro Development Review Board.

DRB members in favor: Valente, Annis, Hasegawa, Turnas, Reed-Savory, and Whittle

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

**8 Administrative Matters and New Business**

Annis moved and Turnas seconded that the Board request that the Select Board remove Bushey from the Board as he has relocated out of the community. The motion passed 6-0

Annis moved and Reed-Savory seconded that the Board express its appreciation for Bushey's more than ten years of dedicated service to the community. The motion passed 6-0

**9 Adjournment**

The meeting was adjourned at 7:40 pm.

Approved:

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James Valente, Chair

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Date