

September 23, 2019

Development Review Board

Minutes of Hearings Held

September 23, 2019

RE: David & Melinda Lamoureux/Essex House

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RE: Whiting/ Burns Family

Town of Brighton
Development Review Board
Minutes of Hearing Held September 23, 2019

Re: David & Melinda Lamoureux/Essex House

Application No. 38-19

A public hearing pursuant to Section 505(Site Plan Review) with specific application to the Town of Brighton-Flood Hazard Area Regulation as it relates to Section 210(1) Village District, of the Town of Brighton Zoning Bylaws was held September 23, 2019 on the above entitled application for a New Construction permit as filed by David & Melinda Lamoureux. The proposed construction is a walk-in food cooler at the Essex House and Tavern at 138 Cross St., Island Pond, Vermont.

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

Robert & Sharon Dexter
Brighton Community Forum
Berle Dittner
Craig Goulet
Gaston Boisvert
Island Pond Historical Society

Notices were mailed by Certified Return Receipt on September 9, 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 September 23, 2019 at 3:00 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Alan Magoon, Stacey Roesse and Margaret Muraca (Clerk). David and Melinda Lamoureux (applicants) were present.

At the site David Lamoureux confirmed the intentions of the new construction/walk in cooler. The group viewed the proposed site of the walk in food cooler on the back side of the Essex House

and Tavern. Discussion ensued around the proposed structure in relation to the Flood Hazard Area Regulation. Mr. Lamoureux described the addition with dimensions of 15ft(length) by 9 ft(width) by 16 ft(height) and stated that it would be 2-3 feet above the ground. Architectural Drawings, available to the board members showed the elevation of the existing grade(1174ft+/-) as well as the 100 year flood elevation(1175ft+/-) with a typical footing. It was noted that the structure will be built with posts anchored to an existing cement foundation.

The public hearing was called to order at 3:30 p.m. by Pete Pederson, Chair, with all the above named board members present. The applicant, David Lamoureux was present.

The chair read the warning that was publicly posted.

It was noted that the application was dated August 30, 2019 and referred to this Board on September 4, 2019, by the Zoning Administrator for a site plan review.

David Lamoureux, was sworn in by Pete Pederson.

It was noted that there were no Public in attendance.

The initial discussion was around the Site Plan In relation to the Flood Area Hazard Regulation.

S 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

Flood Hazard Area Regulation

- 9.0 Development Standards Within Special Flood Hazard Areas
- 9.2 New nonresidential structures and existing structures which are to be substantially improved for nonresidential purposes shall have the lowest floor (including basement) elevated to

one foot or more above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- A. Be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of withstanding hydro-static and hydrodynamic loads, effects of buoyancy and other factors associated with the base flood; and
- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

10.0 Records

The Administrative Officer shall maintain records of all permits issued for developments within areas of special flood hazard.

The records shall include:

- 10.1 Whether or not the buildings have a basement;
- 10.2 The elevation(in relation to mean sea level) of the first floor or basement floor of new or substantially improved buildings; and
- 10.3 The elevation to which buildings have been flood proofed, if applicable.

Mr. Lamoureux presented the Architect's (Troy Osborne) sketches for consideration and for clarification of issues around the Flood Hazard Regulations. The floor of the new structure (walk in food cooler) will be 2- 3 feet above ground level (existing grade) which has an elevation of 1174 ft +/- . The posts which will support the addition will be anchored to the existing concrete footing which has approximately an elevation of 1175 ft +/- . Steel plates and pressure treated wood posts will be utilized to secure the new construction to the existing cement foundation. The space between the ground level and the floor of the cooler will be open; allowing for the flow of water.

The applicant stated that the new construction/cooler will be accessed from inside the buildings with no entry from the outside. The existing propane tanks will be relocated further back from the building. Mr. Lamoureux stated that he understood from the Town Zoning Administrator (Joel Cope) that the proposal met the State regulations, per Sacha Pealer (Regional River Scientist & Flood Plan Manager, Vermont Department of Environmental Conservation).

The applicant was then excused and the deliberative session was called to order. Alan Wing made a motion to approve the submitted plan for the construction of a walk in food cooler with the stipulation that written clarification be obtained from the Zoning Administrator, Joel Cope regarding the input received from Sacha Pealer (Regional River Scientist & Flood Plan Manager, Vermont Dept of Environmental Conservation). The motion was seconded by Stacey Roese. The board voted unanimously to approve the request.

The meeting was adjourned at 3:50 p.m.

Dated at Brighton(Island Pond), Vermont this 23rd day of September 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
David & Melinda Lamoureux, Applicants
Town of Brighton, Clerks Office
Joel Cope, Town Administrator/Zoning Administrator

Findings of Facts

The following facts were found at the public hearing held September 23, 2019.

1. The hearing was called to order by the Chair at 3:30 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. David Lamoureux was 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 505 of the Town of Brighton Zoning Bylaws and the Flood Hazard Area Regulation relative to the proposed construction of a walk in food cooler 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 505/ Flood Area Hazard Regulation).

The Board determined that the site plan/application submitted meets all of the 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 the Law

The following conclusions were determined from the public hearing held on September 23, 2019:

Per the town's Zoning map the subject property is located in the "Village" District in Sec. 210(1) of the Zoning Bylaws.

Further, Sec 505 of the Zoning Bylaws and the Flood Hazard Area Regulation 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.

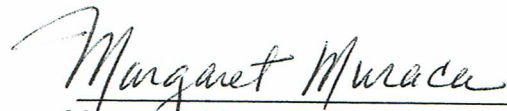
Following discussion of the applicants' request for a Site Plan Review the following motion was made :

Alan Wing made the motion to approve the site plan, for construction of a walk in food cooler, with the stipulation that written clarification regarding the Flood Hazard Review by the Vermont Dept of Environmental Conservation be submitted by the Zoning Administrator, Joel Cope.

Stacey Roesse seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:50 p.m.

Dated at Brighton(Island Pond), Vermont this 23rd day of September 2019.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: David & Melinda Lamoureux, Applicants
Pete Pederson, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: David & Melinda Lamoureux
PO Box 446, Island Pond, Vt. 05846
Application # 38-19

Decision

A public hearing pursuant to Section 505 of the Town of Brighton Zoning Bylaws and the Flood Hazard Area Regulation was held September 23 2019 on the above entitled application for a Site Plan Review/Zoning permit as filed by David & Melinda Lamoureux; for the construction of a walk in food cooler at 138 Cross St., Island Pond, Vermont.

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

Robert & Sharon Dexter
Brighton Community Forum
Berle Dittner
Craig Goulet
Gaston Boisvert
Island Pond Historical Society

Notices were mailed by Certified Return Receipt on September 9 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 September 23, 2019 preceded the public hearing. Board members who visited the site were Pete Pederson, Alan Wing, Mike Clarke, Alan Magoon, Stacey Roese and Margaret Muraca(clerk). Also present were David & Melinda Lamoureux (applicants) . The public hearing followed the site visit with the above named board members in attendance. David Lamoureux (applicant) was present.

In a unanimous vote the Development Review Board Members:

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

voted to APPROVE the site Plan concerning the property located at 138 Cross St., 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 23rd day of September 2019.

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

Margaret Muraca, Clerk
Development Review Board

cc: David & Melinda Lamoureux, Applicants
Pete Pederson, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator

Development Review Board
Town of Brighton
PO Box 377
Island Pond, Vermont 05846

September 25, 2019
David & Melinda Lamoureux
PO Box 446
Island Pond, Vt. 05846

Re: Application No. 38-19

Dear Applicant,

Enclosed herewith, please find the minutes of the Hearing held September 23, 2019 with reference to your application for the addition of a walk in food cooler, at the Property located at 138 Cross St., Island Pond, Vermont; together with 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

Town of Brighton
Development Review Board
Minutes of Hearing Held September 23, 2019

Re: Whiting/Burns Family

Application No. 34-19

A public hearing pursuant to Section 318(Travel Trailers) as it relates to Section 210(2) Neighborhood Residential, of the Town of Brighton Zoning Bylaws was held September 23, 2019 on the above entitled application for a Site Plan Review for the construction of 9ft X 21ft metal storage shed and the temporary use of three tents (14x25, 12x12, 12x12) with plywood bases until a permanent shelter(30x50) is completed; as filed by the Whiting/Burns Families. Due notice of said hearing was provided to the following adjacent property owners:

Dorindo Dimartino
Judith Valente
Brandon Castonguay
Jason Cogle
Ron Rupp/Gemma Dreher

Notices were mailed by Certified Return Receipt on September 9, 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 September 23 at 4:00 p.m., with board members Pete Pederson, Stacey Roese, Mike Clark, Alan Magoon, Alan Wing and Margaret Muraca (Clerk). Also present were William Burns, Kami Burns, and Bonnie Whiting(applicants). Discussion centered around the current camp/trailer sites and the future location of the permanent shelter as well as the current request to construct a 9ft by 21ft metal storage container. The owners are also seeking permission to utilize three tents (2 have plywood bases)until they construct a permanent shelter which has already been permitted.

DRB members toured the site. It was noted that the trailer/campsites had been relocated to avoid interference with the town water supply to the property.

The public hearing was called to order at 4:30 p.m. by Pete Pederson, Chair, with all the above named board members present. Bonnie Whiting and William Burns (the applicants) were present.

The chair read the warning that was publicly posted.

It was noted that the application was dated August 21, 2019 and referred to this Board on September 4, 2019, by the Zoning Administrator for a site plan review.

Bonnie Whiting and William Burns were sworn in by Pete Pederson.

It was noted that there were no Public attendees.

318 Travel Trailers

Owners or users of camping trailers, pick-up coaches and/or motor homes(hereinafter referred to as "travel trailers"), shall abide by the following regulations except when located in an approved campground:

- (1)The owner of a travel trailer may park it on his or her own property, in the rear or side yards, provided the trailer is not closer than six feet to any lot line.
- (2)Parked travel trailers shall not be occupied as living quarters, nor be hooked up to any utilities, for more than a total of 90 days in any calendar year, except as provided in (5).
- (3)Visitors may park their travel trailers on their hosts' land, provided they are parked in conformance with sections (1) and (2), and provided that there is no fee involved.
- (4)Not more than two travel trailers, including the land owner's travel trailer, shall be concurrently parked on any lot, unless such lot is an approved trailer park.
- (5)Any travel trailer that is occupied or connected to utilities for more than a total of 90 days in any calendar year shall be considered a permanent structure, and the owner shall obtain a zoning permit for a recreational shelter in accordance with Section 504, as well as any applicable state permit.

The submitted application was discussed in relationship to the above outlined bylaw regarding travel trailers. The applicants re-iterated their desire to maintain three travel trailer sites (one permanent and two will be removed at the end of the season (90 days), as well as to construct a 30 x 50 Post and Beam shelter in the next 2 years. Until they are able to construct the shelter, they are seeking permission to utilize three tents (14x25-cover boat), (12x12-cover dining area), (12x12-cover grills). Once the shelter and the metal storage container are constructed these tents will be removed

The applicants were then excused and the deliberative session was called to order. Stacey Roesse made a motion to approve the site plan; construction of a metal storage container and

the temporary use of three(3) tents. The motion was seconded by Alan Magoon. The board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 23rd day of September 2019.

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

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pederson
Whiting & Burns, Applicants
Town of Brighton, Clerks Office
Joel Cope, Town Administrator/Zoning Administrator

Findings of Facts

The following facts were found at the public hearing held September 23, 2019.

1. The hearing was called to order by the Chair at 4:30 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. Bonnie Whiting and William Burns 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 318 of the Town of Brighton Zoning Bylaws relative to the proposed construction of a metal storage container(9ft x 21 ft) and the temporary use of 3 tents. 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 504 -Administrative Review).

The Board determined that the site plan/application submitted meets all of the requirements. The Board suggests that the owners may wish to consider applying for campground status if future sites are desired. 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 September 23, 2019:

Per the town's Zoning map the subject property is located in the "Neighborhood Residential" District in Sec. 210(2) of the Zoning Bylaws.

Further, Sec. 318 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

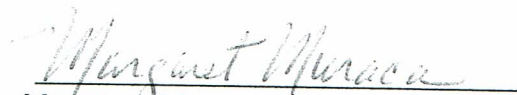
The deliberative session followed the public meeting with the same board members in attendance.

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

Stacey Roesse made the motion to approve the site plan; construction of a metal storage container and the temporary use of three (3) tents to be removed upon completion of a permanent shelter, subject to criteria under Section 318 of the Zoning Bylaws. Alan Magoon seconded the motion. The Board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 23rd day of September 2019.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Whiting & Burns, Applicants
Pete Pederson, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Whiting/ Burns
169 Dale Ave, Island Pond, Vt. 05846
Application # 34-19

Decision

A public hearing pursuant to Section 318 of the Town of Brighton Zoning Bylaws was held September 23, 2019 on the above entitled application for a Site Plan Review/Zoning permit as filed by the Whiting/Burns Family; for the construction of a metal storage container(9ft x 21ft) and permission for the temporary use of three tents until a permanent shelter is constructed at 169 Dale Ave., Island Pond, Vermont.

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

Dorindo Dimartino
Judith Valente
Brandon Castonguay
Jason Cogle
Ron Rupp/Gemma Dreher

Notices were mailed by Certified Return Receipt on September 9, 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 September 23, 2019 preceded the public hearing. Board members who visited the site were Pete Pederson, Stacey Roese, Mike Clarke, Alan Magoon, Alan Wing and Margaret Muraca (clerk). Also present were Bonnie Whiting and William Burns(applicants). The public hearing followed the site visit with the above named board members in attendance. The applicants, Bonnie Whiting and William Burns were also present. In a unanimous vote the Development Review Board Members:

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

voted to APPROVE the Site Plan/Construction (Metal Storage Container) and the temporary use of three (3) tents at the property located at 169 Dale Ave, 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 23rd day of September 2019.



Margaret Muraca, Clerk
Development Review Board

cc: Whiting & Burns, Applicants
Pete Pederson, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator

Development Review Board
Town of Brighton
P.O. Box 377
Island Pond, Vermont 05846

September 27, 2019

Whiting/Burns Family
401 Strafford Rd.
Groveton, NH 03582

Re: Application # 34-19

Dear Whiting/Burns Family,

Enclosed herewith please find minutes of the Public Hearing held September 23, 2019 with reference to your application for construction at your property located on 169 Dale Ave, 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

Margaret Muraca. Clerk

cc: Chair, DRB