

**Town of Brighton**  
**Development Review Board**  
**Minutes of Hearing Held September 1, 2022**

**Re: Todd and Linda Bedell**

Application No. 22-24

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 September 1, 2022 on the above entitled application for a variance as filed by Todd and Linda Bedell. The proposed garage construction is at the residence at 89 Blueberry Lane, Island Pond, Vermont.

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

Gordon Faison  
Robin J Reinhold  
Reginald & Julie Lamere  
Erin Roese

Notices were mailed by Certified Return Receipt on August 16, 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 September 1, 2022 at 3:30 p.m., with board members Pete Pedersen, Stacey Roese, Alan Wing and Margaret Muraca (Clerk).

Todd and Linda Bedell, the applicants, were present. Also in attendance were Chris and Erin Roese and Annie Budrewicz.

At the site the applicants confirmed their intention to construct a two car garage next to the house(with a 4 ft walkway) and indicated that the existing attached one car garage was to be removed first. The proposed structure does not meet the setbacks defined in the zoning bylaws for the Lake District (30 ft). A visual review of the property did not reveal the possibility of other locations for the garage that would meet the required setbacks. Measurements taken to property lines and the road were as follows: the front of the proposed garage to the property line was 20 ft (requiring a 10 ft variance); the rear of the garage to the property line measured 22 ft (requiring an 8 ft variance); and the side of the garage to the existing road measured 24 ft (requiring a 6 ft variance).

The public hearing was called to order at 4:00 p.m. by Pete Pedersen, Chair, with all the above named board members present. Todd and Linda Bedell (applicants) were present, as well as Erin and Chris Roese and Annie Budrewicz

The chair read the warning that was publicly posted.

It was noted that the application was dated July 6, 2022 and referred to this Board on July 7, 2022, by the Zoning Administrator for a site plan review.

Tod Bedell, Linda Bedell, Chris Roese, Erin Roese, and Annie Budrewicz 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 would need a variance granted on three sides; the front measured 20 ft to the property line (10 ft variance); the rear of the garage to the property line measured 22 ft (8 ft variance) and the side of the garage to the existing road/Blueberry Lane measured 24 ft (6 ft variance).

Chris Roese expressed concerns that the constructed garage would block views of the lake. Todd Bedell stated that he would be removing the trees along the road and hoped this would mitigate these concerns.

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

The applicants, and other non board member participants were then excused and the deliberative session was called to order. The committee members reviewed this request for a variance as it related to the stated 509 ByLaw. It was recognized that the property/lot size is small/unique and does not allow for any other placement of a garage. In addition it appears that the authorization of a variance is necessary to enable the reasonable use of the property. The unnecessary hardship has not been created by the appellant and a variance will not alter the essential character of the neighborhood. A granted variance will represent the minimum that will afford relief and represents minimal deviation from the stated regulations. A motion was made to grant the stated variances (10 ft front, 8 ft rear and 6 ft side), by Pete Pedersen; seconded by Alan Wing. All board members voted affirmatively.

The board voted unanimously to approve the requested application for a variance..

The meeting was adjourned at 4:20 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2022.

---

Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Pete Pedersen  
Todd and Linda Bedell, 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 1, 2022.

1. The hearing was called to order by the Chair at 4:00 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. Todd and Linda Bedell (applicants), 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 appear relevant to this situation.

The Board determined that a the requested variances should be granted in this 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 September 1 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. 509 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 Site Plan Review/Variance the following motion was made :

Pete Pederson made the motion to approve the site plan, for the construction of a garage and the granting of the stated variances. Alan Wing seconded the motion. The Board voted unanimously to approve the request.

The deliberative session closed at 4:20 p.m.

Dated at Brighton(Island Pond), Vermont this 1st day of September 2022.

---

Margaret Muraca, Clerk  
Development Review Board  
Town of Brighton

cc: Todd & Linda Bedell, Applicants  
Pete Pedersen, Chair DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator, ZA

**Town of Brighton  
Development Review Board**

RE: Todd and Linda Bedell  
20 Ross Dr.  
Londonderry, NH 03053  
Application # 22-24

**Decision**

A public hearing pursuant to Section 509 of the Town of Brighton Zoning Bylaws was held September 1, 2022 on the above entitled application for a Site Plan Review/Zoning permit as filed by Todd and Linda Bedell; for the construction of a garage at a residential property at 89 Blueberry Lane, Island Pond, Vermont.

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

Gordon Faison  
Robin J Reinhold  
Reginald & Julie Lamere  
Erin Roese

Notices were mailed by Certified Return Receipt August 16, 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 September 1, 2022 preceded the public hearing. Board members who visited the site were Pete Pedersen, Stacey Roese, Alan Wing and Margaret Muraca(clerk). Also present were Todd and Linda Bedell (applicants); Erin and Chris Roese and Annie Budrewicz.

The public hearing followed the site visit with the above named board members in attendance, as well as Todd and Linda Bedell, Erin and Chris Roese and Annie Budrewicz. 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 89 Blueberry Lane, 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 1st day of September 2022.**

---

Margaret Muraca, Clerk  
Development Review Board

cc: Todd and Linda Bedell, Applicants  
Pete Pedersen, Chair, DRB  
Town of Brighton, Clerks Office  
Joel Cope, Town Administrator