

Town of Brattleboro  
Development Review Board  
Meeting  
June 17, 2019

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**1 Site Visits**

The June 17, 2019 Site Visit of the Development Review Board was held 116 Chestnut Street West, Brattleboro, Vermont and called to order at 6:05. Maya Hasegawa, Nora Dissinger, and Ian Kiehle were present; Brian Bannon (Zoning Administrator) was also present. The Board observed site conditions; no testimony was taken.

Also present were: Laurie Rowell, Heidi Short, and Graham Bell, Jr.

**1.1 Call to order**

The June 17, 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 7:08 PM by Chair James Valente. Other Board members present were Maya Hasegawa, Kathryn Turnas, II, and Ian Kiehle; Michael Gouin, and Eric Annis were absent. Alternate Nora Dissinger was present and appointed to hear all applications; David Whittle was absent. Brian Bannon (Zoning Administrator) was also present.

Also present were: Kimm Foltz, Bud Lolatte.

**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 May 20, 2019**

**Kiehle moved, which was seconded by Turnas,** to approve the Minutes of May 20, 2019. 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.

Nora Dissinger was appointed to hear all applications.

**7 Review of Cases/Public Hearings**

<b>2019-11</b>	Miranda Neizer for Bob Remy-Power; Residential Neighborhood District; Request for Conditional Use Approval to keep sheep, goats, and chickens in an existing shed, a retroactive approval request, at 53 Ivy Lane; Tax Map Parcel #235222.100
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**Turnas made the motion and Dissinger seconded,** that Application 2019-11 be continued to July 17, 2019.

DRB members in favor: Valente, Hasegawa, Turnas, Kiehle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

<b>2019-19</b>	Gabriel Hulme for Lucinda McGovern; Rural Residential District; Request for Site Plan & Conditional Use Approval to reconstruct and expand a garage for use as a third dwelling unit, an efficiency apartment, and two car garage at 63 Laurel Street; Tax Map Parcel #235222.100
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**Kiehle made the motion and seconded Turnas,** that Application 2019-19 be denied without prejudice.

DRB members in favor: Valente, Hasegawa, Turnas, Kiehle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

**2019-63**

Kimberly Foltz for Lawrence Sullivan; Rural Residential District; Request for Minor Subdivision Approval to create a new residential parcel at 137 Pleasant Valley Road; Tax Map Parcel #60155.000 & 60155.100

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: none.

Kimberly Foltz was in attendance to present this request by Kimberly Foltz for Lawrence Sullivan for Minor Subdivision Approval to create a new residential parcel at 137 Pleasant Valley Road; Tax Map Parcel #60155.000 & 60155.100

Foltz explained the project.

The Board reviewed submitted application materials and site plans. The Board discussed trails, energy conservation, and renewable energy.

**Turnas made the motion, which was seconded by Hasegawa**, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Section # of the Brattleboro Land Use Regulations, this request by Kimberly Foltz for Lawrence Sullivan for Minor Subdivision Approval to create a new residential parcel at 137 Pleasant Valley Road; Tax Map Parcel #60155.000 & 60155.100.

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, Hasegawa, Turnas, Kiehle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

**2019-69**

Sarah Short; Residential Neighborhood District; Appeal of a Zoning Administrator’s determination that two pigs are farm animals; and that, instead, they are pets at 116 Chestnut Street West; Tax Map Parcel 300093.000

The applicant was not present and requested a continuance in writing through her attorney. A member of the public, Bud Lolatte was present and wished to offer testimony. The Board opened the hearing and took his testimony; he feels the pigs are out of character with the residential nature of the neighborhood and that they have nuisance impacts that are unreasonable. Colleen Shepard submitted written testimony.

Kiehle **made the motion and seconded Turnas**, that Application 2019-69 be continued to July 17, 2019.

DRB members in favor: Valente, Hasegawa, Turnas, Kiehle, and Dissinger.

DRB members in opposition: none

DRB members not participating: none.

**The motion passed.**

## **9 Administrative Matters and New Business**

The Board amended its Rules and Procedures so that regular meetings will fall on the first and third Wednesday of the month. Hasegawa moved and Dissinger seconded that the Board adopt the amendment; the vote was 5-0, and the motion passed.

The Board requested information on term limits.

**10 Adjourment**

The meeting was adjourned at 7:50 pm.

Approved: \_\_\_\_\_  
James Valente, Chair

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Date