

Town of Brattleboro
Development Review Board
Meeting
September 19, 2016

1 Call to order

The September 19, 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, Maya Hasegawa, Eric Annis, Kathryn Turnas, II, and George Reed-Savory. W. Joe Bushey and David Whittle were absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Barbara George

2 Chair's opening remarks:

The Chair abbreviated his 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 August 15, 2016

Hasegawa moved, which was seconded by Gouin, to approve the Minutes of August 15, 2016, as modified to read “three consecutive meetings. 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.

7 Review of Cases/Public Hearings

2016-137	Barbara George; Mixed Use District; request for Site Plan and Steep Slope Conditional Use Approval to construct a retaining wall, regrade and pave site resulting in an overall reduction of impervious area to achieve capping of contaminated soils on-site per Corrective Action Plan at and by 132 Birge Street; Tax Map Parcel #315244.000
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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.

Barbara George was in attendance to present this request by Barbara George for Site Plan and Steep Slope Conditional Use Approval to construct a retaining wall, regrade and pave site resulting in an overall reduction of impervious area to achieve capping of contaminated soils on-site per Corrective Action Plan at and by 132 Birge Street; Tax Map Parcel #315244.000

George explained the project.

The Board reviewed submitted written testimony, application materials and site plans. The Board discussed lighting, striping, landscaping, bike storage, electric vehicle chargers, retaining walls, impervious coverage and striping.

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 & #435 of the Brattleboro Land Use Regulations, this request by Barbara George for Site Plan and Steep Slope Conditional Use Approval to construct a retaining wall, regrade and pave site resulting in an overall reduction of impervious area to achieve capping of contaminated soils on-site per Corrective Action Plan at and by 132 Birge Street; Tax Map Parcel #315244.000The Board modified the following conditions to those in the draft decision:

- 4. Deleted.
- 7. Deleted.
- 8. Modify to read: If not currently present, a Knox box shall be installed if the Fire Department deems it necessary.
- 18. Deleted.

And add:

- 16. Landscaping shall be consistent with that in the Estey Organ PUD.

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 Reed-Savory.

DRB members in opposition: none

DRB members not participating: none.

The motion passed.

9 Administrative Matters and New Business

The Board discussed amending the Rules and Procedures to allow that the Board may vote to request that a member be removed after missing three consecutive meetings.

Gouin moved and Hasegawa seconded, that the Chair be authorized to contact Bushey to notify him of the change to the rules and procedures and that the rules of procedure be amended to read: "The Board may vote to recommend to the Select Board that a member be removed if that member has missed three or more consecutive meetings".

10 Adjournment

The meeting was adjourned at 7:50 pm.

Approved:

James Valente, Chair

Date