

**TOWN OF CASTLETON  
DEVELOPMENT REVIEW BOARD  
Tuesday, March 2, 2021 at 7:00pm  
Zoom Web Meeting**

**PRESENT:** Bruce Longtin, Development Review Board Chair; Dan Forcier, Development Review Board Member; Pat Keller, Development Review Board Member; Sean Steves, Development Review Board Member; Don Wood, Development Review Board Member; Jonas Rosenthal, Zoning Administrator; Michael Jones, Town Manager; Eliza LeBrun, Recording Secretary; Ed O'Neil; Zak Hale; Jon Hale; Patty Ryan; Dianna Ryan-Rose

**CALL MEETING TO ORDER**

The meeting was called to order by Mr. Longtin at 7:03pm.

**APPROVAL OF AGENDA**

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

**APPROVE MEETING MINUTES & DECISIONS OF JANUARY 5, 2021**

**Mr. Keller made a motion to approve the Minutes. Mr. Forcier seconded the motion.**

The following corrections were noted:

- In Permit # 8137, the banner needs to be removed.
- On the decision of Donna Ryan-Rose's Permit #8136, under conclusions of law, item #3 should read "right side."

**All were in favor of the Minutes as corrected, the motion passed.**

**APPLICATION #8139: Permit for to rebuild a single-family residence (tear down and rebuild).** *Effective section of the Zoning Ordinance: Article VII – Nonconforming Structures – Section 709 Expansion of a non-conforming structure with a conforming use. Owner and applicant Edward & Marcia O'Neill. Property located at 283 Hart Tower Drive.*

Development Review Board Chair, Bruce Longtin swore in Zoning Administrator Jonas Rosenthal, applicant Ed O'Neill and resident Diane Esposito prior to giving testimony on Application #8139.

~~Mr. Rosenthal explained that the application is on a pre-existing non-conforming lot. The current house/mobile home is not on the property, the existing house located 6 feet from the left side property line. The applicant is proposing to slide the house back, going from 6 feet to 9 feet on the left hand side and to expand the building less than 50%. Which is not moving any closer than 15 feet to the property line on the right hand side, which addresses section 709, b and c.~~ Mr. Rosenthal explained that the application is on a pre-existing non-conforming lot. The current house/mobile home is partially overlapping the applicant's neighbor's property. The applicant is proposing to slide the house off of his neighbor's property, and to expand the building less than 50%.

Mr. O'Neill shared that he is trying to move the lakeside from 6 feet to 9 feet. This will allow for a better grade from the new home to the property line. The current septic system goes into the Town sewer. There is also a well on the property. The property is divided by a power line that dead-ends at the lake side

neighbor's house. Mr. O'Neill stated that the goal is to run underground lines to the neighbor's house and his house from a telephone pole on the neighbor's property.

Mr. O'Neill has contacted engineers from Enman Kesselring Engineering and they have completed a site visit and will stake out the house once approval is received. This firm is also handling the Shoreline Protection application for Mr. O'Neill. This property is exempt from the federal flood hazard area as it is above the 100 year mark.

Mr. Longtin noted that the lister's card stated that the property is 48 feet by 12 feet, but the map Mr. O'Neill provided says 50 feet. Mr. O'Neill said that he has not measured the property yet.

Development Review Board Member, Don Wood asked where the buried power line would be on the map. Mr. O'Neill explained that the buried line would follow his neighbor, Mr. Cook's driveway and turn left to "kiddy corner" across the lot to the neighbor's house.

Mr. Wood asked for clarification as the drawings refer to the property as Lot 32, but the lister's card refers to it as Lot 9. Mr. O'Neill explained that the map with Lot #32 was from the original survey done in the 1950's, he is unsure where Lot 9 comes from. Mr. Wood also noted the lister's card stated the property was 0.4 acres (17,000 square feet), but Mr. O'Neill's diagram shows 8,336 square feet. Mr. O'Neill stated that his diagram is a survey map so he believes that the lister's card is wrong. Mr. Rosenthal acknowledged that there could have been a survey done in the late 80's that was not ~~filed~~ filed, but he was unsure.

Mr. O'Neill's neighbor, Diane Esposito addressed the power line placement. From the diagram it appears that by running the power lines underground and having them terminate at the pole on Mr. Cook's property, a second guide wire would be needed to anchor the pole. This second anchor would be placed in such a way as to impede Mrs. Esposito's view of the lake from her picture window. Mrs. Esposito provided a picture showing where the second guide wire has been staked by the power company. Mrs. Esposito also noted that the location will impede their parking in that area. Mrs. Esposito has no issue with the house being built, only the moving of the guide wire on the pole.

Mr. Wood asked why the power lines were being placed under ground. Mr. O'Neill stated that he cannot build the house where the power lines are now, he would need to be 25 feet from the wires.

Mr. Longtin asked about the footprint calculation. Discussion was had as to whether or not the deck was part of the original footprint as shown on the lister's card. It was determined that the maximum square footage of the structure could be 984 square feet, allowing for an addition of 90 square feet.

**Mr. Wood made a motion to close the hearing. Mr. Keller seconded the motion. All were in favor and the hearing closed.**

#### **OLD BUSINESS**

**Donna Ryan Rose application and decision for Permit #8136.** Jonas Rosenthal noted that a correction under Conclusions of Law needed to be amended. Mr. Rosenthal stated the left side two times. Numer 3 should be "right side" yard setback will be 15 feet.

The applicant presented additional information regarding dry well locations and information about the structures and a site plan showing the distances mentioned in the decision.

## **NEW BUSINESS**

Zak and Jon Hale from Hale Resources were present to discuss the site location map to discuss before moving forward with a full application for a proposed Senior housing facility. The proposed project was discussed with respect to building height, building location, building screening and site visibility. The Hales were seeking guidance before further site plans could be developed.

## **DELIBERATIVE SESSION**

**Mr. Keller made a motion to enter Deliberative Session at 8:15 p.m. Mr. Steves seconded the motion. All were in favor and the motion passed.**

The public did exit the meeting and the Development Review Board entered Deliberative Session.

**Mr. Keller made a motion to exit Deliberative Session. Mr. Forcier seconded the motion. All were in favor and the motion passed.**

## **DECISIONS**

**Mr. Wood made the motion to approve Application #8139 to rebuild a single family residence, with the following stipulations:**

- **Total square footage cannot exceed 864 square feet for the building,**
- **Side set back on the Cook side can be no less than 6 feet,**
- **Side set back on the Esposito side can be no less than 15 feet.**

**Mr. Forcier seconded the vote. All were in favor and the motion was approved.**

Development Review Board member, Patrick Keller asked if Mr. Rosenthal could speak with the new childcare center to see a parking plan with entrances and exits as well as their plan for a yard or playground and fencing. Mr. Keller also asked for clarification on the entrance to the building as it is unclear.

Development Review Board Member, Daniel Forcier noted that the site plan was written on graph paper in pen and pencil and previously the Board had not allowed that.

## **ADJOURN**

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

Respectfully submitted; Eliza LeBrun, Recording Secretary