

**DEVELOPMENT REVIEW BOARD**  
**108 Shed Road**  
**Berlin, Vermont**

**UNAPPROVED MINUTES**  
**Meeting of TUESDAY, April 3, 2018**

1. The meeting was called to order at 7:04 P.M.

Members present: Karla Nuissl, Vice-Chair; John Friedrich; Josh Fitzhugh; Shane Mispel; and Paul Irons, Alternate. Absent: Robert J. Wernecke, Chair.

Staff present: Thomas J. Badowski, Zoning Administrator and Carla Preston, Recording Secretary.

Others present: Robert Dindo.

The Board explained its Policy and definition of party status and interested persons to attendees. Copies of the Rules and Policies and Procedure were available as handouts. No one present requested party status.

2. New business

**A. 17-097 – Robert Dindo and Mark Knapp** submitted an application for a boundary adjustment involving 0.4 acres. The properties are located at 2728 and 2672 Paine Turnpike South, Berlin, Vermont, in the Highland Conservation District, Parcel IDs: SA1-081 and SA1-082. Robert Dindo was sworn in to give testimony on this matter.

The following documents were submitted and admitted as exhibits: **Exhibit #1:** Application for Boundary Adjustment, 17-097, received on 11/01/2017; **Exhibit #2:** Survey – Boundary Line Adjustment Robert Dindo/Mark Knapp, prepared by Richard W. Bell, LS, dated January 2018; **Exhibit #3:** Sketch of properties to be exchanged (17,252 square feet or 0.4 acres); and **Exhibit #4:** Letter dated 02/23/2018 from Carl Fuller, PE Regional Engineer with the Agency of Natural Resources, Department of Environmental Conservation, stating that no permit is required from the Drinking Water & Groundwater Protection Division.

Zoning Administrator Badowski noted that the Applicants had presented a concept plan of the proposed boundary adjustment in November of 2017. They wanted to be sure it would be feasible since one pre-existing lot is less than five acres and nonconforming. The Applicants hired surveyor and are now ready to move forward.

Robert Dindo advised that he is purchasing 0.4 acres from his neighbor, Mark Knapp to enlarge his small lot. He explained that his lot pre-existed zoning and is only 0.703 acres. He wants to increase the size of his lot to about one acre. Mr. Knapp's lot is currently 5.4 acres which would be reduced to the five-acre minimum for this district. He advised that his lot would increase by 0.4 acres for a total of 1.10 acres. He indicated that the additional wooded area will make a difference with respect to privacy. The existing buildings are now shown on the survey all of which meet the setback requirements.

Mr. Dindo advised that he discussed the proposal with the Department of Environmental Conservation and referred to the February 23, 2018 letter from Carl Fuller, P.E. which confirmed that the proposed boundary adjustment met the requirements for exemption.

Mr. Badowski confirmed that all setbacks were met for the district, 25-foot side yards, 50-foot front yard, and 75-foot rear yard.

The Board reviewed the definitions of Boundary Adjustment in the Zoning Regulations and Subdivision Regulations.

Mr. Dindo advised that no new lot is being created. The proposed boundary adjustment would increase the size of his nonconforming lot but it would still be nonconforming at less than five acres. Mr. Knapp's lot would remain in conformance with a minimum of five-acres for this district. There would be no impact on roads, rights-of-way, or other public facilities. He advised a new Deed would be filed upon completion.

Based on documents presented and testimony heard, Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to close the hearing with respect to Application 17-097. The question was called and the motion passed unanimously.

3. Review and approval of the Minutes.

The Vice-Chair called for approval of the Minutes of the February 20, 2018 meeting. On page 3, the 7<sup>th</sup> paragraph was amended to read: The Board indicated that the distance between the two driveways might prevent the road from meeting state standards. On page 4, the 2<sup>nd</sup> sentence in the 6<sup>th</sup> paragraph was amended to read: As proposed it would not meet the state standards.

Mr. Fitzhugh made a motion, seconded by Mr. Friedrich, to approve the Minutes of the February 20, 2018 meeting as amended. The question was called and the motion passed unanimously.

4. Public Comment

Persons present participated in the meeting as noted above.

5. Other Business

6. Status of Findings.

The Board voted to go into deliberative session at 7:10 P.M. and out at 7:11 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, April 17, 2018.**

8. There being no further business, the meeting was adjourned at 7:20 P.M.

Respectfully submitted,

Carla Preston  
Recording Secretary  
Town of Berlin