

NOTICE OF PUBLIC HEARING for Brandon Development Review Board (DRB)

**On Wednesday, May 26, 2021 at 7:00 PM, via Zoom remote conferencing,
the Brandon DRB will hold a Public Hearing to review the following:**

#6127 Request by Jennifer Keeler, of 140 Middle Road (Parcel #16-20-17) to construct a 28' X 44' X 24' h. Single Family Residence with an open deck on the rear of the house. Also requested is construction of a detached 24' X 26' X 24' h. garage. The developable area of the non-conforming pre-zoning 0.38 acre parcel is significantly limited by existing slope conditions. A setback waiver or variance is requested, reducing the prescribed minimum 30 ft. setback for the Aquifer Protection Zoning District, to a 20 ft. setback on both the street front and west side property lines.

Full copies of the applications are posted in Town Office, 49 Center St. and on Town website.

Remote Access instructions posted at www.TownofBrandon.com, Post Offices, & Town Office.

This Meeting & Hearing will be conducted remotely by Zoom audio & visual programs;

To Participate by ZOOM video: Visit <https://us02web.zoom.us/j/84094564293>

*Meeting ID: **840-9456-4293***

*To Participate by Telephone Conferencing: dial **(929) 205-6099***

*Upon prompt, enter Meeting ID **840 9456 4293** and #*

If prompted again, enter just #

Interested Parties are to be registered and present testimony, or have submitted written testimony to the Town, by 7:15 pm of the Hearing date or they may forfeit their right to appeal any decision of the DRB to VT Superior Court (Environmental Division).

TOWN OF BRANDON

APR - 12021

INITIAL - INCORPORATE
PAID 9/15/21

Application No.: 6127

Town Office Use Only			
Town of Brandon 49 Center Street Brandon, Vermont 05733	Tax Map # <u>16-20-17</u> Parcel ID # <u>0008-0140</u> No. of Acres <u>.35</u> Fee \$ <u>100.00</u> Zone <u>AGV1F</u>	Date Completed: _____ Decision: _____ Check# _____ Deed Reference <u>242/469</u>	Rec'd by _____
Phone: (802) 247-3635 ext. 202 FAX: (802) 247-5481			

APPLICATION FOR LAND USE PERMIT

Name and Address of Owner(s):
Jennifer Keefer
P.O. Box 336
Brandon, VT 05733

Home Phone: 802-247-3707
 Work Phone: 802-282-2056
 Fax Phone: 802-247-3707
 EMAIL msdutchman600@yahoo.com

Name and Address of Applicant(s)
 (if different from property owner):

Home Phone: _____
 Work Phone: _____
 Fax Phone: _____
 EMAIL _____

Current property information/location (for boundary adjustments include for all parcels involved):
140 MOORE RD

THIS APPLICATION IS FOR: (Check all that apply)

- Division of parcel into two or more parcels (Please complete Addendum B)
- Construction, reconstruction, conversion, structural alteration, relocation, enlargement of any building or other structure
- Landfill, mining, or excavation operations
- Substantial change in nature or intensity of the current use of any building, structure or parcel of land
- Extension of current use of land
- Increase in number of dwelling units on a parcel of land
- Razing any structure, temporary or otherwise, over 500 sf or any structure in the Central Business District
- Interior renovations to residential structure in contemplation of increase in number of bedrooms or dwelling units
- Interior renovations to a nonresidential primary structure done in contemplation of a change in use or intensity of use.
- Home occupation
- Sign(s) (Please complete Addendum C)
- Development in Flood Hazard Area (Please Complete Addendum E)

ADDENDUM MAY BE REQUIRED FOR THE FOLLOWING: Development Review Board Hearings: (Check all that apply)

- Hearing
- Appeal
- Variance
- Conditional Use
- Major Subdivision
- Planned Unit Development
- Local Act 250 Review

[10/12]

Pa 1

1. Give a detailed description of the CURRENT use of the property, how many buildings and their respective uses, dimensions, setbacks, etc: Residential 3 Bedrooms

2. Give a detailed description of the PROPOSED project:
 - a) Describe the construction (include building dimension, size and location), and the proposed use: 3 Bed room house 28' x 44' x 20' w
WITH DETACHED 24' x 26' GARAGE AND OPEN BACK DECK
 - b) Does it involve erecting a sign (Please complete Addendum C attached), fence, pre-made structure or installing a pool? N If yes, describe dimension, size and location:

 - c) Does it involve a change of use? N If yes, describe current use and proposed use:

 - d) Does it involve a subdivision or boundary line adjustment? N If Yes, Please complete Addendum B attached.
 - e) Does it involve construction of an agricultural structure or use? N If Yes, Please complete Addendum D attached.
 - f) Does it involve development or construction in a flood hazard area? N If Yes, Please complete Addendum E attached.
3. Give the estimated cost of the project: \$ _____
4. Answer ALL questions on Addendum A to this Application, pertaining to the Performance Objectives and Standards in Section 601 - 627 in the Brandon Land Use Ordinance, for ALL applications.
5. Attach a site plan or use the grid on the last page to draw an ACCURATE sketch of the lot showing all EXISTING structures and all PROPOSED construction. Give all dimensions of lots and structures, as well as the distance from property lines, other structures and septic.

Intended Start Date: May 2021
 Intended Completion Date: May 2023

I certify that the statements made by me in this Application For Land Use Permit are accurate and complete. I hereby grant permission to the Town of Brandon to allow its agent to inspect this property relative to this application for both approval and to ensure compliance once project is complete. I understand that this is an application for a local permit. To find out if State permits may be needed, I should contact the Rutland Offices of the District Environmental Commission at 802-786-5900 and the Department of Labor and Industry at 802-786-5867.

Date 3/30/21 Landowner Jennifer Keeler
 Landowner _____

If different from landowner, Applicant _____

RECEIVED FINAL APPLICATION 4/20/2021

Comments by the Administrative Officer: REFERRED TO DRB FOR SETBACK WAIVER OR
VARIANCE 5/11/21, HEARING WARNED
FOR WED 5/26/21, 7⁰⁰ PM BY ZOOM REMOTE
PROCEEDINGS AMIS/ZA

ALL Questions require an answer:
Y = Yes. N = No, NA = Not Applicable

Application No.: 6127

ADDENDUM A

Performance Objectives and Standards Information

All references are to the Brandon Land Use Ordinance - Article VI, Section 600. A copy can be reviewed at the Town Offices and on the Town of Brandon website (www.townofbrandon.com). Answer ALL questions with a yes, no or (x) in the appropriate area. Give explanations where needed.

- 601 If Wastewater to the property will be disposed by: town sewer () private septic () not required.
Are you increasing the number of bedrooms? N, if so, how many? _____
Are you increasing the number of dwelling units? N, if so, how many? _____
If this is a business/home occupation, how many employees are expected? N/A; how many customers are expected per day? _____
If you propose a new, or an increase to an existing, (a) connection to a municipal wastewater supply attach a sewer capacity permit; or (b) private wastewater disposal system attach a certification of a designer licensed by the State of Vermont or state permit approval. PREEXISTING SEWER + WATER ACCESS
- 602 Access for emergency vehicles is (will be) provided by: town highway, () State highway, () class 4 or private road, () right of way which must be at least 20' wide and maintained in all-weather and kept unobstructed.
- 603 If Water supply is (will be) provided by: town water by connection to Brandon Fire District 1 or 2 (attach approval letter), () private well or water source (attach state permit approval), () not required.
- 604 Will this project create an increase in the intensity of traffic? N
If yes, explain and attach an access permit if required _____

Will traffic flow generated be beyond the capacity of local roads? _____
Attach certification by Public Works that local roads are adequate or scheduled to be upgraded.
- 605 Does the design of the intersection (of the access road [driveway] to the site) with local roads conform with the requirements of Vermont Department of Highways (Doc B-71)? _____ Will all new driveways have an area to turn around on site? _____ Attach access (driveway cut) permit. How many parcels will access drive serve? EXISTING DRIVE
- 606 Will the project destroy or significantly alter wetlands or natural areas? _____ What steps will be taken to minimize environmental damage? N
- 607 Does your project involve any areas of steep slope? N What is the grade of the slope? _____ What percentage of slope will be developed, regraded or stripped of vegetation? _____ Attach certification by a professional engineer.
- 608 Will there be an increase in noise levels as a result of the project? N Will noise level exceed 70 decibels during daylight hours or 60 decibels during other times of the day at the property line?
- 609 Will the project result in any noticeable, clearly apparent vibration on the property of another landowner? N If yes, explain _____

Will there be any hammering, drilling, cutting or blasting within 100 feet of any underground tank used to store petroleum projects? N If so, what tests have been done to insure the soundness of the tanks?

610 Will the project involve the emission of any smoke? N

611 Will the project result in fly ash, dust, fumes, vapors, gasses or other forms of air pollution? N If yes, explain _____

612 Will the emission of detectable objectionable odor result from your project? N If yes, explain _____

613 Will the project result in any fire, explosive, or other safety hazard? _____ If yes, explain _____

Will you be storing greater than 500 gallons of flammable liquids in tanks above ground? _____ If yes, explain _____

614 Will your project have: flickering, pulsing, rotating, or flashing lights? N; lights that will distract drivers on roads in the vicinity? _____ lights that illuminate in excess of 0.5 footcandles when measured at adjacent residential boundaries? _____

615 Will any hazardous materials be used in this project? N If yes, explain procedures for handling and containment _____

616 Will a sufficient number of off-street parking spaces be provided*? N/A What is the maximum number of vehicles expected on site at any given time? _____ Attach a parking plan showing 9' x 18' spaces for each vehicle. *Not required if property is located in Central Business District.

617 Will the use require loading and unloading of commercial products? N Is there adequate space within the boundaries of the lot for loading and unloading? _____

618 Is this a structure over 400 cubic feet in volume (incl. mobile homes)? Y Will it be installed and anchored as required? Y

619 Does your project involve farm animals? N If yes, is the lot at least one acre in area? _____ What is the minimum distance of: animal housing and piles of manure, feed or bedding from any lot line? _____ manure piles to wells and surface waters? _____
Is the proposed use agricultural? _____ If yes, will the requirements of this section be met? _____
Has the Secretary of Vermont Agency of Agriculture, Food and Markets indicated that the farm operation complies with the Accepted Agricultural Practices? _____
(Please complete Addendum D attached)

620 Does your project involve use of pesticides herbicides, and fertilizers within 400' of any well or fire district? N, if yes, explain _____

621 Does the proposed use involve forest harvesting? N If yes, will the requirements of this section be met? _____

622 Is the proposed use in the Aquifer District? Y

623 Will the project cause an excessive increase in quality, rate or rechanneling of water runoff on neighboring properties? N If yes, what provisions have been made to avoid this possibility? _____

624 Will there be an outdoor display of retail products? N Is this display within the required setback from a street or road? _____ If yes, does it: impede the flow of pedestrian traffic in the CBD? _____ What is the distance of the closest residence in HDMU? _____ Is it a farmstand? _____

625 Will there be development within 100' from the mean high water mark of named river and streams? N, if yes explain _____

Attach Vermont State Floodplain Coordinator approval, if necessary.

626 Will there be any excavation or blasting of the clay layer that protects the public water supply? N

627 Will there be any storage of junk or uninspected/unregistered junk vehicles visible from the traveled way of a highway or abutting landowners, or within 50' of any property line? N
For "junkyards" provide state certification.

Applicant's signature Jennifer Keeler, date 3/30/21

Property Owner: Please acknowledge that you grant permission to have the Applicant (if another Party than yourself) submit this Zoning Application.

Property Owner's signature Jennifer Keeler date 3/30/21

The Zoning Administrator's Action for Application _____:

- A) The Application is APPROVED as submitted. The Effective Date is 15 days following the issue date.
- B) The Application is DENIED as submitted for the following reasons:

The Applicant may appeal the decision of the Zoning Administrator by appealing in writing and fee to the Town Clerk within 15 days of the denial.

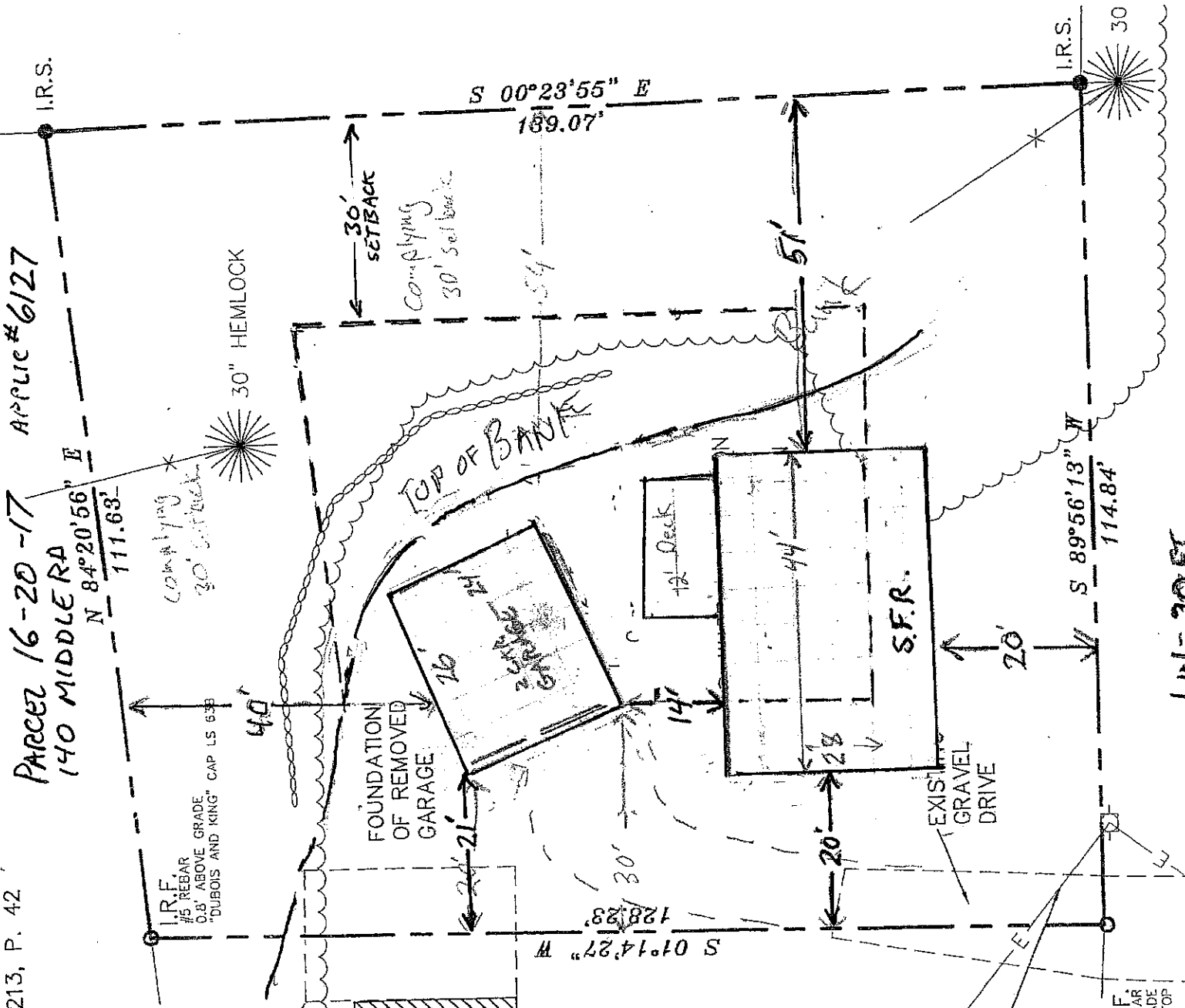
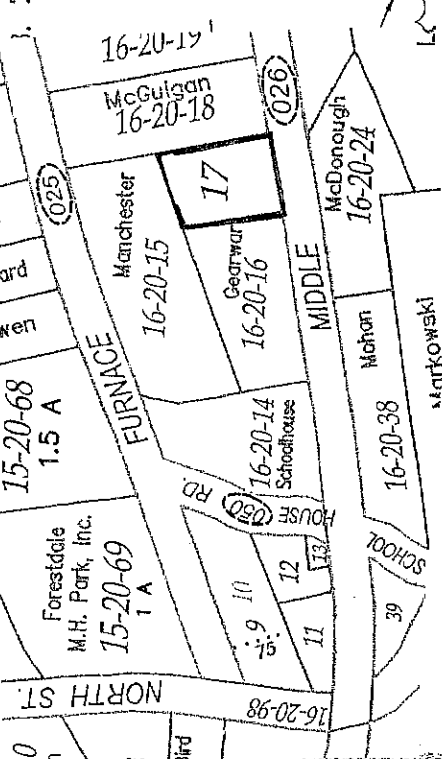
C) The Zoning Administrator has REFERRED the Application to the Appropriate Municipal Panel (Development Review Board) per Town Zoning Regulations.

5/11/2021

Jeffrey Biasuzzi, date _____
Jeffrey Biasuzzi, Zoning Administrator

1. 213, P. 42

PARCEL 16-20-17
 140 MIDDLE RD
 APPLIC # 6127



PARCEL #16-20-16
 N/F BRADLEY GEARWAR
 B. 212, P. 273

PRESCRIBED/CONFORMING
 "BUILDING ENVELOPE"
 PER ZONING MAP
 AQUIFER ZONING DISTRICT



1 IN. = 20 FT.

MIDDLE ROAD

TOWN of BRANDON, VT
APPLICATION to DEVELOPMENT REVIEW BOARD (DRB)
FOR SETBACK WAIVER per Section 1016 of B.L.U.O.

Application # 6127

LANDOWNER: J KEELER PHONE: 247-3707
EMAIL: MSDUTCHMAN600@YAHOO.COM

APPLICANT (IF Not the Owner) _____ PHONE: _____
EMAIL: _____

ADDRESS OF SUBJECT PROPERTY 140 MIDDLETON TAX MAP# 16-2077

ZONING DISTRICT: AQUIFER SUBJECT PROPERTY AREA (acreage): .35 AC

Describe in detail the Conditions that the DRB may consider as grounds for this request for a waiver of the usual setback requirements :

The 0.35 acre parcel is a pre-zoning non-conforming parcel.
The north and east portions of the parcel drop off sharply, limiting actual developable area.
Safe installation of the structures away from the top of the steep bank require locating them to the west, encroaching the prescribed 30 ft. front and left side setback by 10 ft. This is the minimum relief needed to construct the primary residence and garage. The east and north setbacks conform to prescribed setbacks for the Aquifer Protection Zone.

Signature of Landowner(s): Jennifer Keeler date 4/20/21
Signature of Applicant(s) if not the same _____ date _____

RECEIVED
APR 20 2021

TOWN OF BRANDON, VERMONT
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW BOARD

Landowner: J KEELER Date: 4/20/21
Address: _____ Phone: _____
Applicant: _____ Phone: _____
Location of Property: 140 MIDDLE RD
Tax Map Description: 16-2017 Zone: _____

A copy of this application must be filed with the Code Enforcement Officer.

Please attach a separate sheet of paper and explain how each of the following criteria pertains to your situation.

- 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the land use regulations in the neighborhood or district in which the property is located;
- 2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the land use ordinance and the authorization of the variance is therefore necessary to enable the reasonable use of the property;
- 3) That such unnecessary hardship has not been created by the appellant;
- 4) That the variance, if authorized, will not substantially alter the character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the Land Use Ordinance and of the plan.

Signature of Landowner: _____

Jennifer Keeler

Signature of Application: _____

The Development Review Board shall hold a public hearing within 60 days of the variance application. A copy of the hearing notice shall be mailed to you at least 15 days prior to the public hearing. Testimony at the public hearing shall be limited to the specific issues raised by the criteria as listed above. Within 45 days of the conclusion of the hearing, the Board will render a decision.

Permit _____ Fee Paid \$ _____ Date _____
Notice of Hearing _____ Date of Hearing _____