

Town of Brighton
Development Review Board
Minutes of Hearing Held October 13, 2020

Re: Application No. 30-20

A public hearing pursuant to Section 505(Site Plan Review) as it relates to Section 210(4) Rural Residential, of the Town of Brighton Zoning Bylaws was held October 13, 2020 on the above entitled application for a Site Plan Review for a Zoning Permit as filed by Coty Reeve. The proposed use is for two(2) commercial businesses; a spray foam Insulation business and a mail order ammunition and rifle business at 28 E. Haven Rd. Island Pond, VT.

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

Isaiah Delabruere
Richard Stratton
Jeffrey D. Mooney
Gail Johnson

Notices were mailed by Certified Return Receipt on September 29, 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 13th at 2:45 p.m., with board members Pete Pederson, Mike Clarke, Alan Magoon, and Margaret Muraca (clerk). Coty Reeve, the applicant, was present.

At the site, the group viewed the property and were given a description of the businesses by Mr. Reeve. Both businesses will be based at this location, however no customers will be at the site; all transactions being negotiated either by telephone or online(computer). The facility will store the insulation as well as the ammunition/firearms for distribution. He again emphasized that customers will not be present at the site.

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

The chair read the warning that was publicly posted.

It was noted that the application was received September 22, 2020 and referred to this Board on September 23, 2020, by the Zoning Administrator for a site plan review.

The applicant was sworn in by Pete Pederson.

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

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.

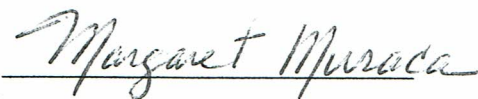
- (3) Change of use, expansion or contraction of land area or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

Coty Reeve, the applicant, presented an overview of the planned businesses. He again stated that the location will be a 'home base' for the two (2) businesses; spray foam insulation and mail-order ammunition/rifles. All orders will be handled via telephone and/or computer and no customers will be on site. He verbalized that he has provided safety measures at the site and is in the process of implementing all federal mandates. It was noted that this use is conditional as defined by the bylaws-210(4) Rural Residential.

The applicant was then excused and the deliberative session was called to order. Board members agreed that the proposed site plan was appropriate for the proposed businesses. It was agreed that the 507 Conditional Uses Zoning Bylaw conditions are met, and that the 505 Site Plan Review required no further safeguards. Pete Pederson made a motion to approve the request for a permit. The motion was seconded by Alan Magoon. The board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 13th day of October 2020.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pederson
Coty Reeve, 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 13, 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. Coty Reeve was sworn in by Pete Pederson, Chair. The Chair also asked all in attendance if they had any questions or concerns.
4. The requirements found in Sec 507 and Sec 505 of the Town of Brighton Zoning Bylaws relative to the proposed businesses 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 two defined businesses. 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 October 13, 2020:

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. 507 and Sec 505 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 :

Pete Pederson made the motion to approve the site plan, for the establishment of a Foam Insulation Business and a Mail Order Ammunition/Rifle Business. Alan Magoon seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed a 3:15 p.m.

Dated at Brighton(Island Pond), Vermont this 13th day of October 2020.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

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

**Town of Brighton
Development Review Board**

RE: Coty Reeve
28 E. Haven Rd.
Application # 30-20

Decision

A public hearing pursuant to Sections 505 and 507 of the Town of Brighton Zoning Bylaws was held October 13, 2020 on the above entitled application for a Zoning Permit for the establishment of two(2) businesses (foam insulation/mail order ammunition/rifle) at property on 28 E. Haven Rd., Island Pond, Vermont, 05846.

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

Isaiah Delabruere
Richard Stratton
Jeffrey D. Mooney
Gail Johnson

Notices were mailed by Certified Return Receipt on September 29, 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 13, 2020 preceded the public hearing. Board members who visited the site were Pete Pederson, Alan Magoon, Mike Clarke, and Margaret Muraca(clerk). Also present was Coty Reeve (applicant).

The public hearing followed the site visit with the above named board members in attendance, as well as Coty Reeve (applicant). In a unanimous vote the Development Review Board Members:

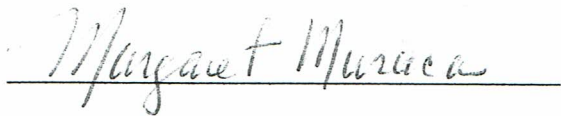
Pete Pederson
Alan Magoon
Mike Clarke
Margaret Muraca

voted to APPROVE the Site Plan concerning the property located at 28 E. Haven Rd., Island Pond, Vermont.

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 13th day of October 2020.

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

Margaret Muraca, Clerk
Development Review Board

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