



**Town of Whitingham  
Zoning Board of Adjustment**

**MINUTES OF SEPTEMBER 11, 2025, PUBLIC HEARING**

**Call to Order. Additions or Changes to Agenda:**

Marshall Dix called the meeting to order at 6:30pm. There were no changes to the agenda.

**Hearing of visitors (for concerns not on the agenda)**

A visitor questioned who changes the speed limits on roads, it was answered that the Selectboard does.

**Attendees:**

ZBA members: Marshall Dix, Chair; Troy Felisko, Lyman Tefft, Rick Gramlin, and Amanda Pike.

Zoning Administrator/ZBA Clerk: Gig Zboray

Town Attorney: Robert Fisher

Acting moderator: James Weber

Applicant on Zoning Permit application #W-19-25: Dylan Saladino,

Applicant on Zoning Permit application # W-22-25: Chris Roberts of Two Lakes, LLC

Others: Sherrie Adams, Donnie Boyd, Ed Metcalfe, Linda Cardone, Ron Pastore, Chris Roberts, Steve Betit, Darlene Betit, Dylan Saladino, McKenzie Gancarz, Stanley Janovsky, Jr., Linda Brown, Larry Brown, Brent Betit, Corey Dix, Mark Moss

**Open SALADINO Hearing** Mr. Dix opened the hearing for Dylan Saladino, application W-19-25, reading the warning.

**Introductions** were made around the room.

**Discuss any potential conflicts of interest** Marshall Dix noted that he is friends with Mr. Saladino but feels he can make fair and impartial decisions on this case. No conflicts of interest were determined.

**Applicant to explain what they are asking for**

Mr. Saladino explained that he would like to add a living room and a mudroom/entry way to his home which is a pre-existing non-conforming structure. The pre-existing setback is 57' from the center of the road, the required setback is 65' in the rural lands zoning district. The proposed setback for the changes he would like to make is to remain at 57'.

When the zoning administrator went to the property to take photos in preparation for the hearing it was discovered that Mr. Saladino had begun work on the project without an approved permit and that he raised the second floor which was not on the application. A Notice of Violation was provided to Mr. Saladino before the hearing started.

**Hear from all concerned**

Question: How many bedrooms in the home now, 3 as it was original structure.

Brent Betit questioned what zoning regulations are being violated. Attorney Fisher explained. Marshall Dix questioned if Mr. Janovsky has any issue with the setback, as Road Commissioner, he answered, no.

Mr. Fisher noted that construction has started, and the zoning application didn't include the second-floor change on the application. He suggested that if the ZBA were to approve this request for waiver that a condition be set requiring a revised zoning application with the exact dimensions of the project and that Mr. Saladino pay for the additional square footage.

### **Close hearing**

Motion to close this hearing passed at 6:49pm

### **Open TWO LAKES, LLC hearing**

Mr. Dix opened the hearing for Two Lakes, LLC, application W-22-25, reading the warning.

**Introductions** were made around the room during the first hearing.

### **Discuss any potential conflicts of interest**

Marshall Dix is recusing himself from this hearing, because he worked for Mr. Roberts on this property when the project first started. James Weber will now moderate this hearing.

### **Applicant to explain what they are asking for**

Chris Roberts noted that it was brought to his attention (by a Notice of Violation dated June 25, 2025) that the building was measured at over 35' high, that several decks were added after the application was approved, that the size of the structure and the front setback do not meet his original permit. He stated his initial application was approved when the zoning regulations were worded differently (measuring front setback from the edge of the road versus from the center line of the traveled lane).

Mr. Fisher responded with the legal aspect of this application: height, setback, what was built doesn't match the original permit issued (W-10-21), several decks added without a permit. Mr. Fisher noted that Mr. Roberts was given the opportunity to cure the violation by submitting a new zoning application with the correct, as built dimensions, and the decks, which is what this hearing is about.

### **Hear from all concerned**

Ed Metcalfe questioned if the front deck encroaches more on the setback from the road, yes. Ms. Betit would like someone else to measure besides Gig. Mr. Betit would like Brad Lackey, certified land surveyor, to go out to determine if the building was placed where Mr. Lackey placed the pins when he was hired to do a plot plan for the project. Mr. Betit doesn't trust Gig. Mr. Metcalfe questioned if the accessory dwelling unit is more than 30% of the size of the original structure. Mr. Weber noted that this hearing is not about that topic. Mr. Metcalfe questioned if the front deck was removed, would he then be in compliance? Answer was unsure. Brent Betit complained that noise from the renters can be atrocious, past midnight at times. He cares more about the peace and quality of life far more than the zoning aspect. Mrs. Betit complains that if the town allows this, the town is setting a precedent for everyone else in town. Mr. Roberts said it would be nice to know how many waivers have been granted throughout the years. Mr. Metcalfe, back to the original permit, is there a requirement to have the main building or the accessory dwelling occupied by the homeowner. Mr. Fisher answered that the property must be owner occupied, but that does not mean that it is their primary residence. Mrs. Brown questioned

if the town has a pattern of what can be built in this town. No, only in the village district do the Zoning Regulations refer to a “New England style”, which is not defined. Mr. Felisko questioned if the height affects fire rescue at all, Mr. Janovsky answered no.

### **Close hearing**

A motion to close the hearing was made and passed at 7:35pm.

### **Other business**

None

### **Enter deliberative session:**

The hearing and meeting were closed, all visitors left. **A motion was made to enter deliberative session and to include Attorney Fisher and Gig Zboray, all in favor.**

### **Exit deliberative session:**

Exit deliberative at 8:48pm

### **Findings on Saladino Application W-19-25:**

The Zoning Board of Adjustment finds the proposed setback of 57’ will not have an adverse effect on traffic or to the neighbors. The Zoning Regulations (Section 6.1.7.b.2) provide that “Extensions or enlargements of non-conforming portion of a structure requires ZBA approval.” The ZBA finds that Mr. Saladino did begin construction before the permit was issued and raised the second story of the dwelling.

### **Decision:**

**A motion was made by Marshall Dix to approve Zoning Permit application #W-19-25 by Dylan Saladino, to enlarge a non-conforming structure with the condition that he file an updated application to reflect the second-floor changes and to pay the difference in the cost of the corrected application by September 18, 2025, seconded by Skip Tefft, all in favor.**

An interested person may appeal this decision within thirty (30) days to the Environmental Court as per 24 V.S.A. Chapter 117 § 4471.

### **Findings on Two Lakes, LLC Application W-22-25:**

Permit # W-10-21 was issued on May 7, 2021, allowing Two Lakes, LLC/Mr. Roberts to build a dwelling and an accessory dwelling unit on his property then known as Lot #1 Tyanoga Road (now known as 48 and 79 Tyanoga Road), the main dwelling having the following setbacks: 66’ from the centerline of the road, 86’ on the right, 183’ on the left and 137’ in the rear, with a height of 25’. On September 19, 2022, Mr. Roberts requested to amend the height of the structure to 35’, the request was approved by the zoning administrator.

The exterior stairway to the rooftop deck, the rooftop deck, and two other decks were not included on the permit. The original application indicated the primary dwelling would be 18’x43’, two floors for a total of 1,548 square feet. The “as built” is 60’x16’ and has a total square footage according to the assessors of 1,312 square feet. The assessors measured the height at 36’2” to the underside of the rafters.

A Notice of Violation was issued June 25, 2025 stating that in order to correct the issues on W-10-21, a new application should be submitted with the "as built" dimensions. Mr. Roberts submitted a new application (W-22-25), which required this ZBA hearing for a ZBA waiver request.

The ZBA finds that the site was not built in conformity with approved zoning application W-10-21. The ZBA finds that it would have been possible to construct this project in accordance with the original permit as issued.

Decision:

**A motion was made by Rick Gramlin to APPROVE the request for a waiver on the front setback.** The setback waiver would be approved for the main building at 48' from centerline of road (as built); **to APPROVE the "as built" deck on the left side of the structure; to DENY the "as built" front deck, because it encroaches even more on the front setback; to DENY the rear exterior stairway and roof deck because the deck is over the town height limit of 35'. Mr. Gramlin continued his motion to DENY the waiver request for a change in height, because the structure could have been built to the town's height limitation of 35'. The board therefore ORDERS the applicant to reduce the height of the building to no more than 35' and have that height certified by a VT registered/licensed land surveyor at applicant's expense and to remove the front deck, the rear exterior stairs, and the roof deck within \_\_\_\_\_ days. Seconded by Amanda Pike, three in favor, Mr. Felisko opposed, Mr. Dix recused himself.**

An interested person may appeal this decision within thirty (30) days to the Environmental Court as per 24 V.S.A. Chapter 117 § 4471.

Adjourn

Meeting adjourned at 9:02pm.

Respectfully submitted,

*Gig Zboray, ZBA Clerk*