

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held July 22, 2021**

**Re: Maxim Vanasse & Moriah Gaboriault**

Application No. 13-21

A public hearing pursuant to Section 509(Variances) as it relates to Section 210(4) Rural Residential District, of the Town of Brighton Zoning Bylaws was held July 22, 2021 on the above entitled application for a variance as filed by Maxim Vanasse and Moriah Gaboriault. The proposed garage construction and shed(2) placements is at the residence at 3118 Charleston Rd St 105, Island Pond, Vermont.

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

Fred Raphael  
Mary Taylor  
Toni Rashlow

Notices were mailed by Certified Return Receipt on July 8, 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 July 22, 2021 at 2:45 p.m., with board members Pete Pedersen, Stacey Roese, Alan Wing and Margaret Muraca (Clerk).

Maxim Vanasse and Moriah Gaboriault, the applicants, were present.

At the site the applicants confirmed their intention to construct a garage next to the house and indicated that the two currently existing tents were each 8 ft by 16 ft, and were 5 ft from the property line; not meeting the setbacks defined in the zoning bylaws. A visual review of the property revealed the possibility of other locations for the sheds that would meet the required setbacks. The applicants stated that once the garage is build they would be amenable to moving the sheds or possibly removing them totally as the garage would offer the storage space they had been used for.

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above-named board members present. Maxim Vanasse and Moriah Gaboriault (applicants) were



present.

The chair read the warning that was publicly posted.

It was noted that the application was dated June 23, 2021 and referred to this Board on June 25, 2021, by the Zoning Administrator for a site plan review.

Maxim Vanasse and Moriah Gaboriault were sworn in by Pete Pederson.

### **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.

It was verified by all committee members that the proposed garage meets all requirements and therefore does not need a variance. It was also agreed that the sheds could be moved on the existing property, to meet the 50 ft setbacks. The applicants requested that the tents remain at the current location until the garage is constructed; most likely providing the necessary storage and therefore eliminating, the need to keep the sheds. They expressed the willingness to move them to a location on the property meeting the 50 ft setbacks, should they decide to keep them for additional storage space.

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

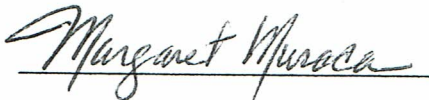
The applicants, Maxim Vanasse and Moriah Gaboriault, were then excused and the deliberative

session was called to order. It was noted and agreed upon by all members that there exists no need for a variance. It was agreed that a reasonable solution would provide for a 1 year moratorium on the sheds ( 7/22); allowing them to remain where they are currently; and next July 2022, either move them to meet setbacks or take them down completely. A motion was made to allow for this 1 year moratorium, by Stacey Roese; seconded by Alan Wing. All board members voted affirmatively.

The board voted unanimously to approve the moratorium.

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

Dated at Brighton(Island Pond), Vermont this 22nd day of July 2021.

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

Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pedersen  
Maxim Vanasse & Moriah Gaboriault, 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 July 22, 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. Maxim Vanasse & Moriah Gaboriault (applicant), and other attendees were 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 do not appear relevant to this situation.

The Board determined that a one year moratorium will rectify this temporary situation. As such, the Board finds that no additional requirements are needed as long as the specified guidelines are followed.

## **Conclusion of the Law**

The following conclusions were determined from the public hearing held on July 22, 2021:

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. 509 of the Zoning Bylaws does not apply to this situation and the Board has carefully considered and provided an alternative solution that provides the necessary 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.

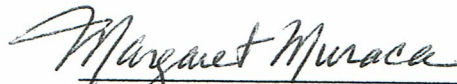
Following discussion of the applicants' request for a Site Plan Review/Variance the following motion was made :

Stacey Roese made the motion to approve the site plan, for the construction of a garage and the moving/removal of the currently existing sheds by 7/22. Alan Wing seconded the motion.

The Board voted unanimously to approve the request.

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

Dated at Brighton(Island Pond), Vermont this 22nd day of July 2021.



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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Maxim Vanasse & Moriah Gaboriault, Applicant  
Pete Pedersen, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA

**Town of Brighton  
Development Review Board**

RE: Maxim Vanasse & Moriah Gaboriault  
3118 VT RT 105  
Island Pond, Vt. 05846  
Application # 13-21

**Decision**

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held July 22, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by Maxim Vanasse & Moriah Gaboriault; for the construction of a garage and the maintenance of 2 sheds at a residential property at 3118 Charleston Rd RT 105, Island Pond, Vermont. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Mary Taylor  
Toni Roshlow  
Fred Raphael

Notices were mailed by Certified Return Receipt July 8, 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 July 22, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Stacey Roese, Alan Wing and Margaret Muraca (clerk). Also present were Maxim Vanasse and Moriah Gaboriault (applicants).

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

Pete Pedersen  
Stacey Roese  
Alan Wing  
Margaret Muraca

voted to APPROVE the site plan concerning the property located at 3118 Charleston Rd Rt 105, 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 22nd day of July 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: Maxim Vanasse and Moriah Gaboriault, Applicants  
Pete Pedersen, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator