

Town of Brattleboro
Development Review Board
Meeting
October 16, 2019

1 Call to order

The October 16, 2019 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 Chair James Valente. Board members Eric Annis, Kathryn Turnas, II, Nora Dissinger, Michael Averill, and Ian Kiehle were present; Hasegawa was absent. Alternate Member Ian Goodnow was present and appointed by the Chair to hear this application. Brian Bannon (Zoning Administrator) was also present.

Also present were: Barbara Gentry, and Tim Hamilton.

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 September 18, 2019

Turnas moved, which was seconded by Annis, to approve the Minutes of September 18, 2019. The vote in favor was 7-0; 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.

Goodnow was appointed to hear all applications.

7 Review of Cases/Public Hearings

2019-124	Barbara Gentry; Rural Residential District; Minor Subdivision Approval to create a new parcels.by 68 East Bonnyvale Lane; Tax Map Parcel #100318.100
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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 Gentry and Tim Hamilton were in attendance to present this request by Barbara Gentry for Minor Subdivision Approval to create a new parcels.by 68 East Bonnyvale Lane; Tax Map Parcel #100318.100

Gentry explained the project. Hamilton reviewed road improvements; he explained existing stormwater treatment.

The Board reviewed submitted application materials and site plans. The Board discussed land cover, driveway, stormwater, public trails, maximum allowed dwelling density, road maintenance

Averill 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 #440 of the Brattleboro Land Use Regulations, this request by Barbara Gentry for Minor Subdivision Approval to create a new parcels.by 68 East Bonnyvale Lane; Tax Map Parcel #100318.100. The Board added the following conditions to those in the draft decision:

1. **The Y turnaround, pull aside, and treatment and conveyance of stormwater improvements to the road are required contingent upon separate conveyance of the new parcel.**
2. **The new parcel shall enjoy a deeded easement for the use of East Bonnyvale Lane for passage of persons, vehicles, and utilities.**
3. **The home shall be orientated for the use solar power as feasible and built with an energy efficient envelope, HVAC and lighting. Efficiency Vermont offers technical assistance and rebates for boilers, furnaces, ventilation, cooling, lighting, appliances, and new home design:**
<https://www.encyvermont.com>
4. **The location of a future homesite must be reviewed by the Board to insure compatibility with existing and planned uses in the area; that it not reduce the safety or privacy of adjacent landowners below levels typical of the area; that it will create or retain appropriate transitions from public to private spaces; and that it will create or retain buffers within the subdivision and between the subdivision and adjoining properties.**
5. **Forest cover shall be maintained excepting along a future driveway and homesite, with this condition subject to modification at the time of Board review of the homesite.**

6. The road and stormwater elements must not create reasonably avoidable impact on the wetlands.

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, Averill, Turnas, Dissinger, Kiehle, and Goodnow.

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 7:20 pm.

Approved: _____
James Valente, Chair

Date