

# TOWN OF BRADFORD

## Planning Commission Minutes for Site Plan Review

**In re: Berner Boys  
Permit Application No. 17-40**

### A. INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involved review of an application for the Site Plan Review submitted by Berner Boys LLC under the Town of Bradford Zoning Bylaws (adopted October 27, 2005) in a concurrent hearing with the Zoning Board of Adjustment for Conditional Use.
2. The application was received by Robert Wing, Zoning Administrator on 12/12/2017. A copy of the application is available at the Bradford Town Office. The subject property is located at 9 South Pleasant Street.
3. On January 3, 2017 notice of a public hearing was published in the Journal Opinion for Hearing on January 23, 2018. Berner Boys LLC informed the Commission that they were unable to attend the hearing on that date. A notice of cancellation was published in the Journal Opinion on January 10, 2018. On February 7, 2018 a notice of a public hearing was published in the Journal Opinion for Hearing on February 24, 2018.
4. On February 6, 2018, notice of a public hearing was posted at the following places:
  - a. The Bradford Town Office lobby.
  - b. 9 South Pleasant Street, property for which the application was made.
  - c. The public notice board at Community National Bank on Main Street.
  - d. The public notice board at the Bradford Post Office on Barton Street.
5. On or about February 6, 2018, a copy of the notice of a public hearing was mailed to the applicant and the owners of properties adjoining the property subject to the application (please refer to the attached abutter list).
6. The application was considered by the Planning Commission and the Board of Adjustment at a concurrent public hearing on February 24, 2018 at 10:00 am following a site visit at 9:30 am. The hearing was closed at 10:30 am on February 24, 2018. The planning commission reviewed the application under the Town of Bradford Zoning Bylaws, as amended October 27, 2005 (Town of Bradford Zoning Bylaws).
7. Present at the hearing were the following members of the Bradford Planning Commission:
  - a. Marcey Carver, Chairman
  - b. Ted Unkles
  - c. Ron Huntington
8. Also present at the hearing were the following members of the Board of Adjustment:

- a. Bud Haas, Chairman
- b. Shirley Beresford
- c. Doug Miller
- d. Christine Pratt
- e. Janice Larrabee

9. Also present at the hearing was Bob Wing, Zoning Administrator.

10. At the outset of the hearing, the Planning Commission afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. Sec 4465(b) to demonstrate that the criteria set forth in the subsection are met. The following persons were sworn in:
- a. Sam Berner

A record of the name and address of persons wishing status as an interested person is attached hereto.

11. During the course of the hearing the following exhibits were submitted to the planning commission:

None beyond the original application

These exhibits are available at the Bradford Town Office.

## **B. TESTIMONY**

Carver swore in Sam Berner (applicant).

Carver explained the process for the hearing. She asked Berner to explain his project.

Carver asked if Berner had a site plan. Berner said he did not understand what a site plan is. He provided layout of the building interior. He said he would describe the parking but he could send a layout to the town. He explained that he would have two parking spaces up on the South Pleasant Street side parallel to the road and 4 parking spaces down on the Goshen Road side of the property where the current garage door is located.

Berner explained that there would be one entrance on the South Pleasant Road side between the two parking spaces. Another entrance for the apartment in the back on the second floor would be located at the rear corner facing parcel 23-90-19, currently owned by Waits River Housing. The basement unit would have an entrance on the same side as the current garage opening, to the left of the garage door.

Berner stated that for lighting, there are already lights in place. If we can, he said they will install downward facing lights. Berner said that they would have a structure along the wall at South Pleasant Street (on the lower level). Huntington asked if there would be a dumpster or trash bins. Berner said that he would probably have bins rather than dumpster as accessing the dumpster might be difficult. Huntington asked who would be responsible for removing the trash. Unkles stated that it was most important from the town's position that the trash not build up or become an odor issue.

Carver asked if wants to keep the parking spaces up on South Pleasant Street.

Carver mentioned that the lot size is small. With three units, based on current zoning, the lot size in Village Residential is required to be a minimum of 18000 square feet. The lot is .16 acres or 6970 square feet. Carver stated that a variance to allow a three unit apartment in a lot of less than 18000 square feet is the responsibility of the Zoning Board of Adjustment. Carver stated that the Planning Commission does not have the authority to grant a variance.

Carver stated that we need to review egress for vehicles and pedestrians, glare, landscaping, drainage, protection of renewable and natural resources. Unkles pointed out the need for consideration because there is an underground stream. He does not believe it goes under that lot. Drainage should take into account to not add to burden. Unkles pointed out the need to work with the state fire marshal. Unkles suggests that they should contact the Highway foreman concerning the existing driveway. Carver mentioned that paving should be discouraged. Unkles stated that lighting should not extend beyond the property. Carver also pointed out that it is important that ingress/egress is sufficient to allow for emergency vehicles such as ambulances to have access to the property.

Haas asked if notices had been posted and if abutters were notified. Carver stated that she posted in the Journal Opinion for the first meeting, the cancellation and the current meeting. Carver asked Wing if he posted a sign on the property and he confirmed that he did.

Haas asked if having an additional unit will significantly impact municipal and governmental services. Berner stated that he feels there will not be significant impact. Haas asked how the character of the area will be affected. Berner responded that it is compatible as there are several multifamily properties in the area. Haas asked if there will be significant impact on traffic on the roads. Haas stated they need to consider the impact of the additional rental on the provisions of the Zoning Bylaws. He indicated it is not something to get into. And lastly Haas stated that they need to consider the utilization of renewable energy resources. Berner stated that they are looking into heat pumps and other renewable possibilities. There is discussion about heat pumps becoming viable in colder climates like Vermont. Berner stated that new units work effectively down into the negative teens. Carver suggested that there are programs for solar water heaters.

Haas stated there are a set of standard conditions that are included if the ZBA approves a conditional use. Haas appeared to be reading from a document other than the town zoning bylaw (Is this relevant?). He stated that the plan is to be completed as specified in the application. The permit runs with the land. Prior to beginning any construction, permittee shall obtain any other local and state permits that are required. Copies of all these are to be filed with the town administrative officer. There should be no changes without submission to the Development Review Board. And by acceptance of this permit, the permittee authorizes the administrative officer to access the property to ascertain the compliance with the permit. There was general discussion about whether the permittee was required to let someone enter a building.

Haas then commented that once a decision is made (within 45 days), that the applicant or any interested party has 15 days to appeal to the Environmental Court. Carver indicated that there are no other interested parties.

Haas indicated that the Zoning Board of Adjustment has open deliberation. Carver indicated that the Planning Commission does not have deliberations in public and does not issue verbal deliberation. Haas indicated he would accept the minutes of the hearing as completed by the

Planning Commission and that the Zoning Board of Adjustment would condition their decision on the Planning Commission's decision.

The hearing closed at 10:25 am

Respectfully submitted,  
Marcey Carver  
Clerk

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Signature of Chair

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Date