

Town of Brattleboro
Development Review Board
Meeting
July 18, 2016

1 Call to order

The July 18, 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 Kathryn Turnas, Jr., Michael Gouin, Maya Hasegawa, and George Reed-Savory. W. Joe Bushey and Eric Annis were absent. Alternate Member David Whittle was absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Fletcher Proctor, Jon Saccoccio, Chris Frost, Andrea Conkling, Janet Brocklehurst, Sissi Loftin, Cynthia Baldwin, Jeanie Crosby, Cindy Jerome, Mary Ide, Mary Mathias, David Gayle, Barb Andrews, Joanna Rutter, and Cory Frehsee.

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 June 20 & 27, 2016

Gouin moved, which was seconded by Turnas, to approve the Minutes of June 20 7 27. The vote in favor was 5-0; 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.

7 Review of Cases/Public Hearings

2016-25	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: David Gayle.

David Gayle was 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

Bannon discussed vested rights for substantially completed site plans approved under the Brattleboro Zoning Code of 1988.

The Board entered deliberative session at 7:15, with Gouin moving and Hasegawa seconding. The Board resumed the on the record hearing at 7:20

Turnas made the motion, which was seconded by Hasegawa, that the Brattleboro Development Review Board **uphold**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Section #431 of the Brattleboro Land Use Regulations, this 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.

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, Hasegawa, Turnas, and Reed-Savory.

DRB members in opposition: none

DRB members not participating: none.

The motion passed.

2016-99

Cindy Jerome for Holton Home, Inc.; Residential Neighborhood District; request for Minor Subdivision Approval to amend an existing Institutional Planned Unit Development in conformance with its adopted purpose statement and request for Major Site Plan Approval to renovate and expand the Bradley House to improve the existing facilities and increase the capacity of the building; the renovation of the Mansion will bring resident rooms up to modern standards and will meet building and fire safety codes; the three story Mansion will remain unchanged in height; utilities will be upgraded throughout; the renovation will improve resident quality of life and improve staff support and office space; the two story addition will provide new rooms and a new kitchen and dining/multipurpose room at 65 Harris Avenue; Tax Map Parcel #275104.000

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, Roger Miller, Fletcher Procter, Esq. for Laurie Crosby Chiperfield and Martha Crosby Tompkins, Jeanie Crosby, Chris Frost, Sissi Loftin, Barb Andrews, and Janet Brocklehurst.

Cindy Jerome, Cory Frehsee, and Jon Saccoccio were in attendance to present this request by Cindy Jerome for Holton Home, Inc. for Minor Subdivision Approval to amend an existing Institutional Planned Unit Development in conformance with its adopted purpose statement and request for Major Site Plan Approval to renovate and expand the Bradley House to improve the existing facilities and increase the capacity of the building; the renovation of the Mansion will bring resident rooms up to modern standards and will meet building and fire safety codes; the three story Mansion will remain unchanged in height; utilities will be upgraded throughout; the renovation will improve resident quality of life and improve staff support and office space; the two story addition will provide new rooms and a new kitchen and dining/multipurpose room at 65 Harris Avenue; Tax Map Parcel #275104.000

Jerome explained the purpose and goals of the project. Frehsee reviewed the site plan and site plan review criteria. Saccoccio added clarifying remarks.

The Board reviewed written comments, submitted application materials and site plans. The Board discussed erosion control, access, lighting, landscaping, construction impacts, noise and other site plan elements.

Abutters raised concerns with light spill over, buffers, planting, stormwater, construction impacts and noise, hours of construction, and access, especially during construction.

The Board entered deliberative session at 9:10 with Gouin moving and Hasegawa seconding. The on the record hearing reconvened at 9:30.

Hasegawa 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 #434 & #450 of the Brattleboro Land Use Regulations, this request by Cindy Jerome for Holton Home, Inc. for Minor Subdivision Approval to amend an existing Institutional Planned Unit Development in conformance with its adopted purpose statement and request for Major Site Plan Approval to renovate and expand the Bradley House to improve the existing facilities and increase the capacity of the building; the renovation of the Mansion will bring resident rooms up to modern standards and will meet building and fire safety codes; the three story Mansion will remain unchanged in height; utilities will be upgraded throughout; the renovation will improve resident quality of life and improve staff support and office space; the two story addition will provide new rooms and a new kitchen and dining/multipurpose room at 65 Harris Avenue; Tax Map Parcel #275104.000. The Board added the following conditions to those in the draft decision:

1. So that stormwater from the southerly access drive drains into the public stormwater system to the extent feasible, the applicant shall regrade the area adjacent to the catch basin on south westerly corner of the parcel. The work shall be done in consultation with the Public Works Department.
2. The existing gravel parking area shall be regraded to drain to the east and southeast.
3. An opaque evergreen screen shall be planted of a minimum four foot high at planting between the Chiperfield/Thompkins residence and the property with species to be between 10 and 15 feet high at maturity as shown on the revised site plan sketch dated 8.1.2016
4. A full silt fence shall be installed along the north and west of the parcel, excepting only the steeply sloped portion of the northern boundary that lies entirely outside of the disturbed area.
5. The street tree requirement may be waived in whole or in part if the Public Works Department finds that a planting area at least 5 feet wide within or immediately adjacent to the street right-of-way does not exist, or is not feasible to establish.
6. Parking area lights shall be set to a timer to turn off at 22:30.
7. The delivery area on northwest side of existing building shall be screened as shown on the revised site plan sketch dated 8.1.2016.
8. Speed bumps and signage shall be installed to improve driveway safety; speedbumps may be removed during the plowing season.
9. The applicant shall consult with the Public Works Department and the Traffic Safety Committee to develop, in open public meeting, a traffic safety plan with a particular focus on addressing construction impacts.
10. Construction work shall be confined to 7:00 to 17:00, Monday through Saturday.
11. Provide an opaque evergreen screen to block headlights to the extent possible without harming root systems of the existing mature trees with plants a minimum of 18 inches high at planting and mature height maintained between 3 and 5 feet.

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, Hasegawa, Turnas, and Reed-Savory.

DRB members in opposition: none

DRB members not participating: none.

The motion passed.

8 Administrative Matters and New Business

None.

10 Adjournment

The meeting was adjourned at 9:45 pm.

Approved: _____
James Valente, Chair

Date