

Town of Brighton
Development Review Board
Minutes of Hearing Held October 10, 2019

Re: Patrick Roussel

Application No. 37-19

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(4) Rural Residential District, of the Town of Brighton Zoning Bylaws was held October 10, 2019 on the above entitled application for a Site Plan Review/ New Construction permit as filed by Patrick Roussel. The proposed addition includes a front porch and rear garage at the residence at 78 VT RE 195W Charleston Rd., Island Pond, Vermont.

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

Bradley Beth

Charles Shook

Kean & Victoria Galunas

John Charlton

Notices were mailed by Certified Return Receipt on September 25, 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 October 10 at 3:00 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Alan Magoon, Stacey Roese, and Margaret Muraca (Clerk). Patrick Roussel, the applicant was present.

At the site Patrick Roussel confirmed his intentions to build a front porch that fell short of the 50 ft setbacks required in the front and a garage the rear of the building which also fell short of the 50 ft setback, due to the physical limitations of the lot.

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

Patrick Roussel (applicant) was sworn in by Pete Pederson.

It was noted that there were no Public 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 reviewed the request for a variance for the construction of a front porch(8 ft) and a small garage(14x18). It was noted that s210(4) Rural Residential, Zoning Bylaw requires a minimum setback of 50 ft. The front porch would require a 5 ft variance and the rear garage requires a 12 ft variance. It was noted that the property does not allow for any other location for these structures.

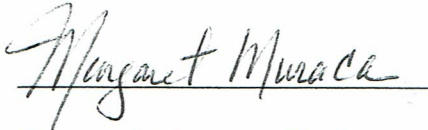
All attendees were given the opportunity to make comment and /or ask questions.

The applicant, Patrick Roussel was then excused and the deliberative session was called to order. Alan Wing made a motion to approve the request for both the 5 ft variance in the front and the 12 ft variance in the rear of the residence; seconded by Stacey Roesse.

The board voted unanimously to approve the request.

The meeting was adjourned at 3:45 p.m.

Dated at Brighton(Island Pond), Vermont this 10th day of October 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
Patrick Roussel, 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 October 10, 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. Patrick Roussel (applicant), 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 509 of the Town of Brighton Zoning Bylaws relative to the proposed dwelling 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. As such, the Board finds that no additional requirements are needed as long as the use (proposed maximum size) 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 October 10 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. 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

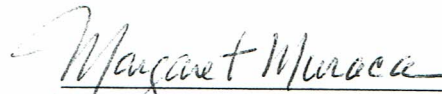
The deliberative session followed the public meeting with the same board members in attendance.

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

Alan Wing made the motion to approve the site plan, for the construction of a front porch and a garage, subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum 5 ft.(front) and 12 ft (back) variance. Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:45 p.m.

Dated at Brighton(Island Pond), Vermont this 10th day of October 2019.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Patrick Roussel, Applicant
Pete Pederson, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Patrick Rousell
78 Vt Rte 105W Charleston Rd., Island Pond, Vt. 05846
Application # 37-19

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held)October 10, 2019 on the above entitled application for a Site Plan Review/Zoning permit as filed by Patrick Rousell; for the construction of a front porch and garage at a residential property at 78 Vt Rte 105W Charleston Rd., Island Pond, Vermont. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Bradley Beth
Charles Shook
Kean & Victoria Galunas
John Charlton

Notices were mailed by Certified Return Receipt on September 25, 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 October 10, 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 was Patrick Rousell(applicant).

The public hearing followed the site visit with the above named board members in attendance, as well as Patrick Rousell. In a unanimous vote the Development Review Board Members:

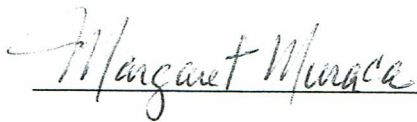
Pete Pederson
Alan Wing
Alan Magoon
Stacey Roese
Mike Clarke
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 78 Vt Rte 105W 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 10th day of October 2019.

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

Margaret Muraca, Clerk
Development Review Board

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

