

Town of Brighton  
Development Review Board  
Minutes of Hearing held July 16, 2015

In Re: Mark Bean/Northern Vt. Rentals LLC

Application No. 14-15

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(3) Lakeside District, of the Town of Brighton Zoning Bylaws was held July 16, 2015 on the above entitled application for a Site Plan Review/New Construction permit as filed by Mark Bean. The proposed construction is a residential single family dwelling at 1455 Lakeshore Drive, Island Pond, Vermont.

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

Ralph Dodge

Maurice Barnes

M/M John Puckett

Robert Wing

Patricia Gorman

Bruce Webster

Notices were mailed by Certified Return Receipt on July 6, 2015.

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

A site visit was held at subject property on July 16 at 4:30 p.m., with board members Peder Pedersen, chair; Alan Wing, Alan Magoon, Cliff Biron, Michael Clarke and Clerk, Margaret Muraca. Mark Bean, the applicant was also present. Additionally present were abutters; Maurice

Barnes, Bruce Webster and Pat Gorman. Dana Jacobs did not attend the site visit.

At the site visit Mark Bean reviewed the plans for the dwelling, which will include a house, garage, breezeway and deck. The diagram provided was clarified as to the specific dimensions of the structures as they related to the property. It was noted that the setbacks for the front and the back did meet the setbacks (30 feet) as outlined in Section 210(3) Lake of the Zoning Bylaws. The minimum setbacks for the sides are less than 30 feet and require the requested variance.

The public hearing was called to order at 4:45 p.m., by Peder Pedersen, Chair, with all the above named board members present. Mark Bean, (the applicant), Pat Gorman, Maurice Barnes and Bruce Webster were 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 June 2, 2015 and referred to this Board on June 17, 2015, by the Zoning Administer for a site plan review.

Mark Bean, Maurice Barnes, Pat Gorman and Bruce Webster were sworn in by Peder Pedersen.

#### Section 509-Variances

The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A.s4469(a) and appeal procedures under s 508 of this bylaw. On granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstance 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 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 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 these regulations and from the plan.

Each of the specifications were reviewed as they related to the proposed construction site. The house (28x52), breezeway (8x16), garage (26x 26) and deck (10x20) would meet the front and back setbacks (30) feet as outlined in s210(3)-Lake; however a variance of 10 (ten) feet is required for the sides, in order to accommodate the proposed deck/entrance to the house.

Both non-board attendees and board members were given the opportunity to make comment and/or ask questions. Guests were then excused from the hearing.

The deliberative session(5:00 pm) was called to order.(moved Alan Wing). A review of Section 509 determined that the site plan as presented met the requirements for a variance. Alan Wing made a motion to grant the variance of 10 feet on each side of the dwelling, which was seconded by Alan Magoon. A vote was taken and unanimously approved by the membership.

The meeting was adjourned at 5:20 p.m.

Dated at Brighton (Island Pond), Vermont this 16th day of July 2015.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

Cc: Peder Pedersen  
Mark Bean, Applicant  
Town of Brighton, Clerks office  
Dana Jacobs, Zoning Administrator  
Joel Cope, Town Administrator

## Findings of Fact

The following facts were found at the public hearing held July 16, 2015:

1. The hearing was called to order by the Chair at 4:45 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. Mark Bean, Maurice Barnes, Pat Gorman and Bruce Webster were sworn in by Peder Pedersen, Chair. The Chair also asked Board Members if they had any questions or concerns.
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 only 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 condition peculiar to the particular property, and that unnecessary hardships 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 these regulations and from the plan.

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

### **Conclusion of Law**

The following conclusions were determined from the public hearing held July 16, 2015.

Per the town's Zoning map the subject property is located in the Lake District in Sec. 210(3) 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:

Alan Wing made the motion to approve the site plan, and grant a variance (10 feet) on both sides of the structures, subject to criteria under Section 509, of the Zoning Bylaws.

Seconded by Alan Magoon - each Board Member voted affirmative.

Motion carried.

Deliberative Session closed at 5:20 p.m.

Dated at Brighton (Island Pond), Vermont this 16th day of July 2015.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

Cc: Mark Bean, Applicant  
Peder Pedersen, Chair DRB  
Town of Brighton, Clerks Office  
Dana Jacobs, ZA  
Joel Cope, Town Administer

Town of Brighton  
Development Review Board

In Re: Mark Bean/Northern Vt. Rentals, LLC , Applicant  
1455 Lake Shore Drive, Island Pond, Vt.  
Application No. 14-15

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held July 16, 2015 on the above entitled application for a Site Plan Review/ Zoning permit as filed by Mark Bean, for the construction of a residential single family dwelling at 1455 Lake Shore Drive, Island Pond, Vt.

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

Ralph Dodge

Maurice Barnes

M/M John Puckett

Robert Wing

Patricia Gorman

Bruce Webster

Notices were mailed by Certified Return Receipt on July 6, 2015.

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 Caladonian Record.

A site visit on July 16, 2015 preceded the public hearing.



Board members who visited the site were Peder Pedersen, Chair; Alan Wing, Alan Magoon, Cliff Barnes, Michael Clarke and Margaret Muraca ( DRB Clerk). Mark Bean, the applicant was also present. Maurice Barnes, Pat Gorman and Bruce Webster were also in attendance. Dana Jacobs did not attend the site visit.

The public hearing followed the site visit with the above named board members in attendance. Mark Bean, Maurice Barnes, Pat Gorman and Bruce Webster 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

Alan Magoon

Clifford Biron

Mike Clarke

Margaret Muraca

voted to APPROVE the Site plan/Variance concerning the property located at 1455 Lakeshore 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 16th day of July 2015.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

Cc: Mark Bean, 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**

**July 21, 2015**

Mark Bean, Applicant  
PO Box 1375  
Lyndonville, Vt 05851

In Re: Application No. 14-15

Dear Applicant:

Enclosed herewith please find Minutes of the Hearing held July 16, 2015 with reference to your application for a variance for the residence to be constructed at 1455 Lakeshore 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)

