

Town of Brattleboro  
Development Review Board  
Meeting  
June 20, 2016

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**1 Call to order**

The June 20, 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 7:05 PM by Chair James Valente. Other Board members present were Michael Gouin, Kathryn Turnas II, Maya Hasegawa, Eric Annis, George Reed-Savory and David Whittle. W. Joe Bushey was absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Peter Putnam, Michael Ross, Jonathan Sellers, Kate Richardson, Emilie Kornheiser, Rod Prohaska, Scott Sharland, Samantha Philips, Paul Mikses, Christine Linn, Rod Francis, Steve Horton, Kevin Thatcher, Ray Giolitto, Robert Stevens, Dan Richardson, Craig Miskovich, Cory Frehsee, Brud Sanderson, Nanci Bern, Georgia Morgan, Iishana Artra, Terry Slate, Josh Davis, Deb Zak, ?Rhianna Kendrick, Libby Bennett, Amy Wright, Adam Hubbard, Jon Saccoccio, Kris McDermet, Mary White, Dora Bouboulis, Thomas Zopf, Paul Rodrigue, Chris Blood, Kate Audlin, Tim Wessel, Steve West, Chad Simmons, Jeanne Deyo, Peter Case, Victoria Wiechers, Robyn Flatley, Bob Gammon, David Gale, and Jia Guang

**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 May 16, 2016**

**Reed-Savory moved, which was seconded by Annis,** to approve the Minutes of May 16, 2016. The vote in favor was 5-0-1 with Turnas abstaining; 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**

Reed Savory had a conflict with 2016-84.

Whittle was appointed to hear all applications.

**7 Review of Cases/Public Hearings**

<b>2016-83</b>	James Spencer for Delta Campus; Industrial District; request for Major Site Plan & Local Act 250 Approval to construct two light industrial buildings of 4500 sq. ft. each with associated parking, and a 24 space parking lot for shared campus use with site improvements accessed from Dylan Road; Tax Map Parcels #110386.001
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**Gouin made the motion and Turnas seconded,** that Application 2016-83 be continued to a special meeting on June 27, 2016.

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

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2016-25</b>	Marble Dealership Realty, LLC; Service Center District; Appeal of a Zoning Administrator's denial of a permit to install an electronic changeable copy sign as a second ground sign at 800 Putney Road; Tax Map Parcel #70537.000
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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: Brian Bannon, Zoning Administrator

David Gale and Bob Gammon were in attendance to present this appeal by Marble Dealership Realty, LLC of a Zoning Administrator's denial of a permit to install an electronic changeable copy sign as a second ground sign at 800 Putney Road; Tax Map Parcel #70537.000

Gammon explained the history of the larger Auto Mall reconstruction site plan. He explained that they saw the installation of the sign as a component of that project. He submitted an invoice for the sign order dating to before the adoption of the new land use regulations.

The Board requested that the appellant review the Z.A. memo and submit a response for the Board's consideration.

**Hasegawa made the motion and Annis seconded**, that Application 2016-25 be continued to the meeting of July 18, 2016.

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

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2016-56</b>	Groundworks Collaborative for Peter Putnam; Mixed Use District; request for Flood Hazard, Conditional Use & Major Site Plan Approval to partially demolish and renovate existing buildings; construct a new building elevated on fill; rebuild retaining wall, and associated site work at 39 & 45 Frost Street; Tax Map Parcels #325045.000
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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; Ilishana Artra; Kate Audlin; Tim Wessel; Ananda Forest; Tom Finnell; Nanci Bern; Helen Slate; Terry Slate; Mary White; Frost, Elm, Elliot Triangle (F.E.E.T.) Neighborhood; Roberta Flatley, Donald Brown, Paul Rodrigue, Deb Zak, Chad Simmons, Dora Bouboulis, and Kris McDermet.

Josh Davis, Rhianna Kendrick, Bob Stevens, Cory Frehsee, & Jon Saccoccio were in attendance to present this request by Groundworks Collaborative for Peter Putnam for Flood Hazard, Conditional Use & Major Site Plan Approval to partially demolish and renovate existing buildings; construct a new building elevated on fill; rebuild retaining wall, and associated site work at 39 & 45 Frost Street; Tax Map Parcels #325045.000

Davis explained the project and how it relates to the organizations mission. Frehsee reviewed the site plan and conditional use criteria for the site plan approval, the conditional use approval to elevate a structure and grade in a Special Flood Hazard Area, and conditional use approval to modify a steep slope.

The Board reviewed submitted application materials, site plans, and written comments. The Board discussed lighting, landscaping, performance standards, drainage, steep slopes, buffers and fencing and parking.

The Board took public comments.

Stevens, Frehsee and Kendrick offered clarify comments.

**Reed-Savory made the motion, which was seconded by Guoin**, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Sections #434; #251 & #435; and #331 & #435 of the Brattleboro Land Use Regulations, this request by Groundworks Collaborative for Peter Putnam for Flood Hazard, Conditional Use & Major Site Plan Approval to partially demolish and renovate existing buildings; construct a new building elevated on fill; rebuild retaining wall, and associated site work at 39 & 45 Frost Street; Tax Map Parcels #325045.000. The Board added the following conditions to those in the draft decision:

- 1. Wall sconces shall be installed on the southern façade of the proposed building to light the adjacent sidewalk.**

2. The two pole-mounted lights in the parking area will be shut off by a timer at 10:00 pm.
3. A revised site plan showing a designated smoking area shall be submitted to the Zoning Administrator for administrative approval.
4. A revised landscaping plan substituting columnar habit trees for the proposed trees in the eastern buffer shall be submitted to the Zoning Administrator for administrative approval.
5. The stockade fence along the eastern boundary shall be extended to the south to within 15 feet of the street's edge; that fence shall be tied into a chain link fence planted with vines and crossing base of the slope on the northern boundary, that fence tying into 39 Frost Street. A revised site plan showing these alterations shall be submitted to the Zoning Administrator for administrative approval.
6. A "no trespassing", "private drive" or functionally equivalent sign shall be posted towards the southern end of the driveway of 49 Frost Street.
7. A sign directing drivers to overflow parking shall be installed.
8. A bike rack shall be provided.
9. All plantings shall be maintained as approved.
10. Sound levels shall not exceed 70 dBs as measured in conformance with Section 322.D of the Brattleboro Land Use Regulations.

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, Gouin, Annis, Hasegawa, Turnas, Reed-Savory, and Whittle.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2016-81</b>	Town of Brattleboro for Brattleboro School District; Village Center District; request for Historic District Review, Waiver and Major Site Plan Approval to construct a new, larger fire station (4415 sq. ft.) with associated site improvements adjacent to the existing station after which the existing fire station will be demolished at 16 South Street, Brattleboro; Tax Map Parcels #245117.000 & #245117.010
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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 & Design Review Committee.

Ray Giollito, Steve Horton, and Kevin Thatcher were in attendance to present this request by the Town of Brattleboro for the Brattleboro School District for Historic District Review, Waiver and Major Site Plan Approval to construct a new, larger fire station (4415 sq. ft.) with associated site improvements adjacent to the existing station after which the existing fire station will be demolished at 16 South Street, Brattleboro; Tax Map Parcels #245117.000 & #245117.010

Giollito explained the project; he reviewed modifications made to the plan in response to the Design Review Committee. Thatcher reviewed site plan elements.

The Board reviewed submitted written comments, application materials and site plans. The Board discussed lighting, landscaping, access, turning ratios, stormwater, and bike storage.

**Gouin made the motion, which was seconded by Annis**, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Sections #252, #432, #434 of the Brattleboro Land Use Regulations, this request by the Town of Brattleboro for the Brattleboro School District for Historic District Review, Waiver and Major Site Plan Approval to construct a new, larger fire station (4415 sq. ft.) with associated site improvements adjacent to the existing station after which the existing fire station will be

demolished at 16 South Street, Brattleboro; Tax Map Parcels #245117.000 & #245117.010. The Board added the following conditions to those in the draft decision:

- 11. The applicant shall submit a revised site plan to the Zoning Administrator showing the revised locations of the bike rack and trashcan pad for administrative approval.**
- 12. A curb detail shall be submitted to the Zoning Administrator for administrative approval.**
- 13. A cupola lighting spec sheet shall be submitted to the Zoning Administrator for administrative approval.**

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, Gouin, Annis, Hasegawa, Turnas, Reed-Savory, and Whittle.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2016-84</b>	Steven Gordon for Brattleboro Memorial Hospital; Institutional and Mixed Use Districts; request for Subdivision Final Plan, Major Site Plan and Local Act 250 Approval to 1. Pave an existing gravel parking lot & remove shed at 375 Canal Street, remove driveway at 16 Belmont Avenue and modify curb cuts on Belmont Avenue, Tax Map Parcels #355012.000 & #355014.000; 2. Construct additional parking near 120 Maple Street, Tax Map Parcel 325601.000; 3. Restripe existing parking lots to provide more ADA compliant spaces and extra mobility impaired parking spaces; 4. Change previously approved pervious pavement to traditional asphalt with an underground stormwater infiltration chambers at 55 Belmont Street, Tax Map Parcel 315475.000; and 5. Merge parcels 355014.000 & 355012.000, 16 Belmont Avenue & 375 Canal Street.
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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, Tom Murray, and George Reed-Savory.

Rob Prohaska and Brud Sanderson were in attendance to present this request by Steve Gordon for Brattleboro Memorial Hospital for Subdivision Final Plan, Major Site Plan and Local Act 250 Approval to 1. Pave an existing gravel parking lot & remove shed at 375 Canal Street, remove driveway at 16 Belmont Avenue and modify curb cuts on Belmont Avenue, Tax Map Parcels #355012.000 & #355014.000; 2. Construct additional parking near 120 Maple Street, Tax Map Parcel 325601.000; 3. Restripe existing parking lots to provide more ADA compliant spaces and extra mobility impaired parking spaces; 4. Change previously approved pervious pavement to traditional asphalt with an underground stormwater infiltration chambers at 55 Belmont Street, Tax Map Parcel 315475.000; and 5. Merge parcels 355014.000 & 355012.000, 16 Belmont Avenue & 375 Canal Street.

Sanderson explained the project. Prohaska offer clarifying comments.

The Board reviewed submitted application materials and site plans. The Board discussed parking counts, traffic generation, the location of a gate, sidewalks, landscaping, and site lines.

The Board accepted public comments.

**Gouin made the motion, which was seconded by Annis**, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Sections #434, #436, & #447 of the Brattleboro Land Use Regulations, this request by Steve Gordon for Brattleboro Memorial Hospital for Subdivision Final Plan, Major Site Plan and Local Act 250 Approval to 1. Pave an existing gravel parking lot &

remove shed at 375 Canal Street, remove driveway at 16 Belmont Avenue and modify curb cuts on Belmont Avenue, Tax Map Parcels #355012.000 & #355014.000; 2. Construct additional parking near 120 Maple Street, Tax Map Parcel 325601.000; 3. Restripe existing parking lots to provide more ADA compliant spaces and extra mobility impaired parking spaces; 4. Change previously approved pervious pavement to traditional asphalt with an underground stormwater infiltration chambers at 55 Belmont Street, Tax Map Parcel 315475.000; and 5. Merge parcels 355014.000 & 355012.000, 16 Belmont Avenue & 375 Canal Street. The Board added the following conditions to those in the draft decision:

- 1. The proposed crab trees at 375 Canal Street will be replace with low growing shrubs.**
- 2. An erosion control plan shall be submitted to the Zoning Administrator.**
- 3. A new traffic study will be conducted when the number of parking spaces meets or exceeds 550 spaces.**

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, Gouin, Annis, Hasegawa, Turnas, and Whittle.

DRB members in opposition: none

DRB members not participating: Reed-Savory due to a conflict.

**The motion passed.**

**8 Administrative Matters and New Business**

None.

**9 Adjournment**

The meeting was adjourned at 12:05 pm.

Approved:

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James Valente, Chair

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Date