

Town of Brighton
Development Review Board
Minutes of Hearing held August 26, 2014

In Re: Barbara Grant

Application No. 024-14

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held August 26, 2014 on the above entitled application for a Site Plan Review/Variance permit as filed by Barbara Grant for the construction of a garage at the residence at 41 Bilodeau Rd. Island Pond, Vermont.

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

James and Wendy Zarick

Simon and Nicole Tardif

Jeff Gronback

Notices were mailed by Certified Return Receipt on August 15, 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. It was also published in the Caledonia Record.

A site visit was held at subject property on August 26, 2014 at 4:30 p.m., with board members Peder Pedersen, chair; Alan Wing, Cliff Biron, Mike Clarke, Alan Magoo and Margaret Muraca, DRB Clerk. Barbara Grant, the applicant was also present. Dana Jacobs did not attend the site visit.

At the site visit Ms. Grant presented an overview of the project which involves the construction of a single car garage on the .23 acre property, adjacent but detached, to the existing house. The board members surveyed the property in relationship to the necessary variance required.

The public hearing was called to order at 5:00 p.m., by Peder Pedersen, Chair, with all the above named board members present. Barbara Grant, the applicant was present. Dana Jacobs did not attend the hearing.

The Chair read the warning that was publicly posted.

It was noted that the application was dated July 18, 2014 and referred to this Board on August 8, 2014, by the Zoning Administer for a site plan review.

Barbara Grant were sworn in by Peder Pedersen.

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

Section 509 of the Zoning Bylaws depicts the criteria to be considered in a site plan review.

The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A. section 4469(a) and appeal procedures under section 508 of this bylaw. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Development Review Board may grant a variance and render a decision in favor of the appellant only if all of the facts are found, and the findings are specified in its written decision:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) The unnecessary hardship has not been created by the appellant;

- (4)The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- (5)The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the plan.

No one appeared at the meeting with objections to the construction of the garage at the identified site.

Ms. Grant responded to questions from board members regarding the request for a variance. The property (.23 acres) has an existing house, with a septic and leaching field to one side and a drilled well on the other side. The most appropriate site for the 14ft by 24 ft prefab garage would allow for a 20 ft setback to the rear property line (requiring a 30 ft variance) and a 15 ft setback to the right side of the garage to the side property line (requiring a 35 foot variance). The front side of the garage is in compliance with the appropriate setbacks.(50 ft) Alan Wing asked why the proposed garage site could not be further forward. Ms. Grant stated that that would require trees to be removed, and therefore alter the privacy afforded to the adjacent property. It was noted that given the size of the lot, a variance would have occurred to build the house many years ago.

There being no further questions of Ms. Grant, she was excused and the public meeting was closed at 5:20 p.m.

The deliberative session of the DRB was held. A review of the perimeters of Section 509 occurred and it was agreed that the proposed location of the garage was the best and caused the least deviation from the stated regulations.

Mike Clarke made a motion to accept the plan as presented and the motion was seconded by Cliff Biron.

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

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Peder Pedersen
Barbara Grant, Applicant
Town of Brighton, Clerks office
Dana Jacobs, Zoning Administrator
Joel Cote, Town Administrator

Findings of Fact

The following facts were found at the public hearing held August 26, 2014:

1. The hearing was called to order by the Chair at 5:00 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. Barbara Grant was sworn in by Peder Pedersen, Chair. The Chair also asked Board Members if they had any questions or concerns. As previously noted, clarification of the rationale for the site, revealed the lack of need for tree removal.
4. The requirements found in Sec. 509 of the Town of Brighton Zoning Bylaws relative to Variances were discussed. The Development Review Board may grant a variance and render a decision in favor of the appellant if all of the following facts are found and the findings are specified in its written decision.

(1) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstance or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;

(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;

(3) The unnecessary hardship has not been created by the appellant;

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and

(5)The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan

The Board determined that the variance application submitted meets all of the above outlined requirements. As such, the Board finds that no additional requirements are needed as long as the construction does not exceed/change as is stated in the application.

Conclusion of Law

The following conclusions were determined from the public hearing held August 26, 2014.

Per the town's Zoning map the subject property is located in the Rural Residential District in Sec. 210(4) of the Zoning Bylaws.

Further, Sec. 509 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.

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:

Mike Clarke made the motion to approve the site plan review, subject to criteria under section 509, of the Zoning Bylaws.

Second by Cliff Biron - each Board Member voted affirmative.
Motion carried.

Deliberative Session closed at 5:40 p.m.

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

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Barbara Grant, Applicant
Peder Pedersen, Chair DRB
Town of Brighton, Clerks Office
Dana Jacobs, ZA
Joel Cope, Town Administrator

Town of Brighton
Development Review Board

In Re: Barbara Grant, Applicant

41 Bilodeau Rd. Island Pond, Vt.

Application No. 024-14

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held August 26, 2014 on the above entitled application for a Site Plan Review/Variance permit as filed by Barbara Grant, for the construction of a garage at 41 Bilodeau Rd, Island Pond, Vermont.

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

James and Wendy Zarick

Simon and Nicole Tardif

Jeff Gronback

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 and published in the Caladonia Record.

A site visit on August 26, 2014 preceded the public hearing.

Board members who visited the site were Peder Pedersen, chair; Alan Wing, Cliff Biron; Mike Clarke, Alan Magoon and Margaret Muraca (DRB Clerk), Barbara Grant, the applicant was 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. Barbara Grant 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

Mike Clarke

Alan Magoon

Margaret Muraca

voted to APPROVE the site plan review/variance concerning the property located at 41 Bilodeau Rd, Island Pond, Vermont providing that the conditions stated previously are meet.

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 September 2014.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Barbara Grant, Applicant
Peder Pedersen, Chair DRB
Town of Brighton, Clerks Office
Dana Jacobs, ZA
Joel Cope. Town Administrator

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

September 4 , 2014

Barbara Grant, Applicant

114 Center Rd.

Brownington, Vt 05860

In Re: Application No. 024-14

Dear Applicant:

Enclosed herewith please find Minutes of the Hearing held August 26, 2014 with reference to your application for site plan review/variance for the construction of a garage at 41 Bilodeau Rd, 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)

