

Town of Brighton
Development Review Board
Minutes of Hearing Held March 30, 2021

Re: Robert and Sharon Dexter

Application No. 27-20

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(3) Lake District, of the Town of Brighton Zoning Bylaws was held March 30, 2021 on the above entitled application for a Site Plan Review/ Shed Addition permit as filed by Robert and Sharon Dexter. The proposed addition of a shed is at their residence at 1301 Pleasant St./17 Sunrise Point, Island Pond, Vermont.

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

Joseph Davis & Jamie Dragon
Paul & Ellen Boleski
Frederick Roesse
Brian Cross
David Bedard

Notices were mailed by Certified Return Receipt on March 16, 2021.

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 March 30, 2021 at 2:45 p.m., with board members Pete Pedersen, Mike Clarke, Alan Magoon, Stacey Roesse, Alan Wing and Margaret Muraca (Clerk).

Robert Dexter, the applicant, was present.

At the site Robert Dexter confirmed his intention to construct a storage shed. He had placed stakes in the ground that outlined the intended position of the 20X20 ft shed. It was noted that the minimum setbacks for the Lake district is 30 ft (front, side and rear). Mr Dexter acknowledged that the rear of the proposed building fell short of the 30 ft setback required on the rear of the building. There were no issues with the front and side setbacks. Due to the physical limitations of the lot, the identified location of the shed appeared warranted. It was noted that a water run off currently exists behind the proposed site. Construction is not possible to the rear of the main

residence due to the runoff and the septic system is located on the other side of the main house. Members of the board viewed the site and acknowledged the request for a 20 ft variance to the rear of the proposed shed. Mr. Dexter provided additional sketches of the shed.

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

The chair read the warning that was publicly posted.

It was noted that the application was dated November 13, 2020 and referred to this Board on November 16, 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.

Robert Dexter (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 construction of a 20 X 20 ft storage shed on the property. It was noted that s210(3) Lake District, Zoning Bylaw requires minimum setbacks of 30ft(front), 30ft(side), and 30 ft (rear). The front and side setbacks are met, however the rear setback of 30ft falls 20 feet short at 10 ft. It was noted that the property does not allow for any other appropriate/reasonable location for this structure. The

location of the identified water run off and the location of the current septic system prohibits alternative sites. 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. A variance will not alter the essential character of the neighborhood/district and represents minimum relief as well as least deviation possible from these regulations

All attendees were given the opportunity to make comment and /or ask questions. Pete Pederson verbalized concern expressed by an abutter, Paul Boleski, who was unable to attend the hearing. As the current water run-off currently affects his property; his concern was that it might increase with the construction of the shed. Mr. Dexter stated that it would not increase and board members agreed. Pete Pederson will speak to Mr. Boleski to allay his concerns.

The applicant, Robert Dexter, was then excused and the deliberative session was called to order. Alan Magoon made a motion to approve the request for a 20 ft variance on the rear of the shed; seconded by Stacey Roese.

The board voted unanimously to approve the request.

The meeting was adjourned at 3:35 p.m.

Dated at Brighton(Island Pond), Vermont this 30th day of March 2021.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pedersen
Robert & Sharon Dexter, 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 March 30, 2021.

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. Robert Dexter (applicant), was sworn in by Pete Pedersen, 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 March 30, 2021:

Per the town's Zoning map the subject property is located in the "Lake" District in Sec. 210(3) 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

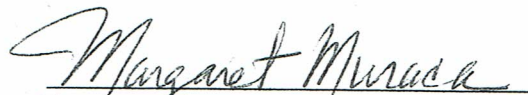
The deliberative session followed the public meeting with the same board members in attendance.

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

Alan Magoon made the motion to approve the site plan, for the maintenance of a shed on the property, subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum 20 ft.(rear) variance. Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:35 p.m.

Dated at Brighton(Island Pond), Vermont this 30th day of March 2021.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Robert & Sharon Dexter, Applicants
Pete Pedersen, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Robert & Sharon Dexter
PO Box 448
1301 Pleasant St./17 Sunrise Point, Island Pond, Vt. 05846
Application # 27-20

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held March 30, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by Robert & Sharon Dexter; for the construction of a shed at a residential property at 1301 Pleasant St./17 Sunrise Point, Island Pond, Vermont.

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

Joseph Davis & Jamie Dragon
Paul & Ellen Boleski
Frederick Roese
Brian Cross
David Bedard

Notices were mailed by Certified Return Receipt March 16, 2021. 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 March 30, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Mike Clarke, Alan Magoon, Stacey Roese, Alan Wing and Margaret Muraca(clerk). Also present was Robert Dexter (applicant).

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

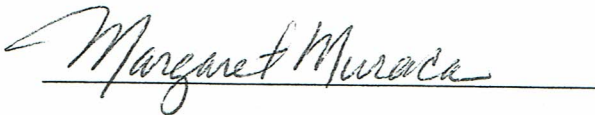
Pete Pedersen
Alan Magoon
Stacey Roese
Mike Clarke
Alan Wing
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 1301 Pleasant St./ 17 Sunrise Point, 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 30th day of March 2021.

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: Robert & Sharon Dexter, Applicants
Pete Pedersen, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator