

DEVELOPMENT REVIEW BOARD MEETING & PUBLIC HEARINGS

MINUTES OF September 11, 2018

CASTLETON TOWN OFFICE

MEMBERS PRESENT: R. Day, J. Mark, D. Wood

OTHERS IN ATTENDANCE: J. Rosenthal, interim ZA; See attached listing

MEETING CALLED TO ORDER by R. Day at 3:10pm.

REVIEW AND AMEND OR APPROVE AGENDA

MOTION: J. Mark made a motion to approve the agenda as written. D. Wood seconded. All in favor. Motion Carried.

REVIEW AND AMEND OR APPROVE MINUTES

MOTION: D. Wood made a motion to approve the Minutes from the August 30th meeting. J. Mark seconded. All in favor. Motion Carried.

All members agreed that one of the biggest issues is the lack of coordination between Sections, the Table of Uses, and Definitions.

J. Mark discussed his issue with the language on page 12 of the Zoning Regulations stating “any use not in the Table of Uses is prohibited”. He suggested the language be altered to allow for a one-time approval upon the recommendation of the DRB by the Planning Commission and Select Board. Discussion followed about whether or not it should be a one-time use or if the approval should somehow be made an amendment if the use were to be approved by all Boards. J. Mark also suggested adding a “Commercial in General” line to the Table of Uses which might be another way to approve businesses that were not foreseen and are not in the Table of Uses. J. Rosenthal suggested seeking guidance from the Regional Planning Commission who may have dealt with issues like this in other towns and might be able to provide some examples of how it might be dealt with to suit Castleton.

D. Wood discussed his opinion that “Change of Use” needs a definition. He also discussed what the difference between Office Building and Professional Building was and that they are in the same zones in the Table of Uses. J. Mark found the definition for Professional Office on page 55 but found the list of allowances lacking.

D. Wood suggested anything on Solar Panels be taken out since the State governs them and the Town has no say in anything about them. J. Rosenthal stated he believed after 2016 the State had given some more control to the Towns and suggested the Board seek guidance from the Regional Planning Commission before taking them out altogether.

R. Day expressed his concern with 709A5 and stated it needs to allow for new changes. It currently only allowed for one additional permit and then cannot accept and other changes. D. Wood suggested it at least allow new owners of a property one permit for changes. J. Mark suggested it be crossed out entirely and that if a lot is conforming, why should a permit not be allowed? He also brought up A3 needing to be more well stated in that there is no definition of "footprint" which makes it confusing. J. Biasuzzi stated that a footprint is normally measured by the foundation, but J. Mark found language that sounds like it includes overhang coverage i.e. cantilever structures.

G. Chader led discussion about the difference in conforming and complying and that they need to be defined more clearly.

J. Mark and D. Wood expressed concern with the language regarding basements and the definition of a basement and a walkout basement and reviewed language of revised basement definitions. J. Mark suggested height should be grandfathered in pre-zoning structures.

D. Wood suggested Garage Sales be extended to fifteen days per calendar year, rather than nine currently and that they be no more than three days in concession.

He also suggested "open storage" needs to be defined and is not in the Table of Uses. J. Biasuzzi offered to forward some language other towns use for the DRB's consideration.

The lack of Hotel, Hardware Store, and Trucking Depot in the Table of Uses was also discussed. There is a definition for a Hotel, but it is not in the Table anywhere.

The need for an allowance for a quorum to be reached telephonically was also discussed. J. Biasuzzi stated that the State Statute does allow for it. He also offered to send the language of the provision that Wallingford uses to have a more "common sense" approach to approving zoning that is not in the Table of Uses.

D. Wood discussed whether or not the Town wants to encourage residents living in a mobile home on their property. J. Biasuzzi stated that the State's rule is that if it is functional and on wheels and can be moved quickly in an emergency, they do not care.

J. Biasuzzi also suggested "temporary use" and "residential use" be more clearly defined.

J. Rosenthal discussed his recommendation that the DRB consider Multifamily Density Requirements which would restrict how many units could be allowed based on square feet of the property. He also suggested the DRB discuss garages on non-conforming lots. He also requested the Board set a date for a public hearing for two permits he has currently. R. Day stated that G. Chader needed to be taken off of the Finding of Fact. J. Rosenthal stated he would and stated he had not yet heard back from T. Fyles regarding the setback condition that was discussed at the Hearing.

J. Biasuzzi suggested the Accessory Structures should be discussed and that an Accessory Structure, such as a garage, should be allowed on a lot that does not have a Primary Structure but should be exempt from the pre-existing structure clause.

J. Mark suggested water parking be discussed. Current language does not count dock space and a provision should be added to account for dockside parking.

He also discussed Airbnb situations and the concern that houses are becoming hotels with no control by the Town. J. Biasuzzi suggested adding Boarding Houses back into the Table of Uses. He stated that most Airbnb owners have no Home Occupation Permit, avoid Fire Marshal regulations and do not pay Meals & Rooms tax so there is usually some leverage. He also suggested "Glamping" be added in some form.

J. Mark brought up Section 1104 regarding completion within two years and believes a provision should be added that could give the ZA or DRB authorization to approve an extension in certain cases such as economics or sickness. Provision B already allows a twelve-month extension based on waiting for State permits. J. Biasuzzi suggested it be contingent upon the extension application being submitted prior to the expiration of the original permit and that a limit of one extension be granted.

The next DRB Public Hearing was set for October 2nd at 7:00pm.

ADJOURN

MOTION: D. Wood made a motion to adjourn. J. Mark seconded. All in favor. Motion Carried.

DRAFT