

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
Minutes of June 6, 2017
Town Offices**

MEMBERS PRESENT D. Wood, B. Day, J. Mark, W. Potter—alternate: V. Waldron

MEMBERS ABSENT: G. Chader

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

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

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

APPROVAL OF AGENDA

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

NEW BUSINESS

**APPLICANT- THOMAS & ANN BURDICK(MCKERNON GROUP, AGENT) 223 WILSON RD.
CASTLETON, (PERMIT #7933-APPEAL #489) – REQUEST FOR CONVERSION OF DECK TO SCREEN
PORCH, RENOVATE SUNROOM AND INSTALL FOUNDATION ON A NON -CONFORMING
STRUCTURE ON A PRE-EXISTING NON-CONFORMING LOT. ZONE R-40.**

J. Biasuzzi addressed the members stating that the agent had supplied a graphic picture of the house showing the conversion. They are requesting to enclose a deck which is over an existing porch. It will increase the square footage by 240 sq ft.

J. Cameron stated they are just adding a screened porch.

J. Biasuzzi stated no change in the footprint.

J. Mark stated that the people had to be sworn in.

B. Day swore J. Cameron in.

J. Mark asked that the sunroom is the lower level and already enclosed.

J. Cameron stated it is enclosed with storm windows.

J. Biasuzzi stated that it Lister's card does not show that.

W. Potter asked if there was any permit for this property currently.

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J. Biasuzzi stated that the last permit was in 1995 for a 22X20 sunroom with a full basement.

W. Potter asked if they started the project without a permit.

J. Cameron stated that the foundation is just on barrels and is moving.

J. Biasuzzi replied that they could start work if the structure is in jeopardy of failing.

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

OTHER BUSINESS/CORRESPONDENCE

J. Biasuzzi stated that J. Cameron has another issue to discuss. There is an application that was received on June 6, 2017, the Lee Lodge has submitted a request, J. Cameron- Agent, to take the Bakery permit and now the Pizza Place and apply for a liquor license and then apply to the State if the town issues one. J. Cameron submitted, basically, and referred to it as a new/extend current permit, which is the Bakery permit, zoning does not have a renew provision.

B. Day stated that alcohol was not allowed in the Masonic Building. He instructed J.Cameron to talk to the Masonic Lodge before he proceeded with anything.

J. Cameron asked what would be the next steps to take.

W. Potter asked J. Cameron if he wanted to apply for another permit and if it was warned.

J. Biasuzzi replied "no", this was just a discussion, and this is other business. Realistically, what Mr. Cameron is doing is asking how the best paperwork approach for applying for a permit might come about.

J. Biasuzzi instructed that the first step would be to address the Lee Lodge.

J. Biasuzzi stated that both the Billings permit and Breting permit stated no alcohol would be served.

J. Biasuzzi stated that the Select Board approves the alcohol issue.

J. Cameron stated that the original Billings permit did include both sides, one as bakery and one as lounge.

J. Biasuzzi stated as long as the Select Board has decided that the Billings permit is valid, the issue might be the timeline. He, (Billings) did not expand into the other side within 2 years.

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You may have to reapply to expand into the other side.

J. Biasuzzi said that where the ZA comes in, is that the permit as part of the zoning ordinance says if you don't build within 2 years, it's expired. So, if the Select Board has decided that the Billings permit (# 7793) has been reinstated and uses the reinstatement date and reset the clock for 2 years, and then Select Board has taken over the permit.

J. Cameron asked if any other changes come up does it have to go thru the DRB.

J. Biasuzzi stated that the permit does not include outside seating.

J. Biasuzzi states that the Chief of Police and one of the Police officers expressed concern about the outside seating interfering with the right of way and public safety concerning the sidewalk.

J. Mark asked about other changes.

J. Cameron stated nothing other than the 36 inch high fencing around the green area.

J. Biasuzzi stated anything fewer than 4 feet does not need a permit.

J. Biasuzzi gave J. Cameron the permit paperwork back.

D. Wood questioned the timing of the Billings permit and if and when a new permit would be needed.

J. Biasuzzi stated the original date of the Billings permit was Feb. 2015 and had to be completed in two years.

V. Waldron clarified that J. Cameron was saying if the original permit was allowed to be used and they did not have to apply for a new permit, the work could have been finished by February 2017.

J. Cameron agreed with that statement.

J. Mark stated that V. Waldron should not be playing that role and he understood completely.

J. Biasuzzi stated that many emails have been sent to him and posted to Front Porch Forum regarding the Dollar General Permit.

The members agreed that the process was followed as it should be and the applicant met all the criteria of zoning.

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J. Biasuzzi did not like the comment that J. Hale made to contact the Zoning Administrator with any questions regarding the Dollar General issue.

J. Biasuzzi has another applicant who has a property east of the Morton Bldg. and has a private road to his property. He has given one lot to a son and would like to give another lot to another son. There is nothing in zoning to cover this. Does he need to go thru the application process to get access on a private road that has already been approved?

J. Biasuzzi stated the first time the property owner did a simple parceling.

J. Biasuzzi is asking the Board if a right of way is already been approved as a right of way does it have to be approved each and every time.

B. Day stated he did not think so.

J. Biasuzzi informed the members that W. Bird has a property next to her Real Estate office that was used as a commercial building and she asked J. Biasuzzi if she needed to get a new permit to have it become a rental home. It was a rental home and she did receive a permit for it to become a commercial property.

J. Mark asked what J. Biasuzzi was asking.

J. Biasuzzi stated it was non-conforming, does she need a permit to go back to a rental unit.

J. Mark stated it was zoned village commercial.

J. Biasuzzi noted Pg. 68, Section 1102 A to the members, and asked them to read "Conversion".

J. Biasuzzi asked does it make sense when converting from commercial to rental, does she need a permit. This does not have to be done tonight. She has a potential renter.

J. Mark asked for a definition of "change of use".

J. Biasuzzi stated he is a licensed broker for Century 21 and the Planning Commission thinks that this is a "conflict of interest".

J. Mark stated that they need to have this warned and then make their decision on this and so to protect the zoning administrator from a "conflict of interest".

J. Mark noted that it is a permitted use with no special procedures.

B. Day asked why they the DRB members can't just tell the ZA that it is okay.

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J. Mark stated because it has not been warned.

MINUTES FOR APPROVAL – APRIL 11, 2017

MOTION: J. Mark made a motion to approve the minutes of April 11, 2017 with typo corrections. Seconded by J.Mark. All in favor. Motion Carried.

Corrections: Page 2- change "I" add 'is' and Gilbert permit page 4- section B - last sentence 1st paragraph.

J. Biasuzzi informed the members that he had a 2 hour session with the Planning Commission. They talked about the issue of Conflict of Interest with Mr. Ryan. Mr. Ryan had asked me to do some design work for him as I have done for years after he submitted his application.

The Planning Commission showed him the hand book and stated that the ZA should not be writing the decisions and that he does it for 3 of the other 4 towns he works for. They have not suggested a solution for who should be writing them.

J. Biasuzzi stated that the members can ask anyone to attend the Deliberative Sessions.

B. Day stated that he has done a fine job writing the decisions.

MOTION: D. Wood made a motion to go into deliberative session at 8:08pm, with the ZA. Seconded by J.Mark. All in favor. Motion Carried.

MOTION: J. Mark made a motion to exit deliberative session at 8:10pm. Seconded by W. Potter. All in favor. Motion Carried.

MOTION: J. Mark made a motion to authorize the ZA to approve the permit # 7933 to Thomas & Ann Burdick as applied. Seconded by W. Potter. All in favor. Motion Carried.

J. Biasuzzi states all he has on the agenda for the next meeting is W. Bird permit. He will send out an email and see what the best date is for next meeting.

ADJOURN:

MOTION: J. Mark made a motion to Adjourn at 8:15 pm. D. Wood seconded. All in favor. Motion carried.

Respectfully

V. Waldron

Date of Approval