

Town of Brattleboro  
Development Review Board  
Meeting  
March 18, 2019

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**1 Call to order**

The March 18, 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 7:05 PM by Chair James Valente. Other Board members present were Maya Hasegawa, Eric Annis, Kathryn Turnas, II, and Ian Kiehle; Mike Gouin was absent. Alternate David Whittle and Nora Dissinger were present and appoint to hear all applications. Brian Bannon (Zoning Administrator) was also present.

Also present were:           Ralph Buchanan, Bob Duncan, Sam Beall, Josh Davis, Jon Hoover, Libby Bennett, and Javier Choque.

**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 January 23, 2019**

Hasegawa moved, which was seconded by Annis, to approve the Minutes of January 23, 2019. The vote in favor was 6-0-1 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.

Dissinger and Whittle were appointed to hear all applications.

**7 Review of Cases/Public Hearings**

<b>2019-12</b>	Duncan Wisneiwski Architecture for Groundworks Collaborative; Mixed Use Neighborhood District; request for Site Plan Approval to combine parcels, demolish 54 South Main Street and rear portion of 60 South Main Street and construct a 5,500 addition with site improvements for use as Other specialized residential structure and Social assistance or charitable services.; Tax Map Parcels #325265.000 & #325266.000
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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, Ralph Buchanan, Jon Hoover, Libby Bennett, and Javier Choque.

Bob Duncan, Sam Beall, and Josh Davis were in attendance to present this request by Duncan Wisneiwski Architecture for Groundworks Collaborative for Site Plan Approval to combine parcels, demolish 54 South Main Street and rear portion of 60 South Main Street and construct a 5,500 addition with site improvements for use as Other specialized residential structure and Social assistance or charitable services.; Tax Map Parcels #325265.000 & #325266.000

Davis explained the need for the project. Duncan and Beall reviewed the site plan and building details.

The Board reviewed submitted application materials and site plans. The Board discussed buffers, fire requirements, landscaping, lighting, EV charging, noise, stormwater, snow storage, and erosion control.

Abutters raised concerns with access, the capacity of the site, and site operations.

**Valente moved and Annis seconded, that the Board enter deliberative session; the motion passed 7-0 and the hearing was suspended at 8:35, and reconvened at 8:55.**

**Hasegawa 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 Section #434 of the Brattleboro Land Use Regulations, this request by Duncan Wisneiwski Architecture for Groundworks Collaborative for Site Plan Approval to combine parcels, demolish 54 South Main Street and rear portion of 60 South Main Street and construct a 5,500 addition with site improvements for use as Other specialized residential structure and Social

assistance or charitable services.; Tax Map Parcels #325265.000 & #325266.000. The Board added the following conditions to those in the draft decision:

1. **Contact the Public Works Department for a sewer, water, and sprinkler allocation: 254-4255**
2. **A Knox box shall be installed with the location approved by the Fire Department prior to installation.**
3. **The new structure will be alarmed and sprinkled with the location of the master box and fire alarm panel approved by the Fire Department prior to installation.**
4. **The new structure will have a pumper connection with the location approved by the Fire Department prior to installation.**
5. **The entrance drive will be signed and striped “No-Parking, Fire Lane”.**
6. **The parking lot shall be designed to allow proper turning radii for Brattleboro Fire apparatus.**
7. **A buffer plan for the northern boundary conforming to the requirements of Section 314, and for the southerly border, conforming to the extent feasible, shall be provided to the Zoning Administrator for administrative review and approval.**
8. **Civil site plans will be submitted to the Zoning Administrator for review and approval.**
9. **The two lots shall be merged under common ownership.**
10. **Civil site plans conforming to the requirements of Section 333 of the Regulations shall be submitted to the Zoning Administrator for review and approval.**
11. **That erosion control measures be used, at a minimum, seed or mulch any soil disturbed during construction to prevent additional runoff from the site. Protect any waterbody downslope of soil disturbance with a silt fence or a compost sock. See Section 332 of the Brattleboro Land Use Regulations, <http://tinyurl.com/Brattleboro-LUR>**
12. **Externally mounted mechanicals shall conform to performance standards for noise, Section 332 of the Regulations.**

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, Kiehle, Whittle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2018-197</b>	Integrated Solar for Rollerdrome, LLC; Neighborhood Center District; Appeal of an action of the Zoning Administrator, a finding of substantial improvement to the main building; subsequent to that determination, the appellant submitted more detailed information that indicate a non-substantial improvement of 43% of structure value at 121 Spring Tree Road; Tax Map Parcel #70559.000
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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:

Brian Bannon, Zoning administrator, was in attendance to present this Appeal by Integrated Solar for Rollerdrome, LLC of an action of the Zoning Administrator, a finding of substantial improvement to the main building at 121 Spring Tree Road; Tax Map Parcel #70559.000

The matter had been heard previously at the Board’s January 23, 2019 meeting. That testimony was entered into the record. The Board reviewed the detailed budget breakdown.

**Turnas 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 Section #431 of the

Brattleboro Land Use Regulations, this Appeal by Integrated Solar for RollerDrome, LLC of an action of the Zoning Administrator, a finding of substantial improvement to the main building at 121 Spring Tree Road; Tax Map Parcel #70559.000

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, Annis, Hasegawa, Turnas, Kiehle, Whittle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

**8 Administrative Matters and New Business**

None.

**9 Adjournment**

The meeting was adjourned at 8:55 pm.

Approved:

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James Valente, Chair

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Date