

Town of Brighton
Development Review Board
Minutes of Hearing Held June 28, 2021

Re: David Towns

Application No. 10-21

A public hearing pursuant to Section 209 (Permitted and Conditional Uses) and Section 505 (Site Plan Review) as related to Section 210(1) Village District, of the Town of Brighton Zoning Bylaws was held June 28, 2021 on the above entitled application for a Site Plan Review for a permit as filed by David Towns. The proposed change of use is the addition of an outdoor seating area for dining at commercial property at 99 Cross St., Island Pond, Vermont. Due notice of said hearing was provided to the following adjacent property owners:

Town of Brighton
Island Pond Historical Society
DG Strategic II LLC

Notices were mailed by Certified Return Receipt on June 14, 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 28, 2021 at 2:45 p.m., with board members Pete Pedersen, Alan Wing, Stacey Roesse, Alan Magoon, Mike Clarke and Margaret Muraca (Clerk). David Towns, the applicant, was not present. Jim Towns was present, representing David Towns. Sandy Towns was also present.

At the site, Jim Towns explained the intention to provide an outside dining area for patrons on the property beyond the existing deck area. It was noted that the space is currently set up with tables, chairs, etc to accommodate this proposed dining space. The existence of appropriate parking and lighting were noted.

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above named board members present. David Towns, (the applicant) was not present. Jim Towns, representing David Towns, was present.

The chair read the warning that was publicly posted.

It was noted that the application was dated June 9, 2021 and referred to this Board on June 9, 2021, by the Zoning Administrator for a site plan review.

Jim Towns, was sworn in by Pete Pedersen.

It was noted that there were no Public or Abutters in attendance.

S209 Permitted and Conditional Uses

(1) Permitted uses are uses that require, at a minimum, Administrative Review by the Zoning Administrator. All permitted uses other than single and two unit dwellings shall also be subjected to Site Plan Review by the Development Review Board after public notice and hearing.

(2) Conditionally approved uses are uses that require, following Administrative Review by the Zoning Administrator, referral to the Development Review Board for Conditional Use Review after public notice and hearing.

S505 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

The applicant representative, Jim Towns, verified for the Board members the proposed outdoor seating area, overlooking the lake which would provide for outside dining. The site plan review specifications were reviewed as they related to the proposed project. The area will be handicapped accessible. It was noted that all setbacks are met and under the Village District S210(1) this is considered a permitted use. All attendees were given the opportunity to make comment and /or ask questions.

The applicant representative, Jim Towns, was then excused and the deliberative session was called to order. A review of Section 505 Site Plan Review; verified the adequacy of parking, traffic access, landscaping, protection of renewable energy resources, exterior lighting, signage, erosion control, and snow removal. Stacey Roesse made a motion to approve the request; 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 28th day of June 2021.


Margaret Muraca

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pedersen
David Towns, 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 28, 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. Jim Towns was sworn in by Pete Pedersen, Chair. The Chair also asked Board Members if they had any concerns.
4. Requirements found in Sec 505 of the Town of Brighton Zoning Bylaws relative to the proposed addition 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 facts).

The Board determined that the site plan/application submitted meets all of the requirements. As such, 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 June 28, 2021:

Per the town's Zoning map the subject property is located in the "Village" District in Sec. 210(1) of the Zoning Bylaws. Section 209 Permitted and Conditional uses was taken into consideration. Further, 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

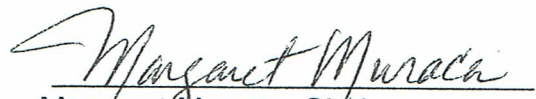
The deliberative session followed the public meeting with the same board members in attendance.

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

Stacey Roese made the motion to approve the site plan, for an outside seating/dining area, subject to criteria under Section 505, of the Zoning Bylaws. Mike 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 28th day of June 2021.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

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

**Town of Brighton
Development Review Board**

RE: David Towns
PO Box 444, Island Pond, Vt. 05846
Application # 10-21

Decision

A public hearing pursuant to Section 209 and Section 505 of the Town of Brighton Zoning Bylaws was held June 28, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by David Towns for the addition of an outdoor seating/dining area at a commercial building at 99 Cross St., Island Pond, Vermont.

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

Town of Brighton
Island Pond Historical Society
DG Strategic II LLC

Notices were mailed by Certified Return Receipt on June 14, 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 28, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Alan Wing, Stacey Roese, Alan Magoon, Mike Clarke and Margaret Muraca(clerk). Also present were Jim Towns, representing the applicant who was not present, and Sandy Towns.

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

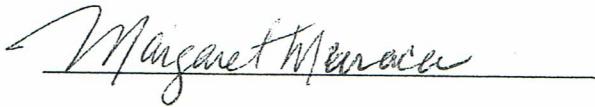
Pete Pedersen
Alan Wing
Stacey Roese
Alan Magoon
Mike Clarke
Margaret Muraca

voted to APPROVE the site Plan concerning the property located at 99 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 28th day of June 2021.

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

Margaret Muraca, Clerk
Development Review Board

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