

Town of Brighton
Development Review Board
Minutes of Hearing held August 19, 2015

In Re: Jerry Blake

Application No. 15-15

A public hearing pursuant to Section 506(Subdivisions of Land) as it relates to Section 210(4) Rural Residential District, of the Town of Brighton Zoning Bylaws was held August 19, 2015 on the above entitled application for a Site Plan Review/Subdivision permit as filed by Jerry Blake. The proposed Subdivision is at Route 114S (28+/- acres), Island Pond, Vermont.

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

Francis LaFountain

Brighton Snowmobile Club

Ann M. West & Jeanne Wade

Kenneth Prior

Marcel Gervais Trust

J.P. & Jocelyn Gervais

John & Charlene Parker

Stephen & Verna Stacey

Curtis & Jan Bartholomew

David & Lisa Leidy

David Gerstel

Notices were mailed by Certified Return Receipt on August 7, 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 August 19 at 4:30 p.m., with board members Peder Pedersen, chair; Alan Wing, Cliff Biron, Michael Clarke and Clerk, Margaret Muraca. Jerry Blake, the applicant was also present. Additionally present were Marsha Driscoll and Atty. Dan Keenan. Dana Jacobs did not attend the site visit.

At the site visit Jerry Blake reviewed the plans for the subdivision. The survey map provided clarification of the lot sizes of the proposed subdivision. It was noted that all proposed (5) lot sizes met the minimum Lot Size of 2 acres as outlined in Section 210(4) Rural Residential.

The public hearing was called to order at 4:45 p.m., by Peder Pedersen, Chair, with all the above named board members present. Jerry Blake, (the applicant), Marsha Driscoll, Atty Dan Keenan and Mary Hunt 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 12, 2015 and referred to this Board on July 31, 2015, by the Zoning Administer for a site plan review.

Jerry Blake, Marsha Driscoll, Atty Dan Keenan and Mary Hunt were sworn in by Peder Pedersen.

Section 506-Subdivisions of Land

- (1) Applications for minor subdivisions of land shall be reviewed by the Zoning Administrator under the Administrative Review process.
- (2) Applications for major subdivisions of land shall also be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 V.S.A.s4464(a)(1), the warning period for the public hearing shall not be less than 15 days.
- (3) Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions and

proposed development. The plat shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as “existing”, location and size of proposed improvements identified as “proposed”, setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.

- (4) No lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%.
- (5) An undersized lot resulting from subdivision of land may be created, provided it is combined with land from an adjacent property to form a conforming lot, and a single property description with a new warranty or similar deed is filed in the Town’s land records.
- (6) The approved subdivision may not be officially filed until all appeal periods have expired and/or all appeals concluded.
- (7) A final plat on mylar must be submitted to the Zoning Administrator for approval before the subdivision is filed in the Town’s land records.

The specifications were reviewed as they related to the proposed subdivision of land. The five (5) individual lots : Lot 1-4.6+ acres, Lot 2-4.3+ acres, Lot 3-4.2+ acres, Lot 4-2.7 acres and Lot 5-12.1 acres meet the minimum lot size of 2 acres as outlined in s210(4)-Rural Residential.

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. A review of Section 506 determined that the site plan as presented met the requirements for a subdivision of land. Alan Wing made a motion to grant the permit for a subdivision as outlined on the survey map prepared by Hardscrabble Mountain Surveys of Vermont on June 5, 2005 for Bernard Wilson, Jerry Blake and Marcia Driscoll, which was seconded by Cliff Biron. A vote was taken and unanimously approved by the membership.

The meeting was adjourned at 5:10 p.m.

Dated at Brighton (Island Pond), Vermont this 19th day of August 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Peder Pedersen
Jerry Blake, 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 August 19, 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. Jerry Blake, Marcia Driscoll, Atty Dan Keenan and Mary Hunt 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. 506 of the Town of Brighton Zoning Bylaws relative to Subdivisions of Land were discussed.

(1) Applications for minor subdivisions of land shall be reviewed by the Zoning Administrator under the Administrative Review process.

(2) Applications for major subdivisions of land shall be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 V.S.A. s4464(a)(1), the warning period for the public hearing shall not be less than 15 days.

(3) Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions and proposed development. The plat shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as "existing", location and size of proposed improvements identified as "proposed", setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.

(4) No lot that is created as the result of a subdivision of land shall have more than 50% of its build able area in slopes greater than 20%.

(5) An undersized lot resulting from subdivision of land may be created, provided it is combined with land from an adjacent property to form a conforming lot, and a single property description with a new warranty or similar deed is filed in the Town's land records.

(6) The approved subdivision may not be officially filed until all appeal periods have expired and/or appeals are concluded.

(7) A final plat on mylar must be submitted to the Zoning Administrator for approval before the subdivision is filed in the Town's land records.

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 August 19, 2015.

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. 506 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, for a subdivision of land as outlined on the survey map prepared by Hardscrabble Mountain Surveys of Vermont on June 5, 2005 for Bernard Wilson, Jerry Blake and Marcia Driscoll.

Seconded by Clifford Biron - Each Board Member voted affirmative.

Motion carried.

Deliberative Session closed at 5:10 p.m.

Dated at Brighton (Island Pond), Vermont this 19th day of August 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Jerry Blake, 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: Jerry Blake

114S Island Pond, Vermont 05846

Application No. 15-15

Decision

A public hearing pursuant to Section 506 of the Town of Brighton Zoning Bylaws was held August 19, 2015 on the above entitled application for a Site Plan Review/ Zoning permit as filed by Jerry Blake, for the Subdivision of Property on Route 114S, Island Pond, Vt.

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

Francis LaFountain

Brighton Snowmobile Club

Ann M. West & Jeanne Wade

Kenneth Prior

Marcel Gervais Trust

J.P. & Jocelyn Gervais

John & Charlene Parker

Stephen & Verna Stacey

Curtis & Jan Bartholomew

David & Lisa Leidy

David Gerstel

Notices were mailed by Certified Return Receipt on August 7, 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 August 19, 2015 preceded the public hearing.

Board members who visited the site were Peder Pedersen, Chair; Alan Wing, Cliff Barnes, Michael Clarke and Margaret Muraca (DRB Clerk). Jerry Blake, the applicant was also present. Marcia Driscoll and Atty Dan Keenan 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. Jerry Blake, Marcia Driscoll, Atty Dan Keenan and Mary Hunt 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

Clifford Biron

Mike Clarke

Margaret Muraca

voted to APPROVE the Site plan/Subdivision of Property concerning the property located at Route 114S, 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 19th day of August 2015.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

Cc: Jerry Blake, 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**

August 21, 2015

Jerry Blake, Applicant
267 Lake Street
Island Pond, Vt. 05846

In Re: Application No. 15-15

Dear Applicant:

Enclosed herewith please find Minutes of the Hearing held August 19, 2015 with reference to your application for a Subdivision of Property located on Route 114S , 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)

