

BRANDON DEVELOPMENT REVIEW BOARD HEARING
OCTOBER 23, 2019
ACT 250
APPLICANT: JOSHUA COLLIER
LANDOWNER: COMPASS ARTS & MUSIC FOUNDATION

Board members present: Sam Stone, Bob Clark, Amber Lovely-Lee, John Peterson, Tom Bohler

Others present: Russell Jones, Brent Buehler, Faith Daya, Jenny & Steve Beck, Joan Rowe, Deb Bratton, Ed Bratton, Nancy Leary, Jim Leary, Alyssa Mohl, Edna Sutton, Stephen Sutton, Mary Judith Rielly Marty Feldman, Gordon Nailor, Emily Lyons, Dan Mazur, Harold Somerset, Jean Somerset, Jeff Stewart, Linda Stewart, Hilary Collier, Tim Kingston, Michelle Kingston, David Roberts, Karrie Quinn, Russ McColman, Cheryl Weeden, Robert Weeden, Ed & Cindy Thomas, Ann Hughes, Duane Martin Elaina Spezzano, Frank Spezzano, Betsy Quigley, Steven Jupiter, Sharon Stearns, Gordon Stearns, Laura King ,Philip Keyes, George Field, Tim Guiles, Kjell Thompson, Ralph Either, Maria Ammatuna, Michael Shank, David Atherton, Lyn DesMarais, Joshua Collier, Colleen Wright, Brian Coolidge, Kate Briggis, Bill Moore, Carol Fjeld, Jason Cjaka, Richi Stallard, Eve Beglarian, Carole Rasmusen, Barbara Ebling, Tom Brown, Bernie Carr, Jeff Biasuzzi and Hillary Knapp, Secetary

The hearing was opened at 7:12pm.

Ed Bratton, Nancy Leary, Jim Leary, Alyssa Mohl, Gordon Nailor, Stephen Sutton, Emily Lyons, Dan Mazur, Harold Somerset, Tim Kingston, Michelle Kingston, Cheryl Weeden, Robert Weeden, Ed Thomas, Cindy Thomas, Sharon Stearns, Laura King, Philip Keyes, Tim Guiles, Kjell Thompson, Ralph Either, Maria Ammatuna, David Atherton, Lyn DesMarais, Joshua Collier, Kate Briggs, Dwyane Martin, Eve Beglarian, Bill Moore and Bernie Carr, **were sworn in**

Interested party status: Robert & Cheryl Weeden (1007 Pearl Street), Gordon Nailor (929 Pearl Street); Michelle & Tim Kingston (867 Pearl Street); Cheryl Sanderson (1485 Pearl Street); Joshua Collier (1321 Pearl Street); Sharon Stearns (900 Pearl Street); Jason Cijka (49 Pearl Street); Kjell Thompson (619 Union Street); Dwayne Martin (995 Pearl Street); Ralph & Francine Either (56 Pearl Street); Ed and Cindy Thomas (2 Highland Ave); Joan Rowe (1 Maple St); Tom Brown (11 High Street), Harold and Jean Somerset (56 Park Street); Frank and Ettorina Spezzano (19 Bryant Circle); Linda and Jeff Stewart (1239 Arnold District Rd); Deborah and Marshall E (Ed) Bratton (185 Adams Rd); Lyn DesMarais (215 Ella Dean Rd).

Sam discussed and read what the three ACT 250 criteria were and what was being discussed in tonight's hearing.

Bob discussed what interested party status is and what it entails.

Josh Collier: Questionnaire that was provided for Act 250. David Atherton and the superintendent of the schools have signed off on the ACT 250 questionnaire. The three miles from Pearl Street to Route 7 is considered a Class 2 highway. The municipal services were

signed off by the town manager. In regards to the town plan, I have highlighted those parts that we would impact. The Barn Opera is slated to be the first theater in the country to be completely carbon neutral, powered only by solar panels, which adheres to the energy plan of Brandon to be a net zero municipality by 2020. In the section Historical and Cultural Resources one of the goals is to support the growth and arts and cultural organizations of Brandon. Because of the location of the barn in questions, we are directly next to Sanderson's Bridge and will be close to other cultural events and the arts in the area. Brandon also benefits from cultural events, this plans supports the growth of arts. We will support public and private efforts to restore the historic buildings of Brandon and Heritage Tourism. In regards to Economic development-we will maintain and enhance a diverse local economy and promote Brandon as a tourist location and will include the arts as well as standard business practices. Preservation-We fully intend on keep the 10.1 acres we have within the wetlands and the scenic view will be a draw for tourism along with the covered bridge. People will come to see the natural and historic beauty of the property.

The property is in the Rural Development district-that meets state bylaws. We believe that we have satisfied the ACT 250 permit requirements. We have made sure to plan thisto all this criteria.

Jeff- It does seem that the three criteria have been satisfied.

Josh- I spoke with Bill Burke this morning who asked me to make it clear that this was a municipal ACT 250 and not a general ACT 250 hearing. As far as a time line is concerned we are still working on the ACT 250 permit and are currently working on paperwork for the submission to the ACT 250 office.

Sharon Stearns-I have paper to present to the board, One, I have presented to the board already which is a list of 24 concerned neighbors and have put together in writing a review of the criteria of 6, 7 and 10. 6 is related to the school, 7 is municipal services. I have lived in the neighborhood for 31 years and have first hand knowledge of the area and know what we need for additional municipal services. Increased traffic will require additional services. I have spoken with folks at both the rescue and fire departments and they have concerns with the one lane bridge. I would like to clarify that what I heard is that there will be 120 people seating at the opera. I have both a copy of the local and regional plans and what facets are in there and the concerns I have in each of those areas and those that are in opposition of both plans. The quiet use of property and the use of those properties as a relaxing area. Quiet space is very important and also maintaining a wildlife area. Currently there is a residential solar energy system and a commercial solar system will need to be looked at differently for the property. I have cited the BLUO in regards to noise and lighting. Regional use of land goals and protecting those agricultural uses. We have people that come to our neighborhood to ride their horses and they like to look at the sunset in a quiet neighborhood.

Sam Stone -In regards to the need for an increase of municipal services, Dave Atherton is here tonight. My understanding is that you have signed off on the forms for these services.

David Atherton: Yes

Sam- I am going to restate what is in the conditional use permit. The maximum capacity is 120 people, there will be no new impervious services, no new lighting on the outside of the building. Sharon, you discuss a lot about the development of the building. It is not permanent occupancy of the structure. We are not talking about 24 hours, 7 days a week that it will be occupied. We have given them 5 full occupancy events. There is no new plumbing, the barn is being restored in the original footprint.

Sharon- Settlement is listed on page 7 of the town plan. When you bring a large group of people to the country side it changes the purposes. It states not to have any effect to the agricultural events that happen in that area.

Sharon- Entered into evidence Exhibit A-a packet containing a letter to the DRB in regards to the Brandon Town Plan and Regional Town Plan and the Barn Opera with enclosures including the regional town plan, websites and Facebook posts.

Michelle Kingston- I am Michelle Kingston and I own Lazy Acres Equine and we are thrilled that the Barn Opera will be in our neighborhood. This will not have an impact our business.

Josh-I would like to put into evidence a site plan (Exhibit B). We had Green Mountain Engineering design our parking lot and Zapata has given her sign off on the location for the wetlands and the ACT 250 permit. The floodplain coordinator has also signed off.

Harold Somerset- I want to speak on the third criteria-I think it is important in Brandon and Barn Opera. The knowledge of Barn Opera has spread far beyond Brandon and Vermont. I think it will be very important to Brandon and the identity of the town and its cultural identity. We have had people move into Brandon or the surrounding area due to the Bran Opera.

Cheryl Sanderson- I am the third horse person in the area and the direct neighbor to the Barn Opera and this will not effect my business. Entered into evidence Exhibit C- A letter from Cheryl and Bill Sanderson

Sam Stone- Entered into Evidence Exhibit D- A list of Pearl Street residence concerned about the Barn Opera with two of the names being removed from the petition-Bill and Cheryl Sanderson.

Bill Moore- In regards to Criteria 10: The town's renaissance has been largely fueled by an increased investment in the arts. There are secondary economic effects aside from the quality of life improvements that are seen in communities in which the arts have been enthusiastically supported. Without a doubt, people who come from out of town to experience our myriad of visual and performing arts offerings spend money in our stores, restaurants, inns, bars and lodging.

Maria- When I was on the Select Board we had a large disagreement between a residential home and a gymkhana, in regards to the noise and lights. The town was able to make it work between all parties involved. Part of the original 503 (c) plan for the Barn Opera and Compass Music was philanthropic and this was how we received our non profit status. From my time on the select

board and the time I have lived in Brandon I have not seen anything come before the Select Board in regards to where the Barn Opera is now. Where the Compass Arts Center is, it is both residential and business and we have not had any major events that have created an issue with both the residential and businesses in the Old Training School.

Sharon- The rural development district would be zoned differently than on Route 73. My understanding of the participation in the events at the current Barn Opera is that they had a seating capacity of only 50 people.

Bernie Carr- I think it (the Barn Opera), brings a certain prestige, wherever opera is held, but in a small town in Vermont it is a true coup. I am sure it is much like a wedding in town; the extra folks out and about will buy meals and shop the stores. They take in the beauty and ambiance and the atmosphere that is an authentic New England village, and that can lead to return visits, home purchases and business start-ups. The people coming to the barn opera may very well drive past the horse barns and come back to take lessons or even bring their grandchildren back to take riding lessons.

Cheryl Weeden- My home is a quiet place, I love living there and I am right over the bridge from the Barn Opera and I don't think it is right there. When the music is going to be playing it is going to be in my house. If I can hear children playing in the brook out back, the music will be in my house. A lot of the traffic currently will cut the corner and come around it too fast. I can see an accident happening there and we will see property damage.

Richie- Josh and Hilary have two small children. The noise is not an issue, the noise would not have any impact on their lives and it is important that the Barn Opera not disrupt their lives, while they are living there. We have just moved into the Leary's house, and during leaf season there were at least 75 cars that were taking pictures and turning around on the weekends at the bridge.

Kjell- In regards to Municipal services, Fire was considered a municipal services and we have not heard anything about the fire services being signed off on. Did the Chief sign off on that?

Sam- Each of the municipal services were signed off on for the Act 250 permit.

Josh- Because of the size of the building there are two sides of egress and that is what the concern of the fire department is, making sure there is enough ways to get out of the building. We are not finished with the process in regards to the fire protection. We will have a fire alarm that is connected directly to the fire station. With the finalization of the ACT 250, we will be completely regulated and we will comply with the regulations that are put upon us.

Sam- Getting through the local ACT 250 process is the first step in a larger process. Josh will need to go through a bigger process for the ACT 250 permit to be issued. The Town tells us if they can handle the process and if they can it goes through the State ACT 250 process.

Stephen Sutton- In regards to fire prevention-The Compass Arts Center needs to have a fire suppression system and needs a sprinkler system, at the Brandon Music Center we do not need a

sprinkler system due to the size and the amount of exits. I would not consider Country Club Road to be any different than Pearl Street.

Sharon- Can the Town Manager sign off on the Fire District?

Dave- No, the town manager cannot sign off on the Fire District because it is not a town entity. I went through this with the other ACT 250 permit tonight. I know I have told the Zoning Administration that I cannot sign off those two items.

Jeff- Josh's permit was submitted before we knew about the Town Manager not being able to sign off on it.

Tom Bohler- I have spoken with the fire chief and he does not have any problems with the impact the Barn Opera will have on the fire district.

Sam- This will need to be signed off on by the Rescue and the Fire departments.

Sharon- There is no way that there is 75 cars going through there. I have tracked the traffic the last couple of weekends and there were only 2-4 cars on the road between 8-10. We could see more than 60 cars with the Barn Opera and this would have a huge and significant impact on the traffic.

Josh- I would like to remind the board it is a Class two high way. We did count the cars as well and there were at least 24 cars when we were moving into the house.

Nancy- I lived there 22 years and it was a great place to live. We have had great agricultural events right next door and those events were successful. There were 40 to 100 people that would come to those events. They are fantastic events and Barn Opera would have the same impact as those horse events.

Being no further testimony, the hearing closed at 8:35pm.

Respectfully submitted

Hillary Knapp, Secretary