

Town of Brattleboro
Development Review Board
Meeting
June 27, 2016

1 Call to order

The June 27, 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 Acting Chair, Maya Hasegawa. Other Board members present were Kathryn Turnas II, Eric Annis, George Reed-Savory and David Whittle. W. Joe Bushey, James Valente and Michael Gouin were absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Adam Hubbard, Jim Spencer, and Craig Miskovich for Commonwealth Dairy.

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 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.

4 Confirmation that the meeting had been properly warned

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

5 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.

6 Review of Cases/Public Hearings

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| 2016-83 | 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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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.

Adam Hubbard and Jim Spencer were in attendance to present this request by James Spencer for Delta Industries, LLC 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

Hubbard and Spencer explained the project, reviewing the site plan

The Board reviewed submitted written comments, application materials and site plans. The Board discussed parking, the photovoltaic array, landscaping, bike storage, stormwater and building design.

Public comments were made; the Board asked clarifying questions.

Annis made the motion, which was seconded by Reed-Savory, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Sections #436 & #434 of the Brattleboro Land Use Regulations, this request by James Spencer for Delta Industries, LLC 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. The Board added the following conditions to those in the draft decision:

- 1. The permittee shall file a written agreement for the transfer ownership of sewer and water allocation sufficient for the unit from the Delta Business Campus Master Association to Delta Industries, LLC.**
- 2. The 24 parking spaces in excess of that required for the use shall not be built unless Delta Industries, LLC. files a written shared parking agreement with a second party in the Brattleboro Land Records in conformance with Section 313.E of the Brattleboro Land Use Regulations.**
- 3. The permittee shall receive a Construction Permit from the State Division of Fire Safety.**
- 4. There shall be no parking except in marked spaces.**
- 5. The fire hydrant to the north of the unit shall be connect to the Town water system.**

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: Hasegawa, Turnas, Annis, Reed-Savory, and Whittle.
DRB members in opposition: none.
DRB members not participating: none.

The motion passed.

7 Administrative Matters and New Business

none.

8 Adjournment

The meeting was adjourned at 7:55 pm.

Approved: _____
James Valente, Chair

Date