

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held September 14, 2021**

**Re: Northern Counties Health Care Inc. (Craig Taylor)**

Application No. 23-21

A public hearing pursuant to Section 506(Subdivisions of Land) as it relates to Section 210(2) Neighborhood Residential District, of the Town of Brighton Zoning Bylaws was held September 14, 2021 on the above entitled application for a subdivision as filed by Northern Counties Health Care Inc. (Craig Taylor). The proposed subdivision is at 27 Walnut St., Island Pond, Vermont. Due notice of said hearing was provided to the following adjacent property owners:

Gilman Housing Trust  
Michael & Janella Clarke  
Tammi L Letourneau  
Roman Catholic Diocese

Notices were mailed by Certified Return Receipt on August 31, 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 September 14, 2021 at 2:45 p.m., with board members Pete Pedersen, Stacey Roesse, Michael Clarke and Margaret Muraca (Clerk). Craig Taylor and Chris Towne, the applicants, were present. Anita Gervais was present, representing the abutter; Roman Catholic Diocese-St. James RC Church.

At the site the applicants, Northern Counties Health Care (Craig Taylor and Chris Townes) explained the purpose of the subdivision (2 Lots). The current Lot, located at 27 Walnut St. would be subdivided into 2 Lots: (Lot 1), including the building, would be conveyed to Umbrella, Inc. and (Lot 2) would remain with the Health Center for parking. It was noted that this property is in the Neighborhood Residential District.

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above named board members. Craig Taylor and Chris Townes, represented Northern Counties Health Care, Inc. Roxanne Rivard and Amanda Cochrane represented Umbrella, Inc. Anita Gervais,

represented abutter, St. James RC Church, Roman Catholic Diocese.

Board member, Stacey Roese, read the warning that was publicly posted.

It was noted that the application was dated July 22, 2021 and referred to this Board on August 6, 2021, by the Zoning Administrator for a site plan review.

Craig Taylor, Chis Townes, Roxanne Rivard, Amanda Cochran and Anita Gervais were sworn in by Pete Pederson.

### **S506 Subdivisions of Land**

- (1) Applications for minor subdivisions of land shall be reviewed by the Zoning Administrator under the Administrative Review process.
- (2) Applications for major subdivisions of land shall also be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 V.S.A. s4464(a)(1), the warning period for the public hearing shall not be less than 15 days.
- (3) Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions and proposed development. The plat shall include all lot lines and boundary dimensions, same of roads abutting the property, location and size of existing improvements identified as "existing", location and size of proposed improvements identified as "proposed", setback dimensions of proposed and existing structure, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.
- (4) No lot that is created as the result of subdivision of land shall have more than 50% of buildable area in slopes greater than 20%.
- (5) An undersized lot resulting from subdivision of land may be created, provided it combined with land from an adjacent property to form a conforming lot, and a single property description with a new warranty or similar deed is filed in the Town's land records.
- (6) The approved subdivision may not be officially filed until all appeal periods have expired and/or appeals concluded.
- (7) A final plat on mylar must be submitted to the Zoning Administrator for approval before the subdivision is filed in the Town's land records.

Margaret Muraca, Clerk, clarified that the property is located in the Neighborhood Residential Zoning District, not Rural Residential as was indicated on the original application. The applicants stated that the existing Lot is .209 Acres and the proposed individual lots would be Lot 1-.093 Acres/4070 square feet; Lot 2-.116 Acres/5030 square feet. Board members referred to the current Zoning Bylaws; which stated that in the Neighborhood Residential District, the minimal lot size is 15,000 square feet. It was noted that the current lot .209 Acres does not meet this requirement and therefore the requested two lot subdivision falls substantially short of this standard. Chris Townes spoke to the goal of Northern Counties Health Care, Inc.-To convey, (donate) the property (Lot 1) to Umbrella, Inc., in order for them to have a presence in Island

Pond, Essex County.

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

Craig Taylor, Chis Townes, Amanda Cochran, Roxanne Rivard, and Anita Gervais were then excused and the deliberative session was called to order. After some discussion it was decided to continue this deliberative session tomorrow morning (9/15/21-10am).

The DRB reconvened at 10 AM on 9/15/21 with members Pete Pederson, Michael Clarke Stacey Roesse, Margaret Muraca and Alan Wing in attendance.

After a brief discussion regarding the application for a request of a subdivision; Pete Pederson made a motion to deny this request, as it does not comply with the current Zoning Bylaws. The motion was seconded by Stacey Roesse. Michael Clarke, was excused from voting per his request as he is an abutter to this property.

The board members present voted unanimously to deny this request for a subdivision.

The meeting was adjourned at 10:15 a.m.

Dated at Brighton(Island Pond), Vermont this 14th day of September 2021.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pedersen  
NCHC Inc., 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 September 14, 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 Board Member, Stacey Roesse.
3. Craig Taylor and Chris Towne (applicant reps), and other attendees were sworn in by Pete Pederson, Chair.  
The Chair also asked Board Members if they had any questions or concerns.
4. The requirements found in Sec 506 of the Town of Brighton Zoning Bylaws were recognized as relevant to this application.

The Board determined that the request for a subdivision of property at 27 Walnut St. could not be granted as it does not comply with current Zoning Bylaws relative to defined property in the Neighborhood Residential District.

## **Conclusion of the Law**

The following conclusions were determined from the public hearing held on September 14, 2021:

Per the town's Zoning map the subject property is located in the "Neighborhood Residential" District in Sec. 210(2) of the Zoning Bylaws.  
Further, Sec. 506 of the Zoning Bylaws does apply to this situation and the Board has carefully considered 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 Subdivision the following motion was made :

Pete Pederson made the motion to deny the request for a subdivision as it does not meet the currently defined standard in the Zoning ByLaws. Stacey Roese seconded the motion. The Board voted unanimously to deny the request.

The deliberative session closed at 10:15 a.m.

Dated at Brighton(Island Pond), Vermont this 15th day of September 2021.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: NCHC, Inc. Applicant  
Pete Pedersen, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA

**Town of Brighton  
Development Review Board**

RE: NCHC, Inc  
27 Walnut St.  
Island Pond, Vt. 05846  
Application # 23-21

**Decision**

A public hearing pursuant to Section 506 of the Town of Brighton Zoning Bylaws was held September 14, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by Northern Counties Health Care, Inc.; for a subdivision of property at 27 Walnut St., Island Pond, Vermont.

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

Gilman Housing Trust, Inc.  
Michael & Janella Clarke  
Tammi L Letourneau  
Roman Catholic Diocese

Notices were mailed by Certified Return Receipt August 31, 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 September 14, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Stacey Roese, Michael Clarke and Margaret Muraca(clerk). Also present were Craig Taylor and Chris Towne (applicants); as well as Anita Gervais (representing abutter-St James RC Church.

The public hearing followed the site visit with the above named board members in attendance, as well as Craig Taylor, Chis Towne and Anita Gervais.. In a unanimous vote(9/15/21) the Development Review Board Members:

Pete Pedersen  
Stacey Roese  
Alan Wing  
Margaret Muraca

voted to DENY the site plan/subdivision request concerning the property located at 27 Walnut St., 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 14th day of September 2021.**

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Margaret Muraca, Clerk  
Development Review Board

cc: NCHC Inc., Applicant  
Pete Pedersen, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator