

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
MINUTES OF APRIL 16, 2015
TOWN OFFICES**

MEMBERS PRESENT: J. Mark, J. Hale, G. Pritchard R. Day

MEMBERS ABSENT: G. Chader

OTHERS PRESENT: J. Biasuzzi, Zoning Administrator, see attached list

The meeting was called to order at 7:00pm by Chairman, G. Pritchard

All parties for both applicants were sworn in by G. Pritchard

NEW BUSINESS

APPLICANT: Lucas, Robert & Jennifer (McKernon Group, Agents), 2723 Rte. 30 N, Castleton- Request to remove existing residential structure and build a new residential Non-conforming structure on a Pre-existing non-conforming lot.

J. Biasuzzi began by explaining that the existing house is part of the old Cedar Grove parcel. It sits on ¼ acre and covers 14.5% of the lot. The existing house will be removed and the new house will reduce the lot coverage to 13%. The new house will fit within the same footprint of the old house. It will also reduce the non-conformity of the lot.

J. Cameron (McKernon Group) presented the Board with a large map showing old footprint and new footprint.

J. Hale asked about the garage. J. Cameron replied that they are currently only thinking about a garage. It most likely will only be a storage shed, 12 X 18, and is not part of this permit. It would be on the north side of the property.

E. Carlyle asked what the current zoning is in that area. G. Pritchard noted that the new structure will be less non-conforming than existing structure is.

J. Biasuzzi noted that it is zoned as Recreational/Commercial. That property is "grandfathered" as long as new structure is within the same footprint of the existing structure.

E. Carlyle asked what the set back is from their property on the Southside. G. Pritchard stated it will be 10 ft.

E. Carlyle asked what the height of the new structure will be. J. Cameron replied that it will be 32 feet high, which is 3 feet less than existing structure.

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E. Carlyle asked about the handling of any potential hazardous materials during the taking down of the existing structure. J. Cameron replied that any hazardous materials would be handled by the subcontractor before any demolition started.

L. Carlyle asked about how any negative impact to their well would be handled. J. Cameron replied that they would not do any unnecessary excavation, and the he felt it was very difficult to say, as their home is 100 years old. He stated that any damage would be probably handled between their insurance and the homeowner's insurance company.

MOTION: J. Mark made a motion to close the hearing. Seconded by J. Hale. All in favor. Motion Carried.

OTHER BUSINESS

REVIEW OF THE CONDITIONAL USE PERIT #7444 DATED 9/25/2009, ISSUED TO DAN AMRICK FOR A RETAIL SPORTING GOODS AND RETAIL FIREARMS SALES ON PROPERTY LOCATED AT 1114 RTE 30 NORTH. THIS REQUEST BY THE SELECT BOARD IN RESPONSE TO COMPLAINTS BY NEIGHBORS OF DISCHARGE OF FIREARMS ON MULTIPLE OCCASIONS.

G. Pritchard swore all interested parties in.

G. Pritchard asked for statements from the concerned property owners.

J. Bruno stated that the "conditional use" permit granted in 2009 supported a shop and that there is no evidence of a sporting good shop on the property. There is shooting that started at 8:20am on a Sunday and continued for over an hour. He drove to the property and saw 3 men shooting out back. He noted a vehicle with Massachusetts plates and saw 2 AR15's and 1 shotgun. The men stopped when they saw him and went into a house. There has been non-stop shooting since the permit was issued. He also noted that there were conditions with permit to post signs that say: "no sale of ammunition" & "no shooting of guns". There were no signs like this noted on the property.

D. Amrick states that the claims are overly exaggerated. There are no customers shooting in the area. I do occasionally shoot.

J. Mark remarked that the permit states there are to be NO SHOOTING at all, NO DISCHARGE of firearms at the property.

P. Amrick replied she feels that the No Shooting & No sales only relates to the business.

R. Lewis noted that he has heard a tremendous amount of discharges at 9:30 in the evenings. He is a veteran and knows the difference between automatic and semi – automatic weapons.

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J. Mahoney states he went on the website and did see a “try before you buy” note.

D. Amrick states that was on Facebook, not his website.

J. Mahoney stated that his horses are rearing up during gunfire. It did happen all Labor Day weekend last year.

K. Watrous stated he lives across the street and has no boundary dispute. He relays that the shooting is constant, all night and all weekend long. There was one explosion that was heard and felt as far as Hubbardton.

K. Lens stated that he shoots whenever he wants, about 10- 15,000 rounds a year.

D. Amrick stated that other people are shooting. There is no shooting coming from his property. He states that the conditional use permit is only for his business property not the rest of his property.

J. Bruno noted that his property is a contiguous piece of land.

J. Murray states he is a customer of Mr. Amrick’s and is a competitive shooter. He is a member of a private range in W. Rutland. He has not ever shot at Mr. Amrick’s.

J. Mark stated that this informational session is about revoking Mr. Amrick’s permit.

D. Amrick states he is taking steps and has set up a surveillance system to see who is shooting.

P. Amrick would like anyone to call the Police “if” they hear any shooting.

G. Pritchard stated that “NO SHOOTING” signs need to be put up. D. Amrick stated he has put up “No Trespassing” signs.

J. Mark replied to P. Amrick’s comment about “IF” they hear shooting, because she previously stated there was NO shooting taking place on the property.

G. Pritchard asked if Mr. Amrick lived on the property. D. Amrick replied “I travel a lot and am not there”.

J. Bruno was concerned about the open access from the road to the property, that there was nothing to discourage travel into the property.

B. Boss asked what was in the building that is on the property. He asked if anyone had been up there to see if this is what is actually there.

J. Biasuzzi stated it was zoned for 2 – 2 bedroom apartments and 1 shop.

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J. Mark wants Mr. Amrick to notify his customers of the new policy. He states he must have a database of former customers that he can contract.

J. Hale asked Mr. Amrick if would supply everyone with his phone number so that if there was any shooting, he can be called along with the Police.

G. Pritchard did present to the meeting a list of Police calls regarding shooting at the property.

D. Amrick stated his number is 802-779-6854. He also stated he would post the property with NO SHOOTING signs and possibly a gate at the entrance.

J. Biasuzzi informed D. Amrick that there are two legal ways to post the property, civil & criminal. When the property is posted criminally, it allows the Police to go onto the property. You have to post in a certain way, the corners of the property and every 400 ft., register with the Town Clerk and with the Fish & Game.

J. Bruno asked what happens if the shooting continues. J. Mark stated that the Board can set another meeting. He stated that the Board will send Mr. Amrick a formal letter stating what the Board expects Mr. Amrick to complete:

1) Discontinue shooting; 2) legally post property; 3) NO SHOOTING signs, affected parties will notify Mr. Amrick and Police of any and all shooting; 4) Mr. Amrick will notify his customer base about new policies

MINUTES FOR APPROVAL – FEBRUARY 5, 2015

MOTION: J. Mark made a motion to accept the minutes of the Feb. 5, 2015 meeting. Seconded by J. Hale. VOTE: All in favor. Motion carried.

DELIBERATIVE SESSION

MOTION: J. Hale made a motion to enter Deliberative Session at 8:45PM. B. Day seconded. All in favor. Motion carried.

MOTION: J. Mark made a motion to exit Deliberative Session. B. Day seconded. All in favor. Motion carried.

ADJOURN:

B. Day made a motion to adjourn at 8:50PM. Seconded by J. Mark. All in favor. Motion carried.

Respectfully submitted

Val Waldron

Date of Approval