

Town of Brighton
Development Review Board
Minutes of Hearing Held June 8, 2021

Re: Melinda Gervais-Lamoureux

Application No. 07-21

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(1) Village District, of the Town of Brighton Zoning Bylaws was held June 8, 2021 on the above entitled application for a Site Plan Review/ Sidewalk Expansion permit as filed by Melinda Gervais-Lamoureux. The proposed expansion is at Sunrise Manor, at 94 Main St., Island Pond, Vermont. Due notice of said hearing was provided to the following adjacent property owners:

Town of Brighton
St. Lawrence & Atlantic Railroad

Notices were mailed by Certified Return Receipt on May 24, 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 June 8, 2021 at 2:45 p.m., with board members Pete Pedersen, Alan Magoon, Stacey Roese, Alan Wing and Margaret Muraca (Clerk). Melinda Gervais-Lamoureux, the applicant, was present.

At the site, Melinda Gervais-Lamoureux confirmed her intention to add a 10 ft X 40 ft cement extension to the current walkway to create a space for tables/chairs for the residents. Board members viewed the site which appears to have less than the required 15 ft setback (front). It was noted that the minimum setbacks for the Village district is 10 ft (side) and 15 ft (front and rear). There were no issues with the rear and side setbacks. Due to the physical limitations of the lot, the identified location of the extended sidewalk appeared warranted. Members of the board viewed the site and acknowledged the request for a 6 ft variance to the front of the proposed sidewalk addition.

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

The chair read the warning that was publicly posted.

It was noted that the application was dated May 11, 2021 and referred to this Board on May 14, 2021, by the Zoning Administrator for a site plan review.

Melinda Gervais-Lamoureux (applicant), was sworn in by Pete Pedersen.

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 a 10 ft by 40 ft addition to the existing sidewalk at Sunrise Manor, overlooking the lake. It was noted that s210(1) Village District, Zoning Bylaw requires minimum

setbacks of 15 ft (front & rear), 10 ft(sides). The rear and side setbacks are met, however the front setback of 15 ft falls approximately 6 ft short at approximately 9 ft. It was noted that the property does not allow for any other appropriate/reasonable location for this cement patio due to the contour of the land. 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.

The applicant, Melinda Gervais-Lamoureux, was then excused and the deliberative session was called to order. Alan Wing made a motion to approve the request for a 6 ft variance on the front side of the proposed sidewalk addition; seconded by Alan Magoon.

The board voted unanimously to approve the request.

The meeting was adjourned at 3:10 p.m.

Dated at Brighton(Island Pond), Vermont this 8th day of June 2021.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pedersen
Melinda Gervais-Lamoureux, 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 8, 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. Melinda Gervais-Lamoureux (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 June 8, 2021:

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. 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 Wing made the motion to approve the site plan, for the 10 ft by 40 ft sidewalk addition on the property at Sunrise Manor, subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum approximately 6 ft.(front) variance. Alan Magoon seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:10 p.m.

Dated at Brighton(Island Pond), Vermont this 8th day of June 2021.

Board

Margaret Muraca, Clerk
Development Review

Town of Brighton

cc: Melinda Gervais-Lamoureux, Applicant
Pete Pedersen, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Melinda Gervais-Lamoureux
PO Box 446
Island Pond, Vermont 05846
Application # 07-21

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held June 8, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by Melinda Gervais-Lamoureux; for the expansion of a sidewalk at Sunrise Manor at 94 Main St., Island Pond, Vermont.

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

Town of Brighton
St. Lawrence & Atlantic Railroad

Notices were mailed by Certified Return Receipt May 24, 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 June 8, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Alan Magoon, Stacey Roese, Alan Wing and Margaret Muraca(clerk). Also present was Melinda Gervais-Lamoureux (applicant),

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

Pete Pedersen
Stacey Roese
Alan Magoon
Alan Wing
Margaret Muraca

voted to APPROVE the site plan/variance concerning the property located at 94 Main 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 8th day of June 2021.

Margaret Muraca, Clerk
Development Review Board

cc: Melinda Gervais-Lamoureux, Applicant
Pete Pedersen, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator