

Town of Brighton
Development Review Board
Minutes of Hearing held July 30, 2014

In Re: Sweet Tree Holdings 1, LLC

Application No. 019-14

A public hearing pursuant to Section 505 of the Town of Brighton Zoning Bylaws was held July 30, 2014 on the above entitled application for a Site Plan Review permit as filed by Sweet Tree Holdings 1, LLC for a renovation to the existing building situated at 74 Ethan Allen Drive, Island Pond, Vermont.

Due notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Charles Schneider

William and Susan Farrington

Vermont Electric Cooperative, Inc.

Richard and Maria Fillion

George and Diane King

Francis Azur

Jerry Blake

St. Lawrence and Atlantic Railroad Company

Notices were mailed by Certified Return Receipt on July 14, 2014.

Public notice was posted in three locations in town, namely, the Town Clerk's Office, bulletin boards outside the Island Pond Post Office and the Railroad Depot Building. And in the Caledonia Record.

A site visit was held at subject property on July 30, 2014 at 4:30 p.m., with board members Peder Pedersen, chair; Alan Wing, Cliff Biron, and

Mike Clarke. Richard DeWolfe, President of DeWolfe Engineering Associates represented Sweet Tree Holdings¹, LLC Margaret Muraca (DRB Clerk),and Edward Barber(reporter for the Newport Daily Express) were also present. Dana Jacobs did not attend the site visit.

At the site visit Mr. DeWolfe presented an overview of the project which involves the renovation of the existing 82,000 sf manufacturing building. The proposed use is for maple syrup production. The site will not have retail sales.

The public hearing was called to order at 4:45 p.m., by Peder Pedersen, Chair, with all the above named board members present. Richard DeWolfe (DeWolfe Engineering) representing Sweet Tree Holdings 1, LLC, Edward Barker (Newport Daily Express) and Margaret Muraca (DRB Clerk), were also in attendance. Dana Jacobs did not attend the hearing.

The Chair read the warning that was publicly posted.

It was noted that the application was dated June 9, 2014 and referred to this Board on July 3, 2014, by the Zoning Administer for a site plan review.

Richard DeWolfe and Edward Barber were sworn in by Peder Pedersen.

No one on the Board had any conflict of interest with the application request.

Section 505 of the Zoning Bylaws depicts the criteria to be considered in a site plan review.

The Development Review Board in reviewing the site plan may impose appropriate safeguards with respect to the following:

- A. The adequacy of parking;
- B. Traffic access and circulation for pedestrians and vehicles;
- C. Landscaping and screening;
- D. The protection of the utilization of renewable energy resources;
- E. Exterior lighting;
- F. The size, location and design of signs;
- G. Erosion and sedimentation control; and

H.Snow removal.

No one appeared at the meeting with objections to the renovation/ change of use to the existing facility at 74 Ethan Allen Drive.

Mr. DeWolfe reviewed the proposed renovations and site plan. Discussion ensued around adequacy of parking, traffic access, landscaping, signing, utilization of renewable energy sources, exterior lighting, erosion and sedimentation control as well as snow removal. Twenty-five parking spaces will be provided and it was noted that the truck path allowed for 15 tractor trailers. Asphalt will be applied to the driveway entrance. Permits, in process and to be obtained include : Act 250 Review, Disposal Permit, and Indirect Discharge Permit. Mr. DeWolfe explained that concentrate will be brought to the facility for processing.

The project proposes a free-standing sign to be designed and installed in the future.

There being no further questions of Mr. DeWolfe, he and Mr. Barber were excused and the public meeting was closed at 5:20 p.m.

The deliberative session of the DRB was held. Board members agreed that it was necessary to request from the applicant, a separate application for the proposed signage when that has been developed.

Alan Wing made a motion to accept the plan as presented and the motion was seconded by Peder Pederson.

Dated at Brighton (Island Pond), Vermont this 4th day of August 2014.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Peder Pedersen
Sweet Tree Holdings 1, LLC, Applicant
Town of Brighton, Clerks office

Dana Jacobs, Zoning Administrator

Edward Barber, Newport Daily Express

Findings of Fact

The following facts were found at the public hearing held July 30, 2014:

1. The hearing was called to order by the Chair at 5:10 p.m., and it was noted the site visit was made by the Board Members and others as previously named.
2. The warning was read by the Chair.
3. Richard DeWolfe and Edward Barber were sworn in by Peder Pedersen, Chair. The Chair also asked Board Members if they had any questions or concerns. There were none.
4. The requirements found in Sec. 505 of the Town of Brighton Zoning Bylaws relative to Site Plan Review were discussed. In reviewing site plans the Board may impose appropriate safeguards with respect to:
 - A. The adequacy of parking;
 - B. Traffic access and circulation for pedestrians and vehicles;
 - C. Landscaping and screening;
 - D. The protection of the utilization of renewable energy resources;
 - E. Exterior lighting;
 - F. The size, location and design of signs;
 - G. Erosion and sedimentation control, and
 - H. Snow removal

The Board requests that the applicant file a separate application for signage. As such, the Board finds that no additional requirements are needed as long as the addition does not exceed the renovation as stated in the application. The proposal for lighting and signage he must conform to Section 313 of the Brighton Zoning Bylaws as follows:

- (1) Signs that are painted or mounted on a wall of the building shall not:
 - A. Extend above any part of the eaves or gables of the building upon which the sign has been placed.
 - B. Exceed twenty (20) square feet in area.
- (2) Signs that are painted or mounted on the roof of a building shall not be permitted.
- (3) Every sign shall be designated and located in such a manner as to :
 - A. Not impair public safety
 - B. Not restrict clear vision between a sidewalk and road.
 - C. Not be confused with any traffic sign or signal.
 - D. Not prevent free access to any door, window, or fire escape.
- (4) Signs may be illuminated by a steady light, provided that such lighting will not illuminate or reflect onto other properties or into traffic.
- (5) Flashing, oscillation, and revolving signs shall not be permitted unless necessary for public safety or welfare.

Conclusion of Law

The following conclusions were determined from the public hearing held July 30, 2014.

Per the town's Zoning map the subject property is located in the Village District in Sec. 210(1) of the Zoning Bylaws.???????

Further, Sec. 505 of the Zoning Bylaws provided the safeguards the Board is to take into consideration when reviewing site plans and the Board finds that all issues specified therein have been adequately addressed by the applicant due to its being a currently operating business.

Deliberative Session

The deliberative session followed the public meeting with the same board in attendance.

Following discussion of the applicants' request for a Site Plan Review the following Motion was made:

Alan Wing made the Motion to approve the site plan review, subject to criteria under section 505, of the Zoning Bylaws. It is requested that the applicant submit an additional application for proposed signage.

Second by Peder Pederson - each Board Member voted in affirmative. Motion carried.

Deliberative Session closed at 5:40 p.m.

Dated at Brighton (Island Pond), Vermont this 4th day of August 2014.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Sweet Tree Holding1, LLC, Applicant
Peder Pedersen, Chair DRB

Town of Brighton, Clerks Office

Dana Jacobs, ZA

Town of Brighton

Development Review Board

In Re: Sweet Tree Holdings 1 LLC, Applicant

74 Ethan Allen Drive

Application No. 019-14

Decision

A public hearing pursuant to Section 505 of the Town of Brighton Zoning Bylaws was held July 30, 2014 on the above entitled application for a Site Plan Review permit as filed by Sweet Tree Holdings 1, LLC, for the renovation of the current building to a processing facility, situated at 74 Ethan Allen Drive, Island Pond, Vermont.

Notice of said hearing was provided to the following adjacent property owner identified by the applicant:

Charles Schneider

William and Susan Farrington

Vermont Electric Cooperative, Inc

Richard and Maria Fillion

George and Diane King

Francis Azur

Jerry Blake

St. Lawrence and Atlantic Railroad Company

Notices were mailed by Certified Return Receipt on July 14, 2014.

Public notice of said hearing was posted in three locations in town, namely, the Town Clerk's Office, bulletin boards outside the Island Pond Post Office and the Railroad Depot Building. .

A site visit on July 30, 2014 preceded the public hearing.

Board members who visited the site were Peder Pedersen, chair; Alan Wing, Cliff Biron; Mike Clarke and Margaret Muraca (DRB Clerk), Richard DeWolfe (DeWolfe Engineering) representing the applicant and Edward Barber were also present. Dana Jacobs did not attend the site visit.

The public hearing followed the site visit with the above named board members in attendance. Richard DeWolfe and Edward Barber also attended the public meeting. Dana Jacobs did not attend the hearing.

In an unanimous vote the Development Review Board Members Peder Pedersen; Alan Wing; Cliff Biron and Mike Clarke voted to APPROVE the site plan review concerning the property located at 74 Ethan Allen Drive, Island Pond, Vermont providing that the conditions stated previously are met.

Appeal Rights

If you should disagree with the Board's Decision, you may appeal to the Environmental Court. Such appeal must be made within thirty (30) days of the date of the decision. Failure to appeal within this thirty (30) day period will result in the loss of your appeal rights and this Decision shall be considered final.

Dated at Brighton (Island Pond), Vermont this 4th day of August 2014.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Sweet Tree Holdings 1, LLC, Applicant
Peder Pedersen, Chair DRB
Town of Brighton, Clerks Office
Dana Jacobs, ZA

**Development Review Board
Town of Brighton
P.O. Box 377
Island Pond, Vermont 05846**

August 4 , 2014

Sweet Tree Holdings 1, LLC
157 Church St. 20th Floor
New Haven, Ct. 06510

In Re: Application No. 019-14

Dear Applicant:

Enclosed herewith please find Minutes of the Hearing held July 30, 2014 with reference to your application for site plan review for an a renovation to the facility at 74 Ethan Allen Drive, Island Pond, Vermont together with minutes of the Deliberative Session.

You will note there is a thirty day appeal period concerning this Decision.

Sincerely,

Development Review Board
Town of Brighton

By: _____

Margaret Muraca, Clerk

Cc: Chair, DRB (email)