

**DRAFT**  
**DEVELOPMENT REVIEW BOARD MEETING & PUBLIC HEARINGS**  
**Minutes of June 5, 2018**  
**Castleton Town Offices**

**MEMBERS PRESENT:** Gordon Chader, Joseph Mark, and Robert Day    **MEMBER ABSENT:** Don Wood

**OTHERS PRESENT:** Jeffrey Biasuzzi, Zoning Administrator (ZA & interim recorder), John Schramm, Allan Biederman, Dirk VanDeusen, William Gilbert III, Tad Fyles, Theodore Kellogg, Lisa Beroud, Zoltan Horvath, and John D. Burke

The meeting was called to order at 7:00 pm by R. Day (Chairman)

R. Day asked for a Motion to approve the Meeting's Agenda. G. Chader seconded, all approved and Agenda was approved.

**NEW BUSINESS:**

All interested parties were sworn in by G. Chader.

J. Mark stated that he should be recused from participating in a Public Hearing for Application #7990/ DRB #510, by John Schramm. Mr. Mark was concerned about a possible conflict of interest as an immediate Family member was a friend. He further Moved that the Hearing be recessed and rescheduled, as a quorum was not now present to review the Application.

Attorney A. Biederman was recognized by the Chair and spoke on behalf of Mr. Schramm. Mr. Biederman asked why a Hearing was required, as Section 706 of the Castleton Zoning Regulations (CZR) adopted 2011; stated that a non-conforming structure with conforming use may be restored as existed; and implied a permit could be approved by the ZA. The ZA relayed the application's history, being submitted on a deadline, and possibly subject to Section 706 OR Section 707. Rather than chance missing a Hearing date for another month, the ZA was instructed by the Owner's Agent to proceed with warning the Application before the DRB. The ZA further noted that his review since discovered two other application issues. The Application requested a three bedroom house be built; but Lister and Health Officer Records documented the fire-destroyed structure was only permitted for two bedrooms. Finally, the fee submitted appeared to be in excess of the Town's fee schedule, and needed to be corrected. Mr. Mark withdrew his Motion to reschedule the Hearing to another date, time, and place. The Chair recommended the ZA further review the outstanding issues with this Application and report to the DRB. If Section 706 was applicable, then the DRB agreed to permit the ZA to issue a corrected application without further review. The other Board Members indicated their agreement.

**R. Day opened the Public Hearing on Application #7971/#DRB #511;** a request by Tad & Judy Fyles to remodel their existing Single Family Residence at 743 Cedar Mountain Road (parcel 34-50-06). The project involves raising the roof to height of 29 feet - 6 inches, constructing an ADA access within the prescribed side setback, and enclosing (screen) an area under an existing deck.

R. Day swore in all interested parties. The ZA introduced Theodore Kellogg, a contractor and Agent for the Owner. He described how raising the roof would allow for a bedroom reconfiguration; but no increase in the total of three bedrooms, or any increase in the exterior footprint of the structure. The Owners would prefer to have a roof system installed over the existing elevated open deck, converting this to a screen porch. However, the camp received an addition permit (#3780) on 9/4/1990, and may be restricted by Section 709 A.5 (CZR) against further expansion (the ZA is to review the 1987 Zoning Regulations, to determine if this restriction was in the 1987 CZR at time of the this permit's issue). Finally, the Owners asked to amend the request for an ADA ramp, in lieu of a lift system.

G. Chader made a Motion to close the Public Hearing, J. Mark seconded; all approved and the Hearing was closed to further testimony.

**R. Day then Re-Opened the Public Hearing for Application ##7983/DRB #509;** at the request of Lisa Beroud (Owner) thru her Agent (Z. Horvath) to change the use of the former church to a Single Family Residence (SFR) at 2445 VT Rt. 30n (Parcel 36-50-9). Interested Parties were sworn in.

J. Mark discussed the lack of a quorum as D. Wood was absent. To allow all DRB Members present to participate in a decision, the Applicant's Attorney, J.D. Burke proposed describing the project from the beginning, re-presenting the information initially presented at the 4/17/2018 Public Hearing. The Members agreed to this total review of the Application.

Agent Z. Horvath described how the site's limitations restricted the area available for the structure's relocation. The project will involve moving the historic structure to a more conforming location, re-orienting the building by 90 degrees, placement on a concrete walk-out foundation, restoring and reconstructing for SFR use. A VT Waste Water Permit, the VTRANS access permit for a new driveway location, and connection to municipal sewer has been approved.

The "footprint" (area) of the structure would not change. The height of the existing structure (at ridgeline) was established by an independent engineer to be 465.1 feet above sea level; and Mr. Horvath testified that the elevation of the reconstructed structure would retain the same elevation. He believed this was all conforming to Section 709 of CZR.

J.D. Burke submitted an Affidavit from James Leamy, which documented that the foundation system under the existing structure was used in the 1960's (before current Zoning Regulations) by the Parish and the neighboring golf course for storage. He argued that the existing foundation with its history and door can be "grandfathered", and is an opportunity to permit as an up-dated version of the past use.

J.D. Burke also testified that he remembered the church as having storage underneath the first floor. He noted to the DRB that Section 709 intentionally granted the DRB "*latitude in their review and approval of applications...involving existing non-conforming structures with conforming use.*", how this project would benefit the neighborhood and the character of the Town, the betterment to the Community, and was justification for the DRB to exercise its discretion.

G. Chader wanted confirmation that the (final) elevation would be the same.

J. Mark felt Section 709 B allowed for a basement but that the rules do not refer to elevation (measured from seal level). G. Chader felt that Section 701 allowed for the same height as a condition of a permit.

J. Biasuzzi clarified that the steeple was exempt from the height restriction (per Section 1014).

J. Mark made a Motion to close the Hearing to testimony. G. Chader seconded, all approved and the Hearing was closed.

#### **OTHER BUSINESS:**

Election of Officers:

J. Mark moved to nominate R. Day as Chairman for another term. G. Chader seconded. R. Day accepted the nomination. All voted their approval.

G. Chader nominated D. Wood as vice-chairman. J. Mark seconded and All approved.

J. Mark stated he would continue to serve on the DRB for another two year term.

G. Chader stated he would continue to serve on the DRB for another one year term.

J. Biasuzzi suggested the Members contact George Pritchard to see if he would be willing to fill the current vacant position on the Board. R. Day agreed to discuss with G. Pritchard.

J. Mark recommended that the DRB should accept the Town Manager's offer (from 5/15/18 Meeting) to develop a Procedure Manual for the Board. This was met with agreement by the Members present.

The Minutes of 5/15/2018 were reviewed and two corrections were identified. The consensus was to have the ZA amend the draft Minutes and they would be reviewed again at the next Meeting.

The ZA was asked about the small deck recently constructed on the south side of the Blue Cat restaurant. J. Biasuzzi explained that it was his determination that Section 1021 B.3 applied to exempt decks and not permitted decks. Anyone in disagreement has the option to submit a formal Appeal of the ZA decision to the DRB.

#### **DELIBERATIVE SESSION:**

G. Chader moved to enter into Deliberative Session. J. Mark seconded, all approved and the ZA left the room.

The ZA was asked to return. J. Mark Moved to exit Deliberative Session and instruct the ZA to draft Decisions for the Board's review per instructions. G. Chader seconded, all approved and the Motion passed. The meeting returned to an Open format.

**For Application 7991 (Fyles)** the ZA was instructed to draft a Decision approving:

1. The raising of the roof as requested.
2. The addition of ADA access improvements (ramp or lift) within the prescribed side setback.

3. The request to approve the screen porch under the existing deck was approved. The ZA was instructed to research the history of the last addition to the non-conforming structure. If it was discovered that this addition was prior to the current Zoning restriction in Section 709 A.5; then an addition of a new roof over the existing deck (i.e. conversion to a Porch, up to 12' X 26 feet) was approved (this would then serve as the one-time expansion of the footprint allowed by Section 709).

**For Application 7983 (Beroud)** the ZA was instructed to draft a Decision approving the amended application (submitted 5/3/2018) with the stipulation that the reconstructed structure will have a maximum ridge line elevation at 465.1 feet above sea level.

**FUTURE MEETING SCHEDULE & ADJOURNMENT:**

The date for the next DRB Meeting was discussed. The ZA stated he had two commercial change of use applications, and anticipated a third soon. If a consensus could be confirmed by 6/14/18 Hearings could be warned for 6/26/2018. The members decided not to meet on 7/3/18 due to the Independence Day holiday. This meant that the most likely date for the next meeting would be Tuesday July 17, 2018 at 7:00 pm at Town Office.

J. Mark made a Motion to end the meeting; G. Chader seconded, all approved and the Motion passed. The Meeting adjourned at 9:05 pm.

Respectfully submitted by J.Biasuzzi, as interim recorder;

APPROVED: \_\_\_\_\_