

**TOWN OF CASTLETON
DRAFT
CASTLETON DEVELOPMENT REVIEW BOARD
MEETING MINUTES
Tuesday, July 7th, 2020**

PRESENT: Bruce Longtin Chairman elect, Don Wood, Joe Mark, Pat Keller, Jonas Rosenthal Zoning Administrator, and Laura Sargent recording Secretary

Others Present: William Meub (attorney for the Whipples), Lloyd Whipple (Appellant); Candace McMahon, Piper Strong (Applicant), Ben Strong, Ian Strong, Mike Hazlett, Tom O'Brien and Nancy Mark (all via ZOOM).

CALL MEETING TO ORDER:

The meeting was called to order by Don Wood at 7:05 P.M.

APPROVAL OF AGENDA:

Pat Keller made a motion to approve the agenda. Joe Mark seconded the motion. Motion carried.

ELECTION OF OFFICE: CHAIRMAN AND VICE CHAIRMAN:

Joe Mark made a motion to nominate Bruce Longtin as Chairman. Pat Keller seconded the motion. All were in favor and the motion passed. Bruce Longtin took over as Chair from Don Wood.

Joe Mark made a motion to elect Don Wood as Vice Chair. Pat Keller seconded the motion. All were in favor and the motion passed.

MINUTES FOR APPROVAL:

Pat Keller made a motion to approve the DRB minutes of June 16, 2020. Joe Mark seconded the motion. All were in favor of the motion. Motion passed.

Appeal from Amy and Lloyd Whipple of Permit # 8099 issued to Piper Strong.

In the opening of the appeal hearing, Bruce Longtin presented guidelines for participation.

Bruce Longtin swore in the following witnesses: Mike Hazlett, Lloyd Whipple, Tom O'Brien, William Meub (Attorney for Whipple), Piper Strong (Applicant), Candace McMahon, Ben Strong, Ian Strong and Jonas Rosenthal, Zoning Administrator.

William Meub (Attorney for Whipple), presented arguments and issues in writing dated July 7th, 2020. Mr. Meub felt the application for permit # 8099 was deficient and that Piper Strong was using the premises for light manufacturing and as a business. Included with the written statements were 8 photographs that he would have his client explain in detail to the Board.

Lloyd Whipple explained the 8 photographs and submitted a written statement dated May 16th, 2020. Lloyd Whipple stated a business sign is displayed and a fence had been erected that prevented their line of sight coming out of their driveway. There are excessive

fumes and noise coming from the adjoining property of Piper Strong due to metal fabrication and his peace and privacy has dissipated since May 15th, 2020.

Mike Hazlett stated he has never seen an acetylene torch only an air torch, Mr. Hazlett stated he helped erect the privacy fence and this should help Lloyd Whipple's concerns over privacy. The first post in his opinion may be in the towns right away and Piper was willing to remove it.

Ben Strong testified on the gases that were being used and that art has always been a factor in Piper's life and was her primary income. The fence was only erected due to the lack of privacy of Piper Strong had from the Whipple's.

Piper Strong testified that she feels that she has been harassed by the Whipple's and this all started over the driveway rights. Ms. Strong stated that the property was surveyed by the Church and that the survey was filed and recorded in the Town Clerk's Office. The survey showed that the driveway was on her property and there was no existing right away for the Whipple's. The art she makes at her home is not her source of income and that it is her hobby and it is not manufacturing. The fence is or will be 6ft in height and was installed to give her privacy from being photographed and videotaped by the Whipple's. Ms. Strong stated that the Church is her home and she wants the harassment to stop. She mentioned that there are spotlights being shined into her window.

Lloyd Whipple denied there being spotlights and that it was garage lights that are motion activated. Mr. Keller asked Mr. Rosenthal if the fence was stopped in a timely manner.

Mr. Rosenthal stated that he mailed a notice to Ms. Strong and explained there was confusion on the address and although it was sent to her old address and her new physical address, both were returned many days later. Ms. Piper provided the new address as a PO Box after he called her but was unsure as to when the letter was received.

Ian Strong testified that he helped erect the fence and was witness to the harassment by the Whipple's toward Piper Strong. Ian Strong also stated that most of Piper Strong's art is done by hand or with an oxygen torch.

Bruce Longtin explained how the process works. The Board would go into Deliberative Session, the Board has up to 45 days to have their decision in writing and Mr. Rosenthal will send a copy to each party.

Jonas Rosenthal clarified that there are no local permits needed for the existing driveway access but was needed by the State (Agency of Transportation) for a new access because it is a State highway and no permits were needed for a fence 6ft in height and under.

Don Wood made a motion to close the hearing. Pat Keller seconded the motion. All were in favor and the motion passed.

OLD BUSINESS: None at this time.

BOARD COMMENTS:

Mr. Wood asked that Finding of Facts, Conclusion Law & Order on application # 8091 DRB # 528 to have Robert Day (former Chairman) taken off the signature page or to have Bruce cross it out and add his. Mr. Rosenthal said either would be fine or he could take care of it. Mr. Mark motioned to move New Business prior to Old Business. Mr. Wood seconded the motion. All in favor of the motion. Motion carried.

NEW BUSINESS: The Castleton Town Library:

Joe Mark recused himself to participate as a citizen of Castleton.

Pat Keller recused himself to participate as a citizen of Castleton.

Jonas Rosenthal sent an email out to all members of the Board regarding the Library project. Mr. Wood read the email about the Handicapped Accessible issues. The Library received 8 different plans from the architect and narrowed the project down to 2 plans. They were presented to the Board as **plan Z1f** proposed access to the left side of the building to house an elevator or lift that encroaches on school property. **Plan Z1h** proposes access in the rear of the Library to house an elevator or lift which will require more sight work and storm drainage improvements. **Plan Z1** shows the existing footprint of the building and currently does not meet side (15 ft.) or rear yard (40 ft.) setbacks.

Architect Tom O'Brien stated there was no preference for the location at this time but the State Division for Historical Preservation may have a preference to meet certain Historic Preservation guidelines.

The Castleton Library project will be carried over to the July 23rd meeting as long as:

- 1) The Library has at that time submitted a variance application; and
- 2) there is an appointment for the empty seat on the DRB.

Joe Mark made a motion to go into Deliberative Session at 9:20 P.M. Don Wood seconded the motion. All were in favor of the motion and the motion passed.

Mr. Wood moved to leave Deliberative Session at 9:32 P.M. Mr. Longtin seconded the motion. All were in favor of the motion and the motion passed.

Joe Mark made a motion to deny the appeal of permit # 8099, to convert a church into a single-family dwelling, with the following conditions:

- 1) Any part of the fence that protrudes in or plans to protrude on the State Highway right of way be removed or not be built.
- 2) The sign be removed.
- 3) All creations of sculptures for commercial purposes at this property cease and desist.

Mr. Wood seconded the motion. All were in favor of the motion and the motion passed.

Joe Mark made a motion to adjourn the meeting at 9:38 P.M. Pat Keller seconded the motion. All were in favor and the motion passed.