

Town of Brattleboro
Development Review Board
Meeting
July 17, 2019

1 Call to order

The July 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 7:05 PM by acting Chair James Valente. Other Board members present were Maya Hasegawa, Eric Annis, Kathryn Turnas, II, Ian Kiehle, Nora Dissinger, and Michael Averill; alternate Ian Goodnow was present. Brian Bannon (Zoning Administrator) was also present.

Also present were: Heidi Short, Sarah Short, Kevin Mills, and Laurie Rowel.

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 June 17, 2019

Turnas moved, which was seconded by Annis, to approve the Minutes of June 17, 2019. The vote in favor was 7-0; 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.

7 Review of Cases/Public Hearings

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| 2019-75 | Carol Lolatte for the Town of Brattleboro; Waterfront District; Request for Site Plan and Local Act 250 Approval to Construct 1600 sq. ft. addition to an indoor skating rink with stormwater treated in an infiltration trench below the roof dripline, with overflow onto a forested area of more than 100' before discharging into pond at 61 Memorial Park Drive; Tax Map Parcel 110215.000 |
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Hasegawa made the motion and Kiehle seconded, that Application 2019-75 be continued to August 21, 2019

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

DRB members in opposition: none

DRB members not participating: none.

The motion passed.

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| 2019-11 | 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 Continued from June 17, 2019 |
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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: Kevin Mills

The applicant was not in attendance to present this request by Miranda Neizer for Bob Remy-Power for Conditional Use Approval to keep sheep, goats, and chickens in an existing shed, a retroactive approval request, at 53 Ivy Lane; Tax Map Parcels #235222.100 & 235222.200

The Board reviewed submitted application materials and site plans. Hasegawa and Kiehle recapped The May site visit.

Kiehle moved, and Valente seconded that the Board enter deliberative session at 7:15; the Board reconvened at 7:30.

Annis made the motion, which was seconded by Valente, that the Brattleboro Development Review Board **approve**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Section #435 of the Brattleboro Land Use Regulations, this request by Miranda Neizer for Bob Remy-Power for Conditional Use Approval to keep sheep, goats, and rabbits in an existing shed, a retroactive approval request, at 53 Ivy Lane; Tax Map Parcel #235222.100. The Board added the following conditions to those in the draft decision:

1. The animals must be removed by November 1, 2019

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 of approval of the application: none.

DRB members in opposition: Valente, Annis, Hasegawa, Turnas, Dissinger, Averill, and Kiehle

DRB members not participating: none.

The motion failed and the application was denied.

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| 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; and request for Conditional Use Approval to keep two pigs in a Residential Neighborhood District at 116 Chestnut Street West; Tax Map Parcel 300093.000 Continued from June 17, 2019 |
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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: Kevin Mills, and Emily Martyn.

Sarah Short and Laurie Rowel were in attendance to present this Appeal by Sarah Short of a Zoning Administrator's determination that two pigs are farm animals; and that, instead, they are pets; and request for Conditional Use Approval to keep two pigs in a Residential Neighborhood District at 116 Chestnut Street West; Tax Map Parcel 300093.000

Rowel reviewed a series of exhibits documenting her original research into buying a pig as a pet through a zoning violation being issued. Short gave evidence that the pigs are treated as pets and backed that evidence with letters from neighbors and a veterinarian.

The Board reviewed the evidence and the Land Use Regulations.

Kiehle made the motion, which was seconded by Annis, that the Brattleboro Development Review Board **Grants**, based upon the foregoing Findings of Fact and Conclusions of Law, pursuant to Section #431 of the Brattleboro Land Use Regulations, this Appeal by Sarah Short of a Zoning Administrator's determination that two pigs are farm animals; finding instead that they are pets at 116 Chestnut Street West; Tax Map Parcel 300093.000

DRB members in favor of overturning the Zoning Administrator's determination: Valente, Annis, Hasegawa, Turnas, Dissinger, Averill, and Kiehle.

DRB members in opposition: none.

DRB members not participating: none.

The motion passed.

9 Administrative Matters and New Business

Election of Officers: Hasegawa moved to nominate Valente as Chair and Bannon as Clerk; Valente moved to nominate Hasegawa as Vice-Chair.

Turnas moved and Dissinger seconded that the nominations be closed; the motion passed 7-0. The Board voted to approve the nominees 7-0.

10 Adjourment

The meeting was adjourned at 8:25 pm.

Approved:

James Valente, Chair

Date