

**Town of Brighton  
Development Review Board  
Minutes of Hearing held March 27, 2024**

Re: Waid Hudson  
Application No. 03-24

A public hearing pursuant to the Town of Brighton Zoning Bylaws Section 506 for Subdivisions of Land relating to Section 210(4) Rural Residential District was held March 27, 2024 on the above referenced application.

Rural Residential District is a low- density residential area within close proximity of public roads and electrical service, which is served by on-site water and sewer. Other typical uses in the area include farming, forestry, and municipal service facilities. The minimum lot size is two (2) acres.

Due notice of said hearing was provided by publication in The Caledonian-Record on March 10, 2024. Notice was also posted in three locations in town, namely, The Town Clerk's Office, the bulletin boards located outside of the Island Pond Post Office and the Railroad Depot Building.

Notice was also provided to the Applicant and the adjoining property owners, namely, Dan Keenan, Esquire, Attorney for Waid Hudson; Harold Parker; Carroll & Brenda Mitchell; Brian & Katherine Maxwell; Waid Hudson; and Walter & Marcia Driscoll by certified mail, return receipt requested. Proof of service satisfied.

A site visit was held at subject property on March 27, 2024 at 2:30 p.m., with board members Peder Pedersen, Chair; Michael Clarke; Stacey Roese; Alan Magoon; and Marilyn W. Maxwell, Clerk. Attorney Dan Keenan was present representing the applicant, and Walter Driscoll, Harold Parker, and Carroll Mitchell, adjoining property owners were also present.

The public hearing was called to order by Peder Pedersen, Chair, at 3:10 p.m., with the board members who attended the site visit present as well as Attorney Keenan, Walter Driscoll and Harold Parker. Waid Hudson was not present at the site visit or the hearing.

It is noted Carroll Mitchell did not attend the hearing at the Town Office.

The Chair read the warning that was posted. It is noted that the application was dated January 31, 2024 with no reference to date of referral to the Board by Beth Rodondi, Zoning Administrator for the Town of Brighton. Attorney Dan Keenan, Walter Driscoll and Harold Parker were sworn in by the Chair.

Section 506 Subdivisions of land of the Brighton Zoning Bylaws Adopted March 20, 2012 Subsection (5) in part depicts the following: An undersized lot resulting from subdivision of land may be created, provided it is combined with land from an adjacent property.... Subsection (6) depicts the approved subdivision may not be officially filed until all appeal periods have expired and/or all appeals are concluded. Subsection (7) depicts the following: 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.

Per Plan of Lands of Waid Hudson bearing Map #2023-50 dated December 1, 2023 as prepared by Brow Surveying of Orleans, Vermont depicts Lot A consisting of 2.20 acres; Lot B consisting of 0.88

acres and another parcel recorded in Book 36, Page 24 of the Brighton Land Records with no reference to size of lot purportedly where the dwelling house is situated.

Discussion at the site visit and at the hearing concerning the subdivision it was noted that a boundary line adjustment would better serve this situation. Thereby the boundary line on Lot B identified as N 70 degrees 28' E that is behind the so-called "Trading Post" building be moved up to the boundary line of Lot A as identified as N67 degrees 30' W. Lot A has its own approved septic system and water source. Lot B has its own water source and the septic system is located on Lot A. By moving the boundary line on Lot B it will create one lot for the current dwelling that is situated on the lot identified in Book 36 at Page 24 and the septic system would then be situated on the newly created Lot B.

Everyone was given an opportunity to voice their opinions and concerns relative to the question at hand. The adjoining property owners present did not voice any objection to the proposal.

All attendees with the exception of the Board were excused. Alan Magoon moved that the Board go into deliberative session. Second by Peder Pedersen.

The Chair called the deliberative session to order.

### **Findings of Fact**

The following facts were found at the public hearing held March 27, 2024:

1. The hearing was called to order by the Chair at 3:10 p.m. It is noted the Site Visit was made at 2:30 p.m., with Peder Pedersen, Chair, Michael Clarke, Alan Magoon; Stacey Roese; and Marilyn W. Maxwell, Clerk. Attorney Dan Keenan was present representing the applicant, Waid Hudson, along with adjoining property owners Walter Driscoll, Harold Parker, and Carroll Mitchell. Waid Hudson was not present at the site visit or hearing.
2. The Chair read the warning and the following were sworn in: Attorney Dan Keenan, Walter Driscoll, and Harold Parker.
3. Attorney Keenan reviewed the details of the map. Peder Pedersen reviewed the regulations concerning property dimensions in a Rural Residential District.

Discussion at the site visit and at the hearing concerning the subdivision it was noted that a boundary line adjustment would better serve this situation. Thereby the boundary line on Lot B identified as N 70 degrees 28' E that is behind the so-called "Trading Post" building be moved up to the boundary line of Lot A and identified as N67 degrees 30' W. Lot A has its own approved septic system and water source. Lot B has its own water source and the septic system is located on Lot A. By moving the boundary line on Lot B it will create one lot for the current dwelling that is situated on the lot identified in Book 36 at Page 24 and the newly created Lot B. The septic system would then be situated on Lot B where the current dwelling is located.

The request to subdivide and/or boundary line adjustment will not alter the character of the neighborhood or impair the appropriate use of the adjacent lot identified as Lot A.

Allowing the request will represent the minimum that will afford relief and will represent the least deviation from these regulations and from the plan.

### **Conclusions of Law**

The following conclusions were determined from the public hearing held March 27, 2024:  
Per the Town of Brighton's Zoning map the subject property is located in the "Rural Residential" District as defined in Section 210(4) of the Zoning Bylaws.

Section 506 of the Zoning Bylaws provides for subdivisions of land the Board is to take into consideration when reviewing site plans and the Board finds that issues specified therein have been addressed by the applicant's representative and by moving the boundary line with reference to Lot B it allows for the septic system to be on the property with the current dwelling.

### **Deliberative Session**

The deliberative session followed the public hearing with the following board members present: Peder Pedersen, Chair; Michael Clarke, Alan Magoon, Stacey Roese, and Marilyn W. Maxwell, Clerk.

### **Decision**

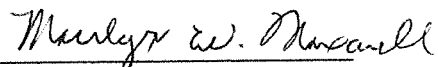
Following discussion of the applicant's request for a subdivision/boundary line adjustment Peder Pedersen made the motion to allow the subdivision by way of the boundary line adjustment which creates two distinct and separate parcels of land for this landowner. Second by Stacey Roese. The Board voted unanimously to approve the motion.

Deliberative Session ended at 4:10 p.m.

### **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 this decision. Failure to appeal within this thirty (30) day period will result in the loss of your appeal.**

Dated at Brighton (Island Pond) Vermont April 4, 2024.



Marilyn W. Maxwell, Clerk  
Town of Brighton  
Development Review Board

Copy to: Attorney Dan Keenan for Waid Hudson  
Peder Pedersen, Chair DRB  
Town of Brighton Clerk's Office  
Noah Bond, Town Manager  
Beth Rodondi, Zoning Administrator  
Walter Driscoll, adjoining property owner  
Harold Parker, adjoining property owner