

DRB Hearing

October 11, 2023

Yossi Schorr/YHS Group LLC Variance Hearing

Board Members: Sam Stone, Jack Schneider, Ralph Either and John Peterson

Others in Attendance: Robert Black, Seth Hopkins, Bill Moore, Keving Thornton, Maureen O'Reilly, Lawton Weber, Mary Ann Sullivan, Janie Young, Mike Lufkin, Paul Marr Hillard, Jeff Dardozzi, David Martin, Frank Briscoe, Allen Pierce, Steve Beck, Joy Marcotte, Faith Daya, Dan Brett, Greg Smith, Elisabeth (Lisa) Weber, Jeff Biasuzzi (Zoning Administrator) and Hillary Knapp (Clerk)

Hearing started at 7:23

Kevin Thornton, Lawton Weber, Mary Ann Sullivan, Janie Young, Mike Lufkin, Paul Marr Hillard, Jeff Dardozzi, David Martin, Seth Hopkins, Frank Briscoe, Allen Pierce, Steve Beck, Joy Marcotte, Dan Brett, Gary Smith, Elisabeth (Lisa) Webber and Jeff Biasuzzi were sworn in.

Kevin Thornton, Lawton Weber, Mary Ann Sullivan, Janie Young, Mike Lufkin, Steve Beck, Faith Daya, Elisabeth (Lisa) Weber and individuals on signed petition, requested interested party status.

Frank Briscoe: I am the owner of the former high school. We are looking to convert the high school from a vacant lot to the listed uses in the request. There have been at least five applications since 1987 to update the high school building. The high school had been a community center before it became damaged. The school is 22,000 square feet with 12-foot ceilings. There are exits on all sides that are at or near grade. This plan started with the possibility of three ways to upgrade the building: 1. High End Condos, 2. Subsidized housing and 3. Affordable units for individuals who want to live in Brandon. The third possibility is what we are looking to do with owner/occupants creating the space. There is a non-profit who will be creating this as a rent to own space as shown in the application. The dog park is not included in this project. The vandalism on the property has stopped. This is a co-housing model and will be managed as such.

Jeff D: At the meeting we have Allen Pierce (architect), Joy Marcotte (interim board member) and Kevin (interim board member). A slide show was shared by the presenter (Exhibit A). The two lower levels are accessible in the back of the building. The co-living space will have a shared kitchen and living spaces, the bedroom and bathrooms will be private. The main level will be where the non-profit will be housed. There will be fellow housing for artists and scholars, which will allow them to stay in the building during their time there. The basement will be used as a flex space for community events, and it is ideal for activities with noise as it cannot be heard from the outside. **Each level was described in the slides (Exhibit A)** The impact on the neighborhood traffic flow and protection of the neighbor to the south is considered in this project. We will be eliminated the majority of parking on the south side of the building. Tenant parking will be added to the property. In regard to the number of people in the building, Staff will be 2 to 6 people, front side of the building will have 5 to 15 people and the basement during community events will range from 10 to 50 people depending on the event. Public parking spots will be towards the street, working parking spots will be towards the creek.

Jeff B: This is a unique project in my experience. It is a conditional use as a Commercial 2 use. It is not in a FEMA flood plain. I am not sure if base flood has been done. ACT 250 is required on a commercial

project that is more than 1 acre. This would typically need an ACT 250 review, has the applicant determined if this is required of this project.

Jeff D: Water and wastewater allocation and wetlands as the river would require wetlands permitting. We are looking at permitting a small part of the project and the 50-foot buffer would not be needed. Phase two is where the parking and wetlands permits would be needed.

Jeff B: The details are confined in Section 302, within the Centralized Business district. The Town cannot issue a permit until the wastewater and ACT 250 have been decided.

Frank: With a previous permit within the same parking, we were told that we did not need ACT 250.

Sam: What is the actual hearing we are having tonight?

Jeff B: Conditional Use for Commercial 2 requirements. The board can evaluate Section 302 use.

Sam: Re-read the hearing notice, what are we going to discuss?

Jeff B: There is a 2013 summary of past activities/permits on the property?

Jack: Could you explain the parking?

Jeff D: There are 5 parking spaces on the North side of the building.

Jack: What about event parking?

Jeff D: For events we will direct people to use the municipal parking around the corner.

Jack: Are there any historic preservation requirements?

Frank: We were awarded State tax credits for our historic preservation of the building. These will also be used to apply for Federal Tax credits.

Jack: The local roads are adequate?

Jeff D: I did not see that on there.

Sam: Could you tell me the maximum number of people that will live on the property and how many will be there during the day?

Jeff D: Overnight maximum 15 people, during the day 5 to 15 people and for events maximum of 50 people.

Sam: How many parking spots are at the building?

Jeff D: We have 8 parking spots on the site.

Sam: There are parking requirements that are needed for the number of people that are living there. I hear what you are saying about parking for events, but there may not be parking available in the municipal parking lot for those events.

Sam: Read into evidence a letter from Faith Daya (Exhibit B). A letter from Kevin Thornton was also entered into evidence (Exhibit C).

Lawton Weber: I live on Seminary Street. It is currently hard to cross the street and backing out of a driveway is currently hard to do with the traffic as it is now. If the municipal parking will be used, most likely not when it is cold. We do not know what any of the items mean on the permit. There are plenty of community spaces and artist spaces and see no financial viability in the project that is purposed. Has asbestos and PCD testing been done? Are you paying the people that are living there to build the project? If managed, why does there need to be a caretaker space in the plan? How will you have activities, that are vague be apart of the building? I would love some detail on where the money is coming from. Would like to see some tangible ideas on this project?

Kevin Thornton: I am the neighbor to the south as well as Maureen. The application is inadequate. Is this a Commercial I or Commercial II use as both were written on the Town permit. I am pleased to hear they would like to protect the shared driveway. We have not seen or approved of the plans; this was the first we have heard of it. There is a 1916 title for the shared driveway. What we do not see on the plans is where our cars would be in the shared driveway of which we have three that are parked in the driveway. There are a lot of slippery definitions in the plan. The terms should be disregarded when looking at the permit. Co-housing is universally understood as a residential model in which residents live independently, all three of the current co-housing communities use this same model. People would like their own kitchens and living areas. The application as presented has way to many questions.

Mike Lufkin: I share the same concerns that have been discussed. The North end with the parking would pose a problem. River Street is the last street to be paved when it snows. There is the potential for accidents, kids ride their bikes and as a blind spot it will be dangerous to have parking along that area. How will this be handicapped accessible?

Janine Young: I live on 8 West Seminary Street. I am sympathetic in many ways; it would be great if we had money to fix it. I have a petition with 21 signatures of neighbors. We did not know about this project until 15 days ago. This is an incomplete application. For the parking spots there is not a permit for the curb cuts, it is not handicapped accessible. This is a privately owner property, there is no organization with the names listed. I fear their idea of co-housing is for people they want to live there, and I would say that is affordable for middle income people. This building has been unoccupied for 35 years, it is not a building to turn into a commercial use. It will not be a part of the neighborhood. The Town has not known what to do with the property and goes to people who cannot afford to fix it. My question would be what would the Town like to do with the building? Petition was entered into evidence (Exhibit D). The land that is divided by the road is not a part of the proposal, the application does not say it was divided. The application could include the separate property.

Sam: This hearing is for the change of use to Commercial 2 and not changes to the property itself.

Steve Beck: In the announcement it had Frank Briscoe DBA Welcome LLC According to the Vermont Secretary of States website this was terminated in April of 2023; how can this continue to be used? Co-housing and the project that is being built, who is managing the co-housing? How will this be controlled?

Sam: The way the DRB operates is that we look at the Brandon Land Use Ordinance and Commercial II use, the permit that is issued is for the property and not the owner.

Frank: Welcome, LLC was used when we had a prospective buyer, so they could participate in the process. The tax credits must be made to the entity that requested them. This is when the LLC was terminated.

Jeff B: With the dog park and the property on the other side of the road, the town road does not make a subdivision. The dog park is not part of the project that is purposed.

Jeff D: There is no co-housing at 6 Seminary Street. We have an interest in the property but have not made any plans on updating it. Currently, it has been used for family and friends to use when visiting.

Sam: Who will manage the building:

Joy: The intention is developing a non-profit, this is currently still in development. The non-profit will be doing the management of the office space and the basement space (workshop). The workshop will be teaching people how to build their own homes. The non-profit will be managing the co-living space as well. This is a very phased project; the 1st phase is the 1st floor.

Mike L: I am confused on the interim-board or are the people on the board temporary? Is there anything on the board (mission statement, website, etc)?

Joy: There will be very soon, we have to file the Articles of Incorporation and create the bylaws. The non-profit is not official until we have created our by-laws.

Janine: What does July 1st have to do with anything?

Frank: We were awarded funds to bring the building up to code, this has to be used within three years.

Janine: REBHS does not exist and should have no impact on this request as there are no articles of incorporation or bylaws.

Gary: I live in Bristol, I moved in 2016 to VT. It is a process to become a non-profit. We hired Jeff to build our house. All of the work was professionally managed and built on budget and on time.

Kevin Booth: I am a resident of Sudbury, we frequently use the dog park. I am a member of the interim board. I wanted to introduce myself as part of the project. This kind of co-living would have appeal to me very much when we were moving here.

Lawton: Where is the money for this project coming from?

Sam: For the purpose of this hearing the financials are not relevant to the hearing. It maybe important for you but that does not have any bearing on our decision.

Janine: Without having the price of the project listed, this would be considered an incomplete application?

Jeff: That form is the form that was created 25 years ago, and the US Census implemented it to see the price of housing. I do not insist on having it on the application. A complete application is a signed application, addendum and site plan included. The cost of the project is not relevant to Zoning.

Kevin Thornton: The application handed to me from Jeff and the one before the board says Commercial I. Were the tax credits for this project or another project?

Jeff: The warning that I drafted and warned should have followed the Zoning Administrators notes.

Frank: Caitlin Corkin has stated the new plans are in line with what the tax credits were granted, they were for a different project, but nothing would stop them from being used on the new project.

Kevin: Prior approval of Tax credits can go to a different project?

Jeff B: Application on August 29th, was for a café, library, and medium hazard. The site plan and application and application received on September 26th, should have changed the warning.

Lisa Webber: The application for Commercial I should be for Commercial II-this would go with the property? If this was rezoned would the dog park be considered Commercial II?

Jeff B: The permit would be for the building not the property in full.

Lisa: If this goes through, what is the dog park?

Jeff: The property is in the Central Business District, if this was going to be changed it would have to be brought as a change of use. Permits are good for two years. Extensions can be applied for as long as 40% of the value of the project has been completed.

Jeff D: Budget questions are valid. This project is built on a model, where non-profits come in and create a thriving part of the community. This will be based on the models that have been used throughout Vermont.

Sam: When do you want to start work?

Jeff D: We would like to start work on the building this winter on the façade. The code improvements will be done in the spring.

David Martin: I live on Prospect Street; I was part of the Artist Guild when it was being built. I am excited about this project. I wanted the building to become something. It is evolving and in its early states.

Sam: This was warned as a Commercial I.

Jeff: The site plan was added after. The site plants include the residential. That is why the warning did not include Commercial II.

Seth: The hearing notice would be considered defective, and the permit and hearing needs to be started from scratch.

Sam: This needs to be re-warned with the Commercial II and with a lot more communication between the Town and the Applicants. The testimony from this hearing will be included in the next along with interested party status that was requested tonight.

Meeting adjourned at 9:44pm