



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

In Re: Applicant and landowner: Robert Read

Permit Application No. 5841

Introduction and Procedural History

This proceeding involves review of an application for the extension of a conditional use permit submitted by applicant and landowner Robert Read under the Town of Brandon Zoning Bylaw.

The extension request was received by the Town of Brandon on August 27, 2018. A copy of the application is available at the Brandon Town Office, 49 Center St.

On August 25, 2018, a notice of public hearing was published in "The Rutland Herald."

On August 28, 2018 a copy of the notice of the public hearing was mailed to the applicant by certified mail and to the adjoining property owners by regular mail. The list is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The extension was considered by the Development Review Board at a public hearing which was opened and closed on September, 12, 2018.

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, John Peterson, Amber Lovely-Lee, Robert Clark, Thomas Bohler.

Also present at the hearing were: Hillary Knapp (DRB Clerk), Jeff Biasuzzi (ZA), Trish Porter, Gail Cordner, Wayne Rausenberger, Kelly Weigand-Yunker, Ben Lawton, Bob Read, Charles Powell and Steven Zorn.

Jeff Biasuzzi, Zoning Administrator and Bob Read were sworn in.

No one at the hearing requested interested party status.

FINDINGS

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

The applicant seeks an extension of his conditional use permit to reconstruct an existing bridge to improve vehicular and pedestrian access from Center Street to the property on the northern side of the Neshobe River, improvements to the existing drive and parking area, and reconstruction of the laid stone retaining wall within the river. The retaining wall will allow for a new driveway between driveway between the old warehouse on West Seminary Street and the northern bank of the Neshobe River. Also in connection with this project, a retaining wall is to be constructed for development of an existing private drive and relocation of an existing telephone pole next to the commercial structure located at 3 Seminary Street.

The location of the property is on Center Street between 33 and 35 Center Street.

This parcel is in the Central Business District as described on the Town of Brandon Zoning Map on record at the Town of Brandon municipal offices. It is within the Fluvial Erosion Hazard Zone.

The project is well under way and should be completed in six weeks.

DECISION AND CONDITIONS

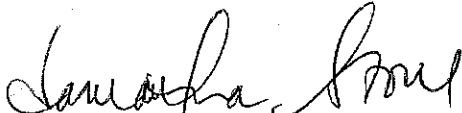
Based upon these findings, the Development Review Board voted 5-0 to approve the extension of conditional use permit #5841 to Robert Read to reconstruct an existing bridge to improve vehicular and pedestrian access from Center Street to the property on the northern side of the Neshobe River, improvements to the existing drive and parking area, and reconstruction of the laid stone retaining wall within the river. The retaining wall will allow for a new driveway between driveway between the old warehouse on West Seminary Street and the northern bank of the Neshobe River. Also in connection with this project, a retaining wall is to be constructed for development of an existing private drive and relocation of an existing telephone pole next to the commercial structure located at 3 Seminary Street. The location of the property is on Center Street between 33 and 35 Center Street.

The Board finds the proposed development meets the requirements of the Brandon Zoning Bylaw and is in accordance with the Performance Objectives and Standards (Section VI) of the Brandon Land Use Ordinance. Approval is with the following conditions:

The project must be in compliance with the development standards in Section 806(C) of the Brandon Land Use Ordinance for a Fluvial Erosion Hazard Zone

1. The updated Stream Alternation permit must be submitted to the Zoning Administrator.
2. The permit extension is good for two years.

Dated at Brandon, Vermont, this 9th day of October


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.