

STATE OF VERMONT
ENVIRONMENTAL COURT

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In re Saladino Conditional Use App.	}	Docket No. 223-11-09 Vtec
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	}	
In re Saladino Site Plan Application	}	Docket No. 224-11-09 Vtec
	}	

Corrected Judgment Order¹

Peter J. Saladino, III, as executor of the estate of his late father, Peter J. Saladino, Jr., originally sought conditional use and site plan approvals to improve an existing apartment building located at 311 North Main Street in Bradford, Vermont, so as to change its use from a three-unit to four-unit residential structure.² To receive such approval under the Town of Bradford Zoning Bylaws (“Bylaws”), Mr. Saladino submitted an application to receive both conditional use approval from the Town of Bradford Planning Commission (“Planning Commission”) and site plan approval from the Town of Bradford Zoning Board of Adjustment (“ZBA”). When both the Planning Commission and the ZBA granted the requested approvals, neighbors Karen Foley and Johannes Swarts (“Neighbors”) filed timely appeals of each determination with this Court.

In the course of administering his late father’s estate, Mr. Saladino sold the subject property to Osborne House, LLC, which the Court authorized to intervene in these proceedings as the successor to the original owner and applicant. Osborne House, LLC has been represented in these proceedings by its sole member/manager, Marcie Carver, and its attorneys, David Grayck, Esq. and Heather N. Jarvis, Esq.

¹ This Corrected Judgment Order is issued to remedy an incorrect reference to the Zoning Administrator on page 2.

² This building once consisted of two residential apartments and two commercial office spaces. After one of the offices was no longer being used, the late Mr. Saladino sought permission to redevelop the abandoned office space into a third residential apartment. In 2003, after an appeal to this Court, the applicant received conditional use approval to add the third residential apartment to the building. See Appeal of Foley, No. 284-12-02 Vtec (Vt. Envtl. Ct. Aug. 11, 2003) (Wright, J.). Now that the use of the remaining office space has ceased, Applicant seeks to convert that space to a fourth residential apartment.

The Court conducted a site visit with the parties on October 26, 2010; the trial began on the following day at the Orange County Courthouse in Chelsea, Vermont. Once the October 27th trial was completed, the Court took a brief recess to conduct its deliberations and then reconvened the hearing and rendered Findings of Fact and Conclusions of Law on the record of that hearing. Based upon those Findings and Conclusions, the Court does hereby order and decree as follows:

The proposed renovation to the pre-existing multi-family dwelling at 211 North Main Street in Bradford is hereby granted conditional use and site plan approval pursuant to the Town of Bradford Zoning Bylaws, subject to the following conditions:

1. These approvals are only granted for the changes to use originally applied for: converting the remaining office space to a fourth residential apartment.
2. Site improvements are to be completed in accordance with the revised site plan (trial Exhibit OH-B), including the parking spaces, fencing and landscaping.
3. The parking spaces are to be further delineated by numbers to be painted or posted on the fence, in alignment with each parking space.
4. No material revisions to the site plan may be made without further approval from the appropriate municipal panel, or this Court.

These proceedings are remanded to the Town of Bradford Zoning Administrator, solely for the purpose of completing the ministerial acts necessary to issue the appropriate permits in accordance with this Judgment Order and the unaltered provisions of the prior Planning Commission and ZBA approvals.

This completes the current proceedings before this Court in these Dockets.

Done at Berlin, Vermont, this 22nd day of November, 2010

Thomas S. Durkin, Judge