



**TOWN OF BRANDON
DEVELOPMENT REVIEW BOARD
APPLICATION FOR CONDITIONAL USE
FINDINGS AND DECISION**

In Re: Applicants: Sarah Virginia de Ganahl Venture, LLC

Landowner: Sarah Virginia de Ganahl Venture, LLC

Permit Application No. 5857

Introduction and Procedural History

This proceeding involves review of an application for conditional use submitted by applicants: Sarah Virginia de Ganahl Venture LLC and landowner: Sarah Virginia de Ganahl Venture LLC, under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on October 5, 2016. A copy of the application is available at the Brandon Town Office, 49 Center St.

On November 23, 2016, a notice of public hearing was sent for publication to the "The Reporter".

On November 15, 2016, a copy of the notice of the public hearing was mailed to the applicant and landowner by certified mail and to the adjoining property owners by regular mail. List is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The application was considered by the Development Review Board at a public hearing which was opened December 14, 2016 and closed January 25, 2017.

The Development Review Board reviewed the application under the Town of Brandon Zoning Bylaw, as approved May 7, 2012.

Present at the hearing were the following members of the Development Review Board: Samantha Stone, Robert Clark and Amber Lee.

Anna Scheck, Zoning Administrator, Michael Russell and Todd Cooley were sworn in. Also present for the hearing was Hillary Knapp, Secretary.

During the course of the hearing one exhibit was submitted to the board:

Exhibit A: A packet of information from the zoning administrator with updated information to the application and a letter from the Regional Floodplain Manager stating that the project would help with the floodplain on that property after Hurricane Irene and the H&H study should be waived for this project.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

The applicant seeks a conditional use permit to remove an abandoned penstock and other debris, placing structural reinforcing blocks against the north wall of the residential structure, pouring a small concrete base to replace a structural element destroyed by Tropical Storm Irene and grading, placing topsoil and seeding the finished grade.

The parcel is in the Neighborhood Residential District and is in a designated 1% A Zone SFHA and is located entirely within the River Corridor. A portion of the structure is within the mapped FEMA floodway.

Pursuant to Section 805D of the Brandon Land Use Ordinance, improvement to existing structures in the floodway and Section 805D (4) regarding grading and excavation require a Conditional Use Permit.

There will be no construction to the property that will cause an increase to the floodway.

The property owner was approached by Dubois and King about a year ago to ask for help with their town project. They needed to use his property to complete the grading for the culvert project. Dubois and King needed to be assured that the building at 3 Mill Lane was going to be structurally sound in order to do the work.

Brayton West the Regional Floodplain Manager completed a walk through of the property of 3 Mill lane and concluded that:

- ⑩ “Based on the evidence, coupled with above grading information, ANR believes that the “No New Fill” requirement of Section 805© has been met, as the fill being proposed is below grade of prior (Pre-Irene) naturally existing conditions, and does not exceed the conditions which are currently represented in the effective Digital Flood Insurance Rate Map and Flood Insurance Study”.
- ⑩ “Combined with the above grading information which details the project as having less of an impact on Neshobe flood storage/conveyance than the previously existing natural conditions, it is the opinion of the ANR that the applicant has met both requirement A: *Development will not result in an increase in flood levels during the occurrence of the base flood*, and requirement B: *Development does not increase risk to surrounding properties, facilities, or structures from erosion or flooding*, of Section 806 of the adopted Brandon Flood Hazard Regulations, and in doing so is in accordance with the National Flood Insurance Program (NFIP) minimum development standards.” (The full letter can be found in exhibit A of the application).

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 3-0 to approve the conditional use permit #5857 to remove an abandoned penstock and other debris, placing structural and reinforcing blocks against the north wall of the residential structure, pouring a small concrete base to replace a structural element destroyed by Tropical Storm Irene, and grading, placing topsoil and seeding the finished grade, which is in the FEMA Floodway.

Approval is with the following conditions:

- The board agrees to waive the H&H study per the conclusion of Brayton West, Manager of the Regional Floodplain Program.
- Town property will not be used to access the project without permission from the Town.

Dated at Brandon, Vermont, this day of

Samantha Stone, Chair

NOTICE: This decision may be appealed to Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.