

Town of Brighton
Development Review Board
Minutes of Hearing Held October 6, 2020

Re: David Ferdinand

Application No. 29-20

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 October 6, 2020 on the above entitled application for a Site Plan Review/ New Construction permit as filed by David Ferdinand. The proposed addition/new construction includes a front and side porch at the residence at 246 Derby St., Island Pond, Vermont.

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

Marion Cole
Gordon N. & Mary R. Stafford
Walter Driscoll

Notices were mailed by Certified Return Receipt on September 21, 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 October 6 at 2:45 p.m., with board members Pete Pederson, Mike Clarke, Stacey Roese, and Margaret Muraca (Clerk). David Ferdinand, the applicant was present.

At the site Robert Ferdinand confirmed his intentions to build a front & side porch that fell short of the 15 ft setback required on the side. He had marked the outline with orange paint, which clearly defined the position of the porch.

The public hearing was called to order at 3:00 p.m. by Pete Pederson, Chair, with all the above named board members present. David Ferdinand(applicant) was also present. Marion Cole, an adjacent property owner was accompanied, by her son Wayne Cole.

The chair read the warning that was publicly posted.

It was noted that the application was dated September 4, 2020 and referred to this Board on September 8, 2020, by the Zoning Administrator for a site plan review.

David Ferdinand, Marion Cole and Wayne Cole were 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 and side porch (28 ft, 70 ft with a width of 6 ft.). It was noted that S210(2) Neighborhood Residential, Zoning Bylaw requires a minimum setback of 15 ft. on the side. The side porch would require a 3 ft variance, as the measurement to the property line is 12 ft.

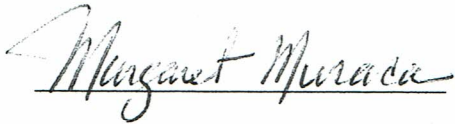
All attendees were given the opportunity to make comment and /or ask questions.

The applicant, Robert Ferdinand, Marion Cote and Wayne Cote were then excused and the deliberative session was called to order. Stacey Roese made a motion to approve the request for the 3 ft variance on the side of the residence; seconded by Mike Clarke.

The board voted unanimously to approve the request.

The meeting was adjourned at 3:20 p.m.

Dated at Brighton(Island Pond), Vermont this 6th day of October 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
David Ferdinand, 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 6, 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. David Ferdinand (applicant), Marion Cote and Wayne Cote 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 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 6 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

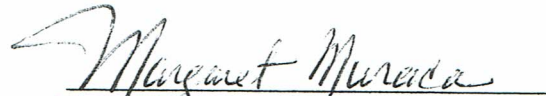
The deliberative session followed the public meeting with the same board members in attendance.

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

Stacey Roesse made the motion to approve the site plan, for the construction of a front & side porch , subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum 3 ft. (side) variance. Michael Clarke seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:20 p.m.

Dated at Brighton(Island Pond), Vermont this 6th day of October 2020.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

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

**Town of Brighton
Development Review Board**

RE: David Ferdinand
1 Puritan Ave., Mt. Sinai, New York 11766
Application # 29-20

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held October 6, 2020 on the above entitled application for a Site Plan Review/Zoning permit as filed by David Ferdinand; for the construction of a front & side porch at a residential property at 246 Derby St., Island Pond, Vermont. ✓

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

Marion Cote
Gordon N. & Mary R. Stafford
Walter Driscoll

Notices were mailed by Certified Return Receipt on September 21, 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 October 6, 2020 preceded the public hearing. Board members who visited the site were Pete Pederson, Mike Clarke, Stacey Roese and Margaret Muraca(clerk). Also present was David Ferdonand(applicant).

The public hearing followed the site visit with the above named board members in attendance, as well as David Ferdinand. Also present was adjoining property owner Marion Cote and Wayne Cote. In a unanimous vote the Development Review Board Members:

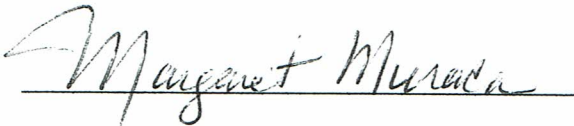
Pete Pederson
Stacey Roese
Mike Clarke
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 246 Derby 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 6th day of October 2020.

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

Margaret Muraca, Clerk
Development Review Board

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

Town of Brighton
Development Review Board
Minutes of Hearing Held October 6, 2020

Re: David & Melinda Lamoureux/Essex House

Application No. 22-20

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 October 6, 2020 on the above entitled application for a New Construction permit as filed by David & Melinda Lamoureux. The proposed construction is a Pavillon 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
Mike & Lois Testut

Notices were mailed by Certified Return Receipt on September 21, 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 October 6, 2020 at 3:30 p.m., with board members Pete Pederson, Mike Clarke, Stacey Roese and Margaret Muraca (Clerk). David and Melinda Lamoureux (applicants) were present.

At the site David Lamoureux confirmed the intentions of the new construction/Pavillion (25ft X 35 ft). The group viewed the proposed site of the Pavillon behind the Essex House and Tavern.

It will function as an outside dining area; offering guests protection from the weather. Discussion ensued around the proposed structure in relation to the Flood Hazard Area Regulation. It was noted that a letter of response for the proposed Pavillon had been received from the Department of Environmental Special Flood Hazard Area of the Brook. The location is immediately adjacent to Island Pond Brook and near the mapped Special Flood Hazard Area of the Brook. The Basic Flood Elevation of the building is approximately 1175 ft. New non-residential structures are required to have a Lowest Floor Elevation at least one foot above the BFE (Base Flood Elevation). In this case the Lowest Floor Elevation would be 1176 ft. Mr. Lamoureux described the Pavillon with dimensions of 25ft by 35ft. Measurements were taken to evaluate how the placement of the Pavillon could accommodate a defined distance from the Brook and maintain an adequate parking area. It was noted that the structure should be built with posts made of material that would minimize damage(solid wood or metal, flood damage resistant). Mr. Lamoureux stated that the intention was to have a temporary floor for the winter months and to remove the floor during the good weather months.

The public hearing was called to order at 3:50 p.m. by Pete Pederson, Chair, with all the above named board members present. The applicants, David and Melinda Lamoureux were present.

The chair read the warning that was publicly posted.

It was noted that the application was dated August 24,2020 and referred to this Board on September 8, 2020, by the Zoning Administrator for a site plan review.

David and Melinda Lamoureux, were 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:

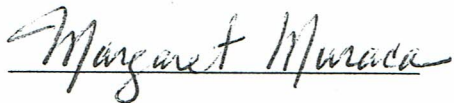
- 10.1 Whether or not the buildings have a basement;
- 10.2 The elevation(in relation to mean sea level) of the first floor or basement floor of new or substantially improved buildings; and
- 10.3 The elevation to which buildings have been flood proofed, if applicable.

Mr. Lamoureux presented the plan for the construction of the Pavillon and the intent to comply with the Flood Hazard Regulations. The posts of the new structure will be at least 12 inches feet above 1175 ft +/- of the existing building. The posts which will support the Pavillon will be made of pressure treated wood. The constructed floor will be for winter use only. The applicants stated they would be amenable to positioning the Pavillon a distance from the brook that would not impose a loss of parking area.

The applicants were then excused and the deliberative session was called to order. Pete Pederson made a motion to approve the submitted plan for the construction of a Pavillon with the following stipulations; the supporting posts will be a minimum of 12 inches above the Base Flood Elevation of 1175 ft; and the side the Pavillon will be at least 9 ft from the brook. The motion was seconded by Stacey Roesse. The board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 6th day of October 2020.

A handwritten signature in cursive script that reads "Margaret Muraca". The signature is written in black ink and is positioned above the typed name.

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 October 6, 2020.

1. The hearing was called to order by the Chair at 3:50 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 and Melinda Lamoureux 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 505 of the Town of Brighton Zoning Bylaws and the Flood Hazard Area Regulation relative to the proposed construction of a Pavillon 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 the requirements; with additional expectations that the building is placed 9 ft from the brook and the supporting posts are at least 12 inches above the BFE of 1175 ft.

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 October 6, 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 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

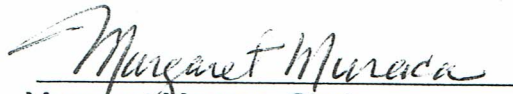
The deliberative session followed the public meeting with the same board members in attendance.

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

Pete Pederson made the motion to approve the site plan, for construction of a Pavillon, with the stipulation that the structure is place at least 9 ft from the existing brook and that the supporting posts are at lease 12 inches above the BFE (Base Flood Elevation) of 1175 ft.. Stacey Roesse 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 6th day of October 2020..



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 # 22-20

Decision

A public hearing pursuant to Section 505 of the Town of Brighton Zoning Bylaws and the Flood Hazard Area Regulation was held October 6, 2020 on the above entitled application for a Site Plan Review/Zoning permit as filed by David & Melinda Lamoureux; for the construction of a Pavillon at 138 Cross St., Island Pond, Vermont.

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

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

Notices were mailed by Certified Return Receipt on September 21, 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 October 6, 2020 preceded the public hearing. Board members who visited the site were Pete Pederson, Mike Clarke, 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 and Melinda Lamoureux (applicants) were present.

In a unanimous vote the Development Review Board Members:

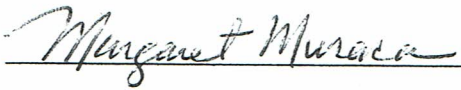
Pete Pederson
Mike Clarke
Stacey Roese
Margaret Muraca

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 6th day of October 2020.



Margaret Muraca, Clerk
Development Review Board

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