

Town of Brighton
Development Review Board
Minutes of Hearing Held May 30, 2019

Re: Application No. 11-19

A public hearing pursuant to Sections 505(Site Plan Review) and 507(Conditional Uses) as it relates to Section 210(4) Rural Residential, of the Town of Brighton Zoning Bylaws was held May 30, 2019 on the above entitled application for a Site Plan Review/ conditional use (campground) permit as filed by Robert G. Simpson. The conditional use is for the new construction of a campsite with 10 cabins, 2 bathhouses, 1 Camp Store and 1 Camp Keeper Cabin for seasonal use at a 32 plus acre site on 105 Charleston Rd, Island Pond, Vermont. Due notice of said hearing was provided to the following adjacent property owners:

Damian Nebelhoer
Anne Doyon
Mary Taylor
Maxim Vanasse/Moriah Gaboriault
Toni Rushlow
Robert Porter

Notices were mailed by Certified Return Receipt on May 14, 2019.

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 May 30th at 3:30 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Stacey Roese, Alan Magoon, and Margaret Muraca (clerk). Robert Simpson, the applicant was present. Adjacent property owners present were: Brittany Berry, Toni Rushlow, Sharon Porter, Sandra Porter, Robert Porter, Steve Porter, Max Vanesse and Moriah Gaboriault.

At the site, the group viewed the property and were given a description of the buildings locations by the applicant, Robert Simpson as documented on the schematic provided. Mr. Simpson described the anticipated use of the campground, which would serve a maximum of 40 (4 per Cabin) persons at a time. Recreational use of the river is the main goal. He stated that through appropriate governmental agencies, the property, which had a wetlands delineation, had been removed from the flood plan status. In addition he has been working on the Act 250 regulations,

as well as applications for a State Permit and VTrans Permit..

The public hearing was called to order at 4:10 p.m. by Pete Pederson, Chair, with all the above named board members present. Robert Simpson, the applicant was present. In addition, interested persons attending were: Brittany Berry, Toni Rushlow, Moriah Gaboriault, Maxim Vanasse, Anne Doyon, Gina O'Keefe, Mary Taylor, Sharon Porter, Sandra Porter, Robert Porter and Steve Porter.

The chair read the warning that was publicly posted.

It was noted that the application was received April 5, 2019 and referred to this Board on May 3, 2019, by the Zoning Administrator for a site plan review.

The applicant and all interested persons in attendance were sworn in by Pete Pederson.

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. 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

507 Conditional Uses

(1) After public notice and hearing, the Development Review Board shall determine if a proposed conditional use has the potential to have an undue adverse effect on the following:

- A. The capacity of existing or planned community facilities.
- B. The character of the area affected, as defined by the purpose or purposes
- C. Traffic on roads and highways in the vicinity.
- D. Bylaws in effect with special references to this zoning bylaw, and,
- E. The Utilization of renewable energy resources.

(2) In permitting a conditional use, the Development Review Board may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:

- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to nearby properties.
- C. Controlling the location and number of vehicular access points to the

property.

- D. Increasing road width.
- E. Increasing the number of off-street parking or loading spaces required.
- F. Limiting the number, location, and size of signs.
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area.
- H. Specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use.
- I. Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.
- J. As a condition of the grant of a conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of 24 V.S.A. and this zoning bylaw.

- (3) Change of use, expansion or contraction of land area or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

Robert Simpson, the applicant, presented an overview of the planned campsite (cabin rentals) and intended recreational use. As documented there will be 10 cabins (4 persons per); 2 bath houses, a small store, and a camp tender cabin. The river access will allow for use/rental of canoes and kayaks. Seasonal use will be 4 1/2 to 5 months a year, with no tents allowed. He stated that there would be noise level restrictions and that he welcomed and would address any concerns. He has gained approval and has a permit for a conventional septic design.

Many concerns were expressed by the adjoining property owners who were in attendance. Questions were asked about people wandering onto adjacent properties and the subsequent liabilities. In addition concerns around the liability of the right of way were verbalized. Discussion continued regarding the BOG and concern about renters wandering into this dangerous area. Mr. Simpson stated that he is willing to mitigate all of these concerns; putting up fences along the property lines, erecting posts and signs indicating no trespassing, having written expectations for renters and develop contracts with his attorney to release abutters from liability. He was asked if he would be doing background checks on renters. He stated he would not. Mr. Simpson stated that his insurance would indicate his liability and he would work with his attorney to document that neighbors would be released of liability. He reiterated that he is willing to work with his neighbors and address their concerns.

The applicant and all interested persons, were then excused and the deliberative session was called to order. Board members agreed that the proposed site plan was appropriate for the campsite development and would be dependent on the final Act 250 Permit, State Permit and VTrans Permit. It was agreed that the 507 Conditional Uses Zoning Bylaw conditions are met. It was emphasized that Mr. Simpson would work out the concerns of his neighbors regarding, fencing, no trespassing signs and liability. It is also requested that low impact lighting be utilized

for the site. Alan Wing made a motion to approve the request for a permit provided the above stated recommendations are followed. The motion was seconded by Stacey Roesse. The board voted unanimously to approve the request.

The meeting was adjourned at 5:00 p.m.

Dated at Brighton(Island Pond), Vermont this 30th day of May 2019.

A handwritten signature in cursive script that reads "Margaret Muraca". The signature is written in black ink and is positioned above a horizontal line.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pederson
Robert G Simpson, 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 May 30, 2019.

1. The hearing was called to order by the Chair at 4:00 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. Robert Simpson and all interested persons in attendance were sworn in by Pete Pederson, Chair. The Chair also asked all in attendance if they had any questions or concerns.
4. The requirements found in Sec 507 of the Town of Brighton Zoning Bylaws relative to the proposed construction of a campground 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 507 facts).

The Board determined that the site plan/application submitted meets all of the requirements of the bylaw Sec 507 Conditional Uses. It is expected that the use of this property will be for a campground and outdoor recreation, will have minimal lighting, and will have posted signs/fences to prevent access to abutting property. 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 the Law

The following conclusions were determined from the public hearing held on May 30, 2019:

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. 507 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

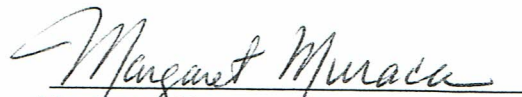
The deliberative session followed the public meeting with the same board members in attendance.

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

Alan Wing made the motion to approve the site plan, for the campground subject to criteria under Section 507, of the Zoning Bylaws. The expectation is that posted signs/fences will be installed to prevent trespassing on abutting properties. Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed a 5:00 p.m.

Dated at Brighton(Island Pond), Vermont this 30th day of May 2019.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Robert G. Simpson, Applicant
Pete Pederson, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Robert G. Simpson
304 Duford Rd. West Burke, Vt. 05871
Application # 11-19

Decision

A public hearing pursuant to Sections 505 and 507 of the Town of Brighton Zoning Bylaws was held May 30, 2019 on the above entitled application for a Zoning Permit for the construction of a campground on property off VT 105 Charleston Rd., Island Pond, Vermont, 05846. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Damian Nebelhoer
Anne Doyon
Mary Taylor
Maxim Vanasse/Moriah Gaboriault
Toni Rushlow
Robert Porter

Notices were mailed by Certified Return Receipt on May 14, 2019. 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 May 30, 2019 preceded the public hearing. Board members who visited the site were Pete Pederson, Alan Wing, Alan Magoon, Mike Clarke, Stacey Roese and Margaret Muraca(clerk). Also present were Robert Simpson (applicant) and adjacent property owners; Brittany Berry, Toni Rushlow, Sharon Porter, Sandra Porter, Robert Porter, Steve Porter, Maxim Vanasse, and Moriah Gaboriault. .

The public hearing followed the site visit with the above named board members in attendance, as well as Robert Simpson (applicant) and interested persons; Brittany Berry, Toni Rushlow, Moriah Gaboriault, Maxim Vanasse, Anne Doyon, Gina O'Keefe, Mary Taylor, Robert Porter, Sharon Porter, Sandra Porter, and Steve Porter. In a unanimous vote the Development Review Board Members:

Pete Pederson
Alan Wing
Alan Magoon
Stacey Roese
Mike Clarke
Margaret Muraca

voted to APPROVE the site Plan concerning the property located at VT 105 Charleston Rd., 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 30th day of May 2019.

A handwritten signature in cursive script, reading "Margaret Muraca", is written over a horizontal line.

Margaret Muraca, Clerk
Development Review Board

cc: Robert Simpson, Applicant
Pete Pederson, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator