

Town of Brighton
Development Review Board
Minutes of Hearing held July 20, 2015

In Re: Matthew Barrett

Application No. 09-15

A public hearing(Section 510) pursuant to Section 505(Site Plan Review) as it relates to Section 210(1) Village District, of the Town of Brighton Zoning Bylaws was held July 20, 2015 on the above entitled application for a Site Plan Review/New Construction permit as filed by Matthew Barnett. The proposed placement is a a Gourmet Food Wagon behind the Town Office Building at 49 Mill St. Ext., Island Pond, Vermont.

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

Basil Properties, Inc.

Albert & Heather Goulet

Jamie Goulet

Sunrise Manor

St. Lawrence & Atlantic R/R

Craig and Albert Goulet

Notices were mailed by Certified Return Receipt on July 8, 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 20 at 4:30 p.m., with board members Peder Pedersen, chair; Alan Wing, Alan Magoon, Michael Clarke and Clerk, Margaret Muraca. Matthew Barrett, the applicant was also present. Additionally present was abutter; Albert Goulet. Other

interested parties present were Tim Obar, Mike Strait, John Doyon and Bob Dexter. Dana Jacobs did not attend the site visit.

At the site visit Matthew Barrett reviewed the plans for the placement of the Gourmet Food Wagon ten(10) feet from the Town Office Building. . The diagram provided was clarified as to the specific dimensions of the structure (Trailer 18' x 16' x 10'). Questions arose concerning use of propane gas, provisions for water and electric power, trash removal, placement of picnic tables, and parking. It was noted that this is property owned by the town, and it was not clear the exact amount of property that was to be utilized.

The public hearing was called to order at 4:50 p.m., by Peder Pedersen, Chair, with all the above named board members present. Matthew Barrett, (the applicant), Tim Obar, Mike Strait, John Doyon, Bob Dexter and Albert Goulet were present and were invited to sign the Town of Brighton-Interested Persons Record and Service List. Matt Barrett, Tim Obar, Mike Strait, John Doyon, Bob Dexter, and Albert Goulet were sworn in by Peder Pedersen.

Section 505-Site Plan Review

No zoning permit shall be issued by the Zoning Administrator for any use or structure except for one and two unit dwellings until the Development Review Board grants site plan approval after public notice and hearing and in accordance with 24 V.S.A. S 4416. In reviewing site plans, the Development Review Board 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 and the utilization of renewable energy resources
- E. Exterior Lighting
- F. The size, location, and design of signs
- G. Erosion and sedimentation control
- H. Snow removal

Each of the specifications were reviewed as they related to the proposed construction site. The Gourmet Food Wagon would be located approximately ten(10) feet from the Town Office Building. Questions remain concerning the placement of picnic tables, parking and snow removal. Mr. Barrett clarified that it was his intention to be in operation Thursday- Sunday from 12-2 pm. perhaps twelve months a year depending how things worked out. He was also contemplating renting the wagon out to other parties when he was not using it. He would not seek a liquor license. Mr. Barrett indicated that his licenses were up to date and he did have insurance.

Both non-board attendees and board members were given the opportunity to make comment and/or ask questions. It was agreed that an inspection by the State Fire Marshall would be necessary. Mr. Barrett said that it was his intention to remove his own trash, bring in his own water, and share the cost of electricity with the town. Although he had had a conversation with the Select Board, the rental amount for this endeavor has not been defined.

Business owners that were present expressed concerns regarding the responsibilities of Mr. Barrett to the town (not paying taxes, use of town utilities, undetermined rent).

Mr. Barrett remarked that he did not want to create hard feelings or “rattle cages”. In conclusion, M. Barrett stated that he desired to formally withdraw his Zoning Permit Application.

Guests were then excused from the hearing.

The deliberative session(5:20 pm) was called to order. Alan Wing made a motion(seconded Peder Pederson)to accept the withdrawal of the application by Mr. Barrett. A vote was taken and unanimously approved by the membership.

The membership agreed that many questions were raised at this hearing regarding the responsibility of the Development Review Board, in the approval of a Commercial Business on Town Property. It was recommended that communication with the Planning Board regarding the need to clarify/develop Zoning Bylaws as they relate to town property rental and/or Vendor use of town property. Peder Pederson stated that he would seek clarification from the planning board.

The meeting was adjourned at 5:30 p.m.

Dated at Brighton (Island Pond), Vermont this 20th day of July 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Peder Pedersen
Matthew, 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 20, 2015:

1. The hearing was called to order by the Chair at 4:50 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. Matthew Barrett, Tim O'Bar, John Doyon, Michael Strait, Robert Dexter and Albert Goblet were sworn in by Peder Pedersen, Chair.
4. (505 Site Plan Review) No Zoning permit shall be issued by the Zoning Administrator for any use or structure except for one and two unit dwellings until the Development Review Board grants site plan approval after public notice and hearing and in accordance with 24V.S.A. S4416. In reviewing site plans, the Development Review Board 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
 - H. Snow removal
5. The Board determined that several questions remained after review of the site plan. Mr. Barrett verbalized his intention to formally withdraw his Zoning Permit application.

Conclusion of Law

The following conclusions were determined from the public hearing held July 20, 2015.

Zoning Permit Application formally withdrawn by Matthew Barrett

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(seconded by Peder Pederson) to accept the formal withdrawal of the Zoning Permit Application by Matthew Barrett.

Board Members voted affirmative.

Motion carried.

Deliberative Session closed at 5:30 p.m.

Dated at Brighton (Island Pond), Vermont this 20th day of July 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Matthew Barrett, 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: Matthew Barrett, Applicant

P0 Box 31, Lyndonville, Vt. 05851

Application No. 09-15

Decision

A public hearing pursuant to Section 505 of the Town of Brighton Zoning Bylaws was held July 20, 2015 on the above entitled application for a Site Plan Review/ Zoning permit as filed by Matthew Barrett, for the placement of a Gourmet Food Wagon at 49 Mill St. Ext., Island Pond, Vt.

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

Basil Properties, Inc.

Albert & Heather Goulet

James Goulet

Sunrise Manor

St. Lawrence & Atlantic R/R

Craig and Albert Goulet

Notices were mailed by Certified Return Receipt on July 8, 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 20, 2015 preceded the public hearing.

Board members who visited the site were Peder Pedersen, Chair; Alan Wing, Alan Magoon, Michael Clarke and Margaret Muraca (DRB Clerk). Matthew Barrett, the applicant was also present. Tim O'Bar, Michael Strait, John Doyon, Bob Dexter and Albert Goulet 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. Matthew Barrett, Tim O'Bar, Michael Strait, Bob Dexter, John Doyon and Albert Goulet 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

Mike Clarke

Margaret Muraca

voted to ACCEPT THE FORMAL WITHDRAWAL of the submitted Zoning Permit Application submitted by Matthew Barrett.

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 20th day of July 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Matthew Barrett, 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 27, 2015

Matthew Barrett, Applicant

PO Box 31

Lyndonville, Vt 05851

In Re: Application No. 09-15

Dear Applicant:

Enclosed herewith please find Minutes of the Hearing held July 20, 2015 with reference to your application for a site plan review for the placement of a gourmet food wagon at 49 Mill St. Ext., Island Pond, Vermont together with minutes of the Deliberative Session, at which time the Board accepted the formal withdrawal of your application.

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)

