



**TOWN OF BRANDON, VERMONT
DEVELOPMENT REVIEW BOARD
REVIEW OF ACT 250 CRITERIA 6, 7 & 10**

Application: #5936

Applicants: Neshobe River Company, LLC

Landowner: Robert A. and Rhonda J. Foley

Location: 79 Stone Mill Dam Road

Findings of Fact and Conclusions of Law

Applicants: Neshobe River Company LLC and landowner: Robert A. and Rhonda J. Foley have filed an application to the Brandon Development Review Board ("DRB") to consider application #5936 to receive evidence for a change of intensity and increased production of existing Act 250 permit #1R099 to undertake local Act 250 review of potential municipal impacts caused by a development (as defined in 10 V.S.A. chapter 151 ("Act 250")), pursuant to the process specified in 24 V.S.A. §4420.

The permit was approved in July of 2013, this application was for an update to the original Act 250 permit in regards to intensity and increased production in regards to the original permit.

A hearing notice was posted on April 16, 2018 at the bulletin board at Lake Sunapee Bank (2 Park Street), the Town bulletin board in Forest Dale and the Town bulletin board by the Town Office, and published in The Reporter on April 18, 2018.

The Town sent notices of the hearing by certified mail, return receipt, to the owner of the property. Notices of the hearing were sent to all property owners adjoining the project.

The hearing was held on May 9, 2018 at the Brandon Town Hall Basement. The hearing was closed at the conclusion of the hearing that evening.

Development Review Board members present at the hearing were: Bob Clark, Tom Bohler and Amber Lovely-Lee.

Also present were Hillary Knapp (Secretary), David Atherton (Town of Brandon); David Foley, Rhonda Foley, Patty Noonan and Patrick Noonan.

The following witnesses were sworn in and testified: David Atherton, David Foley, Rhonda Foley, Patty Noonan.

Patty and Patrick Noonan live next door to the Neshobe River Company LLC and requested and were granted interested party status at the hearing.

During the hearing testimony was received in regards to parking issues that have been happening at the brewery and the adjoining property of the Noonan's. The Act 250 permit hearing did not pertain to the parking issues that was brought up at the hearing. The hearing was in regards to how the increase in the change of intensity and increased production were going to impact the municipality.

The following Exhibit was submitted on Friday May 25th:

Exhibit A: Packet of Municipal Impact Questionnaires from:
Brandon Police Department Christopher Brickell
Brandon Area Rescue Squad William Mapes

Criterion 6 Educational Services:

The amendment does not involve any residential units and therefore does not affect the Town's ability to provide educational services.

Criterion 7 Municipal Services:

Municipal Impact Questionnaires were signed by the Brandon Police Department Christopher Brickell and Brandon Area Rescue Squad William Mapes. No concerns were noted.

Criterion 10 Consistency with Brandon Town Plan

While the Town Plan was updated since the 2013 permit the relevant provisions cited to in the DRB's July 2013 decision are all unchanged in the 2016 Brandon Town Plan. The amendment does not alter the existing approved use. It only reflects the success of the brewery and an increase in production over that anticipated in the Act 250 permit application. This is consistent with the Brandon Town Plan goals of encouraging growth of existing local businesses, encouraging and promoting Brandon as a tourist destination and supporting appropriate growth in all neighborhoods in Brandon. The amendment raises no issues under this criteria and the brewery remains in conformance with the Brandon Town Plan.

Based on information presented in the application and exhibits and testimony taken at the hearing, the Development Review Board issues the following Findings of Fact and Conclusions of Law:

DECISION General:

The hearing was to receive updated information on a change in intensity and increased production of an existing Act 250 permit.

SECTION 6086(a)(6) EDUCATIONAL SERVICES:

This project will have no impact on educational services. There are no housing units proposed.

Based upon findings above, the Development Review Board concludes that this project will not place an unreasonable burden on the ability of the Town of Brandon to provide educational services.

SECTION 6086(a)(7) MUNICIPAL SERVICES:

The Act 250 update was to the production and productivity of the commercial business. There are not changes to the structure or layout of the property. There will be minimal impact on municipal services. The Police Chief and ambulance services have both stated there will be no adverse impact on the municipality.

Based upon findings above, the Development Review Board concludes that this project will not place an unreasonable burden on the ability of the Town of Brandon to provide municipal or governmental services.

SECTION 6086(a)(10) CONFORMANCE WITH THE LOCAL PLAN OR CAPITAL PROGRAM UNDER CHAPTER 117 OF TITLE 24:

While the Town Plan was updated since the 2013 permit the relevant provisions cited to in the DRB's July 2013 decision are all unchanged in the 2016 Brandon Town Plan. The amendment does not alter the existing approved use. It only reflects the success of the brewery and an increase in production over that anticipated in the Act 250 permit application. This is consistent with the Brandon Town Plan goals of encouraging growth of existing local businesses, encouraging and promoting Brandon as a tourist destination and supporting appropriate growth in all neighborhoods in Brandon. The amendment raises no issues under this criteria and the brewery remains in conformance with the Brandon Town Plan.

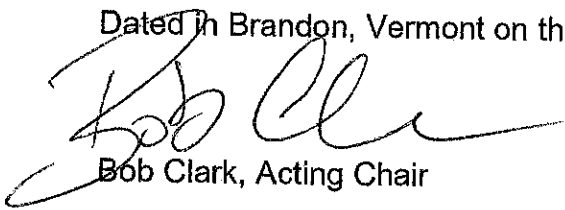
Based upon findings above, the Development Review Board concludes that this project is in conformance with the Brandon Town Plan.

SUMMARY CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, it is the conclusion of the Brandon Development Review Board by a vote of 3-0 that the changes made to the intensity and

increased production are in conformance with all of the details as described in the application, will not cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 V.S.A. Section 6086(a)(6), 6086(a)(7) and is found to be in compliance with the Brandon Town Plan, 10 V.S.A. Section 6086(a)(10) (town plan).

Dated in Brandon, Vermont on this 30th day of May 2018.

A handwritten signature in black ink, appearing to read "Bob Clark", written over a horizontal line.

Bob Clark, Acting Chair

Notice: There is no right of appeal from this decision. Instead, this decision constitutes a rebuttable presumption of compliance with Act 250 criteria 6, 7 and 10 (town plan). The presumption may be rebutted in a proceeding under Title 10 V.S.A. Chapter 151 before the District #1 Environmental Commission.