

Town of Brighton
Development Review Board
Minutes of Hearing Held December 7, 2021

Re: Ronald Smith

Application No. 29-21

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 December 7, 2021 on the above entitled application for an addition permit as filed by Ronald Smith. The proposed construction is at the residence at 535 Lake Shore Drive, Island Pond, Vermont.

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

State of Vermont, Forest & Parks
Richard & Heather Stratton Family Trust
Brooks 2007 Family Trust

Notices were mailed by Certified Return Receipt on October 26, 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 November 9, 2021 at 2:30 p.m., with board members Pete Pedersen, Mike Clarke, Stacey Roese, Alan Wing and Alan Magoon.

Nathan Sicard, Ruggles Engineering Services, Inc. represented the applicant. Also present was Rich Stratton; adjoining property owner.

At the site, Nate Sicard described the project, referring to the provided site plan. The project includes the expansion of a two bedroom home to include an additional 20' X 20' westerly addition and a 26' X 30' easterly addition with a garage and four additional bedrooms. It also includes the relocation of a patio/gazebo to construct a replacement wastewater disposal system. Also included is a 32' X 10' deck and second story addition to the existing house. This project also requires a shoreline permit. The request for a variance is necessary for the planned addition.

The group then met at the Town Hall to conduct the Public Hearing. Pete Pedersen made the recommendation that Mr. Sicard resubmit the plan to more clearly reflect the proposed addition, in order for the Development Review Board to make a final determination, to grant a variance. The current schematic did not reflect the alignment of the proposed additions to the existing

structure. Mr. Sicard agreed to submit a new proposed site plan for consideration. Once this is received a date would be set for the continuance of the hearing. All board members present agreed to this plan. Nate Sicard and Richard Stratton were also present. The meeting was adjourned.

The requested documentation was received by the DRB, and a time was set to reconvene the hearing on Tuesday, December 7, 2021 at 3:00 pm at the Town Hall Offices. All board members were notified; Joel Cope, Town Zoning Administrator, as well as Ronald Smith (applicant), and Nate Sicard who represents the applicant.

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with board members present: Pete Pedersen, Mike Clarke, Alan Wing, Alan Magoon, Stacey Roese and Margaret Muraca (clerk). Nathan Sicard was present via telephone conference, representing Ron Smith, the applicant.

The chair read the warning that was publicly posted.

It was noted that the application was dated September 22, 2021 and referred to this Board on September 23, 2021, by the Zoning Administrator for a site plan review.

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 reviewed the request for a variance for the addition of a 20' X 20' left side

addition, 26' X 30' right side addition, 32' X 10' deck and the addition of a second story to the existing house. Also, the relocation of the enclosed outdoor patio. It was noted that the resubmitted Site Plan more clearly defined the addition/construction and the requested variance. The minimum setbacks required for the Lake District are 30 ft (front, side and rear). The measurements for the addition to this existing structure are: Front-25 ft; Rear-54 ft, and Side 30ft. Therefore, the granting of a 5 ft variance in the front for the two additional buildings is requested.. Board members discussed the tenets of the variance by-laws and Nate Sicard was on the phone to answer/address any specific issues/questions. When the membership determined that all issues had been addressed, Nate Sicard was excused and the membership went into deliberative session.

The deliberative session was called to order at 3:30 pm. It was noted that the original/existing structure does not meet the 30 ft setback in front, and is grandfathered in as a long existing dwelling. The property does not allow for any other appropriate/reasonable location for these additional structures. Because of these physical circumstances, there is no possibility that the property can be developed in strict conformity with the defined setbacks and that the authorization of a variance is necessary to enable reasonable use of the property. 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 Pedersen made a motion to approve the request for a 5 ft variance on the front of the additional structures (noting that the existing residence has existed with the exact encroachment); seconded by Stacey Roese.

The board voted unanimously to approve the request.

The meeting was adjourned at 3:50 p.m.

Dated at Brighton(Island Pond), Vermont this 7th day of December 2021.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Pete Pedersen
Ronald Smith, 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 December 7, 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, on 11/9/21.
2. The warning was read by the Chair.
3. Nathan Sicard, representing the applicant Ron Smith, was telephoned by Pete Pedersen, Chair, to join the meeting.
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 December 7, 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 :

Pete Pedersen made the motion to approve the site plan, for the additions described on the property, subject to criteria under Section 509, of the Zoning Bylaws; providing for a maximum 5 ft.(front) variance. Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 3:50 p.m.

Dated at Brighton(Island Pond), Vermont this 7th day of December 2021.

Margaret Muraca, Clerk
Development Review Board
Town of Brighton

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

**Town of Brighton
Development Review Board**

RE: Ronald Smith
315 Walnut Hill Rd.
No. Yarmouth, ME 04297
Application # 29-21

Decision

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held December 7, 2021 on the above entitled application for a Site Plan Review/Zoning permit as filed by Ronald Smith; for an addition/construction at a residential property at 535 Lake Shore Dr., Island Pond, Vermont.

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

State of Vermont Forests & Parks
Richard & Heather Stratton Family Trust
Brooks 2007 Family Trust

Notices were mailed by Certified Return Receipt October 26, 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 November 9, 2021 preceded the public hearing. Board members who visited the site were Pete Pedersen, Mike Clarke, Stacey Roese, Alan Wing and Alan Magoon. Also present were Nathan Sicard (applicant representative), and Rich Stratton, (adjoining property owner).

The public hearing was postponed until further documentation was submitted by Nathan Sicard (Ruggles Engineering Services, Inc.) The Public Hearing took place on December 7, 2021 at 3:00 pm at the Town Hall Offices. The following board members were in attendance: Pete Pedersen, Alan Wing, Alan Magoon, Mike Clarke, Stacey Roese and Margaret Muraca (clerk). Nathan Sicard (representing the applicant Ronald Smith) attended the meeting via a conference call. In a unanimous vote the Development Review Board Members:

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

voted to APPROVE the site plan/variance concerning the property located at 535 Lake Shore Dr., 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 7th day of December 2021.

Margaret Muraca, Clerk
Development Review Board

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