

TOWN OF CASTLETON  
DEVELOPMENT REVIEW BOARD MEETING  
Minutes of April 11,2017  
Castleton Town Offices

MEMBERS PRESENT : G. Chader D. Wood, B. Day, J. Mark

OTHERS PRESENT: Jeff Biasuzzi, Zoning Administrator, see attached list.

The meeting was called to order at 7:00pm by B. Day

All interested parties were sworn in by B. Day at the beginning of each application.

**APPROVAL OF AGENDA**

**MOTION:** D. Wood made a motion to approve the agenda. Seconded by G. Chader.  
All in favor. Motion Carried.

**NEW BUSINESS**

**APPLICANT – EDWARD & TAMMY O’SHEA , 1323 RTE 4AW CASTLETON-REQUEST FOR CHANGE OF USE TO RETAIL SALES. (SITE REVIEW SCHEDULED AT 6:30PM)**

J. Biasuzzi stated that it is a permitted use. It will be a gift shop/antique/crafts retail store. It is a change of use from the previous activities. Sect. 602 relating to parking spaces for retail stores is one 1 space for 200 usable floor area. There are 5 parking spaces available.

J. Biasuzzi asked E. O’Shea if there will only be one floor being used as retail space.

E. O’Shea replied that only one floor will be used.

**MOTION:** G. Chader made a motion to close the hearing. Seconded by J. Mark.  
All in favor. Motion Carried.

**APPLICANT – JAMES & CAROL SPRY ( MCKERNON GROUP, AGENT) 1064 AVALON BEACH RD., CASTLETON-REQUEST FOR EXPANSION OF A NON-CONFORMING STRUCTURE ON A PRE-EXISTING NON-CONFORMING LOT.**

J. Biasuzzi stated that it is a non-conforming parcel on the Lake. It is a R40 zone. They are adding a second story and staircase to the existing house.

J. Cameron – agent- addressed the Board stating that there is no staircase addition, as staircase is already there.

J. Biasuzzi stated that the Lister's do not have the staircase listed.

B. Day noted that all the set backs are established and footprint is not changing.

J. Cameron stating there would be no change in the amount of bedrooms, a bathroom will be added. The 3<sup>rd</sup> bedroom is not being used as a bedroom.

J. Mark asked about the height of the building, as it looks like it has 3 stories.

J. Cameron noted that it will be 26 ft from the basement slab.

**PAGE 2 – SLCT BD MTG- 4/11/17**

J. Mark asked about the ceiling heights.

J. Cameron noted that the first floor is 6 ft and the other two floors are 8 ft each.

**MOTION:** G. Chader made a motion to close the hearing. Seconded by J. Mark  
All in favor. Motion Carried.

**APPLICANT – EDWARD & CHRISTINE RYAN, 130 S. MASON POINT, CASTLETON-REQUEST FOR EXPANSION OF A NON-CONFORMING STRUCTURE AND ADDITION OF A PORCH.**

**E. RYAN AND J. BIASUZZI WERE BOTH SWORN IN.**

J. Biasuzzi stated that his real estate /construction company has been hired by the applicant.

J. Biasuzzi put into testimony a letter N. Holmes, a neighbor.

J. Biasuzzi stated that Mr. Ryan did original measurements by what he thought was the boundary line.

J. Biasuzzi stated that he received the professional survey today and presented each Board member a copy.

J. Mark asked if the existing deck is open.

J. Biasuzzi stated that yes it is, but there will be an upper deck created therefore enclosing the lower deck.

J. Biasuzzi stated that Mr. Ryan thought the existing foundation was 33 ft, when actually it is 43 ft and will be 44ft with new structure.

J. Biasuzzi will stated the footprint will be increased by 398 ft. The existing structure covers 3% of the lot now and this will increase to 4%, 15% of lot coverage is allowed under zoning.

J. Biasuzzi informed the Board that the bedroom number will probably not increase.

J. Biasuzzi stated that he did address N.Holmes concerns. He stated that her concerns about landscaping should be addressed directly with the applicant.

**MOTION:** J. Mark made a motion to close the hearing. Seconded by D.Wood.  
All in favor. Motion Carried.

**APPLICANT- WILLIAM & SUSAN GILBERT, 2928 RT 30 N, CASTLETON-REQUEST TO SUBDIVIDE 1.5 ACRES WITH 2 PRE-EXISTING RESIDENCES INTO A NON-CONFORMING LOT ( .583 AC) AND CONFORMING LOT OF .919 AC.**

J. Biasuzzi stated that he had Mr. Gilbert come to the Board in January about this permit.

J. Biasuzzi did get a response from legal counsel from VLC&T. They noted that it has happened in the past but strict adherence to zoning ordinances would not allow it.

J. Biasuzzi read from page 31 – from the Zoning Administrators Handbook( VT Land Use Education & Training Collaborative), given to the Board from the applicant. ( attached)

Mr. Gilbert told the Board that his situation was caused by zoning ordinances , and these buildings were on the lot pre -zoning.

J. Mark questioned the response that J. Biasuzzi received from C. Andeer (VLCT) regarding section 204F.

**PAGE 3- DRB MTG – 4/11/17**

J. Biasuzzi stated that C. Andeer was stating the Town's zoning ordinance.

Mr. Gilbert stated that this will have no impact on the neighborhood. He will be selling only the conforming lot.

J. Biasuzzi asked if Mr. Gilbert has changed any of the buildings on the lot.

Mr. Gilbert replied that he has never touched the "big" house.

J. Biasuzzi asked if this was something he would want to do to the property across the street.

Mr. Gilbert stated "no" this was just for this lot.

Mr. Gilbert stated that "zoning has created this hardship".

**MOTION:** D. Wood made a motion to close the hearing. Seconded by G. Chader.

All in favor. Motion Carried.

**APPROVAL OF MINUTES – MARCH 7, 2017**

**MOTION:** C. Chader made a motion to approve the minutes of March 7, 2017. Seconded by J. Mark.

All in favor. Motion Carried.

**OTHER BUSINESS**

J. Biasuzzi presented the Chairman with the final draft for the decision for the Fellowship Church to sign.

**DELIBERATIVE SESSION**

**MOTION:** J. Mark made a motion to go into Deliberative Session with the Zoning Administrator, but ZA will not be included for the Ryan application discussion at 8:15pm. Seconded by D. Wood.

All in favor. Motion Carried.

**MOTION:** J. Mark made a motion to come out of Deliberative Session and reconvene the open meeting at 8:51pm. Seconded by D. Wood.

The ZA was instructed to issue the following.

Permit # 7927/DRB 486- O'Shea- Application approved. ZA will issue permit w/o special conditions.

Permit # 7926/DRB 485- Spry- Application approved ZA to issue permit w/o special conditions.

Permit # 7929/DRB 488- Ryan- Application approved permit pending on approval from VT Waste water permit & Health Officers review.

**PAGE 4- DRB MTG- 4/11/17**

Permit#7928/DRB 487- Gilbert- Application approved under provision Sect. 703 of zoning and with conditions in Sect. 709A.5. The permit is to be issued with conditions:

- A) That the VT. Waste Water Subdivision permit is approved.
- B) The permit will include disclosure language to inform the Public that lot B( .583ac) is a non-conforming pack with a non-conforming structure and has received a previous permit ( #7928/DRB#487) which thereafter restricts any future expansion of the non-conforming use or structure.

The ZA is further requested to prepare draft decisions of these applications for DRB review, amendment or approval.

NEXT MEETING IS MAY 16,2017 @ 7:00PM

**ADJOURN:**

**MOTION:** G. Chader made a motion to adjourn. Seconded by D. Wood.

All in favor. Motion Carried.