

Town of Brighton
Development Review Board
Minutes of Hearing Held November 14, 2019

Re: Brian Maxwell

Application No. 42-19

A public hearing pursuant to Section 506(Subdivisions of Land) as it relates to Section 210(6) Rural Lands District, of the Town of Brighton Zoning Bylaws was held November 14, 2019 on the above entitled application for a Subdivision of Land by Brian Maxwell. The proposed subdivision is on 1150 Ten Mile Square Road, Island Pond, Vermont.

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

Robert and Charlene Maxwell
Jeremy Miller
Robin Messler
Douglas Maxwell

Notices were mailed by Certified Return Receipt on October 29, 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 November 14, 2019 at 3:00 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Stacey Roesse and Margaret Muraca (Clerk). Brian Maxwell, the applicant was also present.

At the site, Brian Maxwell, confirmed his intention to subdivide his property in order to sell a 5.3 acre parcel to the individual that currently owns the contiguous 2 + acre parcel which has a dwelling/home. Mr. Maxwell retains ownership of the other 2 parcels.

The public hearing was called to order at 3:00 p.m. by Pete Pederson, Chair, with all the above named board members present. Also present was Brian Maxwell, the applicant.

The chair read the warning that was publicly posted.

Brian Maxwell, the applicant was sworn in by Pete Pederson.

It was noted that the application was dated 10/11/19 and referred to this Board on October 16,

2019, by the Zoning Administrator for a site plan review.

It was noted that there were no public members in attendance

S506 Subdivisions of Land

- (1) Applications for minor subdivisions of land shall be reviewed by the Zoning Administrator under the Administrative 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 record.
- (6) The approved subdivision may not be officially filed until all appeal periods have expired and/or appeals are concluded.
- (7) A final plat or mylar must be submitted to the Zoning Administrator for approval before the subdivision is filed in the Town's land records.

The specifics of the planned subdivision were again reviewed by Brian Maxwell. It was noted that the subdivision is in Rural Lands 210(6) which requires a minimum lot size of 5 acres and a minimum lot width of 300ft. Review of the Brow Surveying Map of 11/20/17, with a revision on 9/3/19 showed three (3) lots identified in the subdivision. Lot 1-11.7 acres, Lot 2- 5.3 acres and Lot 3-10.8 acres. The lot in question (Lot 2) was confirmed to have greater than the required 5 acre minimum necessary in Rural Lands-210(6). In addition, with the use of the legend provided on the map, it was determined that the minimum width requirement of 300 ft, is met with a measurement of 300.5 ft.

With no further questions or discussion Mr. Maxwell was then excused from the hearing.

The deliberative session (3:45 p.m.) was called to order. A review of Section 506-Subdivisions of Land determined that the site plan as presented met the requirements for a subdivision of land in Rural Lands as defined in the Brighton Zoning Bylaw. Pete Pederson made a motion to grant the permit for a subdivision as outlined on the survey/mylar map prepared by Brow

Surveying, Orleans VT, dated November 20, 2017 with revisions on September 3, 2019. The motion was seconded by Stacey Roese. A vote was taken and unanimously approved by the membership.

The meeting was adjourned at 4:00 p.m.

Dated at Brighton(Island Pond), Vermont this 14th day of November 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
Brian Maxwell, 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 November 14, 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. Brian Maxwell was sworn in by Pete Pederson, Chair. The Chair 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 the proposed subdivision 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 506 facts)

The Board determined that the site plan/application submitted meets all of the requirements, as outlined in Section 506-Subdivisions of Land. 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 November 14, 2019:

Per the town's Zoning map the subject property is located in the "Rural Lands" District in Sec. 210(6) 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 members in attendance.

Following discussion of the applicants' request for a Site Plan/Subdivision by the committee the following motion was made:

Pete Pederson made the motion to approve the site plan, for a subdivision of the land as outlined on the survey map/mylar prepared by Brow Surveying, Orleans VT, dated November 20 2017 and revised September 3, 2019 for the Maxwell Property. Seconded by Stacey Roesse. Each Board member voted affirmative.

The deliberative session closed at 4:00 p.m.

Dated at Brighton(Island Pond), Vermont this 14th day of November 2019.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

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

**Town of Brighton
Development Review Board**

RE: Brian Maxwell
439 East Brighton Road
Island Pond, Vt. 05846
Application # 42-19

Decision

A public hearing pursuant to Section 506 of the Town of Brighton Zoning Bylaws was held November 14, 2019 on the above entitled application for a Site Plan Review/Zoning permit as filed by Brian Maxwell; for the subdivision of property at 1150 Ten Mile Square Road, Island Pond, Vermont.

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

Robert & Charlene Maxwell
Jeremy Miller
Robin Messier
Douglas Maxwell

Notices were mailed by Certified Return Receipt on October 29, 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 November 14, 2019 preceded the public hearing. Board members who visited the site were Pete Pederson, Alan Wing, Michael Clarke, Stacey Roese and Margaret Muraca(clerk). Also present was Brian Maxwell, the applicant.

The public hearing followed the site visit with the above named board members in attendance. Also present was Brian Maxwell, the applicant. In a unanimous vote the Development Review Board Members:

Pete Pederson
Alan Wing
Stacey Roese
Mike Clarke
Margaret Muraca

voted to APPROVE the site plan/subdivision of property concerning the property located at 1150 Ten Mile Square Road, 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.

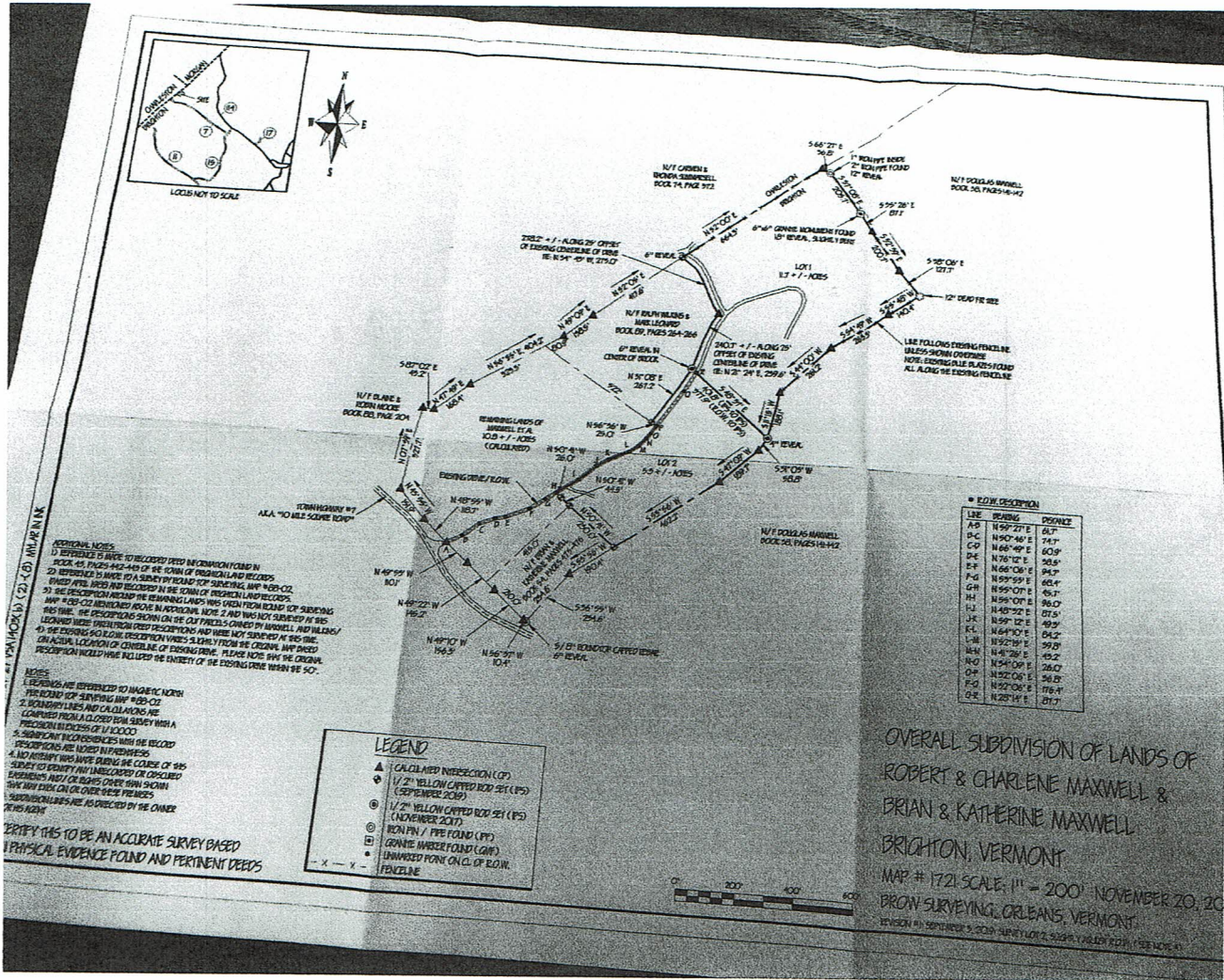
Dated at Brighton (Island Pond) Vermont this 14th day of November 2019.

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

Margaret Muraca, Clerk
Development Review Board

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

From: Margaret Muraca pegmuraca@gmail.com
 Subject: Maxwell property map
 Date: November 15, 2019 at 12:43 PM
 To: Margaret Muraca pegmuraca@gmail.com, Sue Pederson p_c_pedersen@snet.net



Sent from my iPhone