

Reconsideration of Permit 8177 — Sand Hill Road Project

DRB Meeting 10/25/22
Katy Culp

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Reconsideration of Permit 8177 Sand Hill Road Project

- New Evidence
 - Sand Hill Project Timeline & Supporting Documents
 - Conflict of Interest Pressures on DRB Members
 - Decreased Property Values
 - Letter (new & old) 46 Signatures
- Findings of Fact, Conclusions of Law, and Decision
 - Conclusions 11 and 12; Condition 4B (New evidence; Video)
- Final Thought

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New Evidence -

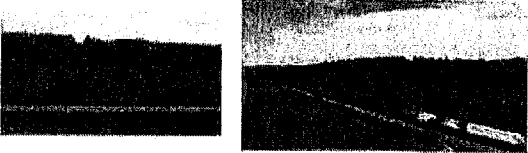
Timeline – Sand Hill Project conception to November 2021 with supporting documents.

- Questioning the legality of the Zoning Ordinance changes that were initiated immediately after the Purchase and Sale Agreement between the Town of Castleton and Hale & Hale.
- I (we) don't have expensive lawyers to find existing case law that supports or prevents towns working directly with developers to change town zoning, or even specific parts of zoning regulations to fit a developers project (in this case the addition of PUD's and then the height waiver), but it all feels really wrong.
- We ask the DRB to consult with their legal counsel to review the timeline and source documents we submit tonight. Is this normal legal practice? We truly don't know, but again... it feels very wrong.
- We will be looking more closely at this for the following reason....

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New Evidence: Decreased Property Values

- Listed at Market Value - \$86,000 (adjusting for inflation)
- Potential buyers informed of the 99-Unit building.
- Withdrew \$50,000 offer (45% decrease in market value)



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New Evidence: Decreased Property Values

- 4/7/21 I had inquired to Zak Hale about the impact of this project on Sand Hill Road property values.
- 10/21/2021 Email from Zak Hale

"As an accountant and a real estate professional, my only comment is that a Fair Market Value for anything is determined by a willing buyer and a seller. With that said, I think there is an argument to be made that this facility could both increase and decrease the amount of willing buyers and sellers."

Brenda's experience has proven this project will DECREASE property values.

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New Evidence: Conflict of Interest Pressures Put on DRB Members

- 7/8/2020 – Conflict of Interest Policy adopted by Castleton Select Board
- 7/20/21 DRB Meeting Minutes – "The Conflict of Interest Policy was added to the Agenda."
- 10/5/21 – Email from Town Manager Mike Jones to DRB Member living on Sand Hill Road; cc'd to Zoning Administrator, Dick Combs (Select Board Member)(obtained through FOI Act)... again is this normal? Feels VERY wrong.

NOTE: I added this due to Town Manager's comments at Select Board meeting 10/24/22 implying they are biased against the project.
(DRB member currently serving on SB and PC in full support of this project is also a conflict of interest issue.)

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New (and old) Evidence: 46 Signatures

Letter Titled: Some Reasons Why Many Residents of Sand Hill Road, Suncrest Terrace, Blue Cat Lane, and Main Street Oppose Hale and Hale's Senior Living Facility on Sand Hill Road

4 main points presented:

1. Too big and too tall.
 2. Zoning changes during pandemic.
 3. Too much traffic.
 4. Fragile pipe lines.
- 46 Signatures

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Findings of Fact, Conclusion of Law, and Decision:
Conclusion 11 & 12 & 15 & 25, Condition 48

- Conclusion 11: "the purpose of the PUD is to enable and encourage flexibility and development of land in such manner as to promote the most efficient and appropriate use of the site while preserving the rural character of the town and avoiding fragmentation of important resources such as farmland, wildlife habitat, wetlands and other natural features."
- Conclusion 12: The DRB concludes that the proposed Project, as modified by the conditions herein, satisfies this standard. The DRB addresses "avoiding fragmentation of important resources such as wildlife habitat, other natural features" by requiring Applicant to maintain an existing wildlife corridor and forested area on the property, as set forth in Paragraph 48.
- Conclusion 15: Having heard testimony and considered and received evidence from area residents, the DRB concludes that the proposed development may affect the character of the adjacent properties, and imposes conditions accordingly, as set forth herein.

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Findings of Fact, Conclusion of Law, and Decision:
Conclusion 11 & 12 & 15 & 25, Condition 48

Conclusion 25: The DRB finds the proposed conditional use, as modified stated herein, shall not result in an undue adverse effect on any of the following:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan;
- C. Traffic on roads and highways;
- D. Use of renewable energy resources; and
- E. Bylaws and ordinances in effect.

Paragraph (Condition) 48 – basically have trees in front of property and maintain other existing vegetation and trees.

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Findings of Fact, Conclusion of Law, and Decision:
Conclusion 11 & 12 & 15 & 25, Condition 48



"...may affect the character of the adjacent properties."

New Evidence: Video Berlin vs Castleton

A tree line and maintaining existing vegetation and trees is NOT enough to preserve "the rural character of the town and avoiding fragmentation of important resources such as farmland, wildlife habitat, wetlands and other natural features."

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Final Thought: The Role of the DRB

Zoning Ordinance: Section 102, page 9.

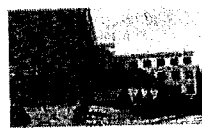
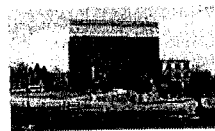
• This section states in significant part:

"It is intended that the standards and policies established by the Zoning Regulations reflect and express a sense of community values toward Castleton's environment including the value of aesthetics and congruous arrangement for the conduct of farming, trade, industry, residence, and other uses of land necessary to the community's well-being in so far as such values are related to the objectives of the adopted Town Plan."

- The DRB exists to make aesthetic judgments as well as judgments about adherence to zoning rules.
- In fact, it is your duty to consider BOTH.
- The DRB is NOT a ZONING Board. Zoning Regs are NOT your only consideration in approving or disapproving Permits put before you.
- The DRB is to consider "farming, trade, industry, residence, ... Town Plan."
- In fact – the DRB can simply say, "No. This project just does not fit our Town."

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This building does NOT belong on Sand Hill Road



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NEW EVIDENCE

Castleton Select Board (SB); Development Review Board (DRB); Planning Commission (PC)
Meeting Agenda and Minutes Timeline - & Other documents

Sand Hill Project Timeline + Supporting Documents

Everything below has been directly taken from source documents and those documents are attached to this timeline. Note: After 10/5/21 DRB Meeting, I printed agendas and meeting minutes from SB, PC and DRB. Some minutes were posted and some were not; then when I looked again in April 2022 minutes were posted. You will see some of my hand-written notes on top indicating this. Also Note: Most documents in here are not clean; meaning they have my notes along the way on them. I apologize for this. No time to print clean! I only go through November 2021.

June 2017 – project first discussed in brand-new Town Office Building (Zak Hale, 4/25/2022 Due Diligence Extension Request)

11/23/20 – Signed Purchase and Sale Agreement Hale&Hale and Town of Castleton

12/8/2020 – Planning Commission (DRAFT) minutes (NOT posted in Oct '21; was posted by May '22)
Bob Franzoni turned over to Jonas Rosenthal to discuss subdivision and zoning ordinance regulations.

1. Jonas handed out a new document that is to replace our old zoning ordinance document.
2. Jonas discussed a zoning change and passed out a document that was a Commercial and Industrial Market analysis that was done in 2014 for Castleton and talked about a contract that was recently signed in which housing zoning changes must be made.
3. Jonas shared that we need to adopt zoning regulations that give rules on Planned Unit Development Standards and Planned Residential Development Standards. Castleton does not have any rules currently.
4. Jonas passed out examples of such standards from the towns of Berlin and Sunderland. Our duties are to read through the documents and highlight the ideas that we like and give them to Jonas.
5. Jonas brought our attention to the draft document dated 11/25/20 that we all received. It has the new Subdivision Regulations in it. These are updates that have been changed from the document from 1986. We will be going over these new possible amendments on Dec. 15 with the DRB. Their meeting begins at 7:00 PM via Zoom.

NOTE: a copy of the Berlin Land Use and Development Regulations were distributed to the PC members

12/15/2020 – DRB (DRAFT) minutes

Page 2

Subdivision Bylaws Review: Copies of the Subdivision Bylaws were distributed (mailed several weeks ago). Ed Bove was present for the DRB to answer any questions and to explain that the Planning Commission was working on this section of the Unified Bylaws at this time. The current Subdivision Bylaws were adopted in 1986. The DRB wished to move this item to the next meeting. The date of the next meeting will be January 5, 2021 to review the Subdivision Bylaws and to consider the Donna Ryan – Rose Zoning Application.

12/22/2020 – Planning Commission (DRAFT) minutes (Not posted in Oct '21; was posted by May '22)
Bob Franzoni turned the meeting over to Jonas Rosenthal to continue our review of subdivision and PUD (Planned Unit Development) regulations.

1. Jonas reviewed some of the Planning Commission's recommendations for PUD's that he had received. Some questions that came up were: What zones should include PUD's?; Should there be a minimum lot size?
2. Jonas let the group know that there will to be three hearing for the new subdivision project that is proposed for the town's Sand Hill property. It was decided that the first hearing would be on Jan. 26 (but was later updated to Thursday, Jan 14 at 6:00 PM).

Castleton Select Board (SB); Development Review Board (DRB); Planning Commission (PC)
Meeting Agenda and Minutes Timeline - & Other documents

1/14/2021 – Notice of Public Hearing Castleton Planning Commission (Not posted in Oct '21; was posted by May '22)

The purpose of the Hearing is to amend the Town of Castleton Zoning Regulations (Bylaws).
The geographic area affected include all areas of Castleton.

Proposal Zoning Bylaw changes – Table of Contents:
Section 204: Application of Regulations – E and H.
Article 111: Table of Uses – Planned Unit Development
Section 417: Flood Hazard Area and River Corridors

1/14/2021 – Planning Commission (DRAFT) minutes (Not posted in Oct '21; was posted by May '22)
The purpose of the Hearing was to consider for approval Zoning Amendments to the Zoning Ordinance of 2013.

The purpose of the Hearing is to amend the Town of Castleton Zoning Regulations (Bylaws). The geographic area affected include all areas of Castleton.

***No community members present.

1/26/2021 – Planning Commission minutes

Joe Bruno turned the meeting over to Jonas Rosenthal to continue our review of the subdivision and PUD (Planned Unit Development) regulations.

1. Ed Bove discussed section 1606 about subdivisions general standards and design requirements...
4. How are PUD's different from subdivisions? PUD should provide flexibility. There are many subdivision requirements.
(much more in minutes)

2/9/21 – PC (DRAFT) minutes

Bob Franzoni turned the meeting over to Jonas Rosenthal ...

2. Jonas let the group know that there will to be a public hearing for some zoning changes on Monday Feb. 22 at 6:30.

2/22/21 – Select Board Minutes

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Mr. Mark made a motion to accept the recommendations of the planning commission as presented on February 22nd, 2021. Mr. Holzworth seconded. All were in favor and the motion passed.

2/23/21 – Planning Commission Minutes

Joe Bruno turned the meeting over to Jonas Rosenthal to review the Town of Castleton Zoning Ordinances that were newly amended on Feb. 22, 2021.

1. Ed Bove, the Director of the Rutland Regional Planning Commission, went over our newly amended ordinances. He reviewed the ways to make them flow better....
4. Ed hopes to present a new version of our Castleton Zoning Ordinance document to the group in late March.

3/9/21 – Planning Commission (unapproved) Minutes

Zoning ordinance updates.... (many items listed), planned residential development (PRD)/planned unit development (PUD),

Ed Bove to bring draft to next meeting.

3/9/21 – Planning Commission (DRAFT) Minutes (added after Oct '21)

3/23/21 – Planning Commission (DRAFT) Minutes (added after Oct'21)

Castleton Select Board (SB); Development Review Board (DRB); Planning Commission (PC)
Meeting Agenda and Minutes Timeline - & Other documents

Joe Bruno turned the meeting over to Ed Bove to review updates to the Town of Castleton Zoning Ordinances.

1. Ed made changes that were previously discussed and has renamed the document to: Unified Development Regulations.

3/29/21 - email Zak Hale to Paul and Katy Culp

"I am reaching out in regard to a project that I am pursuing on Sand Hill Road in Castleton VT."

3/30/21-4/1/21 - email Zak Hale to Paul and Katy Culp

In regards to setting up GPS trackers in our backyard to stake out property. Planned to come 4/2/21.

4/7/21 – email Zak Hale to Paul and Katy Culp

"We ran into a couple hurdles during our due diligence process that we need to get over before taking any additional steps forward.

With that said, I do not expect the engineers to visit this week. I will be sure to reach out and let you know when the hurdles have been cleared and when you should expect a call from the engineers.

In addition, I have an email inquiry about your question on the affects a project like this has on the value of a property such as yours."

4/27/21 – Planning Commission Draft Meeting Minutes

Joe Bruno turned the meeting over to Jonas to talk about the omission of building height on Planned Unit Development.

The Ordinance that was approved in February but did not include a waiver for building height (to four storied) though it was discussed.

Dan Forcier believed that the building height should be the same for all Zoning Districts.

Ed Bove recalled the earlier discussions but left it out because he believed there was not definitive decision.

The consensus was to add the language in. Joe Bruno asked Ed Bove to draft the language and have it ready for Public Hearing in May.

5/25/21 – Planning Commission Public Hearing Notice

Page 30 – "All zoning requirements for the district shall be met except that the following may be modified or waived: density of dwellings, building height, lot area, lot width/depth minimum, lot coverage and setbacks."

5/25/21 – Planning Commission Agenda (printed early fall 2021; nothing about Public Hearing???)

5/25/21 – Notice of Public Hearing Castleton Planning Commission (I did not find this Oct 2021?)

5/25/21 – Notice of Public Hearing Castleton Planning Commission Agenda (not posted Oct. 2021; yes by May 2022...?)

Undated Document??? I think posted with May 25, 2021 documents somewhere.

6/8/21 – Planning Commission Minutes (draft)

Ed Bove passed out copies of the latest draft of the Unified Development Regulations (UDR).

6/14/21 – Notice of Public Hearing on June 14th @ 6:30 pm – Zoning Ordinance

Castleton Select Board (SB); Development Review Board (DRB); Planning Commission (PC)
Meeting Agenda and Minutes Timeline - & Other documents

Statement of Purpose: The Select Board of the Town of Castleton will hold a Public Hearing in the Town Office on June 14, 2021 at 6:30 pm to take public comments Via Zoom and to consider for adoption changes to the Town of Castleton Zoning Ordinance.

List of section headings: Article IV Uses Permitted Subject to Conditions – Section 417: Planned Unit Development
Article XII: Development Review Board: Section 1208: Waivers

6/22/21 - Planning Commission Draft Minutes
Jonas Rosenthal distributed copies with the latest edits from Ed Bove of the unified Development Regulations (UDR)

6/28/21 – Select Board Meeting Minutes
ZONING ORDINANCE UPDATE
Discussion was held to clarify the requested changes to the Zoning Ordinance. As per Mr. Leamy these changes were to allow the DRB flexibility regarding height of buildings.

Mr. Holden made a motion to adopt the changes as presented by the Zoning Ordinance as presented by the Planning Commission. Mr. Mark seconded the motion, all were in favor and the motion passed.

7/10/21 – email Zak Hale to Paul and Katy Culpo
“My purpose in reaching out is to inform you that we have started making traction again on the Senior Care Facility in Castleton. This past week I met with the engineers and developers to walk the site. Meaning we have started spending money on these guys so things are looking well for the project.”

7/21/21 – Letter to DRB from Select Board in support of the Sand Hill Road Project.
(Items in this letter were not factual. Citizens addressed Select Board requesting them to correct errors and resend to DRB. Never addressed.)

8/10/21 – Planning Commission (unapproved) minutes
Joe turned the meeting over to Jonas to discuss the development on Sand Hill Road.
1. Paperwork about the senior living facility was handed out to commission members.
2. Jonas read the letter from Bryan Currier. (Katy add – one of developers, letter not included in minutes)
3. Mailings sent...
4. Joe and Liz will attend....
5. Zack Hale will be asked to highlight the study that was done in 2018.

10/19/21 – Development Review Board Meeting Agenda with Katy Culpo written notes on agenda and page four of 10/5/21 DRB Meeting. No minutes posted from this meeting.

At this meeting the height waiver was questioned. Mike Jones instructed Jonas to go back to the May meetings. Jonas clarified – we went back in May and fixed that. Public Hearing – that was the only thing that was corrected in May 2021.

10/21/21 – Brenda Flemming requested documents – Freedom of Information Act

11/23/21 – Planning Commission Minutes
J. Rosenthal state there are a number of meeting minutes from the recent past during the changes in recording secretaries that were done by notes, and some were given to Karen Steward, and he believes there are gaps in approvals and he wants to check on approval of them. He will go over those next week with K. Stewart.

All began June 2017 Source: Due Diligence Extension Request Sand Hill Road; Purchase and Sales Agreement 4/25/22

Table of Contents

1. Page 3 Extension Request (Email to Mike)
 2. Page 4 Site Plan (Submitted to DRB)
 3. Page 5 - 6 Landscape Plan Set (Submitted to DRB)
 4. Page 7 - 15 Purchase and Sales Agreement
 5. Page 17 - 19 Deed

Introduction

Dear Castleton Select Board,

I would like to thank you for the continued support throughout this project. It is hard to believe that it has almost been 5 years since we first discussed this project in June of 2017 and in a brand-new Town Office building that furniture was still being moved into.

It was at that time that this project was only a vision that very few people shared, and very little evidence of feasibility existed. (The Town Plan mentioned this project was a need) the Castleton VT Commercial and Industrial Market Analysis by Crane Associates Inc. suggested this was a need, Joe Ann Riley from the Castleton Community Center believed this was a need, Tom Huebner who was currently the CEO of RRMV believed this was a need, and the list goes on and on. Actual evidence, rather than opinion, was not easily come by, however.

At first, it took a lot of persistence to prove to this board that this project was not only feasible but a major benefit to the community. Since 2017, the attitude of the elected and appointed officials of Castleton VT has done a complete 180. I must say that I do not blame anyone in these positions for their skepticism of this project or my partner and me. In fact, I believe you owe it to the people of the Castleton Community to face situations like this with skepticism, as well as an open mind, while the facts are investigated. There is much appreciation for the path that has led us to where we are today.

Fast forward to March of 2022 and we finally have feasibility study, a Purchase and Sales Agreement, Investors, Developers, and Operators. In addition, we have strong support from a large portion of the Castleton Community as well as support from Castleton University who gifted the land to the town and placed the Economic Development Covenant on the Deed.

Included in this packet is all the pertinent information to understand my request and decide on whether to extend the due diligence period of the Purchase and Sales Agreement. At this time, we have submitted the site plans to the DRB and we are looking forward to meeting with them to discuss these plans.

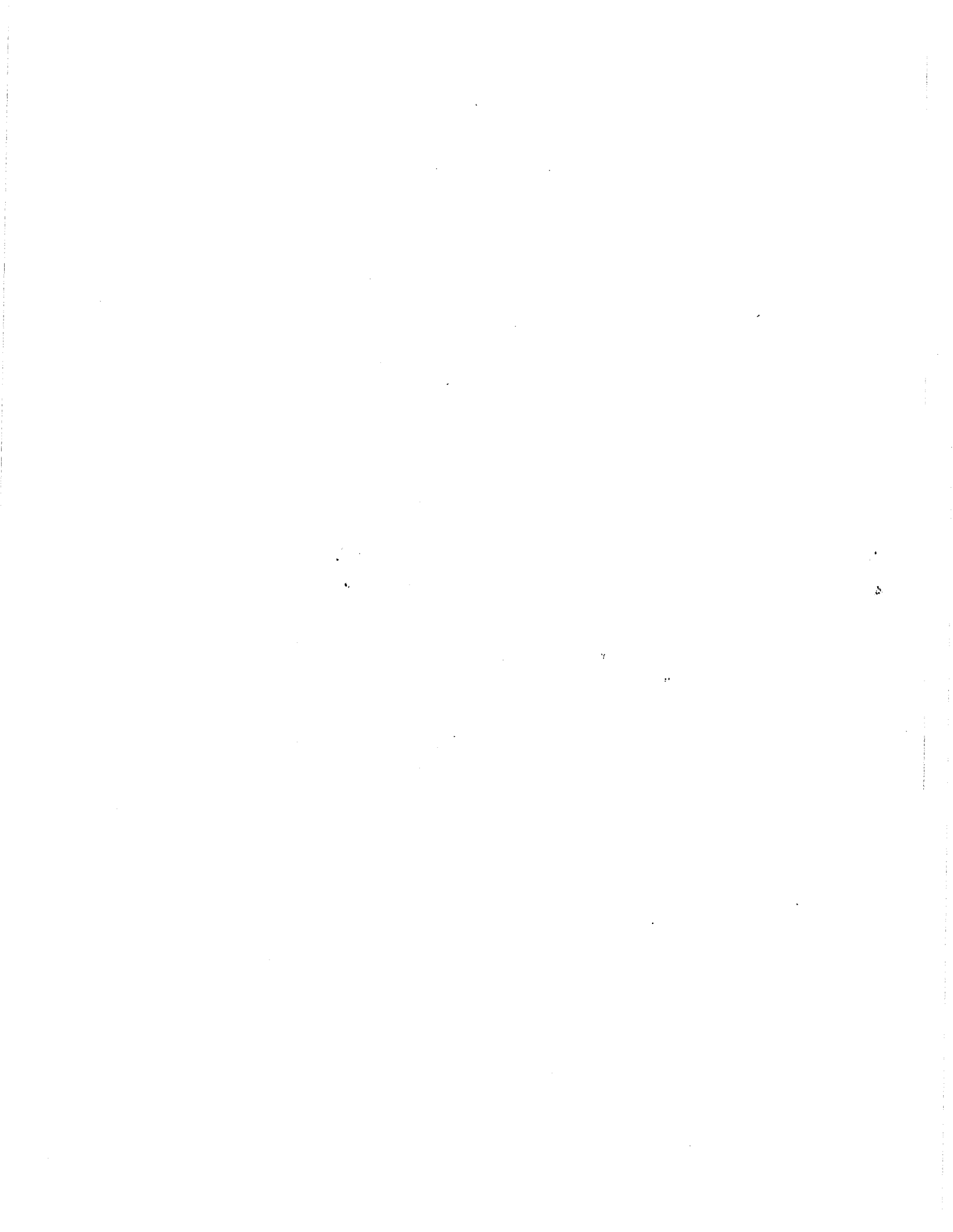
Thank you for the time, the opportunity, and again, your continued support on this project.

Best Regards

Zak Hale

Town Plan revised in 2018??
 What specific language a from old + new Town Plan all to "affordable" senior living other language supporting Senior LI "Afford" "Real" "local" "this"

Does a rental property - expensive senior housing
 E+H
 defini
 of
 "Economic Developer"

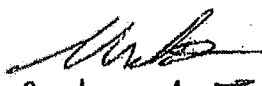


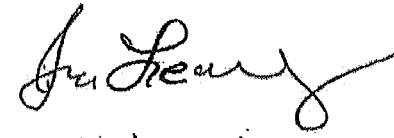
Nov '20

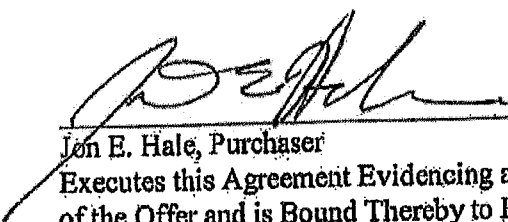
Purchase and Sale Agreement b/t Town of Castleton and Hale & Hale


their obligation hereunder.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the day and year first above written.


 Michael A. JONES
 TOWN MANAGER, Duly Authorized Agent for Seller, Town of Castleton, VT


 JAMES LEAMY
 SELECT BOARD CHAIRMAN
 Date 11/18/2020


 Jon E. Hale, Purchaser
 Date 11/23/20
 Executes this Agreement Evidencing an Acceptance of the Offer and is Bound Thereby to Perform Purchaser's Obligation all in Accordance with the Terms and Conditions Mentioned Herein.


 Zachary R. Hale, Purchaser
 Date 11/23/20
 Executes this Agreement Evidencing an Acceptance of the Offer and is Bound Thereby to Perform Purchaser's Obligation all in Accordance with the Terms and Conditions Mentioned Herein.

Schedule A - Property Description

Property commonly known as Parcel No. 0901100011 in the Castleton, Vermont Land Records and Lister's Records consisting of 18.28 acres of open land in Castleton, Vermont on Sand Hill Road.

not posted Oct 21

12/8/20
PC

Castleton Planning Commission (DRAFT) Dec. 8, 2020 Minutes

The Castleton Planning Commission met on December 8, 2020 at the Castleton Municipal Offices. The meeting was called to order at 6:06 PM with Bob Franzoni presiding as the chair. The people in attendance were Bob Franzoni, Frank Johnson, Jonas Rosenthal and Liz MacKay.

Frank Johnson moved to accept the agenda as presented. Liz MacKay seconded. The motion passed.

Frank Johnson moved to accept the minutes from the previous meeting. Liz MacKay seconded. A change of the spelling of Liz MacKay's name was made. The minutes were accepted with the spelling change.

Discussion-

Bob Franzoni turned the meeting over to Jonas Rosenthal to discuss subdivision and zoning ordinance regulations.

1. Jonas handed out a new document that is to replace our old zoning ordinance document.

2. Jonas discussed a zoning change and passed out a document that was a Commercial and Industrial Market Analysis that was done in 2014 for Castleton and talked about a contract that was recently signed in which housing zoning changes must be made.

3. Jonas shared that we need to adopt zoning regulations that give rules on Planned Unit Development Standards and Planned Residential Development Standards. Castleton does not have any rules currently.

4. Jonas passed out examples of such standards from the towns of Berlin and Sunderland. Our duties are to read through the documents and highlight the ideas that we like and give them to Jonas.

attached
11/22/20 Purchase + Sale Agreement b/f
Town Castleton + Title # 614-2

5. Jonas brought our attention to the draft document dated 11/25/20 that we all received. It has the new Subdivision Regulations in it. These are updates that have been changed from the document from 1986. We will be going over these new possible amendments on Dec. 15 with the DRB. Their meeting begins at 7:00 PM via Zoom.

Jonas turned the meeting back over to Bob Franzoni.

Adjourn -

Frank Johnson moved to adjourn. Liz MacKay seconded. The motion passed and the meeting adjourned at 7:00 PM.

Respectfully Submitted,
Liz MacKay
Commission Member

Chapter 340. Planned Unit Development (PUD) Standards

Section 3401. Applicability

3401.A Applicants may propose land development that deviates from the standards of the base zoning district(s) in accordance with the provisions of this chapter. In addition, planned unit developments (PUDs) must conform to the standards for subdivisions in Chapter 350.

Section 3402. Neighborhood Development

3402.A **Purpose.** The purpose of this section is to encourage land development in a manner consistent with traditional neighborhood development principles and patterns, which:

- (1) Combine a variety of housing types in a compact, walkable neighborhood setting;
- (2) Locate new neighborhoods in areas served by major transportation corridors, transit and public infrastructure, and in areas where residents will have convenient access to commercial, civic and employment centers;
- (3) Feature a highly interconnected and walkable road network; and
- (4) Locate and design buildings to create a public realm built on a human scale.

3402.B **Applicability.** Neighborhood developments are allowed in the Town Center, Mixed Use and Residential districts on sites that are 2 acres or more in size.

3402.C **Density.** The Development Review Board may approve a density bonus of up to 25% if each additional dwelling unit will meet at least two of the following criteria or 50% if each additional dwelling unit will meet at least three of the following criteria:

- (1) The unit will be affordable, as defined in these regulations.
- (2) The unit will qualify as senior housing, as defined in these regulations.
- (3) The unit will be visitable or accessible, as defined in these regulations.
- (4) The unit will have a total habitable floor area of 1,200 square feet or less.
- (5) The unit will qualify as a Vermont High-Performance Home or will achieve a HERS index score of 50 or less.
- (6) The unit will have direct access to at least 120 square feet of private or semi-private outdoor space such as a porch, deck, balcony, yard, patio, courtyard or atrium.
- (7) The parking for the unit will be within or below the building.

3402.D **Dimensional Standards.** The Development Review Board may:

- (1) Modify lot size, frontage and setback requirements within the proposed development, but the development must meet all applicable dimensional standards around its perimeter.
- (2) Increase the maximum building height by up to 10 feet above the district standard.
- (3) Modify coverage standards on individual lots, but the lot coverage for the proposed development as a whole must not exceed the district standard.

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (4) Increase the maximum building footprint by up to 25% for senior housing facilities.
- 3402.E **Allowed Uses.** The uses allowed within a neighborhood development will be as established in the base zoning district.
- 3402.F **Housing Types.** The development must include a mix of housing types including both single-family and multi-family units as follows:
- (1) Single-family detached homes must comprise at least 20% and not more than 80% of the total number of dwelling units within the development.
 - (2) No more than 75% of the dwelling units other than single-family detached homes may be the same type (ex. duplex, townhouse, apartment, etc.).
- 3402.G **Site Design.** A licensed professional must design and lay out the proposed development as follows:
- (1) Blocks must generally be rectilinear in shape except where topographic or other physical site conditions necessitate a curvilinear or irregular shape.
 - (2) Blocks must generally not exceed 1,000 feet in length.
 - (3) Lot size and width must vary at random within each block in order to eliminate the appearance of a standardized subdivision as follows:
 - (a) No more than 2 lots in a row may be the same width.
 - (b) Lot width must vary by a minimum of 5-foot increments.
 - (4) Buildings must define the streetscape through use of uniform setbacks along each block.
 - (5) Buildings must be located to the front of lots and relate to the road both functionally and visually except:
 - (a) Multiple principal buildings may be grouped and organized around features such as courtyards or greens that encourage walking and incidental social interaction.
 - (6) Buildings must be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
- 3402.H **Road Design.** Roads within the proposed development must be designed by a professional engineer:
- (1) With a modified grid pattern adapted to the topography and other physical site conditions.
 - (2) With cul-de-sacs and other dead-end roads only as necessary to accommodate topographic or other physical site conditions, or where future road connections are planned.
 - (3) To accommodate future road connections to adjacent neighborhoods or developable land to the maximum extent feasible given topographic or other physical site conditions and pre-existing development patterns.
 - (4) With narrow travel lanes to calm traffic and minimize pavement width.
 - (5) To discourage through and high speed traffic to the maximum extent feasible.

- (6) In accordance with Town of Berlin *Roadway Design Standards*.
- 3402.I **Building Design.** Buildings within a traditional neighborhood development must be designed in accordance with the following:
- (1) All principal buildings must front on and have an entrance oriented to a road or common open space.
 - (2) Loading areas must not be oriented to a road and must adjoin alleys or parking areas to the rear of the principal building.
- 3402.J **Parks and Open Space.** Within a traditional neighborhood development, a minimum of $\frac{1}{4}$ acre or 400 square feet per dwelling unit, whichever is greater, must be reserved as parks and/or open space. Parks and open space must be appropriately protected from future development through legally enforceable means.

Section 3403. Cottage Cluster Development

- 3403.A **Purpose.** The purpose of this section is to address the need for smaller, more diverse and more affordable housing choices in response to changing household demographics and living preferences.
- 3403.B **Applicability.** Cottage cluster developments are allowed in the Mixed Use, Residential, Hamlet and Rural 40 district.
- 3403.C **Density.** The maximum density for a cottage cluster development will be 150% the residential density allowed in the base zoning district.
- 3403.D **Dimensional Standards.** The Development Review Board may:
- (1) Modify lot size, frontage and setback requirements within a cottage cluster development, but the development must meet all applicable dimensional standards around its perimeter.
 - (2) Modify coverage standards on individual lots, but the development as a whole must meet the lot coverage standard for the district.
- 3403.E **Allowed Uses.** Nonresidential principal uses are prohibited within a cottage cluster development.
- 3403.F **Cluster Size.** The development must be designed as one or more clusters composed of 4 to 12 cottages arranged around a common open space.
- 3403.G **Cottage Design.** A cottage as allowed under this section must be a single-family detached dwelling that:
- (1) Is not more than 2 stories high. All portions of the building more than 18 feet above ground must be within the roof pitch. No portion of the building may exceed 25 feet in height.
 - (2) Has a footprint of not more than 1,600 square feet. Attached garages will be included in the footprint calculation and must not have a footprint of more than 576 square feet.

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- (3) Has a total floor area that does not exceed 180% of its footprint. Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet will not be included in the floor area calculation.
- (4) Has a pitched roof with a minimum slope of 6:12. Secondary roofs (porches, sheds, dormers, etc.) may have a lower slope.
- (5) Has a roofed, open porch at least 80 square feet in size with a minimum dimension of 8 feet on any side that offers a view of a common open space.
- (6) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.

3403.H Common Open Space. The development must include one or more common open spaces in accordance with the following:

- (1) A minimum of 400 square feet of common open space is required per cottage.
- (2) Each cottage must have a principal entryway that faces a common open space and that is not separated from the open space by a road or driveway. Garage doors must not face the common open space.
- (3) Each cottage must be connected to a common open space by a walkway not more than 60 feet long.
- (4) A common open space must have cottages abutting on at least two sides.

3403.I Accessory Buildings. Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 576 square feet and a height of not more than 18 feet. A private, detached carriage house that includes an accessory dwelling unit may have a footprint of not more than 60% of the associated cottage and a height of not more than 18 feet. Shared or common accessory buildings must have a footprint of not more than 1,200 square feet and a height of not more than 18 feet.

3403.J Community Buildings. The development may include one or more community buildings that are clearly incidental to the cottages and that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. A community building must be commonly-owned by the residents. A community building must be compatible in scale, design and height to the cottages.

3403.K Vehicular Access and Parking. The development must provide vehicular access and parking in accordance with the following:

- (1) Vehicular access and on-site parking will not be required to/on each lot or cottage. The development may provide one or more common off-street parking areas or structures with pedestrian walkways connecting the parking and the cottages.
- (2) Vehicular access and parking must not be located within the front yard or the common open space, or between the cottages and the common open space.

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- (3) Vehicular access and parking should be located primarily around the periphery of the development or each cottage cluster and should be designed to have minimal visibility from the common open space and from public vantage points beyond the development. Shared driveways and narrow lanes should be used to the maximum extent feasible.
- (4) Unless otherwise approved by the Development Review Board, vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of these regulations.

Section 3404. Manufactured Home Parks

3404.A **Applicability.** The provisions of this subsection apply to all new and expanded manufactured home parks.

3404.B **General Standards.** The following standards apply to manufactured home parks:

- (1) Manufactured home parks will be allowed in the Residential and Rural 40 districts.
- (2) A manufactured home park must be approved as a planned unit development.
- (3) The maximum residential density within a manufactured home park will be 200% of the density allowed in the base zoning district.
- (4) The dimensional standards for lots, setbacks (excluding riparian setbacks) and buildings in the base zoning district will not apply within a manufactured home park, but the park must meet all applicable dimensional standards around its perimeter.
- (5) The lot coverage for the park as a whole must not exceed the maximum amount for the applicable district.
- (6) Each manufactured home must be located on a delineated site not less than 4,000 square feet in area.
- (7) A manufactured home must not be located closer than 20 feet to any other dwelling within the park.
- (8) All the homes within a manufactured home park must be accessed from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or improve traffic safety.
- (9) A manufactured home park may include one or more community buildings or facilities to serve residents.

3404.C **Replacement Standards.** An applicant proposing to replace a manufactured home within a manufactured home park must not locate the new home closer than 20 feet to any other dwelling within the park except:

- (1) If the original home is located the new home closer than 20 feet from another dwelling, the replacement home may match the existing setbacks.

3404.D **Expansion Standards.** An applicant proposing to expand a pre-existing manufactured home park must:

- (1) Bring the entire park into conformance with the requirements of this section to the maximum extent feasible without necessitating the relocation of any existing homes; and

PART 3. DEVELOPMENT STANDARDS
Chapter 340. Planned Unit Development Standards

- (2) Design the expanded portion of the park to fully conform to all applicable requirements of these regulations.

Section 3405. Conservation Subdivision

- 3405.A Purpose.** The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space and rural character.
- 3405.B Applicability.** Conservation subdivisions are allowed in any district where single-family homes are allowed and are required for subdivisions in the Rural 218, Shoreland Conservation and Upland Conservation districts that would create 5 or more additional lots from a parent parcel in any 5-year period.
- 3405.C Density.** The density of a conservation subdivision must not exceed the maximum density for a conventional subdivision based on the applicable zoning district standards.
- 3405.D Dimensional Standards.** The Development Review Board may:
- (1) Modify frontage and setback requirements, but not the lot size requirements, within a conservation subdivision, but the development must meet all applicable dimensional standards around its perimeter.
 - (2) Modify coverage standards on individual lots, but the development as a whole must meet the lot coverage standard for the district.
- 3405.E Conservation Areas.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:
- (1) The following will be considered primary conservation resources and must be included in the conservation area:
 - (a) Wetlands and their buffers;
 - (b) Flood hazard and riparian setbacks; and
 - (c) Steep slopes (25% or greater).
 - (2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:
 - (a) Primary agricultural soils;
 - (b) Wildlife habitat;
 - (c) Moderate slopes (15% to <25%);
 - (d) Woodlands that are part of a contiguous forest block at least 50 acres in size; and
 - (e) Scenic views into the property from public vantage points.
 - (3) Conservation areas must abut existing conservation areas, open space, forest or farm land on adjacent parcels to the maximum extent feasible.
 - (4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement. The conservation easement must prohibit further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources.

PART 3. DEVELOPMENT STANDARDS
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- (5) Conservation areas must not be cleared, graded, filled or subject to construction except:
- (a) The Development Review Board may allow roads and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the conservation subdivision to be developed. Disturbance of the conservation area must be the minimum necessary to provide adequate access.
 - (b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas if such development will not result in undue adverse impacts on the conservation resources intended to be protected by inclusion in a conservation area.
 - (c) Trails and related passive recreation amenities may be developed within conservation areas in accordance with the approved subdivision plan.
 - (d) Farming and forestry, including construction of farm structures, may be allowed within conservation areas intended to remain as working lands in accordance with the terms of the easement.
- 3405.F **Development Areas.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:
- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or dwelling units surrounded by open space.
 - (2) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
 - (3) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads).
- 3405.G **Community Buildings.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.
- 3405.H **Application Requirements.** In addition to all other applicable requirements, the applicant must submit:
- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see Subsection 3405.D) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
 - (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see Subsection 3405.D) and any public or conserved lands over an aerial photo base map.

Section 3406. Rural Business Development

- 3406.A Purpose.** The purpose of this section is to provide an opportunity for business development on suitable sites in the rural areas of town.
- 3406.B Applicability.** Rural business development is allowed on sites at least 5 acres in size in the Rural 40 district or 2 acres in the Hamlet district that will be accessed from a state highway or paved town road.
- 3406.C Dimensional Standards.** The proposed development must meet all applicable dimensional standards for the base zoning district and must be set back at least:
- (1) 100 feet from adjacent dwellings in the Rural district.
 - (2) 50 feet from adjacent dwellings in the Hamlet district.
- 3406.D Allowed Uses.** In addition to the uses allowed in the applicable district, commercial and light industrial uses will be allowed within a rural business development as follows:
- (1) Shop or store with not more than 6,000 square feet of floor area
 - (2) Open market
 - (3) Repair and service
 - (4) Rental and leasing of goods other than passenger vehicles
 - (5) Office or service business
 - (6) Light industry
 - (7) Indoor recreation
- 3406.E Development Standards.** Applicants must design a rural business development in accordance with the following:
- (1) Proposed development must incorporate context sensitive siting and design techniques to fit structures into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as agricultural buildings, open meadows, tree lines, landmark trees and hedgerows.
 - (2) Applicants must maintain open space within and around the site by designing and locating structures to maintain views from the road to open fields and/or wooded hillsides beyond the development proposed development to the greatest extent feasible.
 - (3) Applicants must not locate more than two rows of parking between the building frontline and the road.
 - (4) Applicants must screen any front parking with a combination of naturalistic landscaping and wooden fencing appropriate to a rural setting.

Nonconforming Uses

Any use, which does not conform to uses allowed in the district in which it is located or is otherwise not in compliance with the provisions of this Bylaw, shall be deemed a nonconforming use. Any nonconforming use may be continued indefinitely, but shall be subject to the following provisions:

- The nonconforming use shall not be changed to another nonconforming use without a permit application and approval by the PC finding that the use is of the same or of a more conforming nature.
- The nonconforming use shall not be re-established if such use has been discontinued for a period of at least 12 months or has been changed to, or replaced by, a conforming use.
- The nonconforming use shall not be expanded or extended unless the PC finds that such expansion or extension does not increase the degree of nonconformance.
- The PC may permit the alteration or expansion of a nonconforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes.
- If a mobile home park is a nonconformity pursuant to this bylaw, the entire mobile home park shall be treated as a nonconformity, and the individual lots shall not be considered a nonconformity.
- No pre-existing nonconforming mobile home park may be resumed if such use has been abandoned for a period of 6 months or more. Mobile home parks shall be considered abandoned when the whole park is vacant for a period of 6 months or more.

Frontage and Access

No land development may be permitted which does not have adequate and permanent means of access, whether frontage on a public or private road or public waters. Access easements or rights-of-way shall not be less than 10 feet in width. If serving more than two lots, the Planning Commission may require a larger right-of-way in width to ensure public safety and orderly development.

Whenever a proposed application involves access to a State of Vermont Highway, the application shall include a letter of intent from the Vermont Agency of Transportation (VTTrans) confirming that the Agency has reviewed the application and is prepared to issue an access permit under governing statute, and setting out any conditions the Agency proposes.

It shall be unlawful to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from VTTrans, in the case of State highways; or the legislative body, or designee of a municipality, in the case of town highways. As a condition of any such permit, compliance with all local ordinances and regulations relating to highways and land use shall be required.

Planned Residential Development

The purpose of the Planned Residential Development (PRD) is to enable and encourage flexibility and development of land in such a manner as to promote the most efficient and appropriate use of the site while preserving the rural character of the town and avoiding fragmentation of important resources such as farmland, wildlife habitat, wetlands and other natural features. This is accomplished by allowing creative site design, building placement, street layout, architecture, and provision of streets and utilities, which otherwise may not conform to the Bylaw.

Dimensional requirements may be modified to achieve the plan and design objectives of the PRD. All zoning requirements for the district shall be met except that the following may be modified or waived: lot area, lot width/depth minimum, and setbacks. Where the development may affect the character of the adjacent properties, the PC may require special buffer setbacks and treatments which must be kept free of buildings. Landscaping, screening, or protection by natural features may be used to minimize adverse effects on surrounding areas.

A PRD may only be permitted on a parcel of not less than eight nor more than sixteen acres in the Rural Commercial Residential (RCR) District and after review as a Subdivision by the PC. All submission requirements by the applicant and public hearing process necessary for a Subdivision apply to a PRD (See Subdivision Review, page 42).

The overall density of dwellings shall not exceed the density for the district in which it is located. All open space shall be protected from any additional residential development and shall be preserved for its intended purpose. There shall be a homeowner's association, co-operative, or other entity governed by an agreement with conditions, covenants, and regulations. This agreement shall provide the legal means to assure continuation and maintenance of all open space.

Allowed uses include single family, two family and not more than one multiple family dwelling. Other accessory uses are permitted whether used in common by residents of the PRD, or individually or by other means as set forth in the governing agreement. This may include shared garages, community buildings, natural or man-made water features, tennis courts, golf, or other similar facilities. Permitted recreation uses may be made available for public use. The PC shall first review and approve any such public use to ensure conformance with the PRDs purpose and regulations.

Temporary Uses & Structures

Special events (festivals, fairs, concerts, reunions, receptions, cultural events, trade and antique shows) may be allowed as a temporary accessory use, provided that such use occurs for not more than 7 total days within any 12-month period, adequate off-street parking and circulation is provided, sanitary and trash collection facilities are provided and the use is allowed in the underlying zoning district. Permits shall be issued by the ZA for a specified period of time and shall expire at the conclusions of the event.

Temporary signage is only to be used when the event is occurring and may be conditioned by the permit.

Temporary structures used in conjunction with a temporary event shall be dismantled and/or removed upon expiration of the permit and are not allowed in a public right-of-way or on other public lands.

Damaged or Destroyed Structures

Within 3 months of a structure being damaged or destroyed by any cause, a landowner shall stabilize and secure the structure as necessary to protect public health and safety; or demolish the structure, remove all structural materials and debris from the site, restore the site to a natural condition and re-establish groundcover.

The ZA may grant one or more extensions to the 3-month deadline for a total of not more than 18 months from the date the structure was damaged or destroyed upon the landowner demonstrating that the structure does not pose a threat to public health or safety and the landowner has been unable to meet the deadline due to factors beyond their control.

A zoning permit shall be obtained to reconstruct a damaged or destroyed structure. If the structure was nonconforming, see page 18.

Mobile Home as a Dwelling

A mobile home may be used as a one-family dwelling, provided that it is located on a lot meeting all of the requirements of this Bylaw applicable to a single-family dwelling in the district in which it is located, is suitably anchored to a permanent masonry foundation, and for which a zoning permit and certificate of occupancy has been issued.

As of May 1, 2016, anyone installing a mobile home is required to be licensed by HUD, and have the installation inspected by a qualified inspector to ensure that the installation and foundation complies with HUD regulations.

Travel Trailer Occupancy

A trailer, trailer coach, mobile home or travel trailer may be used temporarily as a field office, accessory to a construction operation being executed on the premises, for a period not to extend beyond the time of construction. A travel trailer or Recreational Vehicle (RV) may be temporarily parked on and used as a dwelling by the owner of a lot during and until completion of construction thereon of a permanent dwelling which shall be in conformance with this Bylaw. Said period shall not exceed one year.

A travel trailer or RV may be occupied on any lot by a guest of the primary resident(s) of such lot for a period not exceeding thirty days in any twelve-month period. The permanent resident of the principal dwelling unit may store an unoccupied travel trailer, camp or boat trailer, or boat, anywhere on the property except in the required front and side yard setback areas.

Nothing herein shall prevent the use of a mobile home or travel trailer at a campground operated by the State of Vermont on State land, or at a private campground.

Recreational Vehicles (RV) Parks

RV camping areas may be permitted as a conditional use in the RCR, and CI Districts and must be located on parcels greater than 10 acres in size.

Earth Products Removal Operations

There shall be no new earth products removal operations permitted in any district, except in association with a permitted construction, landscape or agricultural operation being executed on the premises.

Existing sand and gravel operations are permitted to continue as pre-existing non-conforming uses and must conform to the Performance Standards on Page 20. The PC, after Conditional Use Review, may grant a permit for the expansion of existing earth products removal areas under the following conditions:

1. The applicant shall submit a site plan showing existing grades in the area from which the material is to be removed, together with finished grades at the conclusion of the operation.
2. The operator shall provide for proper drainage of the area of the operation during and after completion.
3. No removal shall take place within twenty feet of a property line.
4. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with topsoil, and seeded with a suitable cover crop, except where ledge rock is exposed.
5. Operations must conform to all applicable state and federal regulations.

Water Supply and Wastewater Permitting

The State of Vermont Department of Environmental Conservation has universal jurisdiction over water supply and wastewater disposal permits and enforcement in the State of Vermont. Any construction, development, use, or change in use requiring or affecting a water supply or wastewater disposal system shall not proceed if a permit is required and until approved by the state. A copy of the State of Vermont application for a Potable Water and Wastewater permit shall be filed with the Town prior to the issuance of a Town of Sunderland zoning permit. A Town of Sunderland Certificate of Occupancy will not be issued until the State of Vermont Potable Water and Wastewater permit has been issued.

Groundwater Withdrawal

The State of Vermont regulates groundwater withdrawal pursuant to Title 10 V.S.A. Chapter 48. Commercial withdrawal of groundwater for redistribution and/or resale, not including public water supply systems for local use is prohibited. Groundwater withdrawal is appropriate for: domestic residential use, public emergencies, farming and related processing, public water systems, and closed looped geothermal heat pump systems. Groundwater withdrawal is also appropriate to support non-residential uses as provided for in commercial or industrial zoning districts.

Legal

It is not intended by this Bylaw to repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by this Bylaw to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Bylaw imposes a greater restriction upon the use of buildings or premises, than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Bylaw shall control.

If any section or provision of this Bylaw is judged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Bylaw as a whole, or of any part thereof other than the part so adjudicated. This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This bylaw shall not create liability on the part of the Town of Sunderland. Or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder. Any person who violates the provisions of this Bylaw shall be subject to the penalties prescribed in the Act.

12/15/20
DRB

**TOWN OF CASTLETON
CASTLETON DEVELOPMENT REVIEW BOARD
DRAFT MEETING
MINUTES**

**TUESDAY, December 15, 2020 - 7:00 PM
CASTLETON TOWN OFFICE - 263 VT ROUTE 30**

PRESENT: Bruce Longtin Chairman (VIA Zoom), Don Wood (VIA Zoom), Pat Keller (VIA Zoom), Danial Forcier (VIA Zoom), Sean Steves (VIA Zoom) and Jonas Rosenthal, Zoning Administrator.

OTHERS: Chris Fretta, Marie Pavini, MD, Richard and Bonnie Gray ^{request curb change.} and Ed Bove, Executive Director of the Rutland Regional Planning Commission.

CALL MEETING TO ORDER:
Mr. Longtin called the Meeting to order at 7:05 P.M.

APPROVE THE AGENDA:
Pat Keller made a motion to approve the agenda. Don Wood seconded the motion. Motion carried.

APPROVAL OF MINUTES: The minutes of November 17, 2020 were tabled.

APPLICATION:
Application # 8135: Conditional use permit application for a Light Manufacturing and Storage Use Facility located at 443 VT Rout 30 South: Applicant, R & L, LLC. Zoning Ordinance: Article 1V - Uses permitted subject to conditions.

Mr. Longtin swore in Chris Fretta, Jonas Rosenthal, Marie Pavini, MD, and Richard and Bonnie Gray.

Chris Fretta discussed his application. He proposes to close the retail store (hardware store) in the front part of the building and replace it with a light manufacturing business. The business consists of assembling small sewing machine parts (plastic). Marie Pavini, MD, spoke to the business part of the application.

Storage Units: Chris Fretta proposes to tear down an existing roof, raise the concrete pad and to enclose a new structure of the same size (26' x 146') into storage units. Mark Courcelle is working with Mr. Fretta on the State permit application for this project.

The property is currently in the Industrial Zoning District and asked the DRB to allow or change the Zoning District to Commercial. The DRB responded that the Zoning District Uses and locations are determined by the Planning Commission.

Don Wood Made a motion to close the hearing. Pat Keller seconded the motion. Motion carried.

Old Business: None.

New Business: Richard and Bonnie Gray were present to request a condition change (curb cut) to a previous Subdivision Permit # SD - 58 in September 2012.

Under conditions 15. Lots 3 and 4 required a joint common curb cut to access South Street. The owners requested that the lots have their own driveway. They explained the reasoning for the condition in the first place.

Subdivision Bylaws Review: Copies of the Subdivision Bylaws were distributed (mailed several weeks ago). Ed Bove was present for the DRB to answer any questions and to explain that the Planning Commission was working on this section of the Unified Bylaws at this time. The current Subdivision Bylaws were adopted in 1986. The DRB wished to move this item to the next meeting. The date of the next meeting will be January 5, 2021 to review the Subdivision Bylaws and to consider the Donna Ryan - Rose Zoning Application ?? What is this ??

Pat Keller made a motion to enter into Deliberative Session at 8:07 P.M. Dan Forcier seconded the motion. Motion carried.

Don Wood made a motion to come out of Deliberative Session at 9:02 P.M. Pat Keller seconded the motion. Motion carried.

Don Wood made a motion to approve Zoning Application # 8135 to replace the current retail store with a light manufacturing operation of no more than 10 employees per shift and to comply with the parking requirements and in addition, to approve the proposal to replace the existing open canopy structure with enclosed storage units using the same size with a new pad.

Pat Keller seconded the motion. Motion carried.

Don Wood made a motion that the Gray's provide an amended Zoning Application to remove the adjoining driveway for Lot's 3 and 4 so that the adjoining property owners be notified of the requested change. Pat Keller seconded the motion. Motion carried.

Pat Keller made a motion to adjourn the meeting at 9:14 P.M. Don Wood seconded the motion. Motion carried

**s/Zoning Administrator
Jonas Rosenthal**

5/21 →
no minutes
posted??

12/22/20
PC

not posted fall

Castleton Zoning Administrator

From: Elisabeth MacKay <lizziemac72@comcast.net>
Sent: Tuesday, December 29, 2020 12:03 PM
To: Karen Stewart; Castleton Zoning Administrator
Subject: minutes from planning commission
Attachments: Castleton PC minutes 12-8-20.odt

Castleton Planning Commission (DRAFT) Dec. 22, 2020 Minutes

The Castleton Planning Commission met on December 22, 2020 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 6:03 PM with Bob Franzoni presiding as the chair. The people in attendance were Bob Franzoni, Frank Johnson, Jonas Rosenthal, Mike Holden, and Liz MacKay.

Frank Johnson moved to accept the agenda as presented. Mike Holden seconded. The motion passed.

Frank Johnson moved to accept the minutes from the Dec. 8 meeting. Liz MacKay seconded. The motion passed.

Discussion-

Bob Franzoni turned the meeting over to Jonas Rosenthal to continue our review of subdivision and PUD (Planned Unit Development) regulations.

1. Jonas reviewed some of the Planning Commission's recommendations for PUD's that he had received. Some questions that came up were: What zones should include PUD's?; Should there be a minimum lot size?

2. Jonas let the group know that there will to be three hearing for the new subdivision project that is proposed for the town's Sand Hill Road property. It was decided that the first hearing would be on Jan. 26 (but this was later updated to Thursday, Jan. 14 at 6:00 PM).

3. Jonas shared with us information about the Better Connections Grant. This is a grant that was awarded to Castleton. The state awarded three grants in all. Ours is a ten year project for improving the Route 4A corridor – from the Park and Ride to Hydeville. Each year we have to update the resolution.

4. We were given a draft of 114 pages of the regulations for Flood Hazard Area and River Corridors. We will discuss this further with Ed Bove.

Jonas turned the meeting back over to Bob Franzoni.

New Business:

*How can hearings on a project zoning don't exist for??

??



1/14/21
PC

* not posted Oct 21 ?

Notice of Public Hearing
Castleton Planning Commission
Thursday, January 14, 2021 - 6:00 PM
Castleton Town Office - 263 VT Route 30 N
Join Zoom Meeting

How was this
advertized??

Brenda has
requested notifi-
cation of Public
Hearing
Proof?

<https://us02web.zoom.us/j/85937841013>

Meeting ID: 859 3784 1013
Or by phone (929) 205-6099

The purpose of the Hearing is to amend the Town of Castleton Zoning Regulations (Bylaws).
The geographic area affected include all areas of Castleton.

Conf.
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my doc

Proposed Zoning Bylaw changes - Table of Contents:
Section 204: Application of Regulations - E and H.
Article 111: Table of Uses - Planned Unit Development
Section 417: Planned Unit Development
Article XV: Flood Hazard Area and River Corridors

The full text of the existing and proposed changes to the Town of Castleton Zoning Regulations can be reviewed at the Town of Castleton Town Website (www.Castletonvermont.org) and Town Office, located at 263 Route N.

S/Jonas Rosenthal
Zoning Administrator

with the
1/14/21 ?
meeting minutes
BVT were
not posted
before Oct '21

**Planning Commission Reporting Form
for Municipal Bylaw Amendments**

Town of Castleton, VT - Zoning Ordinance Bylaw Update - 2021

This report is in accordance with 24 V.S.A. §4441(c) which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide()

(A) brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under §4444 of this title,

The proposed is an amendment to the Zoning Ordinance Bylaw (Bylaw), incorporating Flood Hazard Area and River Corridors into the Bylaws. In addition, Planned Unit Developments are added that allows flexibility from the Town bylaws. *

Table of Contents (Changes):

- Proposed Zoning Bylaw changes - Table of Contents:
- Section 204: Application of Regulations - E and H.
- Article 111: Table of Uses - Planned Unit Development
- Section 417: Planned Unit Development
- Article XV: Flood Hazard Area and River Corridors

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing: → not by definition

The proposed Bylaw conforms with and furthers the goals and policies of the Town of Castleton Municipal Plan Housing Chapter which has goals to provide safe and affordable housing and a concept from "Enabling Better Places - A Zoning Guide for Vermont Neighborhoods".

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The zoning districts in the proposed Bylaw have not changed; however, are now fully in-line with the Town of Castleton Municipal Plan Future Land Use Map, which was amended in 2018.

3. Carries out, as applicable, any specific proposals for any planned community facilities: " N/A

*
provided in
the Carbon
Plan
Median
Income of
Castleton
Resident
= \$
*affordable
income is
30-38%
monthly
income -

Posted as this??

January 26th 2021 6:00pm

Date?
*This was included
in May 25th 2021
meeting minutes

I'm confused??

→ PUBLIC HEARING: Zoning Ordinance Update

**Planning Commission Reporting Form
for Municipal Bylaw Amendments**

Town of Castleton, VT -- Zoning Ordinance Bylaw Update - 2021

This report is in accordance with 24 V.S.A. §4441(c) which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under §4444 of this title,

The proposed is an amendment to the Zoning Ordinance Bylaw (Bylaw), incorporating Flood Hazard Area and River Corridors into the Bylaws. In addition, Planned Unit Developments are added that allows flexibility from the Town bylaws.

Table of Contents (Changes):

- Proposed Zoning Bylaw changes - Table of Contents:
- Section 204: Application of Regulations - E and H.
- Article III: Table of Uses - Planned Unit Development
- Section 417: Planned Unit Development
- Article XV: Flood Hazard Area and River Corridors

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed Bylaw conforms with and furthers the goals and policies of the Town of Castleton Municipal Plan Housing Chapter which has goals to provide safe and affordable housing and a concept from "Enabling Better Places - A Zoning Guide for Vermont Neighborhoods".

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The zoning districts in the proposed Bylaw have not changed; however, are now fully in-line with the Town of Castleton Municipal Plan Future Land Use Map, which was amended in 2018.

3. Carries out, as applicable, any specific proposals for any planned community facilities." N/A

1/14/21
PC

* not posted
Date 2/1

**Castleton Planning Commission
(DRAFT) Meeting Minutes
Thursday, January 14, 2021 - 6:00 PM
Castleton Town Office**

The Castleton Planning Commission met on January 14, 2021, at the Castleton Municipal Office to consider changes to the Town Zoning Regulations. Joe Bruno called to order at 6:00 PM.

Those in attendance included: Joe Bruno, Liz McKay, Bob Franzoni and Jonas Rosenthal.

No community members attended??

The purpose of the Hearing was to consider for approval Zoning Amendments to the Zoning Ordinance of 2013.

The purpose of the Hearing is to amend the Town of Castleton Zoning Regulations (Bylaws). The geographic area affected include all areas of Castleton.

Pandemic
Good time to be doing this?

Proposed Zoning Bylaw changes - Table of Contents:
Section 204: Application of Regulations - E and H.
Article 111: Table of Uses - Planned Unit Development
Section 417: Planned Unit Development
Article XV: Flood Hazard Area and River Corridors

Joe Bruno referred to the changes in red to the sections mentioned above.

Jonas Rosenthal described the changes. The proposed Flood Hazard Regulations updates the 2009 version and makes them compliant with new requirements. The River Corridors program is new but was considered by the Town in 2009. Approval of these regulations will make the Town eligible for an additional 5 % in Flood aid to the Town.

The changes to page 11 will allow more flexibility to the DRB in interpreting the Table of Use chart.

In Article 111, the Planned Residential Development was changed to the Planned Unit Development. The Zoning Districts did not change.

* Section 417: Planned Unit Development (starting on page 29 - 31) described what is to be included in the PUD.

Several questions about some of the changes followed and the next steps for adoption.

The full text of the existing and proposed changes to the Town of Castleton Zoning Regulations can be reviewed at the Town of Castleton Town Website (www.Castletonvermont.org) and Town Office, located at 263 Route N.

1/26/21
PC

* these minutes were
Not posted
Feb 9, 2021

Castleton Planning Commission Jan. 26, 2021 Minutes

The Castleton Planning Commission met on January 26, 2021 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 6:03 PM with Joe Bruno presiding as the chair. The people in attendance were Bob Franzoni, Frank Johnson, Jonas Rosenthal, Pat Keller, Ed Bove, Don Wood, Dan Forester, Bruce Longtin, Joe Bruno, Mike Holden, and Liz MacKay.

Bob Franzoni moved to accept the agenda as presented. Mike Holden seconded. The motion passed.

Discussion:

✓ Joe Bruno turned the meeting over to Jonas Rosenthal to continue our review of subdivision and PUD (Planned Unit Development) regulations.

1. Ed Bove discussed section 1606 about subdivision general standard and design requirements. One question was: Who determines what a vernal pool is?
2. Don Wood went over some revisions that he recommended being included.
3. The Proposal asks for many things. It's up to the DRB if they want to address the different components.
4. How are PUD's different from subdivisions? PUD should provide flexibility. There are many subdivision requirements.
5. How will it work? The application will come to Jonas. Jonas will review the site. The Preliminary Plot Plan will go to the DRB for review. The DRB will review all requests. The final plan will be presented for review.
6. If a PUD was approved what would stop them from doing another subdivision? It would need to be included in the bylaws of the PUD.
7. It was important to the group to be sure not to allow overdevelopment.

Jonas turned the meeting back over to Joe Bruno.

New Business:

None

Adjourn -

Bob moved to adjourn. Mike seconded. The motion passed and the meeting adjourned at 6:50 PM.

The next meeting is Feb. 9, 2021.

Respectfully Submitted,
Liz MacKay - Commission Member

2/9/21
PC

Not Packed
Oct 21

Castleton Planning Commission (DRAFT) Feb. 9, 2021 Minutes

The Castleton Planning Commission met on February 9, 2021 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 6:17 PM with Bob Franzoni presiding as the chair. The people in attendance were Bob Franzoni, Jonas Rosenthal, Mike Holden, and Liz MacKay.

Liz MacKay moved to accept the agenda as presented. Mike Holden seconded. The motion passed.

Minutes were not presented from the previous meeting. (date ?? of meeting)

Discussion-

Bob Franzoni turned the meeting over to Jonas Rosenthal to review our Municipal Planning Grant and talk about other zoning items.

1. Jonas referred the group to page 86 (Articles 13 and 14) of the Castleton Zoning Ordinances and spoke about possible changes. It would be better to issue municipal tickets for violations rather than have to go through the Environmental Court. The court is backed up by years right now. There was discussion about who would issue the tickets.

* 2. Jonas let the group know that there will to be a public hearing for some zoning changes on Monday, Feb. 22 at 6:30. * BUT the Town of Castleton Vaguet Zoning Ordinance (including Howard Throver's farm)

3. Jonas shared with us information about some language in the present ordinances that needs to be changed because it doesn't make sense. Two examples were language about temporary buildings on a property and handicap accessibility at a property.

4. He talked about the possible new flood hazard regulations. We need to meet certain criteria in order to receive state aid. The River Corridor Program that we are considering being part of protects the land on either side of a river up to fifty feet.

Jonas turned the meeting back over to Bob Franzoni.

New Business:

None

Adjourn -

Mike moved to adjourn. Liz seconded. The motion passed and the meeting adjourned at 6:45 PM.

Respectfully Submitted,
Liz MacKay - Commission Member

?? Sayonit
Adopted by the
Select Board Feb. 22, 2021

Select Board Meeting
2/22/21 @ 7pm



2/22/21
SB

TOWN OF CASTLETON SELECT BOARD MINUTES
Monday, February 22, 2021 at 7:00 P.M.
Castleton Town Office 263 VT – 30
Bomoseen, VT 05732

PRESENT: Jim Leamy, Robert Spaulding, Zack Holzworth and Michael Jones were present for the meeting at the Town Office. Richard Combs & Joseph Mark attended remotely. Jonas Rosenthal Zoning Administrator, John Rehlen & Laura Jakubowski.

CALL MEETING TO ORDER

The meeting was called to order by Select Board Chair, Mr. Leamy at 7:07p.m.

APPROVAL OF AGENDA:

Mr. Holzworth made a motion to approve the agenda. Mr. Spaulding seconded, all were in favor and the motion was passed.

MINUTES FOR APPROVAL:

Mr. Spaulding made a motion to accept the minutes of 12.28; Mr. Mark seconded the motion. Pg. 2, Molnar not a member & Finds "no" reason. All in favor and the motion passed. Mr. Holzworth abstained.

Mr. Spaulding made a motion to accept the minutes of 2.8; Mr. Holzworth seconded the motion. 1st page, 2nd line removes "lake", stated is miss spelled. Pg. 3, HHW. Remove "and" before Materials. All in favor and the motion passed.

CITIZENS COMMENTS AND CONCERNS: None

CDERAC BROCHURE

Mark Brown presented the CDERAC's brochure, which will be available at the Fair Haven Travel Center once complete. The brochure was designed to promote local business and activities in the area. Mark requested that if ad sales exceeded the cost for this brochure, the money will be available and accounted for separately, to fund additional efforts.

Mr. Jones clarified that Mark Brown wants board approval for CDERAC to retain access to any funds generated through the ad sales for future project use.

Mr. Holzworth made a motion to allow the CDERAC the retain access to any funds generated by the ad sales for this brochure. Mr. Spaulding seconded. Mr. Spaulding asked if someone in the Town Office would track the funds and it was decided that would be a good idea. All were in favor and the motion passed.

POLICE UPDATE

Chief Mantello spoke about the month of January. No significant changes. No questions about activity report. Recertification for EMT levels Stevens + Szarjeko. Hayes & Webster finished midterms. All Vaccinated.

RECREATION COMMISSION APPOINTMENT

Michael Hall has requested to be appointed to the Recreation Commission for a 3-year term.

Mr. Holzworth made a motion to appoint Michael Hall to a 3-year term on the Recreation Commission. Mr. Spaulding seconded, all were in favor and the motion passed. Mr. Combs asked to make the appointment expire on February 28, 2024. Mr. Mark discussed that it is simpler to have one time a year for re-appointments. This has typically been June 30th. The Board discussed standardizing the dates for re-appointment. Mr. Jones supported the recommendation. The board decided to appoint Michael Hall to a 27-month term to expire on June 30th, 2023. Mr. Spaulding and Mr. Holzworth rescinded their prior motion and second. Mr. Holzworth made a motion to appoint Michael Hall to a 27-month term on the Recreation Commission expiring on June 30th, 2023. Mr. Spaulding seconded, all were in favor and the motion passed.

REQUEST TO CHANGE ROAD NAME

John Rehlen requested the change from Bell Road to Clements Point as they no longer access their lake home from Bell Road. John agreed to contact Karen about updating the 911 addresses.

Mr. Spaulding asked about the other owners on the road, Mr. Rehlen confirmed that all owners on the road are fine with the proposed change.

Mr. Combs made a motion to change the name of Bell Road, to Clements Point Road. Mr. Holzworth seconded. All were in favor and the motion passed.

POSTED ROADS

Mr. Holzworth made a motion to authorize the Director of Public Works to post the roads as presented on the annual list. Mr. Spaulding seconded, all were in favor and the motion passed.

LIQUOR LICENSE

Jiffy Mart requested 2nd class license renewal. Approved by Chief Mantello. Mr. Holzworth made a motion to approve the license for Global Montello dba Jiffy Mart 2nd class license. Mr. Spaulding seconded. All were in favor and the motion passed.

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Mr. Mark made a motion to accept the recommendations of the planning commission as presented on February 22nd, 2021. Mr. Holzworth seconded. All were in favor and the motion passed.

The changes proposed are listed below:

The Table of Contents

Section 204

Article 111

Section 417

Article 15

Jonas Rosenthal noted these changes to the Zoning Ordinance and will go into effect 21 days after approval which would be March 15th, 2021.

MANAGER'S REPORT

Mr. Jones requested feedback about food composting: Financial considerations, staffing, and mileage. Mr. Combs acknowledged that it does not appear to provide a savings to go with Foster Brothers Farm. Mr. Combs expressed that the hauling, loading, and etc. will take more time. Mr. Jones stated that our

2/23/21
PC

Castleton Planning Commission Feb. 23, 2021 Minutes

The Castleton Planning Commission met on February 23, 2021 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 6:06 PM with Joe Bruno presiding as the chair. The people in attendance were Ed Bove, Bob Franzoni, Joe Bruno, Jonas Rosenthal, Frank Johnson, and Liz MacKay.

Bob moved to accept the agenda as presented. Liz seconded. The motion passed.

The minutes were presented from the Dec. 8, Dec. 22, Jan. 26, and Feb. 9. meetings. Bob moved to approve the minutes as presented. Seconded by Liz. The motion carried.

Discussion-

Joe Bruno turned the meeting over to Jonas Rosenthal to review the Town of Castleton Zoning Ordinances that were newly amended on Feb. 22, 2021.

What??

1. Ed Bove, the Director of the Rutland Regional Planning Commission, went over our newly amended ordinances. He reviewed the ways to make them flow better. Some sections will be moved. Some may be needed to be condensed. Some statutes may need to be added. Definitions should be at the end. We may need to add a few things.

2. Ed also discussed the natural river corridor restrictions that are now included in our Zoning Ordinances.

3. Jonas shared a concern about some language that may be too specific and too restrictive.

4. Ed hopes to present a new version of our Castleton Zoning Ordinance document to the group in late March.

Jonas turned the meeting back over to Joe Bruno.

So the Select Board approves a Zoning document still being reviewed & edited?
What's the rush?

New Business:

None

Adjourn -

Bob moved to adjourn. Frank seconded. The motion passed and the meeting adjourned at 7:05 PM.

Respectfully Submitted,
Liz MacKay - Commission Member

3/9/21
PC

Castleton Planning Commission (unapproved) March 09, 2021 Minutes

The Castleton Planning Commission met on March 09, 2021 at the Castleton Municipal Offices and via Zoom. Those in attendance were Jonas Rosenthal, Mike Holden, Frank Johnson, Bob Franzoni, Joe Bruno, Liz McKay and Mike Jones(?).

The meeting was called to order at 6:00 PM with Joe Bruno presiding as the chair.

Mike made a motion to approve the agenda. Frank seconded. The motion passed and the agenda was accepted.

Minutes for approval – not on agenda

Minutes available for approval dated 02/23/2020. Frank made a motion to approve minutes presented. Bob seconded. All in favor. Motion passed.

Discussion:

- Zoning Ordinance update:

Refresh/review for three new board members - suggested changes with DRB and grant application

- Missing definitions in conditional uses, more flexibility for DRB, further define Home Occupation/Cottage Industry, solar energy panels, office/professional buildings, parking/loading requirements, non-conforming/expansion/definition of footprint, max height/Article 5 ie housing project/town growth, planned residential development (PRD)/planned unit development (PUD), crawl spaces, bed and breakfast/Airbnb (VTH200), cantilever structures, PUDs/subdivisions, open storage, permit completion time table, certificate of occupancy, policy referral to non-existent policies
- ? • Ed Bove to bring draft to next meeting
- Clarification of grant application dollars

No new business.

Bob moved to adjourn. Frank seconded. The motion passed and the meeting adjourned at 6:56 pm.

3/9/21
PC

Add after
Page 21

Castleton Planning Commission (DRAFT) March 9, 2021 Minutes

The Castleton Planning Commission met on March 9, 2021 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 6:04 PM with Joe Bruno presiding as the chair. The people in attendance were Bob Franzoni, Mike Holden, Joe Bruno, Jonas Rosenthal, Frank Johnson, and Liz MacKay.

Frank moved to accept the agenda as presented. Bob seconded. The motion passed.

The minutes were presented from the Feb. 23 meeting. Frank moved to approve the minutes as presented. Seconded by Bob. The motion carried.

Discussion-

Joe Bruno turned the meeting over to Jonas Rosenthal to review updates to the Town of Castleton Zoning Ordinances.

1. Jonas handed out two packets: *DRB suggestions for Zoning Ordinance changes* and copies of the *Municipal Planning Application FY20*
2. Jonas went over all of the suggestions made by the DRB.
3. Jonas shared that Ed Bove will be looking at the suggestions and addressing them.
4. We will be reviewing the Municipal Planning Grant at our next meeting.

Jonas turned the meeting back over to Joe Bruno.

New Business:

None

Adjourn -

Bob moved to adjourn. Mike seconded. The motion passed and the meeting adjourned at 7:00 PM.

Respectfully Submitted,
Liz MacKay - Commission Member

3/23/21
PC

Not Re-tel
Oct 21

Castleton Planning Commission (DRAFT) March 23, 2021 Minutes

The Castleton Planning Commission met on March 23, 2021 at the Castleton Municipal Offices. The meeting was called to order at 6:05 PM with Joe Bruno presiding as the chair. The people in attendance were Mike Holden, Joe Bruno, Jonas Rosenthal, Frank Johnson, Ed Bove, Dan Forcier, and Liz MacKay.

Mike moved to accept the agenda as presented. Frank seconded. The motion passed.

The minutes were presented from the March 9 meeting. Mike moved to approve the minutes as presented. Seconded by Frank. The motion carried.

Discussion:

Joe Bruno turned the meeting over to Ed Bove to review updates to the Town of Castleton Zoning Ordinances.



Why does Ed Bove get to change Town of Castleton Zoning Ordinances?

1. Ed made changes that were previously discussed and has renamed the document to: Unified Development Regulations.

2. He moved sections to make the document flow better. He added an article for the brand new signage regulations. The definitions are now at the end and more definitions have been added.

3. As we look at the document we recognize that it is a work in progress and if it says, "Update" then more revisions are still to be made. He is working on Article XVI which is Subdivision Review. He wants us to consider (and Jonas to look over) changing the Table Of Uses to be organized more efficiently. Ed passed out examples of a different way for out Table Of Uses to be organized.

4. FOR THE NEXT MEETING on April 13: We are to go through the revisions that have already been made and to write down anything that is confusing or we don't like.

5. Ed researched towns in Rutland County that require a Certificate of Occupancy. He found that the towns of Killington, Mendon, Fair Haven, Sudbury, Proctor, and West Rutland are the towns that do require one.

Other Discussion:

Jonas talked about people in town who don't have state permits and/or new updated permits.

New Business:

None

Public Comment:

Dan Forcier shared that the DRB has had issues with the definitions in the Zoning Ordinances. Some definitions are difficult to interpret and he suggested that the definitions be updated.

Mike moved to adjourn. Frank seconded. The motion passed and the meeting adjourned at 7:00 PM.

Respectfully Submitted,
Liz MacKay - Commission Member

3/29/21

Sand Hill Road, Castleton VT

Zak Hale <zak@haleresources.com>

Mon 9/29/2021 11:43 AM

To: Culpo, Paul D. <paul.culpo@castleton.edu>; Culpo, Katy <katy.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Hello Paul and Kathleen:

Happy Monday! I hope this email finds you well and that you both had a great weekend.

My name is Zak Hale. I am a graduate of Castleton University where I received two Bachelor's degrees (2017) as well as a Master of Science in Accounting (2018). I wrestled for Coach Legacy the first year that the program was established. I am also currently on the Castleton Alumni Board.

I am reaching out in regard to a project that I am pursuing on Sand Hill Road in Castleton VT.

During my due diligence I noticed that you two own the property at 511 Sand Hill Road and I am hoping to speak with one or both of you in regard to this project; at your earliest convenience. If either or both of you have some time to hop on a zoom call or talk via phone, then it would be greatly appreciated.

Please let me know a time that works best for one or both of you and I can send you a zoom link or give you a call.

Thank you in advance for your time and I look forward to connecting with you.

All the best

Zak Hale
CFO/Business Development Coordinator
Hale Resources, LLC
www.HaleResources.com
Community Resource Management, LLC
www.CRMVT.net
<https://www.linkedin.com/in/zak-hale-8943a7142/>
Cell: (802) 375-5410

3/30/21

RE: Sand Hill Road, Castleton VT

Zak Hale <zak@haleresources.com>

Tue 3/30/2021 9:37 AM

To: Culpo, Katy <katy.culpo@castleton.edu>; Culpo, Paul D. <paul.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Hey Katy,

Thank you for reaching back out.

If now is not to late a notice, then today at 11 would be great. If not today, then tomorrow at 11 would be great as well.

Please let me know if today still works or if you would rather connect tomorrow.

Best regards

Zak Hale
CFO/Business Development Coordinator
Hale Resources, LLC
www.HaleResources.com
Community Resource Management, LLC
www.CRMVT.net
<https://www.linkedin.com/in/zak-hale-8943a7142/>
Cell: (802) 375-5410

From: Culpo, Katy
Sent: Monday, March 29, 2021 8:29 PM
To: Zak Hale; Culpo, Paul D.
Subject: Re: Sand Hill Road, Castleton VT

Zak,

I would have time to meet Tuesday 10-12 pm or Wednesday morning before 12 pm regarding your project on Sand Hill Road. Thanks,

Katy Culpo

~~~~~  
Katy Culpo, EdD  
Associate Professor  
Department of Health, Human Movement, & Sport  
Coordinator Health Education Program  
Castleton University  
190 College Drive, Castleton, VT 05735

**From: Zak Hale <zak@haleresources.com>**  
**Sent: Monday, March 29, 2021 11:42 AM**

11/21  
**Re: Walking the Property**

**Zak Hale <zak@haleresources.com>**

Thu 4/1/2021 9:40 PM

To: Culp, Katy <katy.culpo@castleton.edu>

Cc: Culp, Paul D. <paul.culpo@castleton.edu>

**This message is from an external sender. Please be careful when clicking on links and attachments.**

Hey Katy,

Understood and thank you very much. I will make sure a time and day is set up with you before anything takes place.

I hope you have a great night.

Zak Hale  
CFO/Business Development Coordinator  
Hale Resources, LLC  
[www.HaleResources.com](http://www.HaleResources.com)  
[www.CRMVT.net](http://www.CRMVT.net)  
<https://www.linkedin.com/in/zak-hale-8943a7142/>  
(802) 375-5410

On Apr 1, 2021, at 19:47, Culp, Katy <katy.culpo@castleton.edu> wrote:

Zak,

Setting up the GPS in our backyard is fine, but they need to CALL me before knocking on the front door... we have three German shepherds that room free! Have them call a couple days in advance to set up a time.

My cell is 518-322-7361

Thanks.

Katy Culpo

~~~~~  
Katy Culpo, EdD
Associate Professor
Department of Health, Human Movement, & Sport
Coordinator Health Education Program

4/7/21

GPS/Stake visit follow up

Zak Hale <zak@haleresources.com>

~~Wed 4/7/2021 6:31 PM~~

To: Culpo, Paul D. <paul.culpo@castleton.edu>; Culpo, Katy <katy.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Hi Katy and Paul,

I hope this email finds you well.



We ran into a couple hurdles during our due diligence process that we need to get over before taking any additional steps forward.

With that said, I do not expect the engineers to visit this week. I will be sure to reach out and let you know when the hurdles have been cleared and when you should expect a call from the engineers.

April '21
I inquired
about
impact to project

In addition, I have an email out inquiring about your question on the affects a project like this has on the value of a property such as yours. Planning to reach out via phone if I do not get an answer by the end of the week.

As always, please reach out if there are any questions or additional concerns. I hope you both have a great rest of your day.

All the best

Zak Hale
CFO/Business Development Coordinator
Hale Resources, LLC
www.HaleResources.com
www.CRMVT.net
<https://www.linkedin.com/in/zak-hale-8943a7142/>
(802) 375-5410

Castleton Planning Commission
Draft Meeting Minutes
April 27, 2021 - 6:00 PM
Town Office

4/27/21
PC

Joe Bruno called the meeting to order. Those in attendance included Bob Franzoni, Frank Johnson and Liz Mackey. Others in attendance included: Ed Bove, Jonas Rosenthal, and Dan Forcier

Frank Johnson made a motion to approve the agenda as presented. Bob Franzoni seconded the motion. The motion passed.

Joe Bruno turned the meeting over to Jonas to talk about the omission of building height on Planned Unit Development.

~~The Ordinance that was approved in February but did not include a waiver for building height (to four storied) though it was discussed.~~ *

The Planning Commission members remembered that it was discussed. No one could remember why it was left out. Discussion followed if the members wanted the language in.

Dan Forcier believed that the building height should be the same for all Zoning Districts. Yes!

Ed Bove recalled the earlier discussions but left it out because he believed that there was no definitive decision.

The consensus was to add the language in. Joe Bruno asked Ed Bove to draft the language and have it ready for a Public Hearing in May. *

Ed Bove continued the discussion of further edits.

So, just like that; a member of the Planning Commission says, Yeah... 4 story buildings in Castleton.

Bob Franzoni made a motion to adjourn the meeting. Frank Johnson seconded motion. Motion was approved.

Jonas Rosenthal
Note taker

5/25/21

Whoops! Forgot height variance in Feb for Berlin building!

Adding in May '21



ZONING ORDINANCE

(including Flood Hazard Areas)

Planning Commission Public Hearing

Tuesday, May 25, 2021 - 6:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/84770705488>

Meeting ID: 847 7070 5488

Or by phone (929)205-6099

From

Add to my timeline Dec 2020
Purchase Agent
Town Hall etc

all in
Ed Bove

→ RC - need to change
Dec 20
+ Jan 21 change Zoning Ordinance - Total Rehab
(not since 1980)
Feb 22, 2021 New subdivision
by April - "whoops" need height waiver in
here

by May 21 - approved by P. Comm

JUNE 23, 21 → again new
Zoning Ordinance to fit
H & H and Roseville
plan

This is accomplished by allowing creative site design, building placement, street layout, architecture, and provision of streets and utilities, which otherwise may not conform to the Elylaws.

A PUD may only be permitted on a parcel of not less than five acres in the R-40, RR-2A, RR-5A, RC, and the VC Zoning Districts and after review of Performance Standards for the PUD and Conditional Use Review by the DRB. All submission requirements by the applicant and public hearing process necessary for PUD shall apply.

Allowed uses include single family, two family and multiple-family dwelling units. Other accessory uses are permitted whether used in common by residents of the PUD, or individually or by other means. This may include shared garages, community buildings, natural or man-made water features, tennis courts, golf, or other similar facilities. Permitted recreation uses may be made available for public use. The DRB shall first review and approve any such public use to ensure conformance with the PUDs purpose and regulations.

All zoning requirements for the district shall be met except that the following may be modified or waived: density of dwellings, building height, lot area, lot width/depth minimum, lot coverage and setbacks.

Where the development may affect the character of the adjacent properties, the DRB may require special landscaping, natural buffer setbacks, and areas which must be kept free of buildings. The overall density of dwellings may exceed the density for the district in which it is located. All designated open space shall be protected from any additional residential development and shall be preserved according to conditions imposed by the DRB. An approved PUD shall not be further subdivided to create an additional PUD.

There shall be a homeowner's association, co-operative, or other entity governed by an agreement with conditions, covenants, and regulations. This agreement shall provide additional legal means to assure continuation and maintenance of all open space.

PERFORMANCE STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

The following performance standards are applicable to all development for Planned Unit Developments and will be reviewed by the DRB during Site Plan and Conditional Use Review.

Formatted: Font color: Red

5/25/21

**Castleton Planning Commission
Meeting
Tuesday, May 25, 2021 - 6:20 PM**

**Join Zoom Meeting
<https://us02web.zoom.us/j/84770705488>
Meeting ID: 847 7070 5488
Or by Phone (929) 205-6099**

No May
meeting minutes

Agenda

- Call Meeting to order**
- Approve agenda**
- Approval of meeting minutes of May 11, 2021 (to follow)**
- Continue to Update Zoning Regulations with Ed Bove**
- Adjourn meeting**

?? Nothing
on here about
a hearing ??
I think I printed early
Fall '21 ?

5/25/21
PC

Not posted Oct 21!

Where was this
posted??

Notice of Public Hearing
Castleton Planning Commission
Tuesday, May 25, 2021 - 6:00 PM
Castleton Town Office - 263 VT Route 30 N
Join Zoom Meeting
<https://us02web.zoom.us/j/84770705488>
Meeting ID: 847 7070 5488
Or by Phone (929) 205-6099

The purpose of the Hearing is to amend the Town of Castleton Zoning Regulations (Bylaws).
The geographic area affected include all areas of Castleton.



Proposed Zoning Bylaw changes:
Section 417: Planned Unit Development - Building Height
Section 1208: Waivers - Building height

The full text of the existing and proposed changes to the Town of Castleton Zoning Regulations can be reviewed at the Town of Castleton Town Website (www.Castletonvermont.org) and Town Office, located at 263 Route N.

S/Jonas Rosenthal
Zoning Administrator

Got it... so... bldg height/waivers
waiver in Feb. 22, 2021

Version 50 had to add
in →
Have a Public Hearing in
May...

To approve New Zoning Reg's
date June 2021

* This is why it was so clear in Mike's brain at 2nd Oct. meety in 2021, ^{DRB}
where to find the exact language of
the zoning changes.

5/25/21
PC

Not posted Oct '21
(yes by May '22)

**Notice of Public Hearing
Castleton Planning Commission
Tuesday, May 25, 2021 - 6:00 PM
Via Zoom**

Agenda

Call Meeting to order; Chairman Joe Bruno called the Hearing to order

Those in attendance included: Planning Commission members Bob Franzoni, Frank Johnson and Liz Mackay. Others present included: Development Review Board member Dan Forcier and Zoning Administrator Jonas Rosenthal.

Chairman Bruno called on the Zoning Administrator Jonas Rosenthal to review the changes. Rosenthal directed those in attendance to go to page 30. The language that was added included Section 417: Planned Unit Development – “building height”.

*** Dan Forcier stated that he believed that all building height limits should be the same.**

Jonas Rosenthal referred the second change on Section 1208 Waivers.

Discussion followed.

Robert Franzoni made a motion to approve the changes as presented. Frank Johnson seconded the motion. Motion carried.

Robert Franzoni made a motion to adjourn the meeting. Frank Johnson seconded the motion. Motion carried.

**Meeting adjourned.
S/ Jonas Rosenthal**

Undated document??

Not posted
Oct 21

**Planning Commission Reporting Form
for Municipal Bylaw Amendments**

Town of Castleton, VT – Zoning Ordinance Bylaw Update – 2021 (2)

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under §4444 of this title,

But the existing
Castleton Zoning
Regs didn't
even have
this??

The proposed is an amendment to the Zoning Ordinance Bylaw (Bylaw changes):
Section 417: Planned Unit Development - Building height
Section 1208: Waivers - Building height

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed Bylaw conforms with and furthers the goals and policies of the Town of Castleton Municipal Plan Housing Chapter which has goals to provide safe and affordable housing and a concept from “Enabling Better Places - A Zoning Guide for Vermont Neighborhoods”.

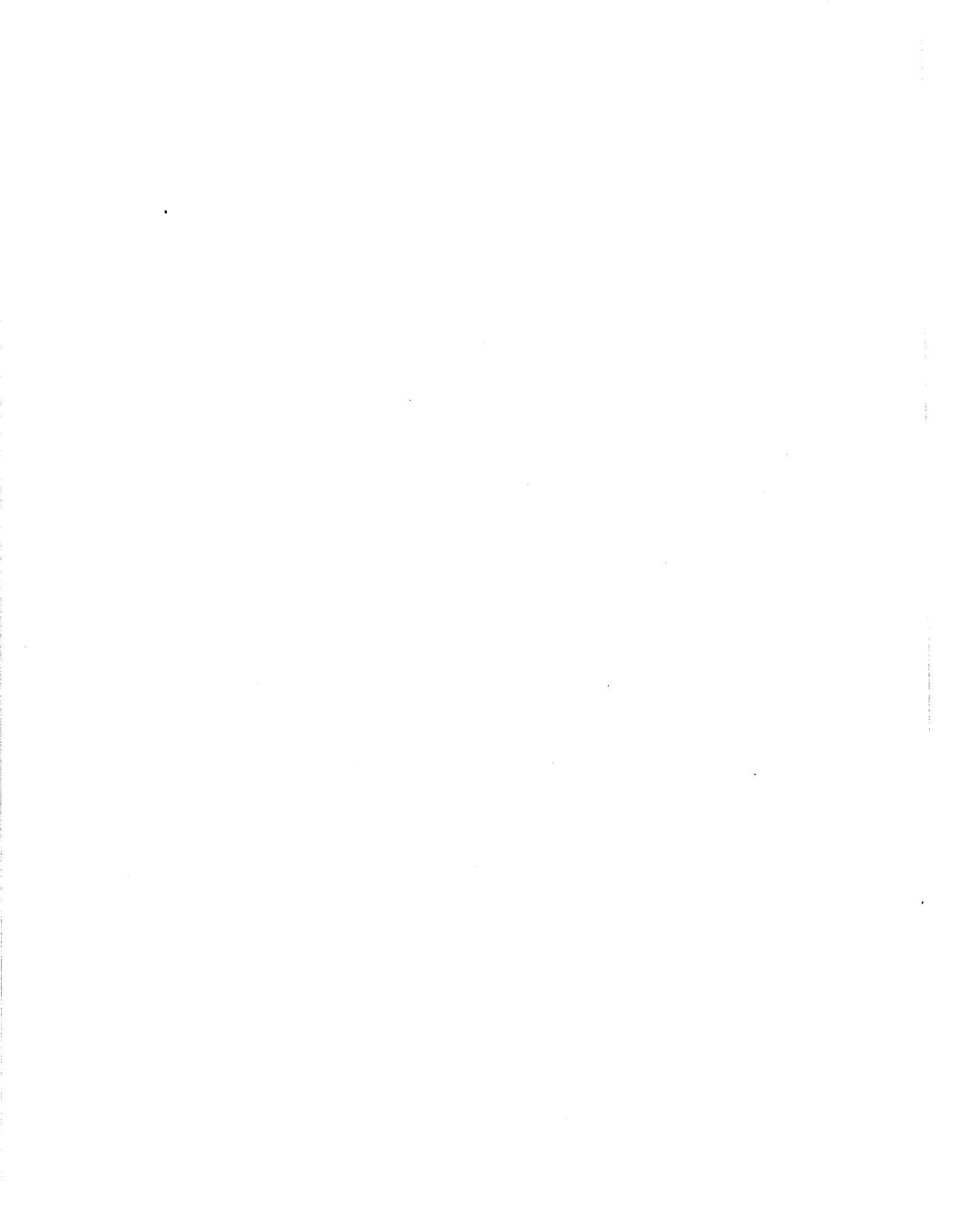
2. Is compatible with the proposed future land uses and densities of the municipal plan:

The zoning districts in the proposed Bylaw have not changed; however, are now fully in-line with the Town of Castleton Municipal Plan Future Land Use Map, which was amended in 2018.

Was this
changed
or..?

3. Carries out, as applicable, any specific proposals for any planned community facilities. " N/A

property
changed in
2018??



6/8/21
PC

Castleton Planning Commission
Meeting Minutes
(Draft)
June 8, 2021- 6:00 PM

Mike Holden called the meeting to order. Those present included: Frank Johnson, Liz Mackey, Jonas Rosenthal and Ed Bove.

Liz MacKay made a motion to approve the agenda. Frank Johnson seconded the motion. Motion carried.

* (Ed Bove) passed out copies of the latest draft of the Unified Development Regulations (UDR).

??
In June '21
still reviewing

The Planning Commission reviewed the edits up to page 50.

The Commission will start on page 51 of the document at the next meeting.

Liz Mackey made a motion to adjourn the meeting. Frank Johnson seconded the motion. Motion carried.

Meeting adjourned.

Jonas Rosenthal
Acting Secretary



Town of Castleton VERMONT

Published on *Town of Castleton VT* (<https://www.castletonvermont.org>)

[Home](#) > ZONING ORDINANCE: FOR PUBLIC HEARING ON JUNE 14TH @ 6:30PM

ZONING ORDINANCE: FOR PUBLIC HEARING ON JUNE 14TH @ 6:30PM

ORDINANCE ATTACHED FOR REVIEW

Town of Castleton

Notice of Public Hearing

June 14, 2021 at 6:30 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/86464134609>

Meeting ID: 864 6413 4609

By Phone (929) 205-6099

But they've been still discussing.

*Town of Castleton Zoning Ordinance Docum
Commission Publications
Date: 6/14/21 2:53:22 PM*

Statement of Purpose: The Select Board of the Town of Castleton will hold a Public Hearing in the Town Office on June 14, 2021 at 6:30 pm to take public comments Via Zoom and to consider for adoption changes to the Town of Castleton Zoning Ordinance.

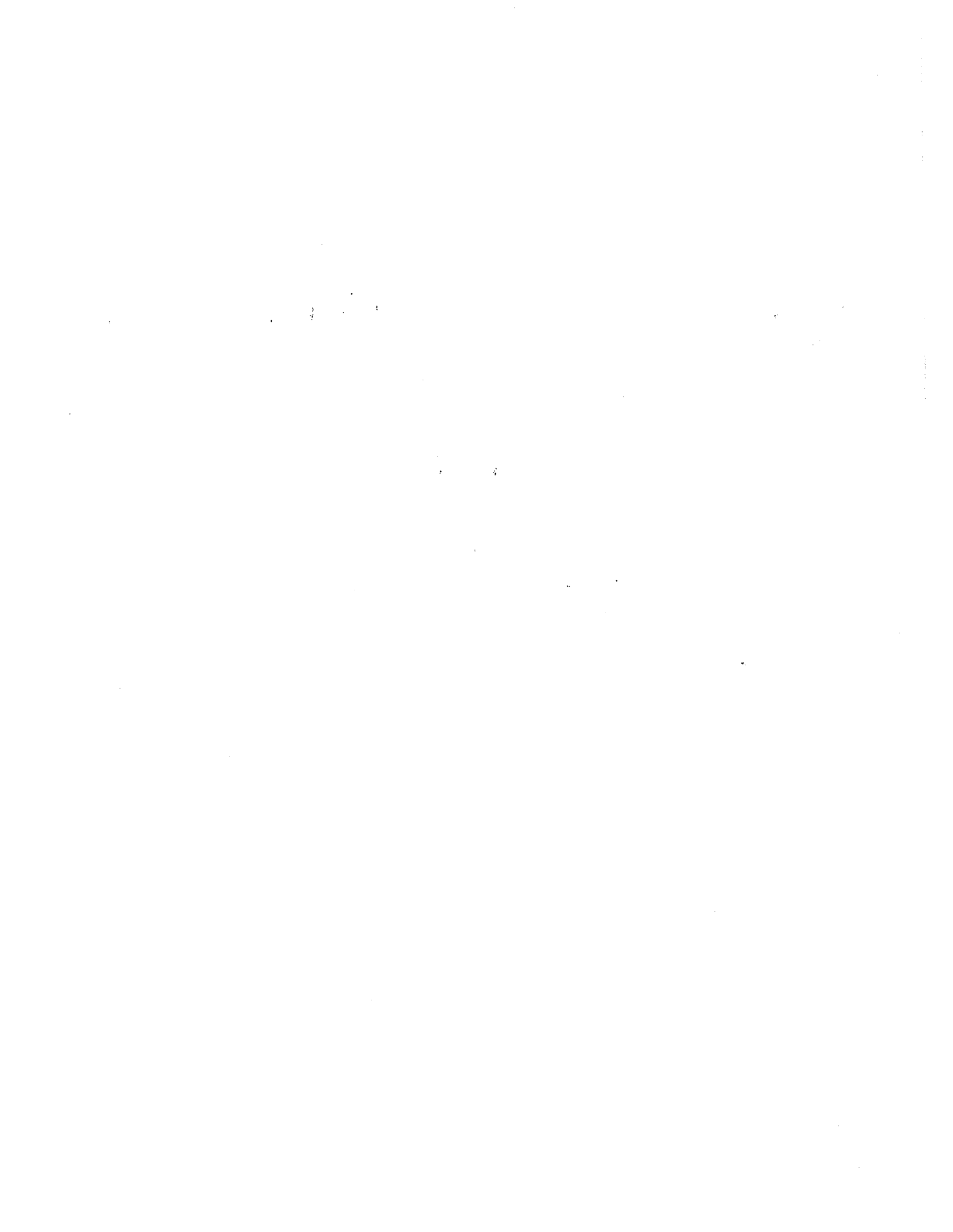
List of Section headings: Article IV Uses Permitted Subject to Conditions - Section 417: Planned Unit Development

Article XII: Development Review Board: Section 1208: Waivers

The full text of the proposed changes may be examined in the Castleton Town Offices, 263 Route 30 N. Castleton, Vermont 05735 from 8:00 am to 4:00 pm Monday through Friday. Or online. See attached.

Castleton Selectboard

Jim Leamy, Chairman



6/22/21
PC

**Castleton Planning Commission
Draft
Meeting Minutes
June 22, 2021- 6:00 PM**

Joe Bruno called the meeting to order. Those present included: Frank Johnson, Bob Franzoni, and Jonas Rosenthal.

Frank Johnson made a motion to approve the agenda. Bob Franzoni seconded the motion. Motion carried.

Jonas Rosenthal distributed copies with the latest edits from Ed Bove of the Unified Development Regulations (UDR).

The Planning Commission began on page 51.

Discussion followed about providing additional information to the headers if state statutes were referred to just for clarity.

Jonas Rosenthal asked the members to review and forward your comments and suggestions for Ed Bove.

Bob Franzoni made a motion to adjourn the meeting. Frank Johnson seconded the motion. Motion carried.

Meeting adjourned.

Jonas Rosenthal
Note taker

6/28/21
SB

**TOWN OF CASTLETON
SELECT BOARD MINUTES
Monday, June 28, 2021
Zoom Virtual Public Meeting**

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair; Joseph Mark, Select Board Parliamentarian and Secretary; Robert Spaulding, Member; Michael Holden, Select Board Member; Michael Jones, Town Manager; Jonas Rosenthal, Laura Jakubowski, Castleton University Chief Budget & Finance Officer; Kerry Fowler and Chris Cresci representing Fire District 1; Mike Mullen, Pike Industries;

ABSENT: Robert Spaulding, Member

CALL MEETING TO ORDER

The meeting was called to order by Select Board Chair, Jim Leamy at 7:00p.m.

APPROVAL OF AGENDA

Mr. Combs made a motion to approve the agenda. Mr. Holden seconded the motion. All were in favor and the motion passed.

APPROVAL OF MINUTES: 6/14/21

Due to an issue with the recording, it was decided that the Select Board members would participate in a telephone poll to fill in missing information.

Mr. Holden made a motion to table the minutes of 6/14/21. Mr. Combs seconded the motion. All were in favor and the motion passed.

CITIZENS COMMENTS & CONCERNS

Mr. Cresci spoke to the Select Board on behalf of Fire District One. Mr. Cresci shared that there are 2 issues at this time within Fire District One. The first issue is in regard to the water and sewer lines from the Reservoir along Main Street. This line is almost 100 years old and has issues with grit and tuberculation. If this line breaks at night, it could empty the reservoir and cause the pumps to start. Mr. Cresci stated that the line needs to be repaired and the Fire District would like to apply for grants to assist with the cost of this repair however as they are not a municipality, they cannot directly accept federal funds. The Fire District would like to ask the Town of Castleton to assist as a pass through for any potential grants received. At this time, Fire District One has approximately \$600,000 in their reserve. This project is estimated to cost a million two and will require permission from a local family and permits from the State of Vermont as the line runs through wetlands.

The second issue Fire District One is facing is the replacement of the bridge to Well #1 on Mill Street. Tropical Storm Irene damaged some of the supports for this bridge and Mr. Cresci stated that Fire District One did not believe that the State of Vermont will allow the repairs, therefore, Fire District One is looking for an alternate entry from North Road.

Discussion was had on the cost of materials for the issues.

It was also clarified that if the water line was to break, there is an alarm that will alert the members of the Fire District as well as automatic phone calls that will go out.

to this report: A FC changes a specific part of zoning document to #7 the reason is to
Kathy
look into this!!
challenge?? Non the town DRB is told to use these zoning regs to approve the
project?

Mr. Combs made a motion to support Fire District One in their endeavor to acquire federal money and to do any reasonable thing to help them do that such as act as a pass through. Mr. Holden seconded the motion. All were in favor and the motion passed.

PAVING BID AWARD

Mr. Jones shared a spreadsheet breakdown of the differences between the two companies that provided bids for Bid Packet A and Bid Packet B. Discussion was had on the importance of milling the current pavement prior to re-paving.

(Recording is unclear regarding the following motion)

Mr. _____ made a motion to award Bid Packet A and Option 1 to Pike Industries Inc. for an amount not to exceed \$188,100.00. Mr. _____ seconded the motion. All were in favor and the motion passed.

Mr. Mark made a motion to award Bid Packet B without milling to Wilk Paving Inc. for an amount not to exceed \$205,200.00. Mr. Holden seconded the motion. All were in favor and the motion passed.

POLICE UPDATE

Chief Mantello shared the monthly update with the Select Board. Chief Mantello noted that May was quieter than April, however he noted that they are seeing more motor vehicle accidents. This weekend is the fourth of July, and is anticipated to be very busy.

A brief discussion was had regarding mutual aid and officer requested assistance crossing state lines.

LION'S CLUB REQUEST FOR USE OF TOWN GREEN: AUSTION 8/4 & 8/5

Mr. Holden made a motion to allow the Lion's Club to use the Castleton Town Green on August 4th and August 5th. Mr. Combs seconded the motion. All were in favor and the motion passed.

TRANSFER STATION: CONSIDERATION OF FEES VS. FINANCIAL REPORT

Mr. Jones shared that the Transfer Station has exceeded anticipated revenues to date. It appears that the MSW bag fees are where we are falling short. No motion is needed as no changes were made at this time.

ZONING ORDINANCE UPDATE

Discussion was held to clarify the requested changes to the Zoning Ordinance. As per Mr. Leamy these changes were to allow the DRB flexibility regarding height of buildings.

Mr. Holden made a motion to adopt the changes as presented by the Zoning Ordinance as presented by the Planning Commission. Mr. Mark seconded the motion, all were in favor and the motion passed.

CDERAC CHARTER FOR SIGNING

Mr. Mark made the following recommendations for amendments to the CDERAC Charter:

- 1st line under membership, 4 or more of members shall be Town residents.
- The terms of the residential members shall be 2 year terms, eliminate the rest of that sentence.
- On page 2, referencing the Town's appointment guidelines, end the sentence with the word "vacancy."
- Section 4 change to include the CDERAC Committee shall keep and post publicly minutes.

Now he is on DRB??
Contract of what?
prior support of project?

10/29/21, 9:43 PM

Mail - Culpo, Katy - Outlook

7/10/21

Update on Senior Care Facility

*Match
Please
Comment
Mark*

*June 28, 2021 Zoning Ordinance
adopted by Select Board*

Zak Hale <zak@haleresources.com>

~~Sat 7/10/2021 12:08 PM~~

To: Culpo, Katy <katy.culpo@castleton.edu>; Culpo, Paul D. <paul.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Hello Katy and Paul,

I hope all has been well with you since our last conversations.

My purpose in reaching out is to inform you that we have started making traction again on the Senior Care Facility in Castleton. This past week I met with the engineers and developers to walk the site. Meaning we have started spending money on these guys so things are looking well for the project.

In the near future, the engineers are going to stake out the building so that I can meet with you and show you exactly where we are looking to place this building. I wanted to make sure that it is still okay if they used your lawn for the GPS device as the signal would be much better in an open area. I have Katy's cell as 518-322-7361. I will make sure that they call a couple days in advance to set up a time as well.

I imagine this will be completed in the next few weeks. I am not 100% sure as to when though. Our next step in this project is to meet with the DRB, present the project to them, and offer them to make any suggestions/raise any concerns. So, I imagine the engineers will be in touch prior to this meeting. The meeting is going to be at 7pm on August 17th at the town office. You are more than welcome to attend that meeting if you would like.

If you have any questions in the mean time, then please do not hesitate to reach out to me.

Thank you for your time and talk to you soon.

Respectfully

Zak Hale

CFO/Business Development Coordinator
Hale Resources, LLC

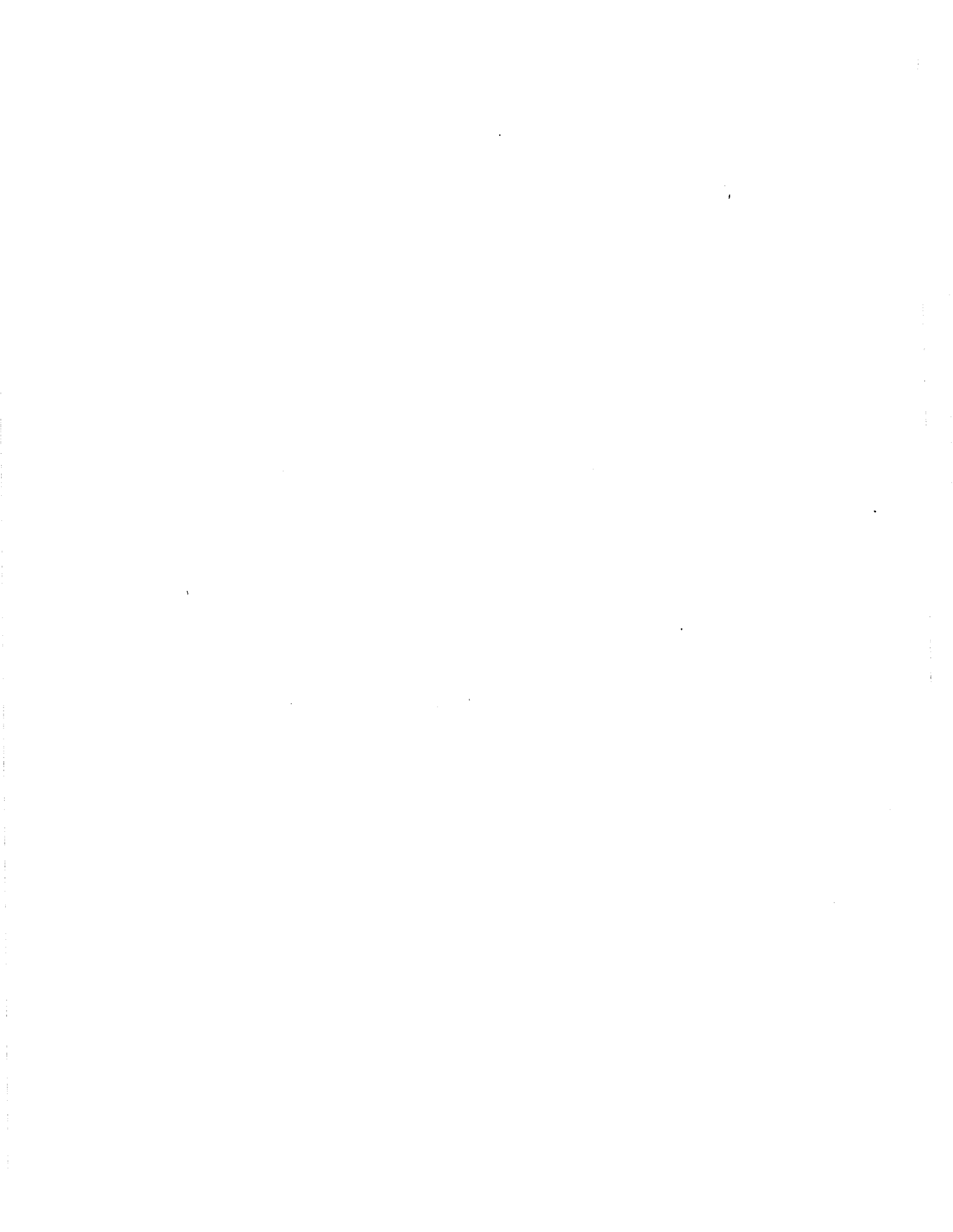
www.HaleResources.com

Community Resource Management, LLC

www.CRMVT.net

<https://www.linkedin.com/in/zak-hale-8943a7142/>

Cell: (802) 375-5410



7/21/21



Town of Castleton

263 Route 302A, P.O. Box 727 Castleton, VT 05735

July 21, 2021

- Connecting all Departments (802) 468-8369
- Manager - 203
- Admin. Asst. - 201
- Tax Dept. - 204
- Town Clerk - 201
- Health Officer - 207
- Assessor - 209
- Zoning - 208
- Treasurer - 205
- Accounting - 206
- Police Department (802) 468-7750
- Highway Dept. (802) 468-2459
- Transfer Station (802) 468-3095
- Wastewater Dept. (802) 468-5315
- Fax - All Depts. (802) 468-5482
- On the web: castletonvermont.org

TO: Castleton Development Review Board
FROM: Castleton Select Board

RE: Permit application #8177

We, the undersigned members of the Select Board, want to express our strong support for the permit application cited above.

In what follows, we will explain our position on the matter.

- As you are likely aware, the Town of Castleton owns the Sand Hill Road property (parcel #0901-11) on which Hale Resources proposes to build a 99-unit senior living facility.
- As owner of the property, the Town of Castleton is a co-applicant along with Brad Dousevlez, of Dousevlez Inc., which represents Hale Resources.
- Hale Resources has entered into a purchase and sale agreement with the Town for the purpose of acquiring parcel #0901-11.
- This parcel was given to the Town on 12/12/1996 by then Castleton State College, now Castleton University, for the express purpose of economic development.
- The project, as proposed, would create strong programmatic linkages between several Castleton University academic majors and activities and services at the senior living facility.
- Three successive CSC/CU presidents, Presidents Wolk, Scolloro, and Spiro, have all expressed their enthusiastic commitment to the planned collaboration.
- Both the Castleton Planning Commission and members of the Town's Community Development and Economic Revitalization Advisory Committee have supported the project.
- The proposed senior living facility would create fifty to seventy new jobs, some of which would be high paying. *NO. Debanked the 5*
- If, as anticipated, the project costs approximately \$17M, the Town would realize significant property tax revenue from it. Conservative estimates indicate new annual revenue of \$300,000 soon after construction is completed, a total that would grow appreciably over time. *100% False! Never corrected info provided to DRB.*

For these many reasons, the Select Board of the Town of Castleton—in this matter, both current owner of parcel #0901-11 and co-applicant for permit #8177—believes that granting this permit would substantially benefit the Town while admirably fulfilling the purpose of the 1996 gift.

Respectfully,

James Leamy
James Leamy

Richard Combs
Richard Combs

Robert Spaulding
Robert Spaulding

Joseph Mark
Joseph Mark

Michael Holden
Michael Holden

Cc:
Town of Castleton Planning Commission
Town of Castleton Community Development & Economic Revitalization Advisory Committee
Hale & Hale Resources

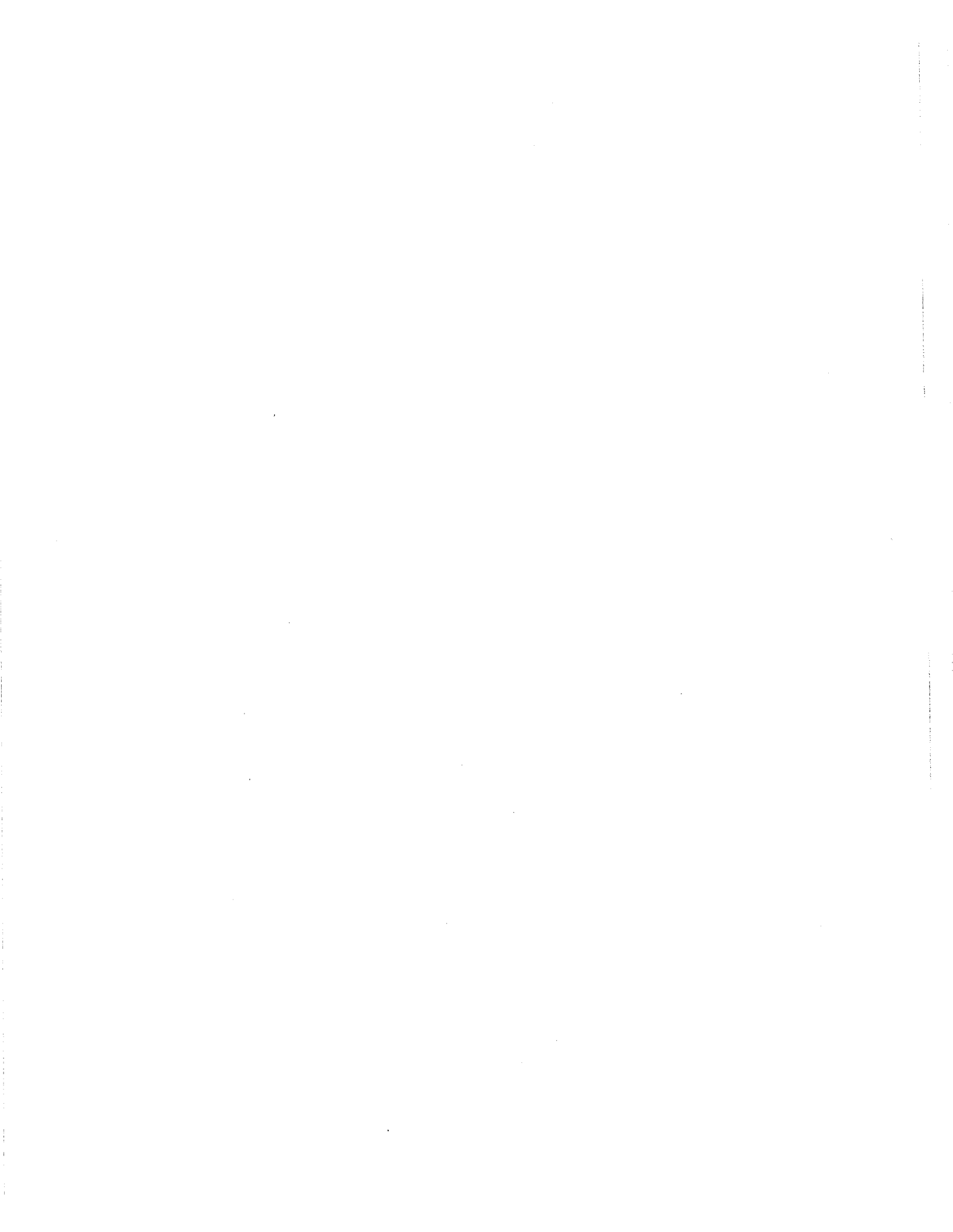
23 papers for project for support prior support

So... should Mike Holden be voting now on DRB?? Conflicts of interest

Dave thought he an elder hostile... 4 storms??

Wrong!
Rich Coombs contacted 6/28/2021

Lie!



8/10/21
PC

Not poss
Oct 21

Castleton Planning Commission (unapproved) August 10, 2021 Minutes

The Castleton Planning Commission met on August 10, 2021 at the Castleton Municipal Offices and via Zoom. The meeting was called to order at 7:05 PM with Joe Bruno presiding as the chair. The people in attendance were Jonas Rosenthal, Frank Johnson, Bob Franzoni, Joe Bruno and Liz MacKay.

Bob moved to add discussion on development on Sand Hill and other business to the agenda. Liz seconded. The motion passed and the agenda was accepted as amended.

The minutes were not presented from the last meeting.

Development on Sand Hill

Joe turned the meeting over to Jonas to discuss the development on Sand Hill Road.

1. Paperwork about the senior living facility was handed out to commission members.
2. Jonas read the letter from Bryan Currier. *- not in meeting minutes?*
3. Mailings were sent to 40 property owners on July 28 about the development.
4. Liz and Joe will attend the DRB public hearing on 8/7 about the application for the senior living facility.
- * 5. Zack Hale will be asked to highlight the study that was done in 2018.

So the Castleton Zoning Administrator is asking the developer to highlight information (2018 study) to support the project

Zoning Regulations Update

1. The commission members received new copies
2. Commission members are to review the changes and be ready with questions for Ed Bove at our next meeting.

** shouldn't zoning Admin. be neutral?*

Other Business:

None

** Later in Oct 22, 21 DRB Meeting Town Manager instructs DRB members to only consider zoning reqs ... which have all been*

Public Comment:

None

Bob moved to adjourn. Frank seconded. The motion passed and the meeting adjourned at 8:03PM.

Respectfully Submitted,
Liz MacKay - Commission Member

fit the Berlin Building into Castleton Vermont.

Was this a coordinated effort b/w Zoning Administrator, Town Manager, Ed Bove (from Rolland Regency) and Developers to "guide" or manipulate the necessary "Town" documents to condition PC + DRB's to have all "locally" support this project??

** Katy look into this now?? Is targeting specific zoning regulations to tailor a project even further?? Look into this!*

10/19/21 Katy Culp's notes taken at this meeting,
Mike Holden & Katy attended in person
Milca Jones - on phone

DRB Meeting

Town of Castleton
Town Offices

263 VT Route 30 N

Notice of Public Meeting
Development Review Board

Tuesday, October 19, 2021 - 7:00 PM

Revised Agenda

* Minutes not posted from
this meeting.

(no DRB meeting minutes/agendas
Nov 21 / Dec 21)

1. Call meeting to order
2. Approve the Agenda
3. To hear an application for Permit # 8186 - Conditional Use Permit for self-storage facilities. Property Location 1454 (RTE 4 A) Main St. Owner Applicant, Patrick & Melissa Laughan.
4. Old Business
5. Approval of Minutes of October 5.
6. New Business
7. Deliberative Session
8. Adjourn meeting

No meeting minutes posted..

* It was at this meeting
that Milca refused a

May meeting...

"We went back and
fixed that..."

* Look at PC ^{lan} _{en}
May 2021

Jonas Rosenthal
Zoning Administrator

* Look at Berlin DRB Minutes *

- Exact location

- Parking

- Push Back??

- Sidewalk?

walking paths?

So... was it approved?? or not??

Katy Culp notes

Print Zoning Administrative Officer role...

Laura Sargent made a motion to approve the {preliminary site plan} for permit #8177 with a maximum height of 48 feet, 4 story building in the field with the approximate location submitted with the permit application.

Sean Steves second the motion. Pat Keller called for a roll call Vote.

Don Wood- No, Dan Forcier- No, Sean Steves- yes, Laura Sargent-Yes, Pat Keller-yes. Motion passed 3 to 2.

The vote was for just the preliminary site plan and building height. We have yet to see an additional site plan with the exact location in the field, lighting plan, landscaping plan, recreationa are plans, stormwater run-off plan, utilities plan, and architectural plan.

traffic report

Laura Sargent made a motion to adjourn. Don Wood second the motion all were in favor and the meeting adjourned at 10:20pm

Mike -> whole meeting is out there...

" provision allowed as PUD variance states "

Mike Jones states people go to an "zoning requirements in there its in zoning & "

* State/legislative * Town requirements for meeting mins??

* There are primary source docs, / historical-

* Section Jonas says & Dined that

we had in May 2021 Public hearing - that was only thing that was corrected in May 2021 (height is in that packet.)

* No person to take minutes

Planning Commission + Select Board

11/23/21
PC

Castleton Planning Commission Meeting
Town Offices
263 VT Route 30 North
November 23, 2021 – 7:00 PM

Members Present –Elizabeth MacKay, Frank Johnson, Michael Holden

Others Present - Jonas Rosenthal, Zoning Administrator

Others Present via Zoom – Allison Harvey

Call to order - Meeting called to order by M. Holden at 7:04pm

Approve Agenda

F. Johnson made a motion to approve the agenda as presented. L. MacKay seconded. All voted in favor. So voted.

Discussion of Meeting Minutes

L. MacKay made a motion to approve the minutes of October 26, 2021. F. Johnson seconded. All voted in favor. So voted.

J. Rosenthal stated there are a number of meeting minutes from the recent past during the changes in recording secretaries that were done by notes, and some were given to Karen Stewart, and he believes there are gaps in approvals and he wants to check on approval of them. He will go over those next week with K. Stewart.

Discussion of Stone Mill Solar LLC Project – 2.2 MW Solar Project

J. Rosenthal stated on July 13, Mr. Geise was here to discuss getting a waiver or a set back variance on two separate parcels for his solar project. He presented an MHT solar project proposal and requested a certificate of public goods, shared copy of site plan, discussed fence and panels. He wanted to put the panels 25 feet from boundary, regulations require 50 feet. L. MacKay recalled that it affected the landowner, not the neighbors. J. Rosenthal stated the other concern of J. Bruno was the screening of the project given the height of the land compared to drive by visibility. The permit itself has now been filed as of November 5, and he believes they need to follow up and file any objections there are with lack of adequate screening and the waiver of the 25 foot setback.

J. Rosenthal was hoping Ed Bove would be present to see what the flow is of the project, what the municipality has for status on the project and how that's affected. Back in July, after an Executive Session, they postponed making a decision. J. Rosenthal will follow up with Ed Bove on what the process is from this point, now that it is officially filed. A year ago, it was a smaller project, but since has become a mega project to bypass municipal input into the project and goes to the State level. The Planning Commission is not sure if the town setbacks are a required or not. F. Johnson asked how the

Early Fall 2021 (Oct)
after 10/5/21 DRB
Meeting -
I printed ALL
Agendas + PC/DRB
Meeting Minutes from
Town Website.
Began deep diving into
how a 4 story building
on Sand Hill Rd could be
possible??

Brenda
Records
request
October '21

Hum...
This explains
why many
things not
posted before
Oct '21

How would
Town citizens
ever follow
knows all the
Zoning changes

What's happening!
Pandemic Feb '20 → Summer '21 and on...
D. and Steve not socializing or
in public.

10/29/21, 9:43 PM

Mail - Culpo, Katy - Outlook

DECREASED
NEW EVIDENCE PROPERTY VALUES

4/7/21

GPS/Stake visit follow up

Zak Hale <zak@haleresources.com>

~~Wed Oct 27 12:31 PM~~

To: Culpo, Paul D. <paul.culpo@castleton.edu>; Culpo, Katy <katy.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Hi Katy and Paul,

I hope this email finds you well.



We ran into a couple hurdles during our due diligence process that we need to get over before taking any additional steps forward.

With that said, I do not expect the engineers to visit this week. I will be sure to reach out and let you know when the hurdles have been cleared and when you should expect a call from the engineers.

April '21
I inquired
about
i post to proposal to us

In addition, I have an email out inquiring about your question on the affects a project like this has on the value of a property such as yours. Planning to reach out via phone if I do not get an answer by the end of the week.

As always, please reach out if there are any questions or additional concerns. I hope you both have a great rest of your day.

All the best

Zak Hale
CFO/Business Development Coordinator
Hale Resources, LLC
www.HaleResources.com
www.CRMVT.net
<https://www.linkedin.com/in/zak-hale-8943a7142/>
(802) 375-5410

10/21/21 RE: Question Follow Up

Zak Hale <zak@haleresources.com>

Thu 10/21/2021 12:14 PM

To: Culpo, Katy <katy.culpo@castleton.edu>

This message is from an external sender. Please be careful when clicking on links and attachments.

Good Morning Katy,

I could have sworn I followed up on this. However, I just went through all the emails I sent you and I did not find anything relaying the information to you. My apologies for not getting back to you on this.

I did talk with the company who completed our feasibility study as well as the developers about this questions. The feasibility company told me that there were so many factors involved and they could not give a definitive answer. The developer's were a bit hesitant to comment on this as well and also suggested that so many factors play into this. Unfortunately, there is no database to see facilities that are built or filter searches to see facilities built in a similar environment to Sand Hill Rd specifically. If that was the case we could go in and find those places and compare home values before and after a project was complete. Again, even if we did have this capability, then this would have to be looked at with some objectiveness since there are no two cases exactly the same. COVID just had a crazy impact on the single family home market in VT as well. So, again we would have to be objective looking at that data because pretty much every single family home in this state just appreciated.

As an accountant and a real estate professional, my only comment is that a Fair Market Value for anything is determined by a willing buyer and a seller. With that said, I think there is an argument to be made that this facility could both increase and decrease the amount of willing buyers and sellers. Of course adding this building could make the property less desirable to some people but it could also make the property more desirable to others. Some people don't want to live next to that size a building so that might eliminate a willing buyer who may have been interested before. At the same time, the location of the property would make a great residence to someone managing the facility and they may find great value in it being so close. Perhaps someone wants to move close to their loved one while they are residing at the facility. There are also other factors to consider. For example, if this project helps sidewalks being built on Sand Hill Road then that is a plus for the property.

No sidewalks will be built on Sand Hill Rd.

I wish I had a more concrete answer for you. Please let me know if there is anything else.

Best regards

Zak Hale
Partner/CFO
Hale Resources, LLC
www.haleresources.com
Community Resource Management, LLC
www.crmvt.net
https://www.linkedin.com/in/zak-hale-8943a7142/
Cell: 802-375-5410

From: Culpo, Katy
Sent: Wednesday, October 20, 2021 9:44 PM
To: Zak Hale
Subject: Question Follow Up

Good Evening Zak,

Hope all is well. I was following up on a question I asked back in April 2021 when you first reached out to Paul and I regarding the Sand Hill Project and the effect this may have on our property value. On April 7, you responded -

"In addition, I have an email out inquiring about your question on the affects a project like this has on the value of a property such as yours. Planning to reach out via phone if I do not get an answer by the end of the week. "

Do you have any information on this? Thanks.

Katy Culp

~ ~ ~ ~ ~
Katy Culp, EdD
Associate Professor
Department of Health, Human Movement, & Sport
Coordinator Health Education Program
Castleton University
190 College Drive, Castleton, VT 05735

New Evidence : Conflict of interest pressures put on DRB members.

Originally adopted by Castleton Select Board 7/8/2020



Distributed to DRB members @ 7/20/21 meeting

Town of Castleton **Policy Regarding Conflicts of Interest and Ethical Conduct**

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Town of Castleton Select Board hereby adopts the following policy concerning conflicts of interest and ethical conduct.

Article 2. Purpose: The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in its officers will be preserved. It is also the intent of this policy to ensure that all decisions made by public officers are based on the best interests of the municipality.

Article 3. Application. This policy applies to all individuals elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions of the Town of Castleton.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. Conflict of interest means any of the following:

1. A real or seeming incompatibility between a public officer's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of a public officer or a person or group closely tied with the officer including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of an official act or action, or any other matter pending before the officer or before the public body in which the public officer holds office. A conflict of interest may take any of the four following forms:
 - a. A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
 - b. An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer.
 - c. A direct personal conflict of interest arises when a public officer acts on a matter that has a direct impact on the officer in a non-financial way but is of significant importance to the officer.
 - d. An indirect personal conflict of interest arises when a public officer acts on a matter in which the officer's judgment may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization further its own interests.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communication(s) related to a quasi-judicial proceeding that is before the body to which that officer belongs.

A "conflict of interest" does not arise in the case of an official act or action in which the public officer has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

- B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.
- C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- D. **Official act or action** means any legislative, administrative or quasi-judicial act performed by any public officer while acting on behalf of the municipality. This term does not apply to ministerial acts or actions wherein no discretionary judgment is exercised.
- E. **Public body** means any board, council, commission, or committee of the municipality.
- F. **Public interest** means an interest of the municipality, conferred generally upon all residents of the municipality.
- G. **Public officer** means a person elected or statutorily appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include municipal employees.
- H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct:

- A. A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization that has an interest in an official act or action pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer will not request or accept any reward, gift, or favor for taking an official act or action or advocating for or against an official act or action.
- E. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.

F. A public officer who is a member of a public body shall not give the impression that he or she has the authority to make decisions or take actions on behalf of that body.

Article 6. Disclosure. A public officer who, while serving on a public body, may have a conflict of interest, whether real or perceived, in a matter under consideration by that public body shall, prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest, whether real or perceived.¹

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

Article 8. Recusal.

A. Recusal of Appointed and Elected Officers. After taking the actions listed in Articles 6 and 7, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.² Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses himself or herself may, but not must, explain the basis for that decision.

B. Recusal of Appointed Officers. The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest, whether real or perceived, may be grounds for discipline or removal from office.³

Article 9. Recording. The minutes of the meeting or the written decision / minutes from the meeting / hearing shall document the actions taken in Articles 6 through 8.

Article 10. Post-Recusal Procedure.

A. A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.

¹ Such request shall not be considered an order for the officer to recuse him or herself.

² Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

³ Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

B. The public body may adjourn the proceedings to a time, date, and place certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 11. Enforcement.

A. **Enforcement Against Elected Officers; Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases in which an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 10, the Town of Castleton Select Board may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

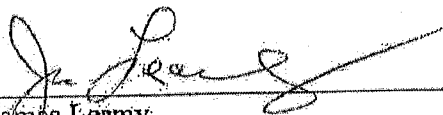
1. The chair of the Town of Castleton Select Board may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
2. The Town of Castleton Select Board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Town of Castleton Select Board may admonish the offending public officer in private.
3. The Town of Castleton Select Board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Town of Castleton Select Board may request (but not order) that the offending public officer resign from his or her office.

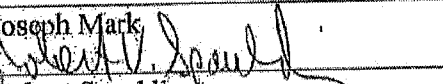
B. **Enforcement Against Appointed Officers.** The Town of Castleton Select Board may choose to follow any of the steps articulated in Article 11A. In addition to or in lieu of any of those steps, the Town of Castleton Select Board may choose to remove an appointed officer from office, subject to state law.


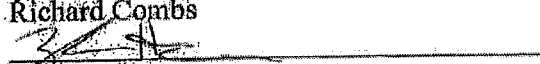
Article 12. Exception. The recusal provisions of Article 8 shall not apply if the Town of Castleton Select Board determines that an emergency exists or that actions of a quasi-judicial public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall only be required to disclose such conflict as provided in Article 6.

Article 13. Effective Date. This policy shall become effective immediately upon its adoption by the Town of Castleton Select Board.

Signatures:


James Leamy

Joseph Mark

Robert Spaulding


Richard Combs

Zachary Holzworth

Originally adopted: 07/08/2020

Date:

3/23/2020

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD
* Tuesday, July 20, 2021 at 7:00pm
Castleton Fire Station Community Room**

PRESENT: Dan Forcier, Development Review Board Member; Pat Keller, Development Review Board Member; Laura Sargent, Development Review Board Member; Sean Steves, Development Review Board Member; Don Wood, Development Review Board Member; Jonas Rosenthal, Zoning Administrator; Eliza LeBrun, Recording Secretary; Jacob Patorti; Pasquale Patorti; Daniel Kadish

CALL MEETING TO ORDER

Due to the absence of a Board Chair, the meeting was called to order by Mr. Rosenthal at 7:00pm.

Mr. Wood made a motion to nominate Mr. Keller for Development Review Board Chair until the end of June 2022. Mr. Steves seconded the motion. All were in favor and the motion passed.

Mr. Steves made a motion to nominate Mr. Forcier for Development Review Board Vice Chair. Ms. Sargent seconded the motion. All were in favor and the motion passed.

APPROVAL OF AGENDA

Mr. Keller made a motion to approve the Agenda. Mr. Forcier seconded the motion.

The Conflict of Interest Policy was added to the Agenda.

Just before DRB Sandhill Project meeting will begin... Hmm?? To pressure begin...

All were in favor of the amended agenda, the motion passed.

APPROVE MEETING MINUTES OF JUNE 15

Mr. Forcier made a motion to approve the Minutes of June 15. Mr. Wood seconded the motion. All were in favor and the motion passed.

REVIEW PREVIOUS 2004 PERMIT #5911 – DRB APPEAL #154

Discussion was held between Mr. Rosenthal and Mr. Pasquale Patorti regarding receipt of a letter from Bill Martinez dated May 4, 2006 regarding the expiration date of the DRB Appeal. Mr. Pasquale Patorti does not recall receiving this letter.

Mr. Jacob Pasquale felt that the new application is more important than reviewing the older permits and documentation. Mr. Jacob Pasquale shared with the Board that they did their best to communicate with their neighbors regarding their concerns. Mr. Jacob Pasquale had heard that if the sound was controlled the neighbors would not try to shut the venue down. There is approximately 100 acres that are usable on site for the venue and parking. The Patorti's are open to a site visit from the Development Review Board.

Mr. Jacob Patorti shared that they would like to host events once a week with a maximum of 500 guests.

The following conditions were discussed:

- Up to date "Parking Map" identifying the 3 other locations that could be used for parking.
- No noise after 10pm

previously in beginning of process of reviewing DRB Members

- No performances on Sundays
- No more than 500 guests.
- No police force present during performances.

Mr. Keller stated that he will review the 2004 permit for other conditions to consider.

Discussion was had regarding whether or not a Public Safety Permit was required as they would not have over 2,000 guests present, as well as the need for an Act 250 permit. The Patorti's have contacted Mr. Oberkirch as the State of Vermont Permit Specialist for this district. Mr. Oberkirch had advised that the Patorti's wait for the outcome of this meeting.

There will be port-a-potties on site.

Alcohol will be sold during certain events. However, caterers with a liquor licenses and insurance will be hired to serve.

Mr. Pasquale Patorti asked the DRB about the previous request for insurance as it seemed extremely high. Discussion was held regarding the need for the venue to insure the Town of Castleton. The Patorti's have Commercial and General Liability Coverage issued by Mt. Vernon Fire Company consisting of 1 year of community gatherings and the performing arts.

Mr. Jacob Patorti asked the Development Review Board to advise his family on how to do this the right way to avoid being shut down.

DELIBERATIVE SESSION REGARDING APPLICATION FOR PERMIT #8165 – Conditional Use Permit for a Recreational Public Gathering Venue for entertainment. Property location is 646 Rice Willis Road.

Mr. Forcier made a motion to enter deliberative session with Mr. Jonas Rosenthal at 7:37pm. Mr. Wood seconded the motion. All were in favor and the motion passed.


Mr. Wood made a motion to exit deliberative session at 8:21pm. Mr. Forcier seconded the motion. All were in favor and the motion passed.

Mr. Forcier made a motion for a site visit on July 23, 2021 at 3pm. Mr. Steves seconded the motion. All were in favor and the motion passed.

Preliminary conditions will be drafted and sent to the DRB prior to the next meeting on Tuesday, August 3, 2021.

OLD BUSINESS


Mr. Rosenthal shared that the Childcare project on Sand Hill is on hold for financial reasons.

 The Senior Housing project also located on Sand Hill hopes to provide Mr. Jonas with a site plan by the last Thursday of July (July 29, 2021.) This will be added to the agenda for the DRB meeting on August 17, 2021.

Mr. Keller asked the Board to consider sidewalks on Sand Hill as there is a lot of bike and pedestrian traffic on Sand Hill.

NEW BUSINESS

Mr. Rosenthal shared that the current Self Storage facility located on Route 4A would like to expand on 1774 Route 4A. Currently the location is zoned for Village Commercial.

 All members of the Deliberative Review Board received a copy of the Conflict of Interest and Ethical Conduct documents

Mr. Rosenthal will not be able to attend the site visit on July 23, 2021.

ADJOURN

Mr. Forcier made a motion to adjourn the Development Review Board meeting at 8:36pm. Mr. Wood seconded the motion. All were in favor and the motion passed.

Respectfully submitted; Eliza LeBrun, Recording Secretary

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

4. The second part of the document outlines the procedures for handling disputes and resolving conflicts.

5. It is important to establish clear communication channels and protocols for addressing any issues that arise.

6. The document also provides guidance on how to maintain confidentiality and protect sensitive information.

7. Finally, it emphasizes the need for ongoing training and education for all staff involved in the process.

8. The document concludes by reiterating the importance of transparency and accountability in all business operations.

9. It is hoped that these guidelines will help to ensure the highest standards of integrity and efficiency.

10. Thank you for your attention and cooperation in implementing these measures.

11. Sincerely,
[Signature]

12. [Name]
[Title]

13. [Address]
[City, State, Zip]

14. [Phone Number]
[Email Address]

15. [Website]

16. [Additional Information]

17. [Closing Remarks]

18. [Final Signatures]

10/5/21

DRB Meeting that night on Sand Hill Road project

Castleton Zoning Administrator

From: Town Manager
 Sent: Tuesday, October 5, 2021 5:07 PM
 To: Forcier, Daniel DRB Member - lives on Sand Hill Road
 Cc: 'danielforcier@gmail.com'; Jonas Rosenthal; Dick Combs; Castleton Zoning Administrator
 Subject: Re: Meeting

Dear DRB Member, Planning Commission Members and CDERAC Members, *was not emailed to all of the members only 3 people,*

I am on vacation in Alaska and took time away from the visual splendor of the John Hopkins Glacier to write to you as you prepare to discuss the assisted living facility on Sand Hill Road, something I remain convinced would be a long-term economic and human compassion investment in our community.

I would like to address some friction I am witnessing over the Planned Unit Development project proposed on Town land on Sand Hill Road. Oftentimes when larger projects like this are proposed in small communities it can more divisive than uniting, which is unfortunate for the economic engine and growth of our community. These types of opportunities don't come around to small communities often, especially those communities who do not promote growth within their Town Plan or through local boards and commissions. A project like this will bring jobs to our community and support local businesses. Senior housing, not unlike childcare, is growing in demand and for those opposed to answering this demand in their backyard, perhaps need to reflect on where they themselves will be in the next, 5, 10, 20, or 30 years. Perhaps it will be you who need senior housing so you can remain in your community, or perhaps you or your children will need local childcare so you/they can enter the workforce, all of which contributes to society as a whole. I foresee continued opposition to economic growth in our community as a loud and clear message that we are "closed for business", something I think you will agree is economically unhealthy.

There is only so much property available for growth, it is critical we find ways to promote and approve growth instead of stifling or pushing more to find ways to denying projects, possibly for all the wrong reasons. If we want to invest human energy and brainpower, I believe it is time to take a hard and long look at investing in our own future.

Before committees, boards, commissions to stimulate an awakening within the community. We need input from the entire community, not just from those who oppose something. This is something that has proven difficult in the past. There has to be investment in our future or we will just stagnate more and more, something that isn't very attractive to those looking for a new place to live or open a business.

We cannot survive being a community of second homeowners and snowbirds. This awakening I mention must be a recipe of positivity and a vision for the future of our community, including looking past our own mortality, and doing what is right for communal self-preservation. What kind of community do we want to leave behind? Before there is any type of marketing campaign we need to agree on what we want our community to look like and nurture that vision and lay out a strategic plan on how to get there.

It Isn't a secret that those who are making decisions today can either positively or negatively impact the future growth and economic health of the community that we all profess to care about. If the decision makers are acting without tying those decisions to the Town Plan and a clear vision of community needs, that seems self-serving, especially when board, committee, and commission members have a bias or conflict. To those in the community, these may be real or

perceived, but when the community lacks a base plan or vision to use as handrails, and where freelancing becomes the norm, perception can become reality.

In regard to the proposed assisted living facility project on Sand Hill Road, my interactions with members of the public have made it clear to me that there are members of the community who believe (perceive) that there are members of the DRB who may have a conflict (real or perceived) with the project because it is in their back yard, or in the back yard of their neighbors/friends. Whether real or perceived, it is causing rumors to be spread and the negativity conjures up reminders of how negatively impacts a community, such as moving the Town Office or fire station from Main Street to Castleton Corners. All of that emotion and division was wasted energy as the new Town Office and fire station are the new norm and have not been a detriment to the residents. We also have a division in the community where some want new concrete sidewalks and some want dirt paths. We have pro-solar and anti-solar members of the community. We have pro-wind power and those opposed. The possibilities are endless and without a vision and the framework (Town Plan & priorities), we can sit and spin our wheels and gain nothing more than division, opposition, mistrust, and even anger within the community. We have the power to change it all if we can come together with a vision and framework that best serves the greatest amount of people in the community in a positive way.

Change can oftentimes be difficult to embrace but there comes a time when change may be a required element for a community to not just survive, but thrive. The concept of, "I got mine, so why change" serves "the now", but may not be what is best for the future of a community. We have an opportunity to take a fundamental look at our community and how we serve the greatest number of residents using the resources now have, will have, or are able to access. If we are not looking at expanding drinking water, sewer services, 3-phase power, broadband internet, and improving our roads, we will fall short when those looking to open a business move past Castleton because we are mired down due to a lack of vision and framework needed to thrive, not survive. It is my understanding that over the past couple of years we (Town) have had growth opportunities such as an assisted living facility, daycare/Early Childhood Development Center, outdoor (Drive-in) theater, and to date, nothing has passed through zoning, or the opposition to zoning. As a resident, taxpayer, and somebody invested in the process of community resilience, I am concerned that the message we are sending to potential investors is we are not "open for business". I remain hopeful that we can come together and assess the economic health of our community and take the necessary steps to solidify a vision for the entire community, ultimately building the framework needed to move Castleton forward. I believe this can be done without sacrificing our brand or losing our identity. I believe we continue to sell ourselves short and we have not yet healthfully exploited our history and identity to best serve all our residents.

I appreciate and respect our boards, committees, and commissions and for the volunteerism of a small segment of our community. I encourage all those serving on boards, commissions, and committees to thoughtfully evaluate the project on Sand Hill Road and do what is best to the Town as a whole, knowing that it may not be popular to all.

Best,

Mike

Get Outlook for IOS

October 25, 2022

To: Members of the Development Review Board

Some Reasons Why Many Residents of Sand Hill Road, Suncrest Terrace, Blue Cat Lane, and Main Street Oppose Hale and Hale's Senior Living Facility on Sand Hill Road

1. The facility is just too large and too tall to be built in the Sand Hill neighborhood. The neighborhood is comprised of single-family homes and one small dairy farm. The Hale and Hale Company wants to erect a building with 100 apartments on land that up to now has been used for agriculture. The building may well be the biggest building in all of Castleton. It will be so large that it will have a footprint two times larger than the footprint of Hoff Hall at Castleton University. Moreover, because it will have four stories, it will be taller than any building in Castleton, except for some CU dormitories. We call the Hale and Hale facility "the monstrosity." It just doesn't fit on Sand Hill Road.

2. Furthermore, we oppose the facility because of the way in which the zoning bylaws were changed to accommodate it. The bylaws were changed during the height of the pandemic in the winter of 2021. This was before there was a vaccine, and most citizens were very worried about getting Covid. They were staying at home to avoid the virus, keeping their kids busy as schools closed, wondering whether they should go to work or work from home, etc. It was during this dreadful time that the Planning Commission and then the Select Board decided to change the zoning laws in major ways.

Who had time to worry about zoning laws when so many Vermonters and Americans in general were dying of the virus? Changing the bylaws should have been put on hold until townspeople had a chance to once again focus on town business. **After all, if it weren't for the Hale and Hale project, there would have been no need to hurry.** We should take a step back and see what all of the citizens of the town think of the new zoning bylaws. Maybe we should even give them the opportunity to vote on the new bylaws. There's an idea we may all be able to support.

3. We also think that the facility will produce a substantial increase in traffic on Sand Hill Road. The facility will have roughly 150 people living in it, and many of these folks will have cars. Moreover, there will be workers at the facility--the nurses and cleaners and cooks and dishwashers--who will use the road. Plus, there will be the UPS trucks, the oil trucks, the grocery delivery trucks, and, yes, the ambulances. And we haven't even mentioned all of the workers and supply trucks that will use the road while the facility is being built. As our friends on Main Street who oppose the facility like to remind us, all of these vehicles will be traveling on Main Street as well. They think Main Street has enough traffic as it is. It doesn't need any more.

So, if the facility is built, a road that is now used by local residents and their children as well as CU students to walk, run, bike, skateboard, etc. will become a road used to service a for-profit facility that will dominate the neighborhood as well as the skyline. It will not add to our quality of life. It will destroy it.

4. We also oppose the project because we think our fragile water pipes will not be able to handle the increased use that the addition of 100 apartments will put on them. The pipes are old. They have broken at least twice in the last six months. A hydrant that was removed months and months ago has not been replaced. Perhaps the water district has not been able to find a hydrant old enough to fit our aging pipes. We do know that the district does plan to replace the pipes once they finish one or two projects that have priority and once they find the money to pay for the project. Honestly, that could take ten months or ten years. Nobody knows.

Yours,

John Miller
Kathy Cafe
Emilia Fossaris
Marlene Fossaris
Marlene Harris

Brenda Fleming
Lois [unclear]
Pat [unclear]
James [unclear]

William L. Harris

Signatures

Name (Printed)

Signature

Lori Delance

Lori Delance

Christina Pellerts

Christina Pellerts

Erik Roberts

Erik Roberts

Lack Delance

Lack Delance

Amanda Delany

Amanda Delany

Christopher Pross

Christopher Pross

James Bennick

James Bennick

Crystal Bennick

Crystal Bennick

James Rotondo

JAMES ROTONDO

Damon Angelo

Damon Angelo

David J Miller

David J Miller

Fritz Asuncion

Fritz Asuncion

Wendy Abate

Wendy Abate

Meredith Fabian

Meredith Fabian

Walter F. Fabian, III

Walter F. Fabian III

Ivez Otero

Ivez Otero

Sonya Saltis

Sonya Saltis

Kevin Nazen

Kevin Nazen

Jamatha Karuba

Jamatha Karuba

Julian Smith

Julian Smith

Laura Des Jardins

Laura Des Jardins

Mackenzie Mahony

Mackenzie Mahony

Kelley Staples

Kelley Staples

Lee Jamieson

Lee Jamieson

April Jamieson

April Jamieson

Eileen KNAPP

Eileen Knapp

Name (Printed)

WAYNE PICKETT
Sherrilyn Pickett
WILLIAM PATTERSON
Bonnie Hayes
GAIL L. KEYES
Kenneth W. Allen
MARS Key Hill
Jac Culpo
Cerise Boucher
Robbie Boucher

Signatures

Signature

Wayne Pickett
Sherrilyn Pickett
William Patterson
Bonnie Hayes
GAIL L. KEYES
Kenneth W. Allen
Mary Key Hill
Jac Culpo
Cerise Boucher
Robbie Boucher