

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held June 23, 2020**

**Re: Beverly M Pepin**

Application No. 48-19

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(2) Neighborhood Residential District, of the Town of Brighton Zoning Bylaws was held June 23, 2020 on the above entitled application for a Site Plan Review/ Shed Addition permit as filed by Beverly M Pepin. The proposed addition of a utility shed at the residence at 665 Railroad St., Island Pond, Vermont.

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

Town of Brighton

Brian Gillis Et Al Estate

St. Lawrence & Atlantic Railroad Company

Notices were mailed by Certified Return Receipt on June 9, 2020.

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 June 23, 2020 at 3:00 p.m., with board members Pete Pederson, Mike Clarke, Alan Magoon, Stacey Roesse, and Margaret Muraca (Clerk). Beverly M Pepin, the applicant, was present.

At the site Beverly M Pepin confirmed her intention to maintain a storage shed that fell short of the 15 ft setback required on the side of the building. There were no issues with the front and rear setbacks. Due to the physical limitations of the lot, the identified location of the shed was warranted. Members of the board measured the distance from the shed to the property line which was 13 feet.

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

The chair read the warning that was publicly posted.

It was noted that the application was dated November 16, 2019 and referred to this Board on January 21, 2020, by the Zoning Administrator for a site plan review. Due to the Covid-19 pandemic public health restrictions, the hearing was delayed to assure the safety of participants.

Beverly M Pepin (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 maintenance of a storage shed on the property. It was noted that s210(2) Neighborhood Residential, Zoning Bylaw requires minimum setbacks of 25 ft(front), 15 ft(side), and 35 ft (rear). The front and rear setbacks are met, however the side setback of 15ft falls 2 feet short at 13 ft. It was noted that the property does not allow for any other appropriate/reasonable location for this structure. There does not appear to be any imposed hardship to the abutters and the request appears to meet all of the above stated tenets of S509 Variances.

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

The applicant, Beverly M Pepin, was then excused and the deliberative session was called to order. Mike Clarke made a motion to approve the request for a 2 ft variance on the side of the shed; seconded by Stacey Roese.

The board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 23rd day of June 2020.



Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pederson  
Beverly M Pepin, 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 June 23, 2020.

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. Beverly M Pepin (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 June 23, 2020:

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. 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

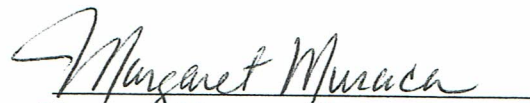
The deliberative session followed the public meeting with the same board members in attendance.

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

Mike Clarke made the motion to approve the site plan, for the maintenance of a utility shed on the property, subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum 2 ft.(side) 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 23rd day of June 2020..



Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Beverly M Pepin, Applicant  
Pete Pederson, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA

**Town of Brighton  
Development Review Board**

RE: Beverly M Pepin  
PO Box 152,  
665 Railroad St., Island Pond, Vt. 05846  
Application # 48-19

**Decision**

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held June 23, 2020 on the above entitled application for a Site Plan Review/Zoning permit as filed by Beverly M Pepin; for the maintenance of a utility shed at a residential property at 665 Railroad St., Island Pond, Vermont.

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

Town of Brighton  
Brian Gillis Et Al Estate  
St. Lawrence & Atlantic Railroad Company

Notices were mailed by Certified Return Receipt June 9, 2020. 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 June 23, 2020 preceded the public hearing. Board members who visited the site were Pete Pederson, Mike Clarke, Alan Magoon, Stacey Roese and Margaret Muraca(clerk). Also present was Beverly M Pepin (applicant).

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

Pete Pederson  
Alan Magoon  
Stacey Roese  
Mike Clarke  
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 665 Railroad 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 June 2020.**



Margaret Muraca, Clerk  
Development Review Board

cc: Beverly M Pepin, Applicant  
Pete Pederson, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator