

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held June 23, 2022**

**Re: Ralph H Dodge**

Application No. 15-22

A public hearing pursuant to Section 508(Appeals of Zoning Administrator Decisions) as it relates to Section 210(3) Lake District, of the Town of Brighton Zoning Bylaws was held June 23, 2022 on the above entitled application. Ralph H Dodge submitted the notice of Appeal on 6/1/22. The application submitted by Alec & Darcie Orłowski was for the reconstruction/alteration of a garage to comply with a previous ruling by the Development Review Board. The completed re- construction is at 78 Island View Drive., Island Pond, Vermont. This application was approved by Joel Cope, Town Administrator on 5/20/22

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 23, 2022 at 2:30 p.m., with board members Pete Pedersen, Stacey Roese, Alan Wing, Michael Clarke, and Margaret Muraca (clerk). The applicant, Alec Orłowski was present. Others present included, Maurice Barnes, Joel Cope, Eugene Dodge, John McClellan, and Janet Dyer.

At the site, Alec Orłowski confirmed that the reconstructed garage was nearly complete. Measurements were taken to verify the meeting of the 30 ft setback on the rear of the building. The corner measurement was 29.2 ft and a second measurement 3 feet into the back measured 30 ft. It appears that the corner measurement falls 10 inches short of the defined 30 ft setback. It was noted that the minimum setbacks for the Lake District is 30 ft ( side, front and rear).

The public hearing was called to order at 3:00 p.m. by Pete Pedersen, Chair, with all the above named board members present. Alec Orłowski (applicant) was present. Abutters, public officials, and general public present included: Joel Cope (Town Administrator), Michael Strait (Town Selectboard), Ralph H Dodge ( via Zoom), Maurice Barnes, Eugene Dodge and John McClellan.

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

It was noted that the application was dated May 20, 2022 and the appeal submitted 6/1/2022.

Alec Orlowski (applicant), Ralph H Dodge (appeal submission) and all other above named non-board participants were sworn in by Pete Pedersen.

### **S508 Appeals of Zoning Administrator Decisions**

(1) Any interested person as defined under 24V.S.A. S4465 may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk and by filing a copy of the notice with the Zoning Administrator. A notice of appeal filed under this section shall be in writing and include the following information:

- A. the name and address of the appellant,
- B. a brief description of the property with respect to which the appeal is taken,
- C. a reference to applicable provisions of these regulations, and
- D. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
- E. the alleged grounds why such relief is believed proper under the circumstances.

(2) The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. S4468. The Development Review Board shall give public notice of the hearing under S510 of this bylaw, and shall email a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

(3) The Development Review Board may reject an appeal or request for reconsideration without hearing and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.

(4) All appeal hearings shall be open to the public and shall be conducted in accordance with the Development Review Board's rules of procedures, as required by 24 V.S.A. S4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.

(5) A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with S510 of the bylaw. If the Development Review Board fails to issue a decision within this 45 day period, the appeal will be deemed approved and shall be effective on the 46th day.

Ralph Dodge, via Zoom reiterated his concerns which had been extensively documented in the written appeal. His main concern was the noncompliance of the 30 ft setback. Additionally, he expressed concern regarding the accuracy and completeness of the submitted application, which had gained approval by the Town Administrator. The setback measurements taken at the site visit this afternoon were reiterated.....29.2 ft at the southern most corner, and 30 ft....3ft in.

Joel Cope presented his perspective on this appeal (see attached)and recommended the Develop Review Board deny the appeal and accept the application approval. Maurice Barnes stated for the record that a shed and container on the property are still not in compliance with the setback

All non-board members of the convened group were then excused and the deliberative session was convened. ( 3:25 pm). Board members present were Pete Pedersen, Alan Wing, Stacey Roesse, Michael Clarke, and Margaret Muraca (clerk).

A motion was made by Stacey Roesse to deny the appeal. The motion was seconded by Mike Clarke.

The board voted unanimously to DENY the appeal.

The meeting was adjourned at 3:30 p.m.

Dated at Brighton(Island Pond), Vermont this 23rd day of June 2022.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pedersen  
Ralph H Dodge  
Alec & Darcie Orlowski, 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 23, 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 board member Stacey Roese.
3. Alec Orłowski, and Ralph Dodge, were sworn in by Pete Pedersen, Chair.  
Also sworn in were : Joel Cope, Maurice Barnes, Eugene Dodge, and John McClellan.  
The Chair asked Board Members if they had any questions or concerns.
4. The requirements found in Sec 508 of the Town of Brighton Zoning Bylaws relative to an appeal were discussed. The Development Review Board rendered a decision against the appellant.

The Board determined that the appeal submitted does not meet all of the requirements stated in s508 Appeal of Zoning Administrator Decisions. As such, the Board finds that the requested appeal is denied.

## **Conclusion of the Law**

The following conclusions were determined from the public hearing held on June 23, 2022:

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. 508 of the Zoning Bylaws provided the safeguards the Board is to take into consideration when reviewing Appeals of Zoning Administrator Decisions and the Board finds that all issues/facts presented do not support the granting of an appeal.

### **Deliberative Session**

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

Following discussion of the appellants' request for an appeal, the following motion was made : Stacey Roese made the motion to deny the appeal, for the existing garage at the property at 78 Island View Drive, subject to criteria under Section 508, of the Zoning Bylaws. Michael Clarke seconded the motion. The Board voted unanimously to DENY the request/appeal.

The deliberative session closed at 3:30 p.m. on June 23, 2022

Dated at Brighton(Island Pond), Vermont this 23rd day of June 2022.

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Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Alec & Darcie Orlowski  
Ralph Dodge  
Pete Pedersen, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA

**Town of Brighton  
Development Review Board**

RE: Ralph H Dodge  
PO Box 1874  
Flagstaff, Arizona 86002  
Application # 21-21

**Decision**

A public hearing pursuant to Section 508 of the Town of Brighton Zoning Bylaws was held June 23, 2022 on the above entitled appeal as filed by Ralph H Dodge; for an application for a reconstructed garage at 78 Island View Drive, Island Pond, Vermont.

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 23, 2022 preceded the public hearing. Board members who visited the site were Pete Pedersen, Stacey Roese, Alan Wing, Mike Clarke and Margaret Muraca(clerk). Also present was Alec Orłowski ; Joel Cope, Maurice Barnes, Eugene Dodge, Janet Dyer, and John McClellan

The public hearing followed the site visit with the above named board members in attendance, as well as Alex Orłowski , Ralph H Dodge(via zoom) Joel Cope(Town Administrator), Maurice Barnes, John McClellan and Eugene Dodge.. In a unanimous vote the Development Review Board Members:

Pete Pedersen  
Stacey Roese  
Michael Clarke  
Alan Wing  
Margaret Muraca

voted to DENY the appeal concerning the property located at 78 Island View Drive, 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 7th day of July 2022.**

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Margaret Muraca, Clerk  
Development Review Board

cc: Alec & Darcie Orlowski  
Ralph H Dodge  
Pete Pedersen, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator