

DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES
Meeting of TUESDAY, SEPTEMBER 4, 2007

1. The meeting was called to order at 7:00 p.m.

Members present: Robert J. Wernecke, Chairman; John Hurley, Vice-Chair; Muriel Morse; and Robert G. Manley. Absent: Henry A. LaGue, Jr.

Staff present: Jeff Schulz, Town / Zoning Administrator and Carla Preston, Recording Secretary.

Others present: James Stacey and Margaret Stacey.

The Board welcomed Jeff Schulz who now serves as Berlin's Town Administrator and its Zoning Administrator.

The Board explained its Policy and definition of party status and interested persons to attendees.

2. New Business

- A. **07-078 – James A. Stacey** submitted an application for Conditional Use Review to enlarge a non-conforming structure. The property is located at 1601 Jones Brook Road, Berlin, in the Rural Residential (R-40) District, Tax Map R8, Lot 45. James Stacey and Margaret Stacey were sworn in to give testimony on this matter. Zoning Administrator Jeff Schultz was also sworn in to give testimony.

Ms. Morse stated that her sister is related to the applicants (Her sister is married to the applicant's brother.). No one expressed any objections to Ms. Morse serving on the Board.

The following documents were submitted and admitted as exhibits. **Exhibit #1:** Application For Zoning Permit dated August 13, 2007; **Exhibit #2:** Sketches of lot showing the location of the existing and proposed mobile homes, access, stream, well, onsite wastewater system, setbacks, etc.; **Exhibit #3:** Floor Plan of proposed modular home; **Exhibit #4:** Applicant's statement with regard to Sewage Disposal Approval; **Exhibit #5:** Applicant's statement addressing Conditional Use Review Criteria; **Exhibit #6:** List of abutting property owners; **Exhibit #7:** August 10, 2007 letter from the applicant "To any and all concerned parties" requesting a municipal impact statement; **Exhibit #8:** August 21, 2007 letter from the Berlin Volunteer Fire Department stating minimal impact; **Exhibit #9:** August 15, 2007 letter from Berlin Highway Department stating minimal impact; **Exhibit #10:** August 14, 2007 letter from the Berlin Police Department stating no adverse impact; **Exhibit #11:** Zoning Administrator's Report for DRB meeting September 4, 2007.

James Stacey said he is the owner of the property, on which two mobile homes currently exist. There are two separate residences on this property, which have been there for 30 plus years. He said he wants to demolish one singlewide 12 foot by 60-foot mobile home and replace it with a three-bedroom ranch style structure (modular home) with a full basement. He said there would be no changes in water or sewer. The total number of bedrooms would not change. The existing sewage disposal system has been inspected by an engineer and approved by the State. Both homes are now and would be 75 feet or greater from the stream.

Mr. Schultz, ZA said he visited the property and noted that it is accurately portrayed on the plans/sketches. He said it must be approved by the DRB because the replacement home would be larger than the existing residence. He explained that the nonconformity is based on two existing homes on one lot. Currently, the front yard setback is not met, but it would be met for the proposed replacement home.

Margaret Stacey said they applied for and received a waiver for the porch, which made the front yard setback 42 feet. The new mobile home would meet all setbacks. The lot size is 1.5 acres. She verified that there have been two mobile homes on that site for approximately 35 years. She said she now lives in the 14 foot by 52-foot mobile home, which replaced an older home and her son James, lives in the other one.

Ms. Stacey said the common septic system and water supply were installed with plans for two dwellings. She said it was done above standard and based on seven people living in them at the time. She said they have had no problems with water supply or with the septic system.

Mr. Stacey said he would be increasing the size of the home by about 400 square feet. He said there are no other impacts.

The Board clarified that the applicants are asking for Conditional Use Review under Section 3.11 Non-Conforming Uses & Structures and not for a permitted use under Section 3.09, Lot and Yard Requirements regarding accessory dwellings. The lot is non-complying based on the fact that two dwellings exist on one lot.

The applicants addressed the Conditional Use Review Criteria most of which was not applicable to this application.

- a. ***Safety of vehicular and pedestrian circulation on site and any adverse impacts on the adjacent street network.*** Mr. Stacey indicated that no modification to the existing driveway and walkways are being proposed.
- b. ***Adequacy of circulation, parking, and loading facilities.*** Not applicable for this residential lot.
- c. ***Bicycle and Pedestrian Access.*** Not applicable for this residential site.
- d. ***Adequacy of landscaping.*** Not applicable for this residential lot.
- e. ***Hours of Operation.*** Not applicable for this residential lot.
- f. ***Setbacks.*** The applicant indicated that setbacks would be improved and all met based on this proposal. The mobile home with the existing porch that created the 42-foot front yard setback would be demolished. The new modular home would be located so that all setback requirements are met. Both mobile homes would be at a distance of 75 feet or greater from the stream.
- g. ***Adequacy of Exterior lighting.*** Not applicable for this residential lot.
- h. ***Stormwater and Drainage.*** Not applicable for this residential lot.
- i. ***Utilization of renewable energy resources.*** Not applicable for this residential lot.
- j. ***Municipal services Impact Evaluation.*** The applicant has received letters from the Berlin Fire, Police and Highway Departments, all of which stated no adverse impacts.
- k. ***Flood Hazard Review.*** Not applicable.
- l. ***The Character of the Area Affected; Neighboring Uses.*** The applicant indicated that the character of the area and neighboring uses are all of a residential nature.
- m. ***Bylaws Then in Effect.*** The lot is non-complying due to the fact that two dwellings exist on one lot. This condition predates the Bylaws.

Based on the documents presented and testimony heard, Ms. Morse made a motion, seconded by Mr. Manley, to close the hearing in the matter of Application 07-078. The question was called and the motion passed unanimously, 4-0.

3. Pubic Comment.

4. The Board voted to table its review and approval of the Minutes of the August 21, 2007 meeting.

5. Other Business

Mr. Hurley said the Planning Commission is considering private roads, including when they should meet A76 standards. He feels that this important issue needs to be addressed prior to public vote on the proposed subdivision regulations. He will keep the Board apprized of upcoming meetings.

6. Status of Findings.

The Board voted to go into deliberative session at 7:25 p.m. and out at 8:00 p.m. to discuss the status of Findings. The Board's decision with regard to (closed) adjourned applications will be reported in its Findings.

7. The next meeting of the Development Review Board is scheduled for **Tuesday, September 18, 2007**. The following meeting is scheduled for **October 2, 2007**.

8. There being no further business, the meeting was adjourned at 8:06 P.M.

Respectfully submitted,

Carla Preston
Recording Secretary
Town of Berlin