

Town of Brattleboro
Development Review Board
Meeting
July 15, 2020

An automated transcript of the meeting can be found here:

<https://transcripts.gotomeeting.com/#/s/def770bb8dce472ce675cdc3b5d3c42a3edeb2495d7c5e28cc79b275a0586f5e>

1 Call to order

The July 15, 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 7:07 PM by Board member Maya Hasegawa. Other Board members present were Nora Dissinger, Kathryn Turnas, II, Michael Averill and Eric Annis. Brian Bannon (Zoning Administrator) and Andrew Graminski (Planning Technician) were also present

Also present were: Bob Stevens, Skye Morse, Jeremy Toal, Peter Paggi, Peter Johnson.

2 Chair's opening remarks:

Hasegawa 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 24, 2020

Turnas moved, which was seconded by Dissinger, to approve the Minutes of June 24, 2020. 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. Hasegawa confirmed the names of all who made an avowal: Johnson, Stevens, Morse, Toal, and Paggi.

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

2020-61	Skye Morse for 47 Flat Street, LLC for BQ Realty, LLC; Urban Center District; request for Site Plan and Design Review approval to renovate and convert a four story warehouse located outside of a Special Flood Hazard Area and in a 500 year floodplain and listed as a contributing structure in the Brattleboro Downtown Historic District into a mixed use building with 15 units of multi-family housing on the 2 nd - 4 th floors & professional services, a co-working space, on the 1 st floor with use of basement to be determined; construct a stair tower on the north facade and a new entrance on the east façade; subsequent to the consideration of the Design Review Committee at 47 Flat Street; Tax Map Parcel 275462.000
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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.

Bob Stevens, Skye Morse, and Jeremy Toal were in attendance to present this request by 47 Flat Street, LLC for BQ Realty, LLC for Site Plan and Design Review approval to renovate and convert a four story warehouse located outside of a Special Flood Hazard Area and in a 500 year floodplain and listed as a contributing structure in the Brattleboro Downtown Historic District into a mixed use building with 15 units of multi-family housing on the 2nd - 4th floors & professional services, a co-working space, on the 1st floor with use of basement to be determined; construct a stair tower on the north facade and a new entrance on the east façade; subsequent to the consideration of the Design Review Committee at 47 Flat Street; Tax Map Parcel 275462.000

Stevens explained the project, reviewing site plan, additions, building elevations, fenestration, flood proofing, use, bike storage, garbage storage, site plan criteria conformance, perspective view, noise level from mechanicals,

The Board reviewed submitted application materials and site plans. The Board discussed window proportions, historic review, utilities, noise levels, mechanicals, penthouse, future greenspace on adjacent parcel, recycling/garbage room, loading, lighting.

Brattleboro Reformer reporter Bob Audette asks about anticipated rents; \$500- \$1000.

Annis 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 Sections #434 & #433 of the Brattleboro Land Use Regulations, this request by 47 Flat Street, LLC for BQ Realty, LLC for Site Plan and Design Review approval to renovate and convert a four story warehouse located outside of a Special Flood Hazard Area and in a 500 year floodplain and listed as a contributing structure in the Brattleboro Downtown Historic District into a mixed use building with 15 units of multi-family housing on the 2nd - 4th floors & professional services, a co-working space, on the 1st floor with use of basement to be determined; construct a stair tower on the north facade and a new entrance on the east façade; subsequent to the consideration of the Design Review Committee at 47 Flat Street; Tax Map Parcel 275462.000The Board added the following conditions to those in the draft decision:

1. Window improvement, sills, proportion to match existing, ZA review & approval.
2. Encourage continued exploration of construction of pocket park.

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, by roll call: Hasegawa, Turnas, Dissinger, Averill, and Kiehle.

DRB members in opposition: none

DRB members not participating: none.

The motion passed.

8 Election of Officers

Hasegawa is nominated as Chair, Dissinger, Vice Chair, and Bannon, Clerk. Turnas moves and Annis seconds the adoption of the slate; the motion passes 5-0.

9 Administrative Matters and New Business

None.

10 Adjournment

The meeting was adjourned at 8:06 pm.

Approved:

Maya Hasegawa, Chair

Date