

Town of Brattleboro  
Development Review Board  
Meeting  
August 15, 2016

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**1 Call to order**

The August 15, 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 7:03 PM by Chair James Valente. Other Board members present were Maya Hasegawa, Eric Annis, Kathryn Turnas and alternate David Whittle. Michael Gouin, W. Joe Bushey, and George Reed-Savory were absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Chris Mays, Mel Martin, Elsie Smith, Gordon Bristol, Kate Anderson, Michael Marquise, Michael Bucossi, Peter Lynch, Peter Elwell, Rod Francis, Kevin Thatcher, and Raymond Giolitto.

**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 July 18, 2016**

**Hasegawa moved, which was seconded by Annis,** to approve the Minutes of July 18, 2016. The vote in favor was 4-0-1 with Whittle 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**

There were no conflicts of interest or ex parte communications.

Whittle was appointed to hear all applications.

**7 Review of Cases/Public Hearings**

<b>2016-112</b>	New England Center for Circus Arts, Inc.; Neighborhood Center District; request for Site Plan Approval to construct an 8,700 sq. ft. Trade or Specialty School with office and classroom space and a Trapezium with associated site improvements with the landscaping plan reviewed at a future warned meeting at 10 Town Crier Drive; Tax Map Parcel #70761.300.
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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, Rod Francis, Kate Anderson, and Mel Martin.

Elsie Smith, Gordon Bristol, and Michael Marquise were in attendance to present this request by New England Center for Circus Arts, Inc. for Site Plan Approval to construct an 8,700 sq. ft. Trade or Specialty School with office and classroom space and a Trapezium with associated site improvements with the landscaping plan reviewed at a future warned meeting at 10 Town Crier Drive; Tax Map Parcel #70761.300

Bristol explained the project. Smith explained the programmatic considerations that guided the site plan. Marquise explained site plan elements.

Martin and Anderson offered support for the project as presented. Francis offered comments on the intent and meaning of the zoning regulations.

The Board reviewed submitted application materials, site plans and written comments. The Board discussed parking, shared parking, landscaping, lighting, sidewalks, dumpsters, bike rack, and building & frontage standards.

Turnas moved, and Whittle seconded, that the Board enter deliberative session at 8:05 pm. The Board reconvened at 8:25.

**Annis made the motion, which was seconded by Turnas,** 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 New England Center for Circus Arts, Inc. for Site Plan Approval to construct an 8,700 sq. ft. Trade or Specialty School with office and classroom space and a Trapezium with associated site improvements with the landscaping plan reviewed at a future warned meeting at 10 Town Crier Drive; Tax Map Parcel #70761.300. The Board added the following conditions to those in the draft decision:

1. A landscaping plan conforming to the requirements of Section 315 shall be submitted for approval before a public hearing of the Board.
2. The site plan and building plan shall be submitted to the Fire Department for review, comment and approval.
3. There shall be no more than 10 parking spaces in the front yards. The applicant may submit a request to the Board for a variance, or if multiple buildings are to be constructed on the site, a request for Campus Planned Unit Development (Section 354) approval to construct additional parking in the front yards.
4. The applicant shall submit a revised site plan showing the location of the bike rack and electric vehicle charger for administrative approval.
5. There shall be a sidewalk along the length of the Town Crier Drive frontage. That sidewalk shall connect to the sidewalk running to the building entrance. Both shall be constructed of pavement, poured concrete, or pervious pavers.
6. A revised architectural design of the western façade that conforms to the requirements of Section 224.E shall be submitted for administrative approval subject to Board review.
7. A photometric plan and specification sheet for conforming pole mounted lighting fixtures shall be submitted for administrative approval.
8. A shared parking agreement conforming to Section 313.E shall be filed in the Brattleboro Land Records.

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, and Whittle.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2016-114</b>	Town of Brattleboro; Urban Center District; request for Site Plan Approval to renovate and reconfigure the existing building and construct an addition with associated site improvements at 103 Elliot Street; Tax Map Parcel #275454.000
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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

Kevin Thatcher, and Raymond Giolitto were in attendance to present this request by the Town of Brattleboro for Site Plan Approval to renovate and reconfigure the existing building and construct an addition with associated site improvements at 103 Elliot Street; Tax Map Parcels #275453.000 & #275454.000

Giolitto explained the project; Thatcher review site plan details.

The Board reviewed submitted application materials and site plans. The Board discussed sidewalks, parking, landscaping, lighting and stormwater.

**Hasegawa made the motion, which was seconded by Whittle**, 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 Site Plan Approval to renovate and reconfigure the existing building and construct an addition with associated site improvements at 103 Elliot Street; Tax Map Parcels #275453.000 & #275454.000. The Board added the following conditions to those in the draft decision:

1. A revised landscaping plan shall be submitted for administrative approval.
2. The exterior lights shall be set to turn off by timer at 22:30.
3. The screening fence around the garbage/recycling area shall be constructed of cedar.

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, and Whittle.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

## **8 Administrative Matters and New Business**

Turnas moved and Annis seconded that the Rules of Procedure be amended so that the Board can vote to recommend to the Select Board that a member be removed if that member has missed three consecutive meetings. The Board voted 5-0; the motion carried.

Whittle nominated Valente for Chair, Annis for Vice Chair, and Bannon for Secretary. Turnas moved, and Whittle seconded, that the nominations be closed. The Board voted 5-0; the motion carried. The Board voted 5-0 to approve the appointments.

## **9 Adjournment**

The meeting was adjourned at 9:00 pm.

Approved:

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 James Valente, Chair

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 Date