

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

On Wednesday, January 12, 2022 at 7:00 PM; both in-person at Town Hall (ground floor) Conference Room and via Zoom remote conferencing; the Brandon DRB will hold a Public Hearing to review Application #6165 from Lori Ann Young, owner of 405 & 385 Grove St. (Parcels #20-51-44 & 20-51-45).

Application #6165 requests a setback waiver or variance to approve a non-conforming Boundary Line Adjustment between two adjacent conforming parcels in the High Density Multiple Use Zoning District.

A copy of the application is posted in Town Office, 49 Center St. & www.TownofBrandon.com
This Meeting & Hearing will be conducted remotely by Zoom audio & visual programs; and access instructions are posted on Town website, Post Offices, and Town Office.

Interested Parties are to be registered and present testimony, or have submitted written testimony to the Town, by 7:10 pm of the Hearing date or they may forfeit their right to appeal any decision of the DRB to VT Superior Court (Environmental Division).

TO ATTEND VIRTUALLY (VIA ZOOM)

To attend this meeting you have 2 options:

Option 1: Video Conference This option is available only if:

- You have a computer with a built-in or external camera and microphone (*Zoom Software download required*)
- Have a phone with a built-in camera (*Zoom App download required*)

Visit: <https://us02web.zoom.us/j/84094564293>

(This will prompt the download if you do not have the software/app already installed)

Meeting ID (840 9456 4293)

Option 2: Conference Call: To dial in for audio only:

1. Dial: (929) 205 6099
2. Follow instructions to enter **Meeting ID (840 9456 4293)** then confirm by hitting pound
3. When prompted to enter participant ID, just **hit pound again to enter meeting**

Town Office Use Only

Town of Brandon 49 Center Street Brandon, Vermont 05733	Tax Map # <u>20-51-44</u>	<u>20-51-45</u>
Phone: (802) 247-3635 ext. 202	Parcel ID # <u>0079-0405</u>	<u>0079-0385</u>
FAX: (802) 247-5481	No. of Acres <u>.38A</u>	<u>.88A</u>
	Fee \$ <u>250⁰⁰</u>	Check# <u>5187</u>
	Zone <u>MDMU</u>	Deed Reference _____
		Rec'd by _____

APPLICATION FOR LAND USE PERMIT

Name and Address of Owner(s):
LORI YOUNG
405 GROVE ST
BRANDON VT 05733

Home Phone: 802
 Work Phone: 558-4926
 Fax Phone: _____
 EMAIL N/A

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):
405 & 385 GROVE ST

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 - BOUNDARY LINE ADJUSTMENT
- 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 / SETBACK WAIVER
- Conditional Use
- Major Subdivision
- Planned Unit Development
- Local Act 250 Review

1. Give a detailed description of the CURRENT use of the property, how many buildings and their respective uses, dimensions, setbacks, etc: TWO ADJACENT PROPERTIES, EACH W/ (1) SINGLE FAMILY HOUSE.
2. Give a detailed description of the PROPOSED project:
 - a) Describe the construction (include building dimension, size and location), and the proposed use: BOUNDARY LINE ADJUSTMENT
 - 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? Y 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: _____
 Intended Completion Date: _____

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 _____ Landowner _____
 Landowner _____

If different from landowner, Applicant _____

Comments by the Administrative Officer: 11/9 ZA REVIEWED; APPLICATION DID NOT REQUEST CONFORMING SETBACKS. ZA NOT AUTHORIZED TO APPROVE. A REPLY WAS USPS MAILED TO OWNER, WHO REQUESTED VARIANCE OR SETBACK WAIVER FROM DRB.

PUBLIC HEARING WARNED FOR 7:00 PM, 1/12/2022, AT TOWN HALL (1 COURT SQ) CONFERENCE ROOM.

JMB/EA

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

Application No.: 6165

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 is/will be disposed by: () town sewer () private septic (2)
() not required.
Are you increasing the number of bedrooms? N, if so, how many? _____
Are you increasing the number of dwelling units? _____, if so, how many? _____
If this is a business/home occupation, how many employees are expected? _____; 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.
- 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)? N 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
- 606 Will the project destroy or significantly alter wetlands or natural areas? _____ What steps will be taken to minimize environmental damage? N/A
- 607 Does your project involve any areas of steep slope? N/A 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/A 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?
_____ If yes, explain N/A

Will there be any hammering, drilling, cutting or blasting within 100 feet of any underground tank used to store petroleum projects? 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/A
- 611 Will the project result in fly ash, dust, fumes, vapors, gasses or other forms of air pollution? N/A If yes, explain _____
- 612 Will the emission of detectable objectionable odor result from your project? N/A If yes, explain _____
- 613 Will the project result in any fire, explosive, or other safety hazard? N/A 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/A 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/A If yes, explain procedures for handling and containment _____
- 616 Will a sufficient number of off-street parking spaces be provided*? ✓ 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/A 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)? N/A Will it be installed and anchored as required? _____
- 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? N

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 _____, date _____

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 [Signature] date 10-26-21

The Zoning Administrator's Action for Application 6165 :

- 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. REFERRED 11/16/21 TO DRB

[Signature], date 11/16/21
Jeffrey Biasuzzi, Zoning Administrator

Recvd 12/30/17
APPLIC # 6165

Jeff Biasuzzi

From: Benjamin Putnam <benj@pmlawvt.com>
Sent: Tuesday, November 23, 2021 1:36 PM
To: Jeff Biasuzzi
Cc: Amy Menard
Subject: Lori Ann Young parcels, Grove Street
Attachments: Sketch possible BLA.pdf

Dear Jeff:

Our office represents Lori Ann Young, who owns two adjacent parcels at 385 and 405 Grove Street in Brandon (tax map parcels 20-51-44 and 20-51-45). Ms. Young is under contract to sell 385 Grove Street, but has discovered that a small portion of the screened porch on the 405 Grove Street property extends onto the 385 Grove Street property. This means that ownership of the properties cannot be separated until this issue is resolved in some way.

After reviewing the options, we have advised Ms. Young that it may make sense to pursue a boundary line adjustment to move the boundary between the two parcels to increase the setback from the screened porch. We believe the boundary can be reconfigured in a way so that neither parcel gains or loses more than 2% of its acreage. My understanding is that the required setback in this district is 30 feet, and it looks as if it should be possible to maintain that distance with a relocated boundary line.

Please see the attached sketch for an idea of what Ms. Young is contemplating. This is only a rough sketch of one possible configuration; she is working with land surveyor Bob Tinker, who will prepare a survey showing the final setbacks and acreage figures once the details are nailed down.

It appears to me that this boundary line adjustment would comply with Section 109 of the Brandon Land Use Ordinance. No new lots will be created, and the lot sizes will remain substantially the same as they were before the adjustment. The adjustment will decrease the existing nonconformity of the lots by addressing the setback/encroachment issue created by the screened porch.

We have also looked into whether the boundary line adjustment will qualify for an exemption from State wastewater permitting. I believe it would qualify for the exemption in Section 1-304(9)(A) of the wastewater rules, because neither lot will be reduced in size by more than 2%. When this exemption is used, the landowner only needs to record a form in the land records and does not need to obtain a letter of approval from the State.

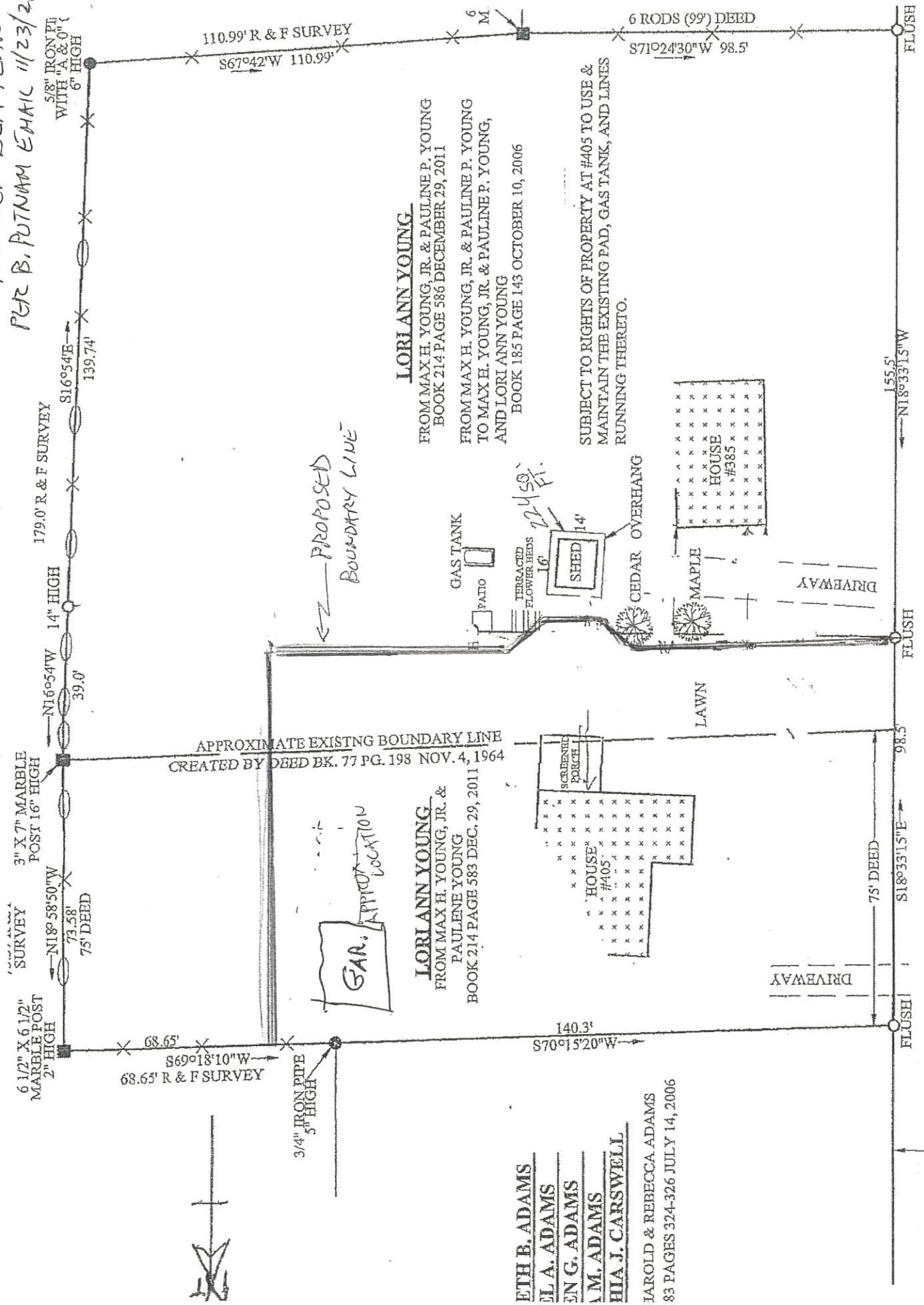
After you have reviewed the above, please let me know if you agree with our analysis and if you believe the boundary line adjustment permit could be issued administratively under Section 109, without the need for a hearing. For planning purposes, it would also be helpful to know how soon you would be able to act on the permit once you receive a completed application. Please feel free to give me a call with any questions or if you need more information.

Best regards,
Benj

Benjamin W. Putnam, Esq.
Putnam & Menard, PLC

One Cross Street
Middlebury, VT 05753
(802) 388-7966
(802) 388-9713 (fax)

APPLIC. # 6165 PROPOSED BLA PLAN
 PER B. PUTNAM EHAIC 11/23/21



U.S ROUTE 7

EICESTER

APPLIC. 6165

LOREI A. YOUNG

EXISTING PARCELS

