

CASTLETON DEVELOPMENT REVIEW BOARD
November 7, 2023 – 7:00 PM
Castleton Fire Station Community Room
273 VT Route 30, Castleton, VT

Zoom Meeting Link:

<https://us02web.zoom.us/rec/share/vQyzuH9WIN1o0Rhhg9tliEWXryVmGG89EER6qhJ4OKIGagHSF9hOHH1pFU3pe3x.ildjva1lenhwZ8OV>

Board Members Present: Laura Sargent, Mike Holden, Yvonne DeLance, John Alexander, Pat Keller

Others in attendance included: Karen Oakman,

In attendance via Zoom: Jane Tifft, Allison Harvey, Recording Secretary

Call Meeting to Order

Meeting was called to order at 7:08 pm by L. Sargent.

Approve Agenda

M. Holden made a motion to approve the agenda as presented. Y. DeLance seconded. All voted in favor of the motion. So voted.

Hearing for Application #8312 – Rosemary Rogers, Property #37-50-24, 2617 VT Route 30 North Bomoseen

Those giving testimony were sworn in at this time.

K. Oakman explained application #8312 and the documents presented to the Board for review, including why the original application was denied. First was a letter 9/22/20 by Jonas Rosenthal explaining the denial of a permit because of lot size setbacks and required percentage of coverage of the property.

Packet #2 is Permit application #8185 was issued on 9/28/21 by former Zoning Administrator Jonas Rosenthal which includes an approval and the Town Clerk's office filing as proof of the process. The permit was approval for a 6'x25' enclosed deck only with a height of 12 feet. The original deck/porch was 9 feet. This permit was only for the enclosed deck and describes the proposed building, and existing deck measurements.

Packet #3 includes Permit #8296 issued by interim Zoning Administrator J. Thomas on 9/7/23, which was for a renewal of Permit #8185, which also included a roof height adjustment that was not in the original document. The measurements used were 31'x 9'x 10', which removed the previous permits and approved this one.

Packet #4 is a letter indicating to the property owner that the permit was not being posted, and an additional violation of Regulations from 2021 that already advised multiple times about requirements of a non-conforming structure with conforming use and the necessary steps and that they would have to appear before the DRB for a hearing. The letter refers to Section 709 showing photos of the violation and why it was being issued as it was.

Packet #5 is a letter dated 10/10/20 which is a Notice of Appeal for the Notice of Violation #2310 from Attorney Kupferer and a request to clarify the permit application and a public hearing request. L.

Sargent noted that each packet seems have changes to use, with different additions and measurements are changed. It was asked if photos should be submitted, L. Sargent replied that anything that is going to be used as evidence should be presented 7 days prior to the meeting. J. Alexander asked what part constitutes the change/violation. J. Alexander felt a change in pitch of a roof would not necessarily need a permit, however others felt the change in height is the problem. K. Oakman stated the original permit was for 12 feet in height, the actual height of what has been constructed is 15 feet plus. Because this is a non-conforming structure with a conforming use, any changes need to go before the DRB, and would need to follow the permit approved, not changing the measurements. Attorney Kupferer stated to clarify, on the roadside the roof height is 14-15 feet, on the lake side it is about 24 feet.

Packet #6 is letters and telephone messages regarding the proposal.

K. Oakman stated in discussion of photos and neighboring properties, the neighbors' concerns are the passive solar gain into their house in the wintertime. J. Calvi presented photos of the new construction and stated they can already tell there is a significant difference in the roofline. G. Kupferer indicated there is no increase in the footprint, which does not increase the non-conforming use. They have only increased the roofline, which total height is still below the maximum allowed height. G. Kupferer further questioned how the original permit was granted by J. Rosenthal without it coming before this board. Discussion on the original permit application that was granted and the subsequent applications provided.

Lengthy discussion among the Board and the applicants on the proposal, what the roof line does to neighbors' properties and how the entire permit process has been accomplished to this point. D. Calvi explained the concrete work and enclosing the road side deck and that they anticipated that change, however the new roof on the remainder of the building was not anticipated. They do have passive solar loss and explained they have a long history of being neighbors and is a difficult position. Further discussion on what has been done to date and what the proposal actually included and review of photos and drawings with the application.

M. Holden made a motion to enter Deliberative Session for Permit #8312 at 8:30 pm. Y. DeLance seconded. All voted in favor. So voted.

M. Holden made a motion to exit Deliberative Session. Y. DeLance seconded. All voted in favor. So voted.

J. Alexander made a motion to approve in regards to Permit Application #8312 and DRB Appeal #2310 the Board finds applicant Rosemary Rogers built an unpermitted addition in enclosing all or part of a 9 foot by 25 foot deck into living spaces. In regards to the additional space that was built on in addition to this 6' x 25' that was permitted. The Board assesses an administrative fee of \$200 for failing to adhere to the square footage permitted in the original permit #8185. The Board further rules the applicant may proceed with the replacing of the existing roofing structure with a roof line 4 feet above the existing roof line to the end of the living portion of the existing structure. Beyond the living portion of the structure ie: over the existing deck on the lake side, any roof line will not exceed a preexisting ridgeline of the existing roof. Permit will issue upon completion of the payment of the applicable fees and detailed accurate measurement of what was done on the road side portion of

the house as well as the anticipated roof line over the house and over the deck and submitted to the Zoning Administrator. seconded. All voted in favor. So voted.

9:45 p.m. – Adjourn

M. Holden made a motion to adjourn the meeting. Y. DeLance seconded. All voted in favor of the motion. So voted.

Respectfully Submitted
Allison Harvey
Recording Secretary

FINAL