

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/9bad7cc6de4b543a45497c817208d3df41e43d80bc7ae75b9c01d857d3518a13>

1 Call to order

The June 24, 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 7:06 PM by Chair James Valente. Other Board members present were Maya Hasegawa, Nora Dissinger, Kathryn Turnas, II, Michael Averill and Ian Kiehle; Eric Annis was absent. Brian Bannon (Zoning Administrator) and Andrew Graminski (Planning Technician) were also present.

Also present were: Amaryah Pendlebury, Haley Druschel, Hillary McAlister, Anne Koplinka-Loehr, Jean Carr, Austin Rice of BCTV, and John Brunelle.

2 Chair's opening remarks:

The Chair outlined 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 June 17, 2020

The minutes will be approved at the meeting of July 15, 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 Review of Cases/Public Hearings

2020-48	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
----------------	--

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.

John Brunelle was in attendance to present this request by John Brunelle of Brunelle and Son Construction, LLC for E & C Properties, LLC 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

Brunelle explained the project.

The Board reviewed submitted application materials and site plans. The Board discussed storage or garbage, compost and recyclables; driveway width, parking in the side yard setback.

There were no members of the public who wished to testify.

The hearing was closed.

2020-14	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
----------------	--

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: Haley Druschel, Hillary McAllister, Anne Koplinka, Kelley Vanleeuwen, Eilidh Pederson, Alice Castine, Cristina Shay-Onye, Sara Simon, Jennifer Mazor, E. Graham, Kristen Willis, Amy O’Donnell, Rachel Urato Carroll, ,

The Board reopened the hearing and entered written testimony into the record. Pendlebury, Koplinka, and McAllister offered verbal testimony. The hearing was then closed.

2020-11	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
----------------	---

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

There were no members of the public who wished to testify.

The Board entered the revised Zoning Administrator’s Determination of June 23, 2020 into the record and closed the hearing.

8 Administrative Matters and New Business

None.

9 Close of the public hearing

The meeting was **adjourned at 8:48 pm.**

10 The Board entered Deliberative Session

Written decisions for the three hearings will be issued to all interested parties by email or postal mail within 45 days of the close of this hearing. The Board decisions will be announced in the first public meeting following the issuance of the signed decision.

Approved:

James Valente, Chair

Date