

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held September 1, 2020**

**Re:** Application No. 4-20

A public hearing pursuant to Section 507(Conditional Uses) as it relates to Section 210(1) Village, of the Town of Brighton Zoning Bylaws was held September 1, 2020 on the above entitled application for a change of use at 47 Railroad Street.

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

Craig & Albert Goulet  
American Legion Brighton Post #80  
R & M Holdings LLC  
Jennifer L. Barnes  
Telephone Operating Company of VT  
Fairpoint Communications  
Reno and Jeanne Gervais

Notices were mailed by Certified Return Receipt on August 18, 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 September 1st at 2:45 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Stacey Roese, Alan Magoon, and Margaret Muraca (clerk). Roderick R. Frandino, the applicant, was present. Ryan Perry, abutting business owner, was also present.

At the site, the group viewed the exterior of the building and the Office Space that is to house a Land Surveying Business. The space was previously a warehouse and the applicant indicated that no structural changes have or would occur. Board Members noted that there was adequate parking and the signage meets the Zoning Bylaws. It was also noted that lighting provided at this point is minimal.

The public hearing was called to order at 3:00 p.m. by Pete Pederson, Chair, with all the above named board members present. Roderick R Frandino(applicant), was also present.

The chair read the warning that was publicly posted.

It was noted that the application was received May 1, 2020 and referred to this Board on August 7, 2020, by the Zoning Administrator for a site plan review.

Roderick R. Frandino, was sworn in by Pete Pederson.

It was noted that there were no Public in attendance.

### **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.



Discussion ensued regarding the proposed change of use at this property. Mr. Frandino reiterated that no structural changes have been made to this former warehouse. The proposed Land Surveying Office in the Village District is considered a permitted use (Business/ Professional Office).

Mr. Frandino, was then excused and the deliberative session was called to order. Alan Wing made a motion to approve the request for a change in use, for the purposes of establishing a Land Surveyors Office with the addition of more outside lighting. It was also recommended that the the front porch supports be secured. The motion was seconded by Pete Pederson. The board voted unanimously to approve the request.

The meeting was adjourned at 3:15 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2020.

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  
Roderick R. Frandino  
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 1, 2020.

1. The hearing was called to order by the Chair at 3:00 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. Roderick R. Frandino 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 507 of the Town of Brighton Zoning Bylaws relative to the proposed change of use (permitted use) 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 professional office/Land Surveyor. The Board finds that additional outside lighting is recommended. 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 1, 2020:

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. 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.

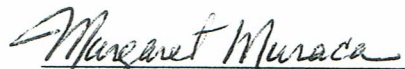
### Deliberative Session

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 a change of use for this property, subject to criteria under Section 507, of the Zoning Bylaws; with the stipulation that additional outside lighting be installed. It is also recommended that the front porch supports be secured. Pete Pederson seconded the motion. The Board voted unanimously to approve the request. The deliberative session closed at 3:15 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2020.

  
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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Roderick R. Frandino, Applicant  
Pete Pederson, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA



**Town of Brighton  
Development Review Board**

RE: Roderick R. Frandino  
47 Railroad St.  
Application # 04-20

**Decision**

A public hearing pursuant to Section 507 of the Town of Brighton Zoning Bylaws was held September 1, 2020 on the above entitled application for a Site Plan Review/Zoning permit as filed by Roderick R. Frandino; for a change in use of the property at 47 Railroad St., Island Pond, Vermont.

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

Craig & Albert Goulet  
American Legion Brighton Post #80  
R & M Holdings LLC  
Jennifer L Barnes  
Telephone Operating Company of VT  
Fairpoint Communications  
Reno & Jeanne Gervais

Notices were mailed by Certified Return Receipt on August 18, 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 September 1, 2020 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 was Roderick R. Frandino (applicant) and Ryan Perry, a neighboring business owner.

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

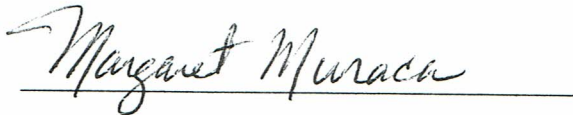
Pete Pederson  
Alan Wing  
Alan Magoon  
Stacey Roese  
Mike Clarke  
Margaret Muraca

voted to APPROVE the Site Plan concerning the property located at 47 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 1st day of September 2020.**

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

cc: Roderick R. Frandino, Applicant  
Pete Pederson, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator



**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held September 1, 2020**

**Re:** Application No. 21-20

A public hearing pursuant to Section 507(Conditional Uses) as it relates to Section 210(1) Village, of the Town of Brighton Zoning Bylaws was held September 1, 2020 on the above entitled application for a Site Plan Review for an addition to the existing building; NEKCA, Inc/ Shannon O'Rourke. The addition is for the Day Care Center; to be utilized for a larger anticipated child care population and for safety as related to the Covid-19 mandates at 36 Cross St., Island Pond, Vermont.

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

Craig & Albert Goulet

Notices were mailed by Certified Return Receipt on August 18, 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 September 1st at 3:30 p.m., with board members Pete Pederson, Alan Wing, Mike Clarke, Stacey Rouse, Alan Magoon, and Margaret Muraca (clerk). Shannon O'Rourke, the applicant was present. Michael Strait, abutting business owner was also present.

At the site, the group viewed the exterior of the building and the location on the backside of the building; the proposed site for the 12ft by 20 ft addition. Shannon O'Rourke explained the need for additional classroom space, due to an anticipated increase in the number of children as well as for the ability to comply with the Covid-19 public health mandates. Discussion ensued regarding parking concerns. Shannon does not expect the need for more parking for staff (currently 6 spaces). Michael Strait expressed concern that parking be available for the customers of his business. It was noted that Craig Goulet does have a right of way on the property. Board members suggested several ways that the parking of employee vehicles might resolve these issues.

The public hearing was called to order at 3:45 p.m. by Pete Pederson, Chair, with all the above named board members present. Shannon O'Rourke(applicant),and Micheal Strait were also



present.

The chair read the warning that was publicly posted.

It was noted that the application was received August 6, 2020 and referred to this Board on August 7, 2020, by the Zoning Administrator for a site plan review.

Shannon O'Rourke and Michael Strait, were sworn in by Pete Pederson.

It was noted that there were no Public in attendance.

### **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

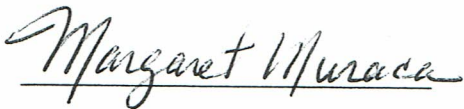
they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

Discussion ensued regarding the proposed 12ft by 20ft addition to the current facility (approx 25ft by 40ft). Shannon again reiterated the need due to an increase in children at the day care center and the implementation of the Covid-19 mandates. She also stated she would have one additional employee but not a need for more parking spaces. Michael Strait again expressed his concern for adequate parking for his customers, however, would not oppose this project. Several suggestions were made to reconcile the parking situation (i.e. define and assign employee parking spaces before school begins; clarify the specific needs of Craig Goulet for the documented ROW). It was apparent that the involved parties were willing to work out a solution that met the needs of both establishments.

Ms. O'Rourke and Mr. Strait, were then excused and the deliberative session was called to order. Stacey Roese made a motion to approve the request for the 12ft by 20ft addition to the Day Care Center. The motion was seconded by Alan Magoon. The board voted unanimously to approve the request.

The meeting was adjourned at 4:10 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2020.



Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pederson  
NEKCA, Inc/Shannon O'Rourke  
Michael Strait  
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 1, 2020.

1. The hearing was called to order by the Chair at 3:45 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. Shannon O'Rourke and Michael Strait 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 507 of the Town of Brighton Zoning Bylaws relative to the proposed addition to the Child Care Center (conditional Use) 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 child care services. 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 1, 2020:

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. 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**

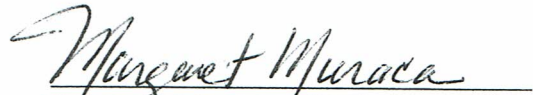
The deliberative session followed the public meeting with the same board members in attendance.

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

Stacey Roesse made the motion to approve the site plan, for an addition to this Child Care Facility, subject to criteria under Section 507, of the Zoning Bylaws. Alan Magoon seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 4:10 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2020.



Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: NEKCA Inc/Shannon O'Rourke, Applicant  
Michael Strait  
Pete Pederson, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA



**Town of Brighton  
Development Review Board**

RE: NEKCA, Inc./Shannon O'Rourke  
PO Box 234/ 36 Cross St.  
Application # 21-20

**Decision**

A public hearing pursuant to Section 507 of the Town of Brighton Zoning Bylaws was held September 1, 2020 on the above entitled application for a Site Plan Review/Zoning permit as filed by NEKCA, Inc; for an addition to the property at 36 Cross St., Island Pond, Vermont. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Craig & Albert Goulet

Notices were mailed by Certified Return Receipt on August 18, 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 Newport Daily News.

A site visit on September 1, 2020 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 Shannon O'Rourke (applicant) and Michael Strait.

The public hearing followed the site visit with the above named board members in attendance, as well as Shannon O'Rourke and Michael Strait. In a unanimous vote the Development Review Board Members:

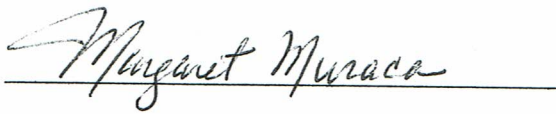
Pete Pederson  
Alan Wing  
Alan Magoon  
Stacey Roese  
Mike Clarke  
Margaret Muraca

voted to APPROVE the Site Plan concerning the property located at 36 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 1st day of September 2020.

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

Margaret Muraca, Clerk  
Development Review Board

cc: Shannon O'Rourke, Applicant  
Michael Strait  
Pete Pederson, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator