

Town of Brattleboro  
Development Review Board  
Meeting  
June 17, 2020

An automated transcript of the meeting can be found here:

<https://transcripts.gotomeeting.com/#/s/31097d7ec6825575a1537ae537f151f147fa022b32d45b183375afeb4171a0e3>

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**1 Call to order**

The June 17, 2020 meeting of the Development Review Board was held online via GoToMeeting at the following link: <https://global.gotomeeting.com/join/297258469>. The meeting was called to order at 7:03 PM by Chair James Valente. Other Board members present were Maya Hasegawa, Nora Dissinger, Eric Annis, Kathryn Turnas, II, Michael Averill and Ian Kiehle. Brian Bannon (Zoning Administrator) and Andrew Graminski (Planning Technician) were also present.

Also present were: Chris Long, Sam Angell, Amaryah Pendlebury, Andrew Marchev, Emma Jones, Michele Cherrier, Pam Barrale, Robin Sweetapple, Alexander Shriver, Edward Whelan, Haley Druschel, and John Brunelle.

**2 Chair's opening remarks:**

The Chair outline procedures for the GoToMeeting.

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 March 4, 2020**

**This item will be considered at the meeting of June 24, 2020**

**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. The Chair swore in individuals who missed this avowal as they were recognized to testify.

**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 Continuance of all hearings to meeting of June 24, 2020 and motion to adjourn in case of case**

Hasegawa moved and Kiehle seconded that all applications be continued to the hearing of June 24, 2020 and that the meeting be adjourned if it is ended due to technical difficulties. By roll call, the vote was 7-0.

**8 Review of Cases/Public Hearings**

<b>2020-14</b>	Amaryah Pendlebury for The Natural Child School, LLC: Rural Residential District; Request for Conditional Use Approval to operate a child day care of up to 12 children and site improvements at 26 fort Dummer Heights; Tax Map Parcel 110428.000
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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: Andrew Marchev, Esq., Emma Jones, Haley Druschel, and the Town of Brattleboro.

Amaryah Pendlebury was in attendance to present this request by Amaryah Pendlebury for The Natural Child School, LLC for Conditional Use Approval to operate a child day care of up to 12 children and site improvements at 26 fort Dummer Heights; Tax Map Parcel 110428.000

Pendlebury explained the project.

The Board reviewed submitted application materials and site plans.

Marchev made a presentation explaining objections to the application. The link to the evidence entered into the record can be found here:

<https://drive.google.com/drive/folders/1Xiq2d56DzylrmBpQFhPKSrpGxYCKubu4?usp=sharing>

Jones elaborated on the testimony.

An interested party expressed support for the application.

The Board discussed childcare permitting, wetlands, traffic counts, and circulation.

**The hearing was continued to June 24, 2020 as noted above.**

<b>2020-11</b>	Jason Evans Construction Inc. for EDW Realty Inc.; Residential Neighborhood District; Appeal of a Zoning [sic] Determination that the proposed use, a Construction-related business with specialized equipment, is an intensification of an existing non-conforming use, a Building materials sales establishment at 529 South Main Street; Tax Map Parcel 355149.000
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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: Samuel Angell, Esq., Alexander Shriver, Esq., Jason Evans, Edward Whelan, Michele Cherrier, Pam Barrale, and the Town of Brattleboro.

Whelan, Evans, Shriver, and Angell were in attendance to present this Appeal by Jason Evans Construction Inc. for EDW Realty Inc. of a Zoning Administrator’s Determination that the proposed use, a Construction-related business with specialized equipment, is an intensification of an existing non-conforming use, a Building materials sales establishment at 529 South Main Street; Tax Map Parcel 355149.000

Angell interviewed Whelan on the history of the site’s use; his presentation slides can be viewed here: [https://www.brattleboro.org/vertical/sites/%7BFABA8FB3-EBD9-4E2C-91F9-C74DE6CECDFD%7D/uploads/DRB\\_6.17.2020\\_PPT\\_\(002\).pptx](https://www.brattleboro.org/vertical/sites/%7BFABA8FB3-EBD9-4E2C-91F9-C74DE6CECDFD%7D/uploads/DRB_6.17.2020_PPT_(002).pptx)

Shriver interviewed Evans, who outline proposed operations on the site.

Bannon stated that the determination would be revised based on the testimony which demonstrated that the propose use would be similar in intensity to that of the existing use over the past 2 years.

**The hearing was continued to June 24, 2020 as noted above.**

<b>2020-48</b>	John Brunelle of Brunelle and Son Construction, LLC for E & C Properties, LLC; Service Center District; Request for Site Plan Approval to Demolish abandoned structure and construct a 2 story, mixed use building with 1 commercial unit and 3 dwelling units and site improvements at 55 Black Mountain Road; Tax Map Parcel 70521.000
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**The hearing was continued to June 24, 2020 as noted above. Testimony was not taken due to the late hour.**

**9 Administrative Matters and New Business**

None.

**10 Adjournment**

The meeting was adjourned at 10:38 pm.

Approved:

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James Valente, Chair

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Date