

Town of Brighton
Development Review Board
Minutes of Hearing Held February 15, 2017

Re: Jason Waldo & Kaitlyn Maxwell

Application No. 35-16

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(3) Lake District, of the Town of Brighton Zoning Bylaws was held February 15, 2017 on the above entitled application for a Site Plan Review/ addition permit as filed by Jason Waldo and Kaitlyn Maxwell. The proposed addition is a deck renovation at the residence at 201 Cottage Rd., Island Pond, Vermont.

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

James Kinney

Mary White

Craig Goodenough

Notices were mailed by Certified Return Receipt on February 2, 2017.

Public Notice was posted in three locations in town, namely, the Town Clerk's Office, and the 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 February 15, 2017 at 4:30 p.m., with board members Pete Pederson, Mike Clarke, and Margaret Muraca (Clerk). Also present were the applicant, Jason Waldo and an abutter, Craig Goodenough.

At the site Jason Waldo confirmed the construction/renovation of both an upper and lower deck. The structure already exists and the upper deck foot print is approximately 12 sq ft greater than the lower deck.

The public hearing was called to order at 5:00 p.m. by Pete Pederson, Chair, with all the above named board members present. Alan Wing joined the group at this time. Jason Waldo(the applicant) was present, as was Craig Goodenough,an abutter.

The chair read the warning that was publicly posted.

It was noted that the application was dated December 01, 2016 and referred to this Board on January 26, 2017, by the Zoning Administrator for a site plan review.

Jason Waldo, the applicant, and Craig Goodenough, abutter, were sworn in by Pete Pederson.

It was noted that there were no Public Members in attendance.

S509 Variances

The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A.s 4469(a) and appeal procedures under s508 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 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 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 these regulations and from the plan.

The board members and applicant representative reviewed the request for a variance for the deck addition/renovation. The membership reviewed the before and after pictures of the constructed upper and lower deck. Mr. Waldo provided explanation and clarification of the construction of the upper level which requires the approximate 12 sq ft variance. It is also noted, that this renovation/addition has already been built before seeking the appropriate Zoning Permit. Mr. Waldo stated that he expected to be receiving a Determination Form from, Lindsey Miller, Division of Lakes and Ponds, regarding the Shoreline Protection Act. He expects this state approval imminently and will forward a copy to the Development Review Board.

All attendees were given the opportunity to make comment and /or ask questions. Mr. Goodenough offered his support for granting the variance.

The applicant, Jason Waldo and Abutter, Craig Goodenough were then excused and the

deliberative session was called to order.

The board voted unanimously to approve the request; once the approval letter from the Division of Lakes and Ponds is received by the Development Review Board.

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

Dated at Brighton(Island Pond), Vermont this 15th day of February 2017.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pederson
Jason Waldo, Applicant
Town of Brighton, Clerks Office
Joel Cope, Town Administrator/Zoning Administrator

Findings of Facts

The following facts were found at the public hearing held February 15, 2017.

1. The hearing was called to order by the Chair at 5:00 p.m. and it was noted that the site visit was made by the Board Members and others as previously named.
2. The warning was read by the Chair.
3. Jason Waldo(applicant), and Craig Goodenough (abutter) were sworn in by Pete Pederson, 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 the addition and necessary variance were discussed. The Development Review Board may render a decision in favor of the appellant only if all of the delineated facts are found and the findings are specified in its written decision (see previously stated Sec 509 facts).

The Board determined that the application submitted meets all of the requirements. In addition, the Board finds that the additional requirement of the letter of approval from the Division of Lakes and Ponds should be submitted to the Development Review Board. The Board, however wishes to note that the application was filed after the construction was completed.

Conclusion of the Law

The following conclusions were determined from the public hearing held on February 15, 2017:

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 members in attendance.

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

Pete Pederson made the motion to approve the site plan, for the deck construction/renovation, subject to criteria under Section 509, of the Zoning Bylaws. Alan Wing, seconded the motion. The Board voted unanimously to approve the request, upon receipt of the approval letter from the Division of Lakes and Ponds. It was also noted that the applicant filed the application after the structure had been built.

The deliberative session closed at 5:30 p.m.

Dated at Brighton(Island Pond), Vermont this 15th day of February 2017.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Jason Waldo & Kaitlyn Maxwell, Applicants
Pete Pederson, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Jason Waldo and Kaitlyn Maxwell
201 Cottage Road, Island Pond, Vt. 05846
Application # 35-16

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held February 15, 2017 on the above entitled application for a Site Plan Review/Zoning permit as filed by Jason Waldo and Kaitlyn Maxwell; for the addition/renovation of a deck at a residential property at 201 Cottage Road, Island Pond, Vermont. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

James Kinney
Mary White
Craig Goodenough

Notices were mailed by Certified Return Receipt on February 2, 2017. 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 Caledonian Record. A site visit on February 15, 2017 preceded the public hearing. Board members who visited the site were Pete Pederson, Mike Clarke, and Margaret Muraca(clerk). Also present was Jason Waldo(applicant), and Craig Goodenough(abutter).

The public hearing followed the site visit with the above named board members in attendance. In addition Alan Wing was present. Jason Waldo(applicant) and Craig Goodenough(abutter) were also present. In a unanimous vote the Development Review Board Members:

Pete Pederson
Alan Wing
Mike Clarke
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 201 Cottage Road., Island Pond, Vermont provided 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 15th day of February 2017.

Margaret Muraca, Clerk
Development Review Board

cc: Jason Waldo and Kaitlyn Maxwell, Applicants
Pete Pederson, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator

