

Town of Brighton
Development Review Board
Minutes of Hearing Held March 15, 2022

Re: Application No. 03-22

A public hearing pursuant to Section 505(Site Plan Review) as it relates to Section 210(4) Rural Residential, of the Town of Brighton Zoning Bylaws was held March 15, 2022 on the above entitled application for a Site Plan Review for a Zoning Permit as filed by Michael Gowdy/Pam Arborio. The proposed development is for the change of use of a constructed building (50 X 46)from residential to commercial; at 328 Victory Mountain Rd. Island Pond, VT. Due notice of said hearing was provided to the following adjacent property owners:

Dan Ouimette
Lydia McMillan
James Gowdy

Notices were mailed by Certified Return Receipt on March 1, 2022.

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 March 15, 2022 at 2:30 p.m., with board members Pete Pedersen, Alan Wing, Stacey Roese, Alan Magoon and Margaret Muraca (clerk). James (Scott) Gowdy, representing the applicants, was present.

At the site, the group viewed the property and were given a description of the proposed commercial use. The intention is to use the building for a family commercial business: First Tier Cultivator/ growing Cannabis to be sold to distributors. There will not be a retail store at this site. It was noted that the building had been granted previous approval and meets all defined setbacks. Scott clarified that there would only be family members present at the facility.

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above named board members present; joined by Mike Clarke. Scott Gowdy, the applicant representative was present.

The chair read the warning that was publicly posted.

It was noted that the application was received February 10, 2022 and referred to this Board on February 24, 2022, by the Zoning Administrator for a site plan review.

The applicant was sworn in by Pete Pedersen.

The Development Review Board had received a phone call from an abutter, Lydia McMillan who was unable to attend the hearing, however, wished to participate. As was promised to Ms. McMillan, Pete Pedersen attempted to telephone her for her participation, however, she did not answer and he left a message for her to call back. She did not return the call. The meeting proceeded.

505 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

Scott Gowdy, the applicant, presented an overview of the planned commercial use of the existing 50 X 46 building . The original permit was for a residential building; and the family now would like to use it for commercial purposes. Their intention is to establish a Cannabis growing facility-First Tier Cultivator. The product will be sold to distributors, and there will not be a retail store on this site. He described the very strict state approval process and the highly regulated Cannabis Control Board that will oversee this facility. The on site review of this property reflected the adequacy of the property for this endeavor, and it will be utilized by family with no public access. Adequate lighting and security measures will be implemented.

The applicant was then excused and the deliberative session was called to order. Board members agreed that the proposed site plan was appropriate, and a change of use from residential to commercial was a reasonable request. Pete Pedersen made a motion to approve the request for a permit. The motion was seconded by Stacey Roese. The board voted

unanimously to approve the request
The meeting was adjourned at 3:20 p.m.

Dated at Brighton(Island Pond), Vermont this 15th day of March 2022.

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
Town of Brighton

cc: Pete Pedersen
Gowdy/Arborio, 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 March 15, 2022.

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. J Scott Gowdy was sworn in by Pete Pedersen, Chair. A phone call was placed to Lydia McMillan with no answer. The Chair also asked all in attendance if they had any questions or concerns.
4. The requirements found in Sec 505 of the Town of Brighton Zoning Bylaws relative to the proposed change of use 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 of the bylaw Sec 505 Site Plan Review. It is expected that the use of this building will be for commercial use/ family business. 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 March 15, 2022:

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 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

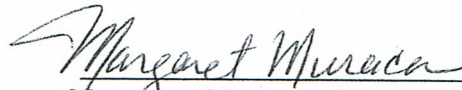
The deliberative session followed the public meeting with the same board members in attendance.

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

Pete Pedersen made the motion to approve the site plan, for the change of use from Residential to Commercial Use for this building. Stacey Roese seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed a 3:20 p.m.

Dated at Brighton(Island Pond), Vermont this 15th day of March 2022.



Margaret Muraca, Clerk
Development Review Board
Town of Brighton

cc: Gowdy/Arborio, Applicants
Pete Pedersen, Chair DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator, ZA

**Town of Brighton
Development Review Board**

RE: Michael Gowdy/Pamela Arborio
328 Victory Mountain Rd.
Application # 03-22

Decision

A public hearing pursuant to Sections 505 of the Town of Brighton Zoning Bylaws was held March 15, 2022 on the above entitled application for a Zoning Permit for the change of use of an existing building at property on 328 Victory Mountain Rd., Island Pond, Vermont, 05846. Notice of said hearing was provided to the following adjacent property owners identified by the applicant:

Dan Ouimette
Lydia McMillan
James Gowdy

Notices were mailed by Certified Return Receipt on March 1, 2022. 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 March 15, 2022 preceded the public hearing. Board members who visited the site were Pete Pedersen, Alan Wing, Stacey Roese, Alan Magoon and Margaret Muraca(clerk). Also present was Scott Gowdy (applicant representative).

The public hearing followed the site visit with the above named board members in attendance, and Mike Clarke; as well as Scott Gowdy (applicants representative). In a unanimous vote the Development Review Board Members:

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

voted to APPROVE the Site Plan concerning the property located at 328 Victory Mountain Rd., 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 15th day of March 2022.



Margaret Muraca, Clerk
Development Review Board

cc: Gowdy/Arborio, Applicants
Pete Pedersen, Chair, DRB
Town of Brighton, Clerks Office
Joel Cope, Town Administrator