

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
Minutes of August 15, 2017
Castleton Town Offices**

MEMBERS PRESENT D. Wood, W. Potter, G. Chader, J. Mark, V. Waldron

MEMBERS ABSENT: B. Day

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

The meeting was called to order at 7:00pm by D. Wood

All interested parties were sworn in by D. Wood at the beginning of each application.
J. Biasuzzi was also sworn in.

APPROVAL OF AGENDA

MOTION: W. Potter made a motion to approve the agenda. Seconded by J. Mark.
All in favor. Motion Carried.

W. Potter asked D. Wood if the agenda they had in hand was what they just voted on.

D. Wood replied that it was.

W. Potter stated he felt that the permit could not be heard as the permit was not completed and paid for at the time it was sent out to members and abutting neighbors. There are also spelling mistakes on the permit.

W. Potter asked if there was a survey done.

J. Biasuzzi stated there was, he handed it out to the members.

J. Biasuzzi stated that the fee was paid 2 weeks ago.

W. Potter stated that this application should be tabled until the paperwork was completed correctly.

J. Biasuzzi stated that the permit was sent out early.

MOTION: W. Potter made a motion to table the application until all paperwork is completed according to the zoning ordinance by the zoning administrator. No second was made. Motion failed.

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W. Potter stated that he would not be part of an illegal permit and meeting and left the meeting.

NEW BUSINESS

APPLICANT – Jeanne Bertrand, Crystal Heights, Castleton- Requet for construction of a residence on a non-conforming lot in zone R-40.

P. Burke reviewed the exhibits that he furnished to the members.

V. Waldron asked why they did not have the two lots merged before they submitted the permit application.

P. Burke replied that it would only take a week to merge the lots and attain one deed for the properties and that they wanted to make sure that they could get the permit first.

D. Wood also noted that the spelling of applicants name was different in two places.

J. Mark that it seems inappropriate to come to the meeting with an incomplete permit.

J. Biasuzzi stated that the members can approve the permit with conditions, such as when the lots become one and there are a series of events that make this sense.

P. Burke stated that he did not want to have this process dragged out any more it has been with the owner of the sewer which has put the owner in a time bind.

J. Mark stated that their timing issue is not our concern, our concern is that a house cannot be built on two lots.

P. Burke replied that the lots would be joined before construction. Mrs. Bertrand will deed the other lot to herself.

J. Mark asked why it was not done previously to coming to the Board.

P. Burke stated that the lower lot is wet.

G. Chader asked if they wanted an approval with building conditions.

D. Wood asked if what would happen if they approved it with conditions and it didn't happen.

P. Burke replied that they would be in violation of the permit and if they do merge it would not be an issue.

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J. Biasuzzi stated that if the board decided to approve with conditions the paperwork to merge lots could be filed within a week.

J. Mark asked if it was so easy why it was not done first.

P. Burke replied that if the lots were merged and the Board did not approve the permit, it would not be good for Mrs. Bertrand.

V. Waldron noted that on the copy of the permit that was given to the members by J. Biasuzzi tonight, was still not complete, the height of the building was missing.

P. Burke replied that he would have to call the manufacturer, as the engineer had filled out the application.

J. Biasuzzi stated that it could be written in "up to 36 feet".

J. Mark asked if P. Burke would amend the application to include "up to 36 feet" for the height.

P. Burke did not reply to this request.

V. Waldron asked if the neighbors would have an issue to the height, would it block someone's views, as the permit they received was incomplete.

J. Biasuzzi stated that he did not think the height was an issue, the house across the street was off set and did not have a view anyway.

MOTION:

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

OTHER BUSINESS

J. Biasuzzi informed the members that there is another application for the next meeting. It is on W. Crystal Haven and is a non-conforming lot, non-conforming setbacks. It won't be warned until the end of August.

J. Biasuzzi asked the Board to check their calendars for Sept. 19th availability. There will be no meeting on Sept. 5th.

J. Mark noted that the application that was just heard was not signed and not paid for when it was warned and not completed.

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J. Biasuzzi replied that he had it (completed) file in his file and just did not get it to the members.

MINUTES FOR APPROVAL

MOTION: G. Chader made a motion to approve the minutes from July 18, 2017 with corrections. Seconded by V. Waldron. J. Mark abstained. All in favor. Motion Carried.

Corrections: page 1-line 20-add 'Seconded by W. Potter'. Page 2 – line 9- add “square “to “6 feet”.

DELIBERATIVE SESSION

MOTION: J. Mark made a motion to go into Deliberative Session. Seconded by G. Chader. All in favor. Motion Carried.

MOTION: J. Mark made a motion to exit Deliberative Session. Seconded by G. Chader. All in favor. Motion Carried.

MOTION: J. Mark made a motion to approve the granting of a permit in the case of J. Bertrand with the usual conditional requirements and with the additional requirement that the properties have to be merged prior to the issuance of a permit. Seconded by G. Chader. All in favor. Motion Carried.

G. Chader stated that construction can not begin until the lots are merged.

ADJOURN

MOTION: J. Mark made a motion to adjourn. Seconded by G. Chader. All in favor. Motion Carried.

Respectfully

V. Waldron

Date of Approval

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.