

**CASTLETON PLANNING COMMISSION**  
**Tuesday, September 13, 2022**  
**Castleton Town Office**  
**and ZOOM**

**Zoom Recording Link:**

<https://us02web.zoom.us/rec/share/2JEdRIxOx36HUuDYhPIvnsS5MwSWis6VX0rw1ts7JTtg9AKQ77T17X6bbKRTJXfm.HFn8nmPcnRxO2mKJ>

**Passcode: Ld8=rgsL**

**Those in attendance included:** Elizabeth MacKay, Mike Scovner, Frank Johnson, Jonas Rosenthal  
Zoning Administrator

**Others present by Zoom included:** Allison Harvey, Recording Secretary

L. MacKay called the meeting to order at 6:05 P.M.

**Approve Agenda**

**M. Scovner made a motion to approve the agenda. L. MacKay seconded. All voted in favor. So voted.**

**Minutes of Meeting – August 9 and 23, 2022**

**F. Johnson made a motion to approve the minutes of August 9, 2022 as presented. M. Scovner seconded. All voted in favor. So voted.**

**M. Scovner made a motion to approve the minutes of August 23, 2022 as presented. F. Johnson seconded. All voted in favor. So voted.**

**Public Comments**

None at this time.

**Zoning Ordinance Review (Continued)**

J. Rosenthal called everyone's attention to definitions, page 48, article 9 of the regulations and stated that there are often issues with definitions with combination of pre-k and preschool. J. Rosenthal then went on to explain the residential care and memory care and felt that they should defer their definitions to the state definitions. Discussion on the Sand Hill project and whether is nursing home or residential care facility. J. Rosenthal would like to add that State definitions should supersede the Town definitions. It is not clearly stated in the zoning regulations that is the way it should be. **M. Scovner made a motion that any State definitions shall supersede all Town definitions in the Town Zoning Regulations. F. Johnson seconded.** F. Johnson felt should be in section 102, J. Rosenthal felt since addressed definitions, should be in definitions section, possibly section 104, interpretation of regulations. **All voted in favor. So voted.**

J. Rosenthal stated they also have no definition for change of use. Discussion on whether for example a property goes from one office use to another office use if they should have to go before the DRB. F.

Johnson asked if the motion just made has an impact, J. Rosenthal stated not until the process has been gone through, hearings and subsequent approval of the updated Zoning Regulations. Discussion on change of use, whether there are changes that could be made to the regulations that would force a new use that is similar to the existing to come before the DRB.

In Section 709A, under current zoning, enlargement of preexisting using, non-complying structure, page 41 J. Rosenthal explained a previous permit application and the 'one bite of the apple' of a property not being able to come before the board a second time if it has already been approved as non-conforming a first and/or second time in this section. This is a continual question with these types of applications and whether setbacks can be met or not. J. Rosenthal will check with Ed Bove as to rewriting definitions discussed.

M. Scovner asked what the status is of the Sand Hill Project. J. Rosenthal stated has been appealed, there is a hearing scheduled to reconsider the permit application next week, if reconsideration is done, will have to be re-warned and new testimony taken.

**Adjourn Meeting – 7:08 pm**

**M. Scovner made a motion to adjourn at 7:08pm. F. Johnson seconded. All voted in favor. So voted.**

Respectfully Submitted,

Allison Harvey, Recording Secretary