

TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD
Tuesday, May 21, 2019 at 7:00pm
Castleton Town Hall
263 VT – 30
Bomoseen, VT 05732

PRESENT: Robert Day, Development Review Board Member; Pat Keller, Development Review Board Member; Don Wood, Development Review Board Member; John Hale, Development Review Board Member; Jonas Rosenthal, Zoning Administrator; Eliza LeBrun, Recording Secretary; Keith Knapp; Brenda Laughlin; Kenny Lenz; Joel Smith; Chirs Fretta; Ralph Fretta; Bob Woodard; Eric Splutt; Vincent Messing; Michelle Scott; Wenger Rehlen.

ABSENT: Bruce Longtin, Development Review Board Member; Joseph Mark, Development Review Board Member

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

Mr. Day led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Rosenthal made a motion to approve the Agenda. Mr. Keller seconded the motion. All were in favor, the motion passed.

APPROVE MINUTES OF APRIL 16, 2019

Mr. Keller made a motion to approve the meeting minutes of April 16, 2019. Mr. Wood seconded the motion.

The following corrections were noted:

1. Listed under those present, please remove Janet Currie and Joe Bruno as they did not attend this meeting.
2. Remove the Pledge of Allegiance as it was not said at this meeting.

Mr. Hale abstained from the vote, the remaining 3 members voted in favor and the motion passed with the corrections.

APPLICATION #8043 DRB #519 APPEAL DECISION OF ZONING ADMINISTRATOR: *Requesting to appeal the decision of the Zoning Administrator regarding setback requirements to rebuild the main structure adding covered porches on two sides and adding a single bay garage. Applicant Keith Knapp, II and Christine Knapp. Property location 20 Neshobe Canal Dr. Tax Map #39-51-32 in the Town of Castleton. Effective section of the Zoning Ordinance: Article XII Section 1213 - Appeals to the Board, Applicant.* Mr. Knapp was present to appeal the decision of the Zoning Administrator to deny his previous application. Mr. Knapp has since combined property lots #33 and #32, and lots #34 and 35. Mr. Knapp would like to remove the current house and replace it with a new house and garage. The new house and garage would also be turned on the lot. The current house is 1 story and the new house will be 2 stories. Mr. Knapp is requesting a variance to combine the two properties to build a house.

There was discussion of Right of Ways for all property owners in the shared driveway. The new side setbacks would be 14ft and the left property line would stay the same. The new building is expanding on the top and left side setbacks will stay the same, once the current building is torn down, the northwest corner of the old building will be where the corner of the garage is located instead of the house. Lot coverage would be 14%, this is 1% less than the limit.

A neighbor is concerned about the pitch of the new house as it will be turned causing water to flow off the proposed gambrel roof directly into her yard. Mr. Knapp advised he could install gutters, but this would not satisfy the neighbor. The neighbor is also concerned about the new house being year-round as the previous one was not. The neighbor is concerned that the wear and tear on the leech field and septic system would put her well and drinking water in jeopardy. Mr. Knapp stated that he had spoken to Mark Corsell regarding the septic system and was told it was functional. There was discussion on whether the Town needed to review the septic system or the State. Mr. Rosenthal will follow up. Mr. Day clarified that the Development Review Board only deals with setback issues, not septic systems.

Mr. Wood made a motion to close the hearing for application #8043 DRB #519: appeal decision of Zoning Administrator. Mr. Hale seconded the motion. All were in favor and the motion passed.

APPLICATION #8044 DRB #520: CONDITIONAL USE PERMIT AND SITE PLAN REVIEW: *to replace a 24 x 30 building with a 40 x 40 ft steel structure building (rebuild/expansion) to be located on 615 Creek Road. Applicant and Owner: Woodard Marine. Tax Map #42-50-02. Effective sections of the Zoning Ordinance: Article VI: Applications for Conditional Use and Article VIII: Site Plan Approval. Sections 802-804.*

Mr. Rosenthal explained that the requested permit was to replace current building on Mr. Woodard's property. There was some question on the fee for demolition and replacement. The discussion was whether the permit holder was charged \$0.10 per square foot for demolition and then would the permit holder pay for the replacement of the 40x40ft structure, or would they only pay for the addition (40x40ft new – 24x30 old). No decision was made.

Discussion was held regarding section 709, page 37, the expansion of a non-conforming structure. The permit design shows that the new structure would be only 5 feet from property line. This does not meet the setback requirement of 15 feet. Mr. Woodard noted that he leases the property adjacent to the property line in questions, however, as the property is not owned by him, it cannot be considered. Mr. Woodard stated that he could not move the location of the building due to the need for a large parking lot for customers to turn boats and trailers around. The new structure would house the forklifts and tractors during the winter and new boats in the summer. Mr. Hale noted that by bringing the new structure out to meet the 5ft old building, it is against regulation. Mr. Day explained that in order to get a permit, something must change. Mr. Woodard chose to keep the permit as it is now.

Mr. Hale made a motion to close the hearing for application #8044 DRB #520: conditional use permit and site plan review. Mr. Keller seconded the motion. All were in favor and the motion passed.

APPLICATION #8046 DRB #521: CONDITIONAL USE PERMIT FOR RETAIL BAKERY AND SITE PLAN REVIEW (FORMER CASTLETON DISCOUNT BEVERAGE). *No change in structure size. Property is located at 596 Main Street. Tax Map #45-50-26: Property Owner – John and Pamela Rehlen. Effective sections of the Zoning Ordinance: Article IV: Application for Conditional Use and Article VIII: Site Plan Approval: Sections: 802-804 and Section 602 parking space requirements.* Mr. Day swore in Wenger Rehlen for the purpose of answering questions for this permit. This permit is necessary as it is a change of use for the building. Mr. Day verified that the new business would only be using 30% of the current building. There is no long-

term parking anticipated, there will only be approximately 8 seats in the building as previously discussed. As per regulations, 1 parking space is required for every 3 customers, therefore, 3 parking space would be needed. There does appear to be adequate parking in front of the business, beside the business and behind the business.

Mr. Hale made a motion to close the hearing for application #8046 DRB #521: permit for retail bakery and site plan review. Mr. Keller seconded the motion. All were in favor and the motion passed.

CITIZEN'S COMMENTS

There were no citizen's comments.

NEW BUSINESS

Mr. Smith approached the DRB with a question regarding rear setback requirements for lean-tos. Mr. Smith would like to park his boat behind his garage and would like to put a rook overhang up to cover it. The overhang would only be about 10ft from the property line. Mr. Smith is trying to determine if it makes sense to pay \$300-\$400 for the permit on a \$600 extension, if the DRB will not approve it.

Mr. Wood explained that if the overhang is attached to the building which was a permanent structure, it would need to meet the setback requirements. If Mr. Smith were to put up a free-standing structure, there would be other setback requirements. A carport is considered a permanent structure, therefore would have to meet the setback requirements. However, a portable cover would be ok.

Mr. Fretta has a question regarding his property at the former Luxury Homes location. Mr. Fretta knows that the property is in a flood zone and would like to know what would be the fee would be if he were to take down the current storage units, replace the existing concrete foundation to raise the units above the flood plane and then to replace the storage units. Mr. Rosenthal stated that Mr. Fretta may be subject to demolition fees. There was question regarding some of the fees for change of use and rezoning as it appears there were some differences in charges in the past. The Development Review Board Chair clarified that the DRB do not set the fees, that is up to the Select Board. Mr. Rosenthal will review the old construction permit to determine if it is necessary for a new permit.

Mr. Rosenthal will check the notice requirements for DRB hearings as a resident did not receive a new map specific to the Appeal of Permit #8043 DRB #519. Mr. Rosenthal believes that he was only required to provide notice of the meeting, not all documentation as it was available in the Town Office.

Mr. Day asked if in the future it could be added to the permits whether the applicant has paid their fees and what zone the requested permit is in.

ADJOURN

Mr. Wood made a motion to enter the Deliberative Session at 8:45p.m. Mr. Keller seconded the motion. All were in favor and the motion passed.

Mr. Wood made a motion to exit Deliberative Session at 9:35pm. Mr. Keller seconded the motion. All were in favor and the motion passed.

DECISIONS

Regarding APPLICATION #8043 DRB #519 APPEAL DECISION OF ZONING ADMINISTRATOR: Requesting to appeal the decision of the Zoning Administrator regarding setback requirements to rebuild the main structure adding covered porches on two sides and adding a single bay garage. Applicant Keith Knapp, II and Christine Knapp. Property location 20 Neshobe Canal Dr. Tax Map #39-51-32 in the Town of Castleton. Effective section of the Zoning Ordinance: Article XII Section 1213 - Appeals to the Board, Applicant; Mr. Wood made a motion to deny the application because of setbacks. Mr. Keller seconded the motion. All were in favor and the motion passed.

Regarding APPLICATION #8044 DRB #520: CONDITIONAL USE PERMIT AND SITE PLAN REVIEW: to replace a 24 x 30 building with a 40 x 40 ft steel structure building (rebuild/expansion) to be located on 615 Creek Road. Applicant and Owner: Woodard Marine. Tax Map #42-50-02. Effective sections of the Zoning Ordinance: Article VI: Applications for Conditional Use and Article VIII: Site Plan Approval. Sections 802-804; Mr. Wood made a motion to suspend deliberations and suggest to the applicant to make an amendment to the application to remove the last five feet of encroachment toward the north property line, lacking that amendment, the application as presented will be denied. Mr. Keller seconded the motion. All were in favor and the motion passed.

Regarding APPLICATION #8046 DRB #521: CONDITIONAL USE PERMIT FOR RETAIL BAKERY AND SITE PLAN REVIEW (FORMER CASTLETON DISCOUNT BEVERAGE). No change in structure size. Property is located at 596 Main Street. Tax Map #45-50-26: Property Owner – John and Pamela Rehlen. Effective sections of the Zoning Ordinance: Article IV: Application for Conditional Use and Article VIII: Site Plan Approval: Sections: 802-804 and Section 602 parking space requirements; Mr. Wood made a motion to approve application #8046 DRB #521. Mr. Keller seconded the motion. All were in favor and the motion carried.

ADJOURN

Mr. Wood made a motion to adjourn the Development Review Board Meeting. Mr. Keller seconded the motion. All were in favor and the motion passed.

Respectfully submitted; Eliza LeBrun, Recording Secretary